

LEGAL AWARENESS OF MICRO AND SMALL BUSINESSES (UMK) OF FOOD PRODUCTS IN CARRYING OUT HALAL CERTIFICATION THROUGH *SELF-DECLARATION* FROM THE PERSPECTIVE OF ISLAMIC LAW IN SEDAU VILLAGE, NARMADA SUB-DISTRICT, WEST LOMBOK DISTRICT

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Abstract

This research is motivated by the large number of business actors in Sedau Village, West Lombok Regency, West Nusa Tenggara, who sell processed products but have not received halal certification. Halal certification through *self-declaration* is the recognition of the halalness of a product for MSE actors based on the statement of business actors regarding the halal status of the product based on the provisions stipulated by BPJPH with the requirement that business actors have a companion who has been registered to undergo the halal product process and the halal determination process by the MUI fatwa commission. Halal certification is regulated in Law Number 33 of 2014 concerning Halal Product Guarantee in article 4 which states that every product that enters, circulates and is traded in the territory of Indonesia must be halal certified. The discussion in this journal is (1) What are the factors that cause the lack of legal awareness of MSE actors in carrying out halal certification through *self-declaration*? (2) How is the review of Islamic law on the legal awareness of MSE actors in carrying out halal certification through *self-declaration*.

The type of research used in this research is descriptive qualitative using a juridical approach. Descriptive qualitative research is research that tries to describe a symptom, event, event that occurs at the present time.

In the results of the discussion of the research, it can be concluded that there are several factors that cause the lack of legal awareness of business actors in Sedau Village, Narmada Subdistrict, West Lombok Regency, namely the lack of knowledge and understanding of halal certification, the absence of socialization from the local government, the certification registration process which takes a long time, requires costs in managing the halal certification requirements file, the business that was established is still small, the belief of business actors that the products sold are halal, have not benefited from halal certification, the business has not been running for a long time, difficulty in taking care of existing requirements.

Keywords: Halal Certification through Self Declare, MSEs, Islamic Law

A. INTRODUCTION

West Nusa Tenggara is one of the provinces with a majority Muslim population of 96.78%. NTB province has previously received awards in the halal tourism category in 2015 and 2016, namely *The World Halal Tourism Awards 2016, World's Best Halal Beach Resort and World's Best Halal Honeymoon Destination*.¹ With these awards, NTB provincial regulation Number 2 of 2016 was formed to assist the development of halal

¹ Adrian Adi Hamzana, "Implementation of Halal Tourism Service Standardization in Tourism Development in West Nusa Tenggara", *Media Communication and Legal Journal*, Vol. 17, No. 2, December 2017, pp. 3.

tourism which is strengthened by halal-certified food products so that the NTB provincial government focuses on developing MSMEs to produce halal-certified products.²

Halal products are products that have been declared halal in accordance with Islamic law. Article 4 of Law Number 33 of 2014 concerning Halal Product Guarantee states that products that enter, circulate and are traded in the territory of Indonesia must be halal certified. The implementation of Halal Product Guarantee aims to provide comfort, security, safety and certainty of the availability of halal products for the community in consuming and using products and increase added value for business actors to produce and sell halal products.³ The obligation to be halal certified for Micro and Small Enterprises is based on the statement of Micro and Small business actors (*self-declare*) with the criteria that the product is not risky or uses materials that have been confirmed halal, the production process is confirmed halal and simple.⁴ In the Qur'an it has been explained that the food we consume must be halal and good as the Word of Allah SWT which reads:

يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ

Meaning: *O mankind, eat of that which is lawful and good which is found on the earth, and follow not the steps of the devil. Indeed, the devil is a real enemy to you.*⁵

Most of the people in Sedau Village work as fruit growers, traders and food product micro and small enterprises (MSEs), with the rest working as livestock farmers and wood producers. The number of food product businesses is around 2.5% of the total number of Sedau villagers, totaling 32 businesses. Business actors in Sedau Village consist of 20 palm sugar business actors, 5 honey business actors, 1 dodol business actor, 2 chips business actors, 1 salted peanut business actor, 1 flour fried onion business actor and 2 taro chips business actors.⁶ None of these business actors have registered for halal certification so it is necessary to investigate what factors cause people in Sedau Village not to register their products to obtain halal certification. In this research, there are two main problems that are discussed, namely:

1. What are the factors that cause the lack of legal awareness of Micro and Small Enterprises (MSEs) of food products in carrying out halal certification through *self-declaration* in Sedau Village, Narmada District, West Lombok Regency?

² Armiani et al, "Halal Certificates Become a Marketing Strategy for Non-Muslim MSMEs in Increasing Sales", *Stiami Seminar Proceedings*, Vol. 8, Number. 1, February 2021, p. 23.

³ Article 3 of Law Number 33 of 2014 concerning Halal Product Guarantee

⁴ Government Regulation of the Republic of Indonesia Number 39 of 2021 concerning the Implementation of the Halal Product Guarantee Field

⁵ QS al-Baqarah [2]: 168.

⁶ Siti Yulia Ningsih as Member of LPM Sedau Village, *Interview*, Narmada, October 18, 2022

2. How is the review of Islamic law on the legal awareness of Micro and Small Enterprises (MSEs) of food products in carrying out halal certification through *self-declaration*?

B. RESEARCH METHOD

The research approach used by researchers is a descriptive normative qualitative research approach. Normative descriptive qualitative research is research that describes the facts found in the field and analyzes them according to the norms to get the right conclusion.⁷ Researchers use a descriptive normative research approach so that researchers can find out directly the facts that occur in the field and analyze them related to existing legal rules, namely the legal awareness of Micro and Small Enterprises (MSEs) of food products in carrying out halal certification through a *self-declaration* perspective of Islamic law. The data collection methods used are observation, interviews and documentation. The analysis method used is qualitative analysis in the form of data reduction, data presentation and conclusion/verification.

C. DISCUSSION

1. Legal Awareness

a. Definition of legal awareness

Awareness is the state of someone knowing or understanding something. Awareness comes from the word sadar which means understanding. The law is a set of rules containing orders and prohibitions that are coercive in nature made by the authorities with sanctions for violators. Legal awareness is in the form of actions or behaviors related to the law, in other words, awareness is law as a behavior not law as a norm or principle.⁸

Legal Awareness is a state of a person understanding and knowing and implementing the rules that have been made by state officials without coercion or intervention from others. With the existence of legal awareness in a person, all existing rules will be implemented voluntarily and responsibly so that no violations occur that can lead to sanctions.

According to Soerjono Soekanto, legal awareness is the values contained in humans regarding existing and expected laws. Legal awareness does not only include someone who already knows or understands the rules but also to those who already have the will and encouragement to want to understand and obey these rules.⁹

b. Indicators of legal awareness

1) Knowledge of legal regulations (*law awareness*)

⁷ I Gusti Ketut Ariawan, "Normative Legal Research Methods", *Law Journal*, Vol. 1, no. 1, December 2013, p. 27.

⁸ Rahma Marsinah, "Legal Awareness as a Tool for Controlling the Implementation of Law in Indonesia", *Dirgantara Legal Scientific Journal*, Vol. 6, Number. 2, March 2016, pp. 94.

⁹ Atang Hermawan Usman, "Legal Awareness of Society and Government as a Factor in the Establishment of the Rule of Law in Indonesia", *Legal Insight*, Vol. 30, Number 1, February 2014, p. 37. 37.

Legal knowledge is knowledge of a legal rule that has been promulgated both written and unwritten about whether or not someone can do something. A person is considered to know the law if the regulation / law itself has been promulgated.

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2) Knowledge of the content of the *law* or legal understanding (*law acquaintance*)
Legal understanding is the ability to understand the content, purpose and benefits of a regulation.¹¹

3) *Legal attitude/legal behavior (legal attitude/legal behavior)*

Legal attitudes can be proven by compliance and obedience in carrying out the rules made by authorized officials.

2. Halal Certification through *Self Declare*

Based on article 1 number 10 of Law Number 33 of 2014 concerning Halal Product Guarantee, a halal certificate is an acknowledgment of the halalness of a product issued by BPJPH based on a written halal fatwa issued by MUI.¹² Products that can get a halal certificate are products that are not harmful to health, do not contain non-halal ingredients, are kept clean and are not contaminated with unclean materials.

Self declare is a statement given by Micro and Small Business actors regarding the halal status of products with the requirement that the business actor must have a registered companion to undergo the Halal Product Process (PPH) and the halal determination process by the MUI fatwa commission. Halal certification through *self-declaration* can only be given if the ingredients of a product are not risky, there is already a halal label and it is simple.¹³

3. Factors that cause a lack of legal awareness of Micro and Small Enterprises (MSEs) in carrying out halal certification through *self-declaration* in Sedau Village, Narmada District, West Lombok Regency.

Based on observations made by researchers, there are thirteen business actors and all of these business actors do not yet have halal certification, namely Bu Munirah fried onion flour and banana chips, Mrs. Harmini jackfruit dodol and banana dodol products, Mr. Rahman, Mr. Sohri and Mr. Rudi Yatmindaru trigona honey products, Mr. Lalu Rahmat Muliadi products salted peanuts and sweet spicy komak, Mrs. Sarilem products cassava chips, taro chips and banana sale, Mrs. Nurilam products cassava chips, Inak Suar products taro chips, and Mrs. Eni Isnati Muliana, Mrs. Imah, Mrs. Siti and Amak Serun who have brown sugar products.

Mrs. Munirah, Mr. Rahman, Mr. Rudi, Mr. Sohri, Mrs. Nurilam and Inak Suar want to register their products for halal certification but no one has accompanied them

¹⁰ Triana Sofiani, "Legal Awareness of Muslim Consumers in Pekalongan towards Halal Labeled Products in the Era of the ASEAN Economic Community", *Journal of Sharia Science and Law*, Vol. 2, Number. 2, 2017, p. 191.

¹¹ *Ibid.*

¹² Law Number 33 of 2014 concerning Halal Product Guarantee

¹³ Istianah, Gemala Dewi, "*Maslahah* Analysis on the Concept of Halal *Self-Declare* Before and After the Enactment of the Job Creation Law", *Al-'Adl Jurnal Hukum*, Vol. 14, Nomor. 1, January 2022, pp. 97-98.

and there is not enough time to take care of it. Mr. Lalu Rahmat and Mrs. Harmini do not want to and are still hesitant to register for halal certification because the business is still small and not long. Meanwhile, Mrs. Eni, Mrs. Imah and Amak Serun do not want to do halal certification because they believe that the products sold are already halal, the business is still small and they have not benefited from halal certification.

Business actors in Sedau Village have a weak level of legal awareness. The products produced by business actors in Sedau Village have met the criteria for simple and non-risky products but do not have complete documents as requirements for certification registration such as NIB, NPWP and PIRT so that business actors do not want to carry out halal certification. In addition, the lack of knowledge and understanding of halal products and halal certificates is a major factor for business actors in Sedau Village not to register for certification. This is a task for the Government in conducting socialization regarding the importance of halal certification for a product.

The requirements needed in registering for halal certification through *self-declaration* are that the product is not risky or uses halal ingredients, the production process is ensured to be halal and simple, has a Business Identification Number (NIB), NPWP and PIRT, has a product name and type that matches the name and type of product to be certified, prepares a list of products, ingredients and processing, prepares the latest product photos and fills out the halal product assurance system manual template. Business actors must also prepare a contract / pledge containing a statement of the halalness of the product and the materials used in the halal product process, have a halal supervisor, produce for at least three years, the maximum annual sales turnover is Rp.500,000,000.00 (five hundred million rupiah), the location, place and tools used are separate from non-halal materials, have been verified its halalness by the PPH assistant and are willing to complete the documents for applying for halal certification through *sihalal*.¹⁴

NIB is an identification mark as proof of the existence of a business issued by OSS, while PIRT is written evidence from the government to business actors for IRT products that meet safety requirements in their production. NIB can be made online through the official OSS website with documents that must be completed in the form of KTP, NPWP, active email, telephone number and others. Meanwhile, the PIRT is made to the Health Office by completing documents in the form of business data consisting of the name of the business actor, business name, complete location address, KTP and NIB numbers, a list of registered IRT processed food and food label design according to BPOM regulations.

The procedure for applying for halal certification for Micro and Small Enterprises (MSEs) starts by creating an account through the ptsp.halal.go.id page accompanied by a Halal Product Process (PPH) assistant. After the account is

¹⁴ Article 24 Point (2) of Law Number 20 of 2021 concerning Halal Certification for Micro and Small Business Actors.

successfully created, the business actor logs in via ptsp.halal.go.id and updates the complete data in the form of the person in charge, legal aspects, factories, outlets, halal supervisors, product names, business actor statements, business actor data and required documents in the form of NIB and PIRT.¹⁵ Business actors submit *self-declaration* applications accompanied by PPH assistants. Business actors choose PPH assistants who help MSE actors to verify and validate files that have been registered in the sihalal account to BPJPH. BPJPH will verify the business actor's statement file, recommendation letter and verification report from the companion and send it to MUI for a fatwa hearing. Furthermore, products that have been determined halal by MUI send them to BPJPH to be validated and issued a halal certificate. BPJPH issues a halal certificate based on the halal determination issued by MUI.¹⁶

A person is said to have legal awareness if he has legal awareness indicators, namely legal knowledge, legal understanding and legal attitudes/patterns of behavior. If it already contains one of the three indicators, it is enough to say that someone has legal awareness. Many business actors in Sedau Village already know about the halal label but do not understand how to register for halal certification to get the halal label.

The obstacles experienced by business actors in Sedau Village in taking care of halal certification are not yet having documents such as NIB, NPWP and PIRT as requirements for registering halal certification. Of the thirteen business actors interviewed, there is one business actor who has complete documents in the form of NIB, NPWP and PIRT. Most of the business actors do not know and have difficulties in taking care of NIB, NPWP and PIRT, do not master IT, do not have adequate facilities / devices and do not have enough time because it takes a long time to process the required files. Business actors in Sedau Village want an easy process and do not require fees in processing halal certificate requirement documents. This is what causes business actors to not want to register their products for halal certification even though the registration process does not require a fee.

Based on the explanation above, the factors that cause business actors in Sedau Village not to register for halal certification are lack of knowledge and understanding of halal certification, lack of socialization from the local government, the halal certification registration process takes a long time, requires costs in managing the halal certification requirements file, the business established is still small, the belief of business actors that the products sold are halal, have not benefited from halal certification, the business has not been running for a long time, difficulties in taking care of NIB, NPWP and PIRT, not mastering IT and not having adequate facilities / devices.

¹⁵ Decree of the Head of the Halal Product Guarantee Agency Number 33 of 2022 concerning Technical Guidelines for Assisting the Halal Product Process in Determining Halal Certified Obligations for Micro and Small Business Actors Based on the Statement of Business Actors.

¹⁶ *Ibid.*, pp. 33-34.

4. Legal awareness of Micro and Small Enterprises (MSEs) of food products in carrying out halal certification through *self-declaration* from the perspective of Islamic law

The analysis of Islamic law on the legal awareness of Micro and Small Enterprises (MSEs) in Sedau Village, Narmada District, West Lombok Regency is that the legal awareness of the community as business actors in registering their products to obtain halal certification will provide guarantees and legal certainty to the public in general in consuming halal food.

In Islamic law, halal food is not only seen from the substance but also the process or production method that avoids prohibited ingredients.¹⁷ Food that has a halal label is not necessarily halal and food that does not have a halal label is not necessarily haram, but with evidence in the form of a halal certificate which is poured in the form of a halal label, it can provide confidence that the products consumed are truly halal and avoid doubt (syubhat). The command to consume halal food has also been explained in the Al-Qur'an surah Al-Baqarah verse 168 which reads:

يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ

Meaning: *O mankind, eat of that which is lawful and good which is found on the earth, and follow not the steps of the devil. Indeed, the devil is a real enemy to you.*¹⁸

From an economic point of view, halal certification of a product will improve the image and competitiveness of business actors who can provide profits and increase sales production turnover. Products that already have halal certification will gain a wide market share to the global level because they are more easily recognized and in demand by consumers. Halal certification, apart from being a pointer to the identity of the halalness of a product, also brings security to business actors. Halal certification is the responsibility of business actors to consumers to increase consumer confidence in the products that have been consumed.¹⁹

One of the principles contained in Islamic law is the principle of benefit, which means that everything must bring *maslahat* and goodness to humans.²⁰ The function of halal certification is to protect consumers, especially Muslim consumers, from consuming non-halal food, reassure consumers so that they are safe and calm when consuming food, protect the body and soul from haram / shubhat food and provide certainty and legal protection for consumers. In Islam, it is preferred to avoid damage

¹⁷ Muhammad Syarif Hidayatullah, "Halal Certification and Labeling of Food in the Perspective of Islamic Law (Perspective of Ayat Ahkam)", *Journal of Legal Thought and Islamic Law*, Vol. 11, Number. 2, December 2020, pp. 263.

¹⁸ QS al-Baqarah [2]: 168.

¹⁹ *Ibid.*

²⁰ Achmad Irwan Hamzani, *Islamic Law in the Indonesian Legal System Revised Edition*, (Jakarta: Kencana, 2020), p. 24. 24.

rather than bring benefits, especially regarding the interests of many people. The rule of fiqh states:

دَرْءُ الْمَفَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ

Meaning: *Rejecting harm takes precedence over bringing benefit.*²¹

The implementation of halal certification through *self-declaration* is a form of awareness and responsibility of Micro and Small Enterprises (MSEs) in providing certainty and protection for consumers. Halal certificate is proof and guarantee that the products sold are really halal. In bermuamalah, Allah SWT ordered the recording to be carried out for the benefit of mankind. Allah SWT says in the Qur'an surah Al-Baqarah verse 282:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا تَدَايَنْتُمْ بِدَيْنٍ إِلَىٰ أَجَلٍ مُّسَمًّى فَاكْتُبُوهُ وَلْيَكْتُب بَيْنَكُمْ كَاتِبٌ بِالْعَدْلِ وَلَا يَأْب كَاتِبٌ بِالْعَدْلِ وَلَا يَأْب كَاتِبٌ أَنْ يَكْتُبَ كَمَا عَلَّمَهُ اللَّهُ فَلْيَكْتُبْ ...

Meaning: *O you who believe, when you enter into debts for a fixed time, you should write them down. And let a writer among you write it down correctly. Do not let the writer refuse to write it down as Allah has taught him, so let him write it down.* "²²

The halal certification registration process is an effort to obtain products that comply with Islamic law. In conducting halal certification, business actors must follow all the provisions set by BPJPH starting from the commitment to produce halal products, the ingredients used, the production process, the products made are halal products and conduct evaluations.

Fatwa of the Indonesian Ulema Council (MUI) Number 1 of 1980 concerning Food and Beverages mixed with Haram / Unclean Goods which stipulates that every food and drink that is clearly mixed with haram / unclean ingredients is haram, every food and drink that is doubtful mixed with haram / unclean goods should be abandoned.²³ In addition, it is strengthened by Fatwa of the Indonesian Ulema Council (MUI) Number 16 of 2000 concerning Determination of Halal Products which stipulates that all food, drinks, medicines, cosmetics and others must be truly halal and

²¹ H. A. Djazuli, *Fiqh Rules: Rules of Islamic Law in Resolving Practical Problems*, (Jakarta: Prenada Media Group, 2006), p. 80. 80.

²² QS al-Baqarah [2]: 282.

²³ Indonesian Ulema Council, *MUI Fatwa Set*, (Jakarta: Emir, 2021), p. 36.

processed products need to be examined first in a fatwa commission meeting with LPPOM MUI to determine that the product is declared halal.²⁴

Based on the description above, the awareness of business actors is still lacking so that the actors of Micro and Small Enterprises (MSEs) of food products in Sedau Village should register for halal certification through *self-declaration* to bring goodness and benefits to the community. Halal certification through *self-declaration* is a good effort made by the Government to bring MSEs to realize Islamic legal awareness. With halal certification, it will provide confidence to consumers that the products consumed are truly halal. To increase the legal awareness of business actors in Sedau Village, it is necessary to carry out guidance, socialization, counseling related to the rules and urgency of halal certification and the cooperation of the Government and the community so that the implementation of halal certification can be implemented immediately.

D. CONCLUSION

Based on the presentation in this paper, the following conclusions can be drawn:

1. The factors that cause the lack of legal awareness of business actors in Sedau Village, Narmada District, West Lombok Regency, namely the lack of knowledge and understanding of halal certification, the absence of socialization from the local government, the certification registration process which takes a long time, requires costs in managing the halal certification requirements file, the business that was established is still small, the belief of business actors that the products sold are halal, has not benefited from halal certification, the business has not been running for a long time, difficulties in taking care of NIB, NPWP and PIRT, not mastering IT and not having adequate facilities / devices.
2. The legal awareness of Micro and Small Enterprises (MSEs) of food products in implementing halal certification through *self-declaration* from the perspective of Islamic law, namely the implementation of halal certification through *self-declaration* is a form of awareness and responsibility of Micro and Small Enterprises (MSEs) in providing certainty and protection for consumers. In surah Al-Baqarah verse 168 Allah SWT requires us to consume halal and good food. Islam has five main foundations which are the objectives of sharia in general and must be maintained, namely maintaining religion (Hifdz Ad-Din), maintaining the soul (Hifdz An-Nafs), maintaining reason (Hifdz Al-'Aql), maintaining offspring (Hifdz An-Nasl) and maintaining property (Hifdz Al-Mal). Halal certificate is an effort made to protect religion as well as evidence and assurance that the products sold are truly halal. In bermuamalah, Allah SWT ordered the recording to be carried out for the benefit of mankind. In fiqh rules, it is stated that eliminating mudharat takes precedence over bringing in maslahat.

²⁴ *Ibid.*, p. 35.

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