

# HALAL REGULATION AND CERTIFICATION IN THE CATERING BUSINESS: A Critical Review of Consumer Protection

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## *Abstract*

*Halal certification in catering businesses still faces various regulatory and implementation problems, which impact the lack of consumer protection rights. This article explores the implications of halal regulation and certification in the catering business for consumer protection and how the catering business sector is ready to respond to halal certification. The research method used is juridical sociological research, with an empirical approach and critical analysis of relevant literature, including legal regulations and halal certification standards, as well as case studies of catering business practices in Ponorogo. The results show that proper understanding and implementation of halal regulations and certification contribute significantly to consumer protection by creating trust, ensuring*

*information transparency, and improving the quality and safety of the food provided. This research provides a deep insight into the relationship between halal regulation and consumer protection in the context of the catering business. It highlights the importance of legal awareness and appropriate practices for business actors, thereby supporting the success of halal certification programs in the food business sector, including catering.*

*Sertifikasi halal pada usaha catering masih menghadapi beragam problem regulasi dan implementasi, sehingga berdampak pada minimnya hak perlindungan bagi konsumen. Artikel ini bertujuan untuk mengeksplorasi implikasi regulasi dan sertifikasi halal dalam bisnis catering terhadap perlindungan konsumen serta bagaimana kesiapan sektor usaha catering dalam menyikapi sertifikasi halal tersebut. Metode penelitian yang digunakan adalah penelitian yuridis sosiologis, dengan pendekatan empiris dan analisis kritis terhadap literatur yang relevan, termasuk peraturan hukum dan standar sertifikasi halal, serta studi kasus dari praktek bisnis catering di Ponorogo. Hasil penelitian menunjukkan bahwa pemahaman dan implementasi yang tepat terhadap regulasi dan sertifikasi halal berkontribusi secara signifikan terhadap perlindungan konsumen, dengan menciptakan kepercayaan, memastikan transparansi informasi, dan meningkatkan kualitas serta keamanan makanan yang disediakan. Kontribusi penelitian ini adalah memberikan wawasan yang mendalam tentang hubungan antara regulasi halal dan perlindungan konsumen dalam konteks bisnis catering, serta menyoroti pentingnya kesadaran hukum dan praktik yang sesuai bagi para pelaku bisnis. Sehingga menunjang keberhasilan program sertifikasi halal pada sektor bisnis makanan, termasuk catering.*

**Keywords:** catering business, halal certification, consumer protection.

## Introduction

Islam, as a religion, places significant emphasis on the consumption of healthy and nutritious food, requiring that human food meets the standards of being *halal* (permissible) and *toyyiban* (wholesome).<sup>1</sup> The importance of halal food in Islam is underscored by its role in preserving the five essential components of *maqâshid al-sharîa*.<sup>2</sup> Although Islam provides extensive guidance on consuming good and halal food, identifying the halal status of a food product in the modern era is neither simple nor straightforward. Halal food identification is complex because it involves not just the substance but the validity of all ingredients, the halal status of the processes, places, instruments, storage, and even the presentation.<sup>3</sup>

In today's era, halal standardisation and certification face diverse challenges ranging from heterogeneity, questionable raw materials, unethical practices, poor understanding of Islamic theology, communication gaps, variability in acceptance, human resource management issues, supply chain barriers, and inappropriate Islamic marketing orientations.<sup>4</sup> Particularly with the increasing variety of processed foods in the digital age, it is essential for the halal assurance system through food product certification in various countries to continuously innovate in response to consumer satisfaction guarantees (*tayyiban*) through diverse standardisations.<sup>5</sup>

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<sup>1</sup> Muhammad Cholil Nafis, 'The Concept of Halal and Thayyib and Its Implementation in Indonesia', *Journal of Halal Product and Research (JHPR)* 2, no. 1 (2 June 2019): 1–5, <https://doi.org/10.20473/jhpr.vol.2-issue.1.1-5>.

<sup>2</sup> Rofiu Wahyudi, Lu'liyatul Mutmainah, and Maimunah Binti Ali, 'Halal Food Based on Maqâshid Al-Syarî'ah Perspective', *Journal of Halal Science and Research* 2, no. 2 (30 September 2021): 43–50, <https://doi.org/10.12928/jhsr.v2i2.3778>.

<sup>3</sup> Joe M. Regenstein et al., 'The Halal Food Industry', in *Handbook on Islam and Economic Life*, ed. M. Kabir Hassan and Mervyn K. Lewis (Edward Elgar Publishing, 2014), <https://doi.org/10.4337/9781783479825.00016>.

<sup>4</sup> Mohammad Mominul Islam, Mohamed Syazwan Ab Talib, and Nazlida Muhamad, 'Challenges of Halal Standards and Halal Certification for Islamic Marketing', *Muslim Business and Economics Review* 2, no. 1 (6 July 2023): 105–24, <https://doi.org/10.56529/mber.v2i1.156>.

<sup>5</sup> Irfan Helmi, Didin Hafidhuddin, and Ibdalsyah Ibdalsyah, 'Kehalalan Makanan Cepat Saji Menurut Fatwa MUI: Studi Analisis Terhadap Restoran Cepat Saji Di Kota Bogor', *Kasaba: Jurnal Ekonomi Islam* 12, no. 1 (30 July 2019): 40, <https://doi.org/10.32832/kasaba.v12i1.2548>.

Unsurprisingly, studies on the industry and certification of halal food products have become extremely popular and widespread over the last five years. This trend is evident not only in countries with a majority Muslim population, such as Indonesia, Malaysia, and Turkey,<sup>6</sup> but also in countries with a Muslim minority, such as Singapore, Thailand, Australia, South Korea, Japan, and European countries.<sup>7</sup> This is in response to the growing global consumer demand for halal products.

In Indonesia's context of halal food product certification, discussions around halal certification continue to evolve into a fundamental issue and need within society,<sup>8</sup> especially with the rapid growth of the global halal product

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<sup>6</sup> Syafiq Hasyim, 'Halal Issues, Ijtihād, and Fatwa-Making in Indonesia and Malaysia', in *Rethinking Halal* (Brill, 2021), 80–107; Mevlüt Akyol and Özgür Kiliç, 'Internet and Halal Tourism Marketing', *Journal of Turkish Studies* 9, no. 8 (1 October 2015): 171–86, <https://doi.org/10.7827/TurkishStudies.7278>; Haslinda Hasan, Rini Suryati Sulong, and Geoffrey Harvey Tanakinjal, 'Halal Certification Among the SMEs in Kinabalu, Sabah', *Journal of Consumer Sciences* 5, no. 1 (28 February 2020): 16–28, <https://doi.org/10.29244/jcs.5.1.16-28>; Devi Septiani and Ahmad Ajib Ridlwan, 'The Effects of Halal Certification and Halal Awareness on Purchase Intention of Halal Food Products in Indonesia', *Indonesian Journal of Halal Research* 2, no. 2 (31 August 2020): 55–60, <https://doi.org/10.15575/ijhar.v2i2.6657>; Syafiq Hasyim, 'The Politics of Halal': From Cultural to Structural Shariatization in Indonesia', *Australian Journal of Asian Law* 22, no. 1 (2022): 81–97.

<sup>7</sup> Aisyah Amini, Imsar Imsar, and Budi Dharma, 'Comparative Analysis of Halal Food Product Competitiveness in Southeast Asia: A Case Study of Singapore and Thailand', *International Journal of Economics Development Research (IJEDR)* 4, no. 3 (12 December 2023): 1198–1212, <https://doi.org/10.37385/ijedr.v4i3.3784>; Aminudin Yakub and Fitriyani Zein, 'Halal Certification in Government and Non-Governmental Organizations: A Comparative Analysis of Indonesia, Malaysia, and Thailand', *Jurnal Cita Hukum* 10, no. 1 (30 April 2022): 153–76, <https://doi.org/10.15408/jch.v10i1.25747>; Humaira Nazni, 'Halal Certification Process by Local Governments and Muslim Organizations in Australia', *Journal of International Islamic Business Studies* 1, no. 01 (7 March 2023): 46–54; Manal Etri and Salih Yucel, 'Halal Certification and Islamophobia: A Critical Analysis of Submissions Regarding the Review of Third Party Certification of Food in Australia Inquiry', *Australian Journal of Islamic Studies* 1, no. 1 (15 January 2016): 1–22, <https://doi.org/10.55831/ajis.v1i1.5>; Abukhalifeh Alaa, 'Towards a Muslim Friendly Destination: Halal Certification and Its Imperative to Hotel Industry in South Korea' 14 (26 May 2020): 1360–73; Hiroko Kurosaki Yamaguchi, 'The Potential and Challenge Of Halal Foods In Japan', *Journal of Asian Rural Studies* 3, no. 1 (28 January 2019): 1–16, <https://doi.org/10.20956/jars.v3i1.1712>; Florence Bergeaud-Blackler, 'The Halal Certification Market in Europe and the World: A First Panorama', in *Halal Matters* (Routledge, 2015).

<sup>8</sup> Hery Purwanto, Sumunar Jati, and Ahmad Rofiq, 'Policy Analysis of Enforcement of Halal Product Guarantee Regulations Through The Regulatory Impact Analysis (RIA)

market, as affirmed in the studies by Karimullah and Rozi.<sup>9</sup> Halal certification policies have become more vigorous, particularly following the enactment of Law No. 33 of 2014 concerning Halal Product Assurance (henceforth referred to as UU JPH). Previously, halal certification was voluntary, managed by the Indonesian Ulema Council (MUI), but with the UU JPH, it has become mandatory under the authority of the Ministry of Religious Affairs.<sup>10</sup> The Halal Product Assurance Organizing Agency (henceforth referred to as BPJPH), an independent state agency under the Ministry of Religious Affairs, has been tasked with ensuring halal products in society. This has also been accompanied by several changes in policies related to the halal certification system.<sup>11</sup>

The government has launched the Self-Declare program for Micro and Small Enterprises (MSEs) to accelerate halal certification.<sup>12</sup> This program represents a government effort to promote halal business through self-declaration and embraces the concept of safeguarding the spiritual rights of Muslim consumers. The self-declare initiative is one of the government's strategies to achieve 10 million halal certificates by 2024. However, this program requires further evaluation, particularly regarding monitoring business compliance post-certification.<sup>13</sup> Tasya Anzellyta and Anis Fittria

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Approach', *Journal of Digital Marketing and Halal Industry* 3, no. 2 (31 October 2021): 149–64, <https://doi.org/10.21580/jdmhi.2021.3.2.9345>.

<sup>9</sup> Suud Sarim Karimullah and Rozi, 'Rethinking Halal: Exploring the Complexity of Halal Certification and Its Socio-Economic Implications', *Al-Bayan: Jurnal Hukum dan Ekonomi Islam* 3, no. 2 (13 December 2023): 102–21.

<sup>10</sup> Tasya Anzellyta and Anis Fittria, 'The Effectiveness of The Halal Product Guarantee Law on Business Awareness in Registration of Halal Certification in Indonesia', *Walisono Law Review (Walrev)* 4, no. 1 (30 April 2022): 97–120, <https://doi.org/10.21580/walrev.2022.4.1.11272>.

<sup>11</sup> Hayyun Durrotul Faridah, 'Halal Certification in Indonesia; History, Development, and Implementation', *Journal of Halal Product and Research (JHPR)* 2, no. 2 (21 December 2019): 68–78, <https://doi.org/10.20473/jhpr.vol.2-issue.2.68-78>.

<sup>12</sup> Musataklima Musataklima, 'Self-Declare Halal Products for Small and Micro Enterprises: Between Ease of Doing Business and Assurance of Consumer Spiritual Rights', *De Jure: Jurnal Hukum Dan Syariah* 13, no. 1 (2021): 46.

<sup>13</sup> Rooza Meilia Anggraini, Anis Hidayatul Imtihanah, and Yudhi Ahmad Bashori, 'The Legal Protection of The Spiritual Rights of Muslim Consumers in The Halal Industry Development Through Self-Declare', *Justicia Islamica* 20, no. 2 (8 November 2023): 281–82, <https://doi.org/10.21154/justicia.v20i2.5003>.

argue that the halal certification program has not yet raised business awareness about registering their products for halal certification. The low number of businesses registering for halal certification is influenced by legal awareness, which includes knowledge of legal regulations, the content of the law, legal attitudes, and legal behaviours. Business operators in Indonesia exhibit low legal awareness in registering for halal certification, with many unaware of the mandatory nature of halal certification. Some operators are aware of halal certification but have not yet reached compliance with the mandates of UU JPH.<sup>14</sup>

Meanwhile, Akhmad Khalimy et al. note that the Self-Declare halal certification program for Micro and Small Enterprises (MSEs) continues to elicit mixed reactions. Proponents argue that self-declaration facilitates easier access for MSEs to obtain halal certificates, reducing the application period and streamlining the certification process. However, opponents argue that self-declaration violates specific laws, such as the Halal Product Guarantee Law and the Consumer Protection Law.<sup>15</sup> Furthermore, Rr Cahyowati et al. suggest that the halal certification policy strengthens the industrial sector in Indonesia and embodies the state's responsibility to ensure halal products. The state is obligated to provide protection and certainty regarding the halal status of products consumed and used by the community based on principles of protection, justice, legal certainty, accountability, transparency, effectiveness, and professionalism.<sup>16</sup> The study by Faruq Naufaldi Bintoro and Muthoifin also emphasises that halal certification and food labelling have become crucial to fulfil access to halal and quality food.<sup>17</sup>

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<sup>14</sup> Anzellyta and Fittria, 'The Effectiveness of The Halal Product Guarantee Law on Business Awareness in Registration of Halal Certification in Indonesia', 98.

<sup>15</sup> Akhmad Khalimy et al., 'The Intersection of the Progressive Law Theory and the Self-Declaration Concept of MSEs Halal Certification', *Journal of Indonesian Legal Studies* 8, no. 1 (31 May 2023): 159–98, <https://doi.org/10.15294/jils.v8i1.66087>.

<sup>16</sup> Rr Cahyowati, Galang Asmara, and LM Hayanul Haq, 'Legal Politics of Halal Certificate in Strengthening Industries in Indonesia', *Journal of Legal, Ethical and Regulatory Issues* 24, no. 2S (21 May 2021): 1–5.

<sup>17</sup> Faruq Naufaldi Bintoro and Muthoifin, 'Study of Halal Certification for Food Products from a Sharia Law Perspective', *Al-Afkar, Journal For Islamic Studies* 7, no. 1 (2 January 2024): 18–29, <https://doi.org/10.31943/afkarjournal.v7i1.865>.

Additionally, Santoso and Rachman's research indicates that the global halal product market is driving increased demand for quality halal products. Halal certification for Micro and Small Enterprises (MSEs) is essential to meet this demand. Government regulations and policies related to halal certification provide legal certainty by transforming through digital platforms, thus making halal certification more cost-effective and time-efficient and increasing compliance with halal requirements.<sup>18</sup> In the context of the catering business, this is particularly important. Halal certificates positively correlate with enhancing customer satisfaction and loyalty,<sup>19</sup> meaning halal certification can boost consumer trust in the quality and safety of the food provided by catering services.<sup>20</sup>

The urgency for safe and halal food is becoming increasingly critical not just in the sectors of fresh or processed foods but also in food service sectors such as catering, bakeries, and restaurants.<sup>21</sup> Besides being halal, a primary principle of food service businesses is also to ensure product safety. Unsafe catering products can lead to food poisoning,<sup>22</sup> as seen in recent cases of catering food poisoning among company employees in Bandung<sup>23</sup> and during

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<sup>18</sup> Lukman Santoso and Abdul Rachman, 'Digitalising Halal Certification: The Dynamic of Regulations and Policies Concerning Halal Certification in Indonesia', *Jurisdictie: Jurnal Hukum Dan Syariah* 14, no. 2 (2023): 265–93, <https://doi.org/10.18860/j.v14i2.24115>.

<sup>19</sup> Annisa Rizkitania, Aidah Auliyah, and Yudi Arimba Wani, 'Factors Affecting Consumer Purchasing Decisions on Healthy Catering', *Media Gizi Indonesia* 17, no. 2 (30 May 2022): 213–23, <https://doi.org/10.20473/mgi.v17i2.213-223>.

<sup>20</sup> Mohammad Rofiuddin, 'Analisis Sertifikasi Halal Dalam Meningkatkan Penjualan Pada Usaha Haysanadi Catering Service', *Dalwa Islamic Economic Studies* 2, no. 2 (27 December 2023): 108–18, <https://doi.org/10.38073/dies.v2i2.1382>.

<sup>21</sup> Andian Ari Angraeni, 'Titik Kritis Keharaman Industri Catering', *Prosiding Pendidikan Teknik Boga Busana* 8, no. 1 (2013), <http://journal.uny.ac.id/index.php/ptbb/article/view/33117>.

<sup>22</sup> Nur Falah Setyawati, 'Analisis Keamanan Produk Makanan Di Nikmat Catering Berdasarkan Good Manufacturing Practice', *Identifikasi* 6, no. 2 (2020): 303–13, <https://doi.org/10.36277/identifikasi.v6i2.130>.

<sup>23</sup> "44 Karyawan Perusahaan di Bandung Keracunan Makanan," <https://bandung.kompas.com/read/2023/07/22/142530478/44-karyawan-perusahaan-di-bandung-keracunan-makanan?page=all> accessed in June 2024.

the recess session of Cimahi's local council.<sup>24</sup> Even issues of expired catering have been experienced by Indonesian Hajj pilgrims during the pilgrimage season.<sup>25</sup>

The emergence of these cases of food poisoning or expired catering food results from unstandardised<sup>26</sup> and uncertified<sup>27</sup> catering services. The lack of government supervision and guidance on the circulation of food products by catering businesses that do not meet hygienic or halal standards impacts consumer rights protection to obtain the best products, food safety, quality assurance, and compliance with the preferences of Muslim consumers.<sup>28</sup> Halal standards are seen as an indicator to measure food quality that consumers cannot easily verify before, during, or after consumption. Therefore, halal certification serves as a precise instrument for consumers to choose quality food products.<sup>29</sup> As stated by Akob et al. in their research findings, the catering business in the digital era faces competition at the level of competitive advantage, thus enhancing product standards and quality.<sup>30</sup> Therefore, the catering business must be standardised and certified to ensure both the halal

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<sup>24</sup> "Buntut Keracunan Massal di Cimahi, Polisi Periksa Pengusaha Katering," <https://bandung.kompas.com/read/2023/07/25/202942078/buntut-keracunan-massal-di-cimahi-polisi-periksa-pengusaha-katering>, accessed in June 2024.

<sup>25</sup> "Kemenag Beri Sanksi Perusahaan Katering Haji Bermasalah," <https://infopublik.id/kategori/sosial-budaya/139108/kemenag-beri-sanksi-perusahaan-katering-haji-bermasalah>, accessed in June 2024.

<sup>26</sup> Maryani Maryani, Halida Zia, and Mario Agusta, 'Pertanggungjawaban Pelaku Usaha Catering Terhadap Konsumen Yang Keracunan Berdasarkan Perspektif Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen Diindonesia', *DATIN LAW JURNAL* 4, no. 1 (1 February 2023), <https://doi.org/10.36355/dlj.v4i1.981>.

<sup>27</sup> "Keracunan Makanan : Ups, Ratusan Katering di Sleman Tak Miliki Sertifikat Jasa Boga," <https://jogja.dev.solopos.com/keracunan-makanan-ups-ratusan-katering-di-sleman-tak-miliki-sertifikat-jasa-boga-571726>, accessed in June 2024.

<sup>28</sup> Yuli Yana Fitri, Muhammad Iqbal Fasa, and Suharto Suharto, 'Pengaruh Kepuasan Konsumen Terhadap Laju Perkembangan Industri Produk Makanan Dan Minuman Halal Indonesia', *Jurnal Bina Bangsa Ekonomika* 15, no. 1 (22 February 2022): 122–29, <https://doi.org/10.46306/jbbe.v15i1.128>.

<sup>29</sup> Saeed Abdalla Ahmed Almelaih Alfzari and Siti Zaleha Bte Omain, 'Halal Food Supply Chain Practices: A Conceptual Framework Based on Conventions Theory', *International Journal of Health Sciences*, 25 March 2022, 203–15, <https://doi.org/10.53730/ijhs.v6nS2.4800>.

<sup>30</sup> Rezki Arianty Akob et al., 'Inovasi Produk dan Keunggulan Kompetitif: Studi Pada Usaha Catering Di Kota Makassar', *Jurnal Ilmiah Manajemen, Ekonomi, & Akuntansi (MEA)* 6, no. 3 (3 October 2022): 652–64, <https://doi.org/10.31955/mea.v6i3.2327>.



status and the hygiene or safety of the food.<sup>31</sup> This includes the urgency of aligning policies and regulations in the catering business.

The government, through BPJPH, mandates halal certification for both products and services.<sup>32</sup> As regulated in UU JPH, halal certification is a mandatory requirement for all business actors to accelerate the development of the halal ecosystem in Indonesia.<sup>33</sup> However, for some catering businesses, the obligation of halal certification is considered challenging due to high costs, detailed processes, and the need to be registered in OSS with a Business Identification Number (NIB), which takes a considerable amount of time, not to mention the potential for rejection in the verification and validation process of halal certification applications.<sup>34</sup> However, from a regulatory perspective, halal product certification is suspected to accelerate the certification of halal food products circulating in the community.<sup>35</sup> This effort can also enhance the quality of halal products consumed by the public, benefiting Muslims and non-Muslims.<sup>36</sup>

Collectively, the studies mentioned above focus more on the development of halal certification, especially from an economic perspective. The issue is that, although numerous regulations and standards have been enacted to maintain food safety and quality, they are still general. However, catering businesses require a standardisation approach, and halal certification

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<sup>31</sup> Shelviana Mathofani, 'Gambaran Higiene dan Sanitasi Jasa Boga Di "K" Catering Kabupaten Banyuwangi', *Media Gizi Kesmas* 11, no. 2 (23 November 2022): 561–71, <https://doi.org/10.20473/mgk.v11i2.2022.561-571>.

<sup>32</sup> Muhammad Anas et al., 'Sertifikasi Halal Untuk Peningkatan Pelayanan Unggul Suplaiier Gizi Unit Poned Puskesmas', *Jurnal Pembelajaran Pemberdayaan Masyarakat (JP2M)* 4, no. 3 (16 December 2023): 680–92, <https://doi.org/10.33474/jp2m.v4i3.20897>.

<sup>33</sup> Bintang Dzumirroh Ariny, 'Dampak Positif Undang-Undang Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal Dalam Menciptakan Sistem Jaminan Produk Halal Di Indonesia' 3, no. 2 (2020): 21; Sukoso et al., *Ekosistem Industri Halal* (Jakarta: Bank Indonesia, 2020).

<sup>34</sup> Anggraini, Imtihanah, and Bashori, 'The Legal Protection of The Spiritual Rights of Muslim Consumers in The Halal Industry Development Through Self-Declare'.

<sup>35</sup> Yuli Agustina et al., 'Pentingnya Penyuluhan Sertifikasi Jaminan Produk Halal Untuk Usaha Kecil Menengah (UKM),' *Jurnal Graba Pengabdian* 1, no. 2 (30 November 2019): 139–50, <https://doi.org/10.17977/um078v1i22019p139-150>.

<sup>36</sup> 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](https://doi.org/10.1007/978-981-99-5146-8_13).

emerges as an additional approach that can enhance consumer trust, ensure compliance with halal food principles, and provide an extra guarantee of the quality and safety of the food served. Therefore, further research is needed to critically evaluate the impact and potential of halal certification in enhancing consumer protection in the catering business.

### Research Methods

This study utilises sociolegal research methods, adopting a juridical-empirical approach to scrutinise both the regulations within the catering industry and how business operators react to these regulations.<sup>37</sup> It critically examines the interplay between law and societal dynamics, underpinning its analysis with Lawrence M. Friedman's theory of legal awareness.<sup>38</sup> Data were primarily collected through interviews, complemented by a thorough examination of legal documents concerning halal certification in the catering sector.<sup>39</sup> Ponorogo was specifically chosen as the research site due to its considerable number of catering businesses that have not pursued halal certification and fail to meet halal standards, directly impacting consumer safety and satisfaction. From March to July 2023, extensive interviews were conducted with various stakeholders, including catering business owners, health officials, the Halal Inspection Agency at IAIN Ponorogo, and consumers of catering services.<sup>40</sup> This method was selected to facilitate an organic and comprehensive data collection on halal certification practices in Ponorogo's catering industry.

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<sup>37</sup> Mukti Fajar Nur Dewata and Yulianto Achmad, *Dualisme Penelitian Hukum: Normatif Dan Empiris* (Yogyakarta: Pustaka Pelajar, 2017); Steven M. Barkan, Roy M. Mersky, and Donald J. Dunn, 'Fundamentals of Legal Research', 2009; Fuad Fuad, 'Socio Legal Research Dalam Ilmu Hukum', *Widya Pranata Hukum : Jurnal Kajian Dan Penelitian Hukum* 2, no. 2 (2020): 32–47, <https://doi.org/10.37631/widyapranata.v2i2.261>.

<sup>38</sup> Lawrence M. Friedman, *Sistem Hukum Perspektif Ilmu Sosial*, trans. M. Khozin (Bandung: Nusa Media, 2009).

<sup>39</sup> Norman K. Denzin and Yvonnas S Lincoln, *Handbook of Qualitative Research*, Terj. Dariyanto Dkk (Yogyakarta: Pustaka Pelajar, 2009).

<sup>40</sup> Sugiyono, *Memahami Metode Penelitian Kualitatif* (Bandung: Alfabeta, 2014); Sulistyowati Irianto, 'Metode Penelitian Kualitatif Dalam Metodologi Penelitian Ilmu Hukum', *Jurnal Hukum & Pembangunan* 32, no. 2 (19 June 2017): 155–72, <https://doi.org/10.21143/jhp.vol32.no2.1339>.

## Discussion

### The Concept of Consumer Protection of Catering Businesses

According to Philipus Hardjon, legal protection takes two forms: 1) preventive legal protection and 2) repressive legal protection. Preventive Legal Protection, etymologically, the origin of the word "*preventive*" comes from the Latin "*pravenire*" which means "anticipation" or an action to prevent something from happening. This indicates that the community is allowed to express their opinions before government decisions become final, to prevent the commencement of peace. This preventive effort serves as a means of social control by preventing disturbances that could result in violations of prevailing norms. This is done by ensuring that the factors of intent and opportunity do not intersect, thus maintaining the security and peace of the community, which is safe and controlled.

In the legal realm, preventive efforts are made before an event occurs, unlike the curative approach implemented when something bad has already happened. The main goal is to eliminate the possibility of undesirable occurrences. An action can be categorised as a preventive action if:<sup>41</sup> 1) it is carried out before a violation occurs; 2) its purpose is to prevent a violation from occurring; 3) it is done in a structured manner; 4) it focuses on the goal of preventing a violation.

Repressive Legal Protection, as translated from Kamus Besar Bahasa Indonesia (KBBI), is an action that is suppressive, restraining, detaining, or oppressive with a view to curing. Repressive actions often occur in social life, especially in the relationship between the powerful and the weaker parties. Any actions taken to prosecute criminals can be considered as forms of repressive action. Repressive efforts include a series of steps or actions, such as investigations, enforcement, examinations, and submission to the public

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<sup>41</sup> Raineven Sailano Violand Charnade, "Perlindungan Hukum Bagi Konsumen Yang Mengalami Kebocoran Data Berdasarkan Undang-Undang Nomor 27 Tahun 2022 Tentang Perlindungan Data Pribadi Di Indonesia" *Skripsi* (Lampung: Universitas Lampung, 2023), 11-12.

prosecutor for court proceedings. Repressive actions can be conducted in various forms: 1) personal actions through advice or warnings; 2) monitoring actions by agencies; 3) formal actions by official institutions; 4) non-formal actions by the community through social sanctions.

Thus, the difference between preventive and repressive or curative actions lies in their instruments. In preventive actions, the instruments applied are regulations or rules. Conversely, in repressive actions, the instruments used involve sanctions or punishment.<sup>42</sup> In Dutch, a consumer is referred to as "*Consument*". According to Indonesian Law No. 8 of 1999 concerning Consumer Protection, specifically Article 1 paragraph 2, a consumer is defined as any person who uses goods or services made available by society, whether for the benefit of oneself, family, other people, or other living beings and not for commercial purposes.<sup>43</sup>

The term "user" in the consumer definition emphasises the end-user (ultimate consumer). In this context, the term "user" is intended to establish that the goods and/or services utilised may not necessarily originate directly from a sales transaction. Meanwhile, the related goods or services are any objects, including abstract ones, that may be movable or immovable, consumable or non-consumable, and can be traded, used, or utilised by consumers.<sup>44</sup> Humans, as consumers, possess rights that need to be protected not only by contracts but also by law. Consumers, as humans, have fundamental rights that must be protected, respected, fulfilled, and advanced by the state. There is a strong interrelation between consumer rights and

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<sup>42</sup> Muthia Sakti, Dwi Aryanti, and Yuliana Yuli W, 'Perlindungan Konsumen Terhadap Beredarnya Makanan Yang Tidak Bersertifikat Halal', *Jurnal Yuridis* 2, no. 1 (2015): 62–77; Johannes Rodo Mulia and Eko Wahyudi, 'Legal Protection for Consumers Whose Certificates Are Collateralized by the Developer', *Jurnal Cakrawala Hukum* 13, no. 3 (28 December 2022): 281–90, <https://doi.org/10.26905/idjch.v13i3.8389>.

<sup>43</sup> Sakti, Aryanti, and Yuli W, 'Perlindungan Konsumen Terhadap Beredarnya Makanan Yang Tidak Bersertifikat Halal', 63.

<sup>44</sup> Musa Taklima, Adi Sulistiyono, and M. Syamsudin, 'Consumer Protection As An Instrument For Fulfilling Human Rights In The Economic Sector And Its Constitutionalizing Efforts In The 1945 Constitution', *Jurisdictie: Jurnal Hukum Dan Syariah* 14, no. 1 (22 July 2023): 75–105, <https://doi.org/10.18860/j.v14i1.20844>.

human rights. The right to an adequate standard of living is a human right that encompasses access to food, clothing, and housing. The fulfilment of these human rights can be pursued by effectively protecting consumer rights.<sup>45</sup>

The term consumer protection encompasses legal aspects, where protection is physical and extends to abstract protections, meaning that consumer protection is synonymous with the protection provided by law to consumer rights. A right is an interest protected, whereas an interest is an individual claim expected to be fulfilled. Essentially, an interest contains powers guaranteed and protected by law in their enforcement.<sup>46</sup> The protection of religious beliefs is included in the non-physical rights under abstract protection. Muslims believe that consuming halal and good food is an obligation. Therefore, its fulfilment becomes the responsibility of the Government as the guarantor of the constitutional rights of its citizens.

From a consumer protection standpoint, two essential types of consumer rights are identified in the Consumer Protection Law:<sup>47</sup> material rights and spiritual rights. Within the framework of Islamic economics, material rights encompass the protection of consumer data confidentiality, the security of client funds, and advocacy rights. Conversely, spiritual rights focus on the freedom of religious practice, ensuring that individuals have the liberty to participate in activities aligned with their religious beliefs, and these rights must be vigilantly protected.<sup>48</sup> Spiritual rights are fundamental, important, and capable of motivating individuals to think and act. Article 2, paragraph 3 of Law No. 8 of 1999 concerning Consumer Protection states: "...balance is

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<sup>45</sup> Taklima, Sulistiyono, and Syamsudin.

<sup>46</sup> Siti Muslimah, 'Label Halal Pada Produk Pangan Kemasan Dalam Perspektif Perlindungan Konsumen Muslim', *Yustisia* 1, no. 2 (2012): 87.

<sup>47</sup> Dwi Ratna Indri Hapsari and Kukuh Dwi Kurniawan, 'Consumer Protection in the Banking Credit Agreement in Accordance with the Principle of Proportionality under Indonesian Laws', *Fiat Justisia: Jurnal Ilmu Hukum* 14, no. 4 (28 July 2020): 337–52, <https://doi.org/10.25041/fiatjustisia.v14no4.1884>.

<sup>48</sup> Hari Sutra Disemadi and Ayup Suran Ningsih, 'Efforts To Protect Consumer'S Spiritual Rights in Organizing Islamic Microfinance Institutions in Indonesia', *Diponegoro Law Review* 5, no. 2 (2020): 184, <https://doi.org/10.14710/dilrev.5.2.2020.172-187>.

*intended to provide equilibrium between the interests of consumers, business operators, and the government, materially and spiritually.”*

This means that spiritual rights are not exclusive to Muslims, as they are inherent to all people. However, in this discussion, spiritual rights specifically relate to the rights of consumers of halal catering services.<sup>49</sup> The term '*spiritual*' is also used to introduce the broad scope of the Consumer Protection Law, which also targets spiritual aspects. Ignoring spiritual rights can lead to problems, as the spiritual needs of consumers require protection and advocacy, even though this is implicitly recognised in the Consumer Protection Law.<sup>50</sup> In Islamic law, six consumer rights that require serious attention from business operators include the following: 1) Consumers have the right to accurate, honest, fair information and to be free from fraud in every transaction; 2) Consumers have the right to the safety of the products they purchase and to a healthy environment; 3) Consumers have the right to legal support and fair dispute resolution; 4) Consumers have the right to be protected from exploitation of certain situations or conditions; 5) Consumers have the right to compensation or redress for the negative impacts caused by a product or service; 6) Consumers have the right to choose and receive fair value in purchase transactions; 7) Physical losses or risks suffered by consumers due to product defects or fraud are actions not permitted in Islamic law.<sup>51</sup>

While the Consumer Protection Law does accommodate spiritual rights, it falls short of providing specific and detailed protections for Muslim consumers concerning halal products. The Consumer Protection Law merely references halal products in Article 8, paragraph (1), letter h,<sup>52</sup> which mandates that business operators adhere to existing halal regulations before entering the

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<sup>49</sup> UU No 8 Tahun 1999 Tentang Perlindungan Konsumen

<sup>50</sup> Irwan Sugiarto and Hari Sutra Disemadi, 'Consumers Spiritual Rights In Indonesia: A Legal Study Of Sharia Fintech Implementation In The Consumers Protection Perspective', *Jurnal IUS Kajian Hukum Dan Keadilan* 8, no. 3 (23 December 2020): 437–52, <https://doi.org/10.29303/ius.v8i3.766>.

<sup>51</sup> Burhanudin Susanto and Ros Amira, 'Legal Renewing of Consumer Protection (Himâyah Al-Mustahlaki) Through Islamic Law Perspective', *Al-'Adalah* 16, no. 2 (2019): 287–310.

<sup>52</sup> Pasal 8 Ayat (1) huruf h UU No. 8 of 1999 tentang Perlindungan Konsumen

market, with penalties including criminal sanctions and/or fines for non-compliance.<sup>53</sup> Consequently, the UUPK's vague stipulations on halal product assurances, coupled with the omission of catering services in UU JPH, leave catering services in an ambiguous position that demands more comprehensive regulatory measures.

### The Dynamics of Halal Regulation and Its Impact on Halal Assurance in the Catering Business Sector

Indonesia, with its majority Muslim population, has the potential to become a global hub for the halal industry.<sup>54</sup> The regulation of halal product use involves two interrelated aspects: certification and labelling. Before the enactment of the Halal Product Assurance Law (UU JPH), the main role in certification was carried out by the Indonesian Ulema Council (MUI) through LPPOM-MUI (the MUI's Food, Drugs, and Cosmetics Assessment Agency). Certification was conducted voluntarily at business operators' request to obtain a halal certificate. In addition to certification, MUI also monitored products in circulation; however, when the halal label was misused, MUI could not impose legal sanctions on business operators. MUI could only issue reprimands and warnings. For instance, in cases where a halal label was applied to products that had not been certified or business operators changed the composition of ingredients from those proposed in the certification process, MUI could not impose legal sanctions.<sup>55</sup>

The introduction of the UU JPH, which provides the foundation for the current implementation of halal product assurance, led to the establishment of BPJPH,<sup>56</sup> a technical agency tasked with managing halal

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<sup>53</sup> Pasal 62 Ayat (1) huruf UU No. 8 of 1999 tentang Perlindungan Konsumen

<sup>54</sup> Yakub and Zein, 'Halal Certification in Government and Non-Governmental Organizations', 155.

<sup>55</sup> Iffah Karimah. "Perubahan Kewenangan Lembaga-Lembaga yang Berwenang dalam Proses Sertifikasi Halal." *Journal of Islamic Law Studies*, 1 no.1 (2018): 107-131.

<sup>56</sup> Badan penyelenggara Jaminan Halal (BPJH) sesuai pasal 1 ayat (6) adalah badan yang dibentuk untuk menyelenggarakan Jaminan produk halal dan sesuai dengan pasal 64

assurance as mandated by the law. Several changes in the operationalisation of the UU JPH have also been made in response to the enactment of the Job Creation Law (omnibus law). Some provisions/norms were changed as part of efforts to streamline business licensing regulations, including the accreditation authority of the Halal Inspection Agency (LPH), the certification authority of Halal Auditors, the involvement of Islamic organisations in the administration of LPH, the simplification of bureaucracy, and the timing of issuing Halal certificates, as well as changes in sanctions for norm violations.<sup>57</sup>

With the establishment of BPJPH, there is an expectation of improved legal protection for halal product assurance. The certainty of halal products for Muslims is a religious obligation (*fardu ain*). This underpins the priority that the presence of halal products must be protected and regulated within a comprehensive regulatory framework. This view is also aligned with many observers who share the same perspective on the importance of halal products, especially in terms of enforcing laws to protect Indonesian consumers. With the introduction of the UU JPH, halal certification, as the core of the implementation of halal product assurance for all products distributed and traded within Indonesia, including catering services, must be effectively implemented five years from the enactment of the UU JPH.<sup>58</sup> The halal certificates referred to are those officially issued by BPJPH,<sup>59</sup> a specialised agency formed by the government to administer Halal Product Assurance, which operates under and is accountable to the Ministry of Religious Affairs.<sup>60</sup>

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menyebutkan bahwa “BPJH harus dibentuk paling lambat 3 (tiga) tahun terhitung sejak undang-undang ini diundangkan

<sup>57</sup> Mashudi, *Konstruksi Hukum Dan Respons Masyarakat Terhadap Sertifikasi Produk Halal* (Yogyakarta: Pustaka Pelajar, 2015); Faridah, ‘Halal Certification in Indonesia; History, Development, and Implementation’.

<sup>58</sup> Article 67 Law No 33 of 2014 Concerning Halal Product Guarantee

<sup>59</sup> The Halal Product Assurance Organising Agency (BPJH) is established to administer Halal product assurance and must be formed no later than three years from the enactment of UU JPH.

<sup>60</sup> Pasal 5 ayat (3), UU No 33 of 2014 tentang Jaminan Produk Halal



Halal certification for all products circulated and traded in Indonesia was ideally set to commence on October 17, 2019.<sup>61</sup> Yet, its implementation has faced significant challenges. Key issues include a lack of synergy between BPJPH and MUI, a shortage of Halal Inspection Agencies (LPH) and Halal Auditors, high certification costs, inadequate socialisation of halal certification practices, and missing implementing regulations for the UU JPH. These hurdles require urgent resolution to effectively implement halal certification standards.<sup>62</sup>

Furthermore, the issuance of Government Regulation No. 31 of 2019 concerning the Implementation Guidelines of the UU JPH was also significantly delayed, considering Article 65 of the UU JPH stipulates that the implementing regulations should have been promulgated within two years from the enactment of the UU JPH.<sup>63</sup> Ahmad Suaedy noted that the publication of Government Regulation No. 31 of 2019 should have been followed by the issuance of the Regulation of the Minister of Religious Affairs to regulate guidelines, rates, and provisions for the LPH.<sup>64</sup> The problem of implementing regulations that require a lengthy process, readiness of adequate human resources, and building trust among the community locally and in export destination countries is notable. Moreover, the transfer of authority from MUI-issued halal certification to BPJPH-issued halal certification has sparked new controversies among the community, with the BPJPH-issued

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<sup>61</sup> Pasal 67 ayat (1) UU No 33 of 2014 tentang Jaminan Produk Halal

<sup>62</sup> Rahmah Maulida, 'Urgensi Regulasi Dan Edukasi Produk Halal Bagi Konsumen', *Justicia Islamica* 10, no. 2 (1 December 2013): 361–90, <https://doi.org/10.21154/justicia.v10i2.153>.; See also "BPJPH Tuding MUI Perlambat Proses Sertifikasi Auditor Halal," <https://indonesiainside.id/> accessed on 3 June 2022.

<sup>63</sup> Article 65 Law No 33 of 2014 Concerning Halal Product Guarantee states that the delegated regulations of this Law must be established no later than two years from the enactment of this Law, which was on October 17, 2014.

<sup>64</sup> "Pelaksanaan UU Jaminan Produk Halal Dinilai Serba Terburu-buru," <https://today.line.me/id/> accessed on 2 Juni 2022.

halal label being perceived as distant from Islamic nuances compared to those issued by MUI.<sup>65</sup>

Mutiara Fajrin Maulidya Mohammad's research highlights the urgency of *halal* and *haram* issues in Indonesia, as evidenced by the enactment of Law No. 33 of 2014 concerning Halal Product Assurance, Government Regulation No. 31 of 2019, and Regulation of the Minister of Religious Affairs No. 26 of 2019 concerning Halal Product Assurance Administration. These legislations underscore the presence of three critical agencies authorised to manage halal certification in Indonesia: BPJPH, LPH, and MUI.<sup>66</sup> Additionally, Asep Syarifuddin Hidayat and Mustolih Siradj's research notes that the introduction of UUJPH effectively addresses challenges related to halal assurance. It clarifies the roles and responsibilities of institutions tasked with halal assurance, ensuring their actions align with established objectives, especially when addressing community-related issues.<sup>67</sup>

The protection and assurance of halal products, including catering services, are critical for Muslims as consuming halal is not only a fundamental right but also a religious duty for every Muslim.<sup>68</sup> The availability of adequate, safe, nutritious, and diverse food that remains accessible and aligns with religious, cultural, and personal beliefs is a right enshrined in the 1945 Constitution and the 1999 Consumer Protection Law. This commitment also reflects the government's dedication to safeguarding the rights of its citizens, as articulated in the preamble of the 1945 Constitution, which pledges to protect the whole of Indonesia and all its people.<sup>69</sup>

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<sup>65</sup> "Polemik dibalik Logo Halal," <https://www.republika.co.id/> accessed on 3 February 2023.

<sup>66</sup> Mutiara Fajrin Maulidya Mohammad, "Pengaturan Sertifikasi Jaminan Produk Halal di Indonesia", *Jurnal Kertba Wicaksana* 15 no. 2 (2021): 157.

<sup>67</sup> Asep Syarifuddin Hidayat dan Mustolih Siradj, "Argumentasi Hukum Jaminan Produk Halal", *Jurnal Bimas Islam*, 8 no. 1 (2015): 32.

<sup>68</sup> Nafis, "The Concept of Halal and Thayyib and Its Implementation in Indonesia".

<sup>69</sup> Siti Nur Azizah, *Towards Halal: Dinamika Regulasi Produk Halal Di Indonesia* (Bandung: Mizan, 2022).

Ironically, the unclear halal status of food products remains a serious problem in Indonesia today. The enactment of the UU JPH within the Job Creation Law cluster offers new hopes and challenges for Muslims concerning Indonesia's halal product assurance system. The presence of the UU JPH is expected to serve as a reference for the government and producers to guarantee the halal status of products and to provide a legal framework that ensures consumer protection, justice, legal certainty, accountability, transparency, effectiveness, efficiency, and professionalism.<sup>70</sup>

Indonesian consumers frequently encounter unfair trade practices, where the array of goods and services provided by producers fails to adequately safeguard consumer rights. This issue is highlighted by frequent discoveries of products containing prohibited (*haram*) substances or produced through processes deemed *haram*. Consumers adhere to five fundamental principles: truth, cleanliness, simplicity, benefit, and morality. The principle of truth requires that consumers only utilise goods and services that conform to Islamic regulations regarding their content, production, distribution, and consumption purposes. In Islamic economics, items that are initially halal may be rendered *haram* if their production methods or consumption purposes contravene religious prescriptions. Furthermore, the principle of cleanliness dictates that, according to Islamic doctrine, consumers should only use goods and services that are pure, wholesome, and free from any contamination or filth, as impure and polluted items can cause both worldly and spiritual detriment.<sup>71</sup>

Article 7, letter d, of Consumer Protection Law specifies that business operators "guarantee the quality of goods and/or services produced and/or traded based on applicable quality standards."<sup>72</sup> Business operators who market

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<sup>70</sup> Cahyowati, Asmara, and Haq, 'Legal Politics of Halal Certificate in Strengthening Industries in Indonesia'.

<sup>71</sup> Yuyut Prayuti, 'Muslim Food Consumer Protection Through The Regulation Of Halal Labels In Indonesia', *Jurnal IUS Kajian Hukum Dan Keadilan* 8, no. 1 (28 April 2020): 17–25, <https://doi.org/10.29303/ius.v8i1.716>.

<sup>72</sup> Pasal 7 huruf d UU No. 8 Tahun 1999 tentang Perlindungan Konsumen

their products must ensure good quality and that there are no defects in the packaging. If business operators violate these stipulations, they must compensate for any negligence committed. This is further clarified in Article 19, paragraph (1), which states that "Business operators are responsible for compensating for any damage, pollution, or consumer losses resulting from the consumption of goods and/or services produced or traded." Meanwhile, paragraph (2) specifies that "Compensation may include a refund, replacement of goods and/or services of similar or equivalent value, healthcare services, and/or compensation in accordance with applicable laws and regulations."<sup>73</sup>

### Readiness of the Catering Business Sector in Responding to Halal Certification

The catering industry is currently thriving, emerging as a lucrative business venture in both large and small cities alike. Interest in catering services is on the rise, with increasing competitiveness year after year at a variety of events, including social gatherings, business functions, religious ceremonies, wedding receptions, circumcisions, and *aqiqah*, particularly those involving large crowds.<sup>74</sup> However, alongside this rapid and competitive expansion, a crucial need arises to focus on offering healthy and nutritionally balanced catering options.<sup>75</sup> Healthy catering not only provides specialised menus tailored for specific diets but also caters to the dietary needs of patients in clinics and hospitals. It is imperative for such services to address the comprehensive nutritional requirements of the human body, ensuring each meal serves as a beneficial source of energy.<sup>76</sup>

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<sup>73</sup> Pasal 19 Ayat (1) dan (2) UU No. 8 Tahun 1999

<sup>74</sup> Herdiana Ulfa Dwi Puspasari, 'Persaingan Usaha Pada Industri Kuliner (Studi Tentang Bentuk Persaingan Dan Strategi Dalam Menghadapi Persaingan Antar Pelaku Usaha Kuliner Sate Ayam Di Kabupaten Ponorogo)' (thesis, Surabaya, Universitas Airlangga, 2019), <http://lib.unair.ac.id>.

<sup>75</sup> Rizkitania, Auliyah, and Wani, 'Factors Affecting Consumer Purchasing Decisions on Healthy Catering'.

<sup>76</sup> Angélica Valencia Torres, Chetan Tiwari, and Samuel F. Atkinson, 'Sustaining Human Nutrition in an Increasingly Urban World', *Sustainability* 14, no. 13 (22 June 2022): 7607, <https://doi.org/10.3390/su14137607>.

The Ponorogo District Health Office has taken proactive measures to ensure food hygiene by overseeing the district's monitoring and licensing of food service operations. Ari Susanti from the office emphasised the importance of educating catering business operators, making educational initiatives a regular part of their agenda. These initiatives include seminars and orientation sessions aimed at food service providers and those involved in food preparation at Islamic boarding schools. To achieve the production of healthy and high-quality food, it is essential for catering entrepreneurs and kitchen managers to have a thorough understanding of nutrition and maintain clean food processing environments. Ari Susanti reported that the District Health Office has conducted Food Sanitation and Hygiene Orientation programs in the Ponorogo District, featuring experts from the Provincial Health Office. During these programs, it was stressed that the food sold or served must adhere to stringent standards of quality and cleanliness, focusing on three key criteria: healthiness, safety, and hygiene.<sup>77</sup>

The criteria of "healthy" reflect the nutritional value of the food being sold or served, while "safe" ensures that the ingredients do not pose harm to the human body. "Hygiene" involves the proper handling and processing of food materials. Ari adds that foods must also be halal, highlighting the additional health benefits that halal foods provide. Training within catering businesses and Islamic boarding schools is vital, as these institutions prepare food for many people. The educational content extends to teaching how to produce high-quality, economically valuable food, which includes the careful selection of raw materials, proper storage practices, efficient processing, optimal water usage, and safe storage of prepared foods. Additionally, food servers are required to maintain good health and be free of communicable diseases, given their frequent physical contact with food service tools.

Ari Susanti referenced the Regulation of the Minister of Health of the Republic of Indonesia No. 1096/Menkes/Per/VI/2011 pertaining to the Hygiene and Sanitation of Food Services. According to Ari, this regulation is instrumental in safeguarding consumers who utilise catering services. Article 1 of this regulation defines food service management as the business of managing food that is served outside the establishment upon orders from individuals or

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<sup>77</sup> Ari Susanti, interview, March 2023

business entities. Sanitation efforts focus on controlling risk factors for food contamination, encompassing food materials, personnel, facilities, and equipment to ensure safety for consumption.<sup>78</sup> Ari highlighted that much work remains for the Ponorogo District Health Office, considering the area's abundance of catering services, cafes, and restaurants. He emphasised the need for ongoing education that includes all relevant stakeholders, such as halal inspection agencies.

Yudhi Ahmad Basori, the Chair of the Halal Inspection Agency at IAIN Ponorogo, states that a halal certificate is required for all food service businesses in Indonesia. The certification process allows for a self-declaration method specifically designed for Micro, Small, and Medium Enterprises (MSMEs). Through this method, operators of micro and small businesses certify the halal status of their products themselves.<sup>79</sup> This self-declaration process includes detailed guidelines and procedures, such as assistance from the Registered Halal Product Process (PPH) and the halal certification process overseen by the MUI Fatwa Commission. For halal certification through self-declaration, micro and small enterprises must ensure their products are risk-free, utilise confirmed halal ingredients, and undergo a verified halal production process. Ultimately, self-declaration simplifies the process and significantly aids MSMEs in securing halal certificates.

Concerning ingredient usage, the halal status of raw materials must be thoroughly verified, typically through a halal certificate that confirms this status. Regarding the safety of these materials, they must be listed in accordance with the Decision of the Minister of Religious Affairs No. 1360 of 2021, which specifies materials exempt from halal certification requirements. Implementing a Halal Product Process (PPH) is essential in the production process to ensure that the final product is halal. This procedure helps verify and validate the halal declarations made by business operators. Support for PPH can also be provided

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<sup>78</sup> Peraturan Menteri Kesehatan Republik Indonesia Nomor 1096/Menkes/Per/VI/2011 tentang Sanitasi Higine Jasaboga

<sup>79</sup> Yudhi Ahmad Bashori, interview, Maret 2023

by Islamic organisations or legally recognised Islamic religious institutions and universities, such as LPH IAIN Ponorogo. Furthermore, Yudhi emphasised that catering services must obtain halal certification as mandated by the Regulation of the Minister of Religious Affairs Number 748 of 2021, which outlines the types of products that require certification. Halal certification can also be obtained through the standard certification route.<sup>80</sup>

However, according to a study by Ahmadiyah et al., based on their observations of Small and Medium Enterprise (SME) partners in several locations in East Java, including Ponorogo, entrepreneurs still lack in-depth knowledge of *halal* and *haram* concepts and food suitability licensing. Yet, the food business sector, including catering, requires serious attention to *halal* and *haram* in the selection of raw materials, spices, additives, and the production process.<sup>81</sup> In addition to halal certificates, according to Ari Susanti, the Minister of Health also regulates the Hygiene Certificate for service/catering. There are three groups of food service businesses. Group A caters to the general public's needs. Group B provides services to specific community needs such as Hajj dormitories, transit dormitories, factory industries, public transportation, and health service facilities. Some Group C services cater to public transport needs on international routes and aircraft.<sup>82</sup>

If the service does not meet sanitation, cleanliness standards and proper food handling processes, sanctions can be imposed by the Head of the District/City Health Office. These sanctions include verbal and written warnings or even revocation of licenses. Ari Susanti admits that building awareness about the cleanliness of food services is not easy. However, she is obligated to conduct training and mentoring. She notes that food poisoning could potentially occur from foods produced by these services. For this reason, preventive measures must be taken.

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<sup>80</sup> Yudhi Ahmad Bashori, interview, March 2023

<sup>81</sup> Adhatus Solichah Ahmadiyah et al., 'Coaching Sertifikasi Halal Jalur Self-Declare Usaha Kopi, Minuman Tradisional, dan Makanan Ringan', *Sevugati* 7, no. 5 (4 July 2023): 682–93, <https://doi.org/10.12962/j26139960.v7i5.549>.

<sup>82</sup> Ari Susanti, interview, March 2023

Faiza, a catering business owner and daughter of Laila, reported that she has never received education on sanitation and cleanliness from either the District Health Office or the local community health centre in Ponorogo. Similarly, Hasim, who runs Wong Sawah Catering and a restaurant, echoed this lack of training. Laila, meanwhile, has successfully secured food orders for Ramadan breaking-of-fast events. Her background in food nutrition and cleanliness was developed during her studies in Culinary Arts in Yogyakarta, where she also completed internships at a bakery and a hotel. During her tenure in the food industry, she has not encountered any consumer complaints regarding poisoning or other health issues. Laila is open to training from the Health Office but notes that no invitations for cleanliness training have been extended to her so far. She speculates that the Health Office's ongoing focus on managing the COVID-19 pandemic may be a factor in this oversight.<sup>83</sup>

Hasim echoed the same sentiment. He stated that, indeed, all businesses should have official permits. However, due to the small scale of his business, he has not yet sought to obtain these permits. Additionally, the issue of halal certification is complex. For business operators, halal certification is indeed necessary. However, for the predominantly Muslim community in Ponorogo, it is not too urgent to handle halal certification.<sup>84</sup> Hasim suggested that it would be beneficial for the Health Office to make frequent visits to rural communities so that catering services in villages could also be empowered and gain new knowledge about catering. Hasim and Laila also mentioned that their catering businesses' facilities or kitchen health have never been inspected. They both will passively wait for an invitation from the Health Office. Furthermore, they are also unaware of the Health Minister's Regulation No. 1096 concerning Food Service Hygiene.

They urge the government, particularly the Health Department, to handle food hygiene and the Ministry of Religious Affairs, which manages halal certification, to engage more closely with the community, not just through

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<sup>83</sup> Laila, interview, March 2023

<sup>84</sup> Hasim, interview, March 2023



Internet or social media outreach. They recommend that the government should immediately undertake direct community training. They also hope that the state does not impose high fees for permits and halal certification for food service business operators, especially during the pandemic when their businesses are greatly affected. Hasim asserts that throughout his time in the food business, there have never been any consumer complaints, let alone food poisoning incidents, because he always selects fresh ingredients and cooks them on the day according to customer orders. He trusts his suppliers thoroughly—whether it's the vendor who provides raw chicken, the fresh fish store, or the reliable vegetable seller. He ensures that the food he serves to his customers is safe and of high quality.

Analysing through the lens of Lawrence M. Friedman's theory, legal awareness encompasses several aspects: the structure of authority, the cultural norms of the community, and the substance of regulation.<sup>85</sup> Structurally, the responsibility lies with the City/Provincial Health Department to educate about food service hygiene. For halal certification, authority resides with the Ministry of Religious Affairs in Ponorogo District. Culturally, it seems that the community or service providers tend to be passive in responding to regulations, particularly since the informants were not aware of the food service regulations in place since 2011. They suggest that government elites invite food service providers directly rather than just interacting online and on social media.

In a substantive scope, regulations on catering issued by the government through the Ministry of Health are designed to protect consumers from contamination and harmful substances in food. Food safety and security are of serious concern because food has a significant impact on human health. The regulation from the Ministry of Health No. 1096/MENKES/PER/VI/2011 concerning Food Service Hygiene and Sanitation mandates in Article 3 that every catering service operator must have a business license. Furthermore, Articles 5 and 6 highlight that food handlers

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<sup>85</sup> Friedman, *Sistem Hukum Perspektif Ilmu Sosial*.

must be healthy and free from communicable diseases. They are also required to undergo health checks twice a year. From a critical perspective, a fundamental issue in the catering business today is that it has not been prioritised by the Health Department. This is evidenced by weak monitoring and the health department's limited involvement in promoting halal certification to catering business operators in Ponorogo. As a form of consumer advocacy, catering services must be prepared to meet the obligations of halal certification.

Catering business owners can take several strategic steps and implement key policies to enhance readiness. First, they should conduct a thorough review of their internal policies concerning the provision of halal food. This includes scrutinising the production process, the ingredients used, and the storage and processing practices. Second, they must ensure the selection of raw materials adheres to halal standards. This step involves choosing trustworthy suppliers and verifying their halal certifications. Third, there should be a focus on employee training and educating staff about the principles and procedures of halal food to ensure strict compliance. Fourth, business owners should carry out regular internal audits to confirm that all operations and practices consistently meet established halal standards. Once internal policies are well implemented, followed by obtaining halal certification and maintaining ongoing certification, standards will remain consistent. Optimal readiness for these catering services will significantly impact the protection of material and spiritual consumer rights.

The implications of fulfilling the obligation of halal certification for catering business owners present at least four fundamental aspects of consumer protection expected by Muslim consumers, namely: First, in terms of trust, the readiness of catering services in implementing halal certification creates trust and confidence for consumers who need halal food. Consumers requiring halal food will feel more comfortable and confident using halal-certified services. Second, in terms of halal compliance, with halal certification, consumers are greatly aided in applying stricter halal compliance. This protects consumer

rights and avoids the risk of consuming food that does not adhere to halal beliefs or principles.

Third, regarding information transparency, halal certification makes the food products produced by catering services more transparent and publicly accessible to consumers. This makes it easier for consumers to make more informed decisions about the food they consume, thus enhancing consumer protection. Fourth, improved quality and safety. Halal certification in catering services demands strict supervision of food production, storage, and handling. This indirectly impacts the improvement of the quality and safety of the food provided by catering services, which in turn protects consumers from the risks of contamination, food adulteration, expired food, or even food poisoning.

Thus, as catering services become more prepared to implement halal certification, there is a positive impact on consumer protection while also increasing trust, adherence to halal principles, transparency of information, and enhancement of food quality and safety. This condition will also correlate with the increasing legal awareness of catering services regarding the obligation of halal certification, which in turn becomes positive feedback for catering business owners, enhancing their business reputation.

## Conclusion

This research concludes that implementing regulations and halal certification in the catering industry aims to ensure compliance with halal principles and enhance consumer trust in the products and services they consume. This has the potential to provide better protection for Muslim consumers who are sensitive to the halal aspect of food. However, the readiness of the catering sector to respond to the obligations of halal certification varies. Based on their legal awareness, they can be classified into two groups: business owners with high legal awareness and those with low legal awareness. For business owners with high legal awareness, fulfilling the obligations of halal certification is an urgent necessity. For those with low legal awareness, regulatory procedures pose challenges. The numerous requirements and costs

associated with halal certification present obstacles for business owners, especially those with small-scale operations and limited income. Therefore, efforts are needed to enhance the understanding and readiness of catering business operators to meet halal certification requirements, both technically and managerially. This involves education, training, and support from the government and related institutions, enabling the catering sector to meet halal standards more effectively and efficiently, thus providing optimal protection for consumers.

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