

HALAL BUSINESS AND CERTIFICATION IN INDONESIA: HISTORY AND FUTURE DIRECTION

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ABSTRAK

Bisnis halal mengharuskan produk barang dan jasa yang ditransaksikan adalah jelas kehalalannya. Hal ini berkaitan langsung dengan ajaran Islam yang mengharuskan muslim untuk mengkonsumsi yang halal saja. Produk halal adalah produk yang telah dinyatakan halal sesuai dengan syariat Islam. Dalam konteks regulasi di Indonesia, produk halal itu ditandai dengan telah mendapatkan sertifikat halal dari BPJPH. Jenis-jenis produk yang harus mendapatkan sertifikasi halal adalah barang dan/atau jasa yang terkait dengan makanan, minuman, obat, kosmetik, produk kimiawi, produk biologi, produk rekayasa genetik, serta barang gunaan yang dipakai, digunakan, atau dimanfaatkan oleh masyarakat. Jenis jasa meliputi jasa layanan usaha yang terkait dengan penyembelihan, pengolahan, penyimpanan, pengemasan, pendistribusian, penjualan, dan/atau penyajian. Hadirnya UU Jaminan Produk Halal (JPH) yang dilengkapi UU Cipta Kerja merupakan wujud dari regulasi yang memberikan kepastian hukum terhadap kehalalan suatu produk barang dan jasa yang beredar di Indonesia. Produk yang masuk, beredar, dan diperdagangkan di wilayah Indonesia wajib bersertifikat halal. Untuk menjaminkannya telah dibuat Manual Sistem Jaminan Produk Halal (SJPH). Aplikasi yang digunakan untuk proses JPH dilakukan berbasis teknologi informasi yang memudahkan penggunaannya. Digitalisasi dalam jaminan produk halal terus dilakukan dan dikembangkan, sehingga dapat dinyatakan bahwa arah ke depannya terus semakin beradaptasi dengan berbagai tuntutan zaman.

Kata kunci: Bisnis halal, Sertifikasi halal, Indonesia, Sejarah, Masa depan

ABSTRACT

Halal business requires that the goods and services transacted are clearly halal. This is directly related to Islamic teachings which require muslims to consume only halal things. Halal products are products that have been declared halal in accordance with Islamic law. In the context of regulations in Indonesia, halal products are marked by having received a halal certificate from BPJPH. The types of products that must obtain halal certification are goods and/or services related to food, beverages, medicines, cosmetics, chemical products, biological products, genetically engineered products, as well as consumer goods that are utilized by the public. Services include services related to slaughtering, processing, storage, packaging, distribution, sales and/or presentation. The presence of the Halal Product Guarantee Law (JPH) which is complemented by the Job Creation Law is a formal regulation that provides guarantee regarding the halalness of goods and services circulating in Indonesia. All products that entering, circulating and being traded in Indonesian territory must be certified halal from BPJPH. To guarantee this, a Halal Product Guarantee System Manual (SJPH) has been created. Halal product guarantees have utilized information technology to process products and services so that they are halal certified. Digitalization in halal product guarantee continues to be carried out and developed, so it can be stated that the future direction continues to be increasingly adapted to the various demands of the times.

Keywords: Halal business, Halal certification, Indonesia, History, Future Direction

INTRODUCTION

Muslims are the majority population in Indonesia, their religion mandates consuming halal food (QS. Al-Maidah: 88; QS. An-Nahl: 114). It is stated also in a hadith that what is consumed must also be thayyib/good. The hadith states that Allah Ta'ala is good (thayyib), and does not accept anything except what is good (thayyib). And indeed Allah commands the believers as he commanded the Messengers. Allah Ta'ala said, 'O messengers, eat good food, and do good deeds.' (QS. Al-Mu'minun: 51). And Allah Ta'ala also said, 'O you who believe! Eat from the good provision that We have given you.' (QS. Al-Baqarah: 172). This shows that halal and tayyib must be a Muslim's lifestyle.

This cannot be separated from the view that Islam is a way of life, for this reason, a muslim is commanded to practice Islam in a *kaffah* way/complete manner (Q.S. al-Baqarah, 2: 208), namely carrying out all the teachings of Islam including all the Shari'a, both related to worship which is a relationship between humans with the God, as well as the relationship between humans and each other which is called muamalah. This further emphasizes that all aspects of muslim life must be halal. Always halal must become muslim's lifestyle.

Halal lifestyle is a lifestyle that observes and is in harmony with sharia principles that can be applied by everyone, not only believers, because a halal lifestyle will encourage someone to always consume everything that is good, safe and healthy, and of course can have implications for the quality of health. It implicates physically and spiritually getting better. This life style implies to many things, including the business being operated must also be a halal business.

Halal means permitted (not prohibited by syara') or (obtained or done with) lawful (<https://kbbi.kemdikbud.go.id/entri/halal>; <https://www.kbbi.web.id/halal>). The word halal comes from the word *al-hillu* which means *al-fathu*, namely to free, release, resolve and allow. Halal means that everything that uses it is not tortured/punished (Al-Jurjani, t.t.). Halal means anything that causes someone not to be punished if they use it (Dahlan, 2006). So, halal means actions that are justified and permitted by Islamic law. In the context of food, haram food consumed by a Muslim will have the following impacts: it is a sin, it is harmful to the body, namely it damages physical growth and intellectual intelligence, it affects human nature and behavior, and it is the cause of rejection of acts of worship and prayer. Halal and haram are provisions that have been stipulated in the Al-Qur'an and As-Sunnah.

QS. Al-Maidah: 88 and QS. An-Nahl: 114 strictly orders humans to eat food that meets the criteria of halal and good. These verses are not only intended in a limited sense for food, but also other products, such as drinks, cosmetics, medicine and other useful goods. In the current context, technological developments in the processing of food, beverages, cosmetics and medicines have involved complex processes and contain a variety of ingredients so that the issue of food, cosmetics, medicinal drinks and halal use goods has become a complex matter in determining the law. Advances in science and technology in the food sector today have made it increasingly complicated to determine what is halal and what is haram. The increasing number of processed food products in circulation also requires halalness determination, not only from the raw materials but also including the provision of ingredients, processing, storage, packaging, distribution, sales and presentation of the product. Therefore, adequate knowledge of Islamic legal guidelines or standards is needed to determine the halal and haram of a product (Ilyas, 2017; Sukoso, 2021).

Halal in the context of this verse means that the object is halal and the method of obtaining it is halal, which means it is related to the business involved. Meanwhile, good is in terms of its usefulness, namely that which contains benefits and benefits for the body, contains nutrients, vitamins, protein and so on. Food is not good, apart from not containing nutrients, and if consumed it will damage your health.

Halal is more than just quality (halal is more than just quality). Halal is different from other quality standards, because halal standards are very strict, namely adhering to the principle of zero tolerance. Thayyib referred to in this verse is good, safe for consumption (food safety), clean (GMP), healthy and of good quality (physical, chemical and biological aspects). Thayyib also has meaning for both humans and other living creatures, for example animals slaughtered must comply with health rules, so that the quality of animal products is high, the quality aspects are both physical, chemical and biological (Sukandar, 2020).

RESEARCH METHODS

This research is a combination of explanatory research and descriptive research. Descriptive research provides a more in-depth picture of certain social phenomena or aspects of life in the society being studied. This approach can reveal vividly the links between various social phenomena. The data collected will later be presented through tables, graphs, charts and images. To sharpen the analysis using data in the form of numbers, data in the form of qualitative information is used (Suharsimi, 2002).

The data in this research is secondary data, namely primary data that has been further processed and presented by other parties, for example in the form of tables, documentation, books or in the form of diagrams. Secondary data is also data from literature studies, namely a literature review of all library sources related to the sharia unit link to support in recognizing problems related to this research.

The data analysis method applied in this research is the descriptive analysis method. Descriptive research is carried out at the level or level of study and analysis solely to reveal symptoms or signs and conditions as they are. In general, descriptive research is a research activity that aims to create a picture or try to analyze an event or symptom in a systematic, factual manner with accurate organization. In this research, the activities carried out analyze halal business and certification from a historical perspective and future directions.

RESULTS AND DISCUSSION

A. Halal Business

Indonesia is the country with the fourth largest population in the world, the majority of whom are Muslim (87.18 percent). Indonesia is a country with the largest Muslim population in the world. Spiritually, every Muslim is obliged to carry out Islamic guidance as a whole, which includes a wide range of worship and muamalah, namely *muamalah iqtisodiyah* (economic), *muamalah masrofiyah* (financial), *muamalah ijtimaiyyah wa siyasiyah* (social and economic). This means that for a Muslim, halal is both an obligation and a necessity, because it is a manifestation of obedience and devotion to Allah SWT.

The title of being the country with the largest Muslim population in the world has not been able to lead Indonesia to act as the largest supplier of halal products in the world, even though demand for halal products in the world continues to increase. In the Global Islamic Economy Indicator Score Rank, Indonesia was recorded in 4th position, below Malaysia, Saudi Arabia and the UAE. Indonesia's position has experienced continuous improvement in the last few years, although it has not yet reached the top position. Even though Indonesia's export performance in Muslim fashion products, halal food and halal tourism continues to increase, in aggregate, Indonesia has net imports for halal products that are greater than its exports. In fact, it is the 4th largest OIC country in the world as an importer. Indonesia as Top 5 OIC Importers. (State of the Global Islamic Economy Report, 2022).

The report shows that Indonesia has the largest market share for halal products and services in the world, that Indonesian consumers spend more than 2,612 trillion (USD 184

billion) on halal products, with the largest market in the food sector. Apart from that, the world's total Muslim population of 1.9 billion also spends more than USD 2.02 trillion, which is also a very promising market for halal products and services. (State of the Global Islamic Economy Report, 2022). These are all opportunities that need serious attention in picking them up. Thus, it is very urgent for Indonesian people to always develop halal products, both from a spiritual, economic and national existence perspective.

Various goods and services products have developed widely into an industry whose economic chain has been developed. In the Indonesian context, several industries that are categorized as halal industries and receive special attention include: halal food and agriculture industry, Muslim fashion, pharmaceuticals and cosmetics, tourism, and media and recreation (Bappenas RI, 2018). Similar types of halal industry are also stated in the Indonesia Halal Economy and Strategy Roadmap, namely halal food, Islamic finance, halal products, modest fashion, Muslim-friendly travel, and Islamic-themed media and recreation (IHLC, 2021). To develop the halal industry, it cannot stand alone without a well-integrated sharia financial system. Likewise, sharia finance requires a real sector to create a sharia ecosystem. System integration that accommodated economic and finance sectors is a necessity. In this context, the Master Plan also develops Sharia finance and ZISWAF, which are linked to MSMEs, the digital economy and renewable energy. It was even stated that one of the strategies is to build a national halal fund to support the growth of the halal industry and accelerate the growth of export-oriented halal production centers (Bappenas RI, 2018).

B. History of Halal Certification

Halal certification is an effort to guarantee the halalness of a product, both goods and services, so that it is known as Halal Product Guarantee (JPH). JPH is legal certainty regarding the halalness of a product as proven by a Halal Certificate, namely recognition of the halalness of a product issued by BPJPH (Halal Product Guarantee Organizing Agency) based on a written halal fatwa issued by the MUI. The existence of JPH is a concrete manifestation of the state's presence in protecting Muslim consumers from non-halal products.

Before the birth of the Halal Product Guarantee Law (UU-JPH), there were several regulations that had been in effect regarding the distribution of halal products, namely: Food Law Number 18 of 2012. This Law clearly states the provision of food that does not conflict with religion and confidence. Apart from that, there is Health Law Number 36 of 2009. This law does not explicitly mention halal products, but this law stipulates general provisions which state that the production, processing and distribution of food and drinks resulting from genetic

engineering technology that are distributed must be safe for humans, animals that humans eat, and the environment. These provisions, in religious language, are called *thayyib* criteria.

Prior to that, there was Consumer Protection Law Number 8 of 1999. Article 4 explains the rights and obligations of consumers. Consumers have the right to obtain correct, clear and honest information regarding goods and/or services. On the other hand, consumers are obliged to read and follow information instructions and procedures for the use or utilization of goods and/or services, for the sake of safety and security. In the context of Muslim consumers, the delivery of information relating to a product must provide a guarantee that the product is *halal*.

Regulations related to *halal* products are also contained in regulations other than the Law, namely Government Regulation Number 69 of 1999 concerning Food Labels and Advertisements, Presidential Instruction (Inpres) of 1991 concerning Increasing Guidance and Supervision of Processed Food Production and Distribution. Joint Decree of the Minister of Health and Minister of Religion of the Republic of Indonesia Number: 427/Menkes/SKB/VIII/1985, Number 68 of 1985 concerning the Inclusion of the Writing "*Halal*" on Food Labels, Decree of the Minister of Health of the Republic of Indonesia Number: 82/MENKES/SK/I/1996 Concerning the inclusion of the word "*Halal*" on food labels, which was amended by Decree of the Minister of Health of the Republic of Indonesia Number: 924/MENKES/SK/VIII/1996 Concerning Amendments to Decree of the Minister of Health of the Republic of Indonesia Number 82/Menkes/SK/1996, Joint Decree (SKB) of the Minister of Religion and Minister of Health Number 472/MENKES/SKB/VIII/1985 and Number 68/1985 concerning the regulation of the word "*halal*" on food labels.

Prior to UUJPH, the Ministry of Religion had authority regarding the regulation of *halal* certification examinations, which was realized in the form of Decree of the Minister of Religion No. 518 of 2001 concerning Guidelines and Procedures for Inspecting and Determining *Halal* Food, Decree of the Minister of Religion No. 519 of 2001 concerning the Implementing Agency for *Halal* Food Inspection, which appoints and delegates the implementation of *halal* certification to the Institute for the Study of Food, Drugs and Cosmetics, the Indonesian Ulema Council (LPPOM-MUI). Thus, in terms of regulations and institutions related to guaranteeing *halal* products at that time, it was still is not yet strong enough to guarantee *halal* products in Indonesia. Thus, regulations related to *halal* product guarantees are still not integrated and tend to be sectoral, still voluntary, so that *halal* certification does not yet have strong legal legitimacy.

The presence of Law Number 33 of 2014 concerning *Halal* Product Guarantees (UU-JPH) is a new chapter in *halal* product guarantees in Indonesia. UU-JPH emphasizes that *halal*

certification, which was previously voluntary and valid for only 2 years, has become mandatory, because all products entering, circulating and traded in Indonesian territory must be halal certified, with a certificate validity period of 4 years. In summary, the differences in halal certification between before and after the enactment of the UUJPH (Faridah, 2019) can be shown as follows:

Table 1.1 Comparison of halal certification before and after the enactment of UUJPH

No.	Before UUJPH	After UUJPH
1.	The Indonesian Ulema Council (MUI) is the main institution with authority in the halal certification process	The Halal Product Guarantee Organizing Agency (BPJPH) is the main institution with authority in the halal certification process
2.	Certification is carried out by non-governmental organizations or non-governmental organizations	Certification is carried out by Government Institutions under the Ministry of Religion
3.	Certification is voluntary	Certification is mandatory
4.	Certification is carried out by non-governmental organizations or non-governmental organizations	Certification is carried out by Government Institutions under the Ministry of Religion
5.	Certificate is valid for 2 years	The certificate is valid for 4 years
6.	LPPOM MUI is an institution that carries out audits or inspections of halal products	Halal Inspection Institution (LPH) is an institution that carries out audits or inspections of halal products

Source: Compilation of various sources

UU-JPH can be called a strong legal umbrella for regulating halal products. The Halal Product Guarantee (JPH) in this law covers various aspects, not only medicines, food and cosmetics, but is broader than that, covering chemical products, biological products, genetically engineered products, as well as consumer goods that are used, consumed or utilized by public. The mandate holder as implementer of UU-JPH is the Halal Product Guarantee Organizing Agency (BPJPH), which was established in 2017 with a one-stop principle to make it easier for business actors to issue halal certificates. The existence and authority of BPJPH is strengthened by the inclusion of BPJPH in the Job Creation Law.

The JPH Law is complemented by other regulations, namely: Law no. 11 of 2020 concerning Job Creation which is the first omnibus law in Indonesia. Republic of Indonesia

Government Regulation Number 31 of 2019 concerning Implementing Regulations of Law Number 33 of 2014 concerning Halal Product Guarantees.

The increasingly strong regulation of halal product guarantees contains various benefits for the nation and the Muslim community (Ilyas, 2017), namely: protection of the Islamic community in carrying out its teachings. Apart from that, it also provides justice, namely providing guarantees that Muslims are treated fairly in choosing to consume products according to their beliefs (Article 2 of the JPH Law). What is no less important is also the form of health maintenance, namely efforts towards creating community mental health that is as optimal as possible, both from an intellectual, emotional and psychosocial perspective. A sense of security and calm when consuming halal products will bring a person to mental comfort which has an impact on the attitudes and actions of the community where they live. In addition, there is a lot of evidence that consuming haram food and drinks has a negative impact on health. Meanwhile, the final benefit is legal certainty as a citizen.

C. Future Direction

After the enactment of the UUJPH which was supported by the Job Creation Law, the responsibility for implementing the halal guarantee system was carried out by the government organized by the Minister of Religion by establishing the JPH Organizing Body (BPJPH), with an institutional position below and responsible to the Minister of Religion. The presence of BPJPH in 2017 in JPH in Indonesia does not mean ignoring the role of the MUI, which before UUJPH played a major role in halal certification. The relationship between BPJH and MUI has its own uniqueness, which explains the relationship between state and religion. The aim of organizing JPH based on Article 3 of the JPH Law is to provide comfort, security, safety and certainty of the availability of Halal Products for the public in consuming and using Products, increasing added value for Business Actors in producing and selling Halal Products.

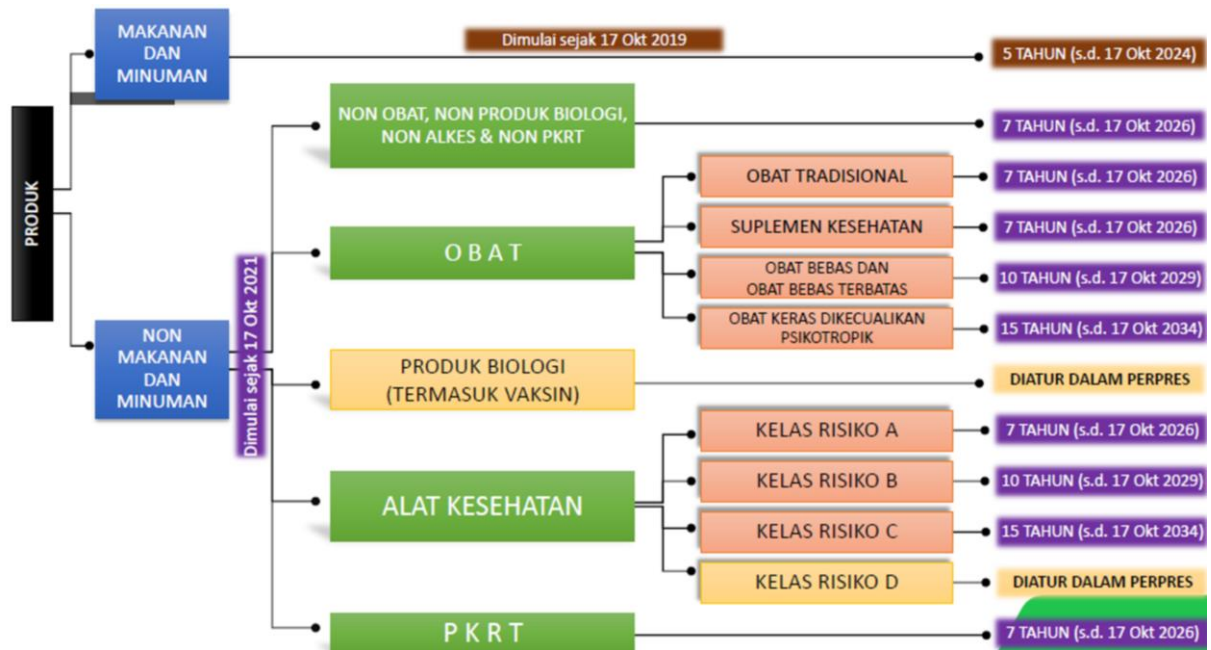
BPJPH has the following authorities: a. formulate and establish JPH policies; b. establish JPH norms, standards, procedures and criteria; c. issue and revoke Halal Certificates and Halal Labels on Products; d. registering Halal Certificates for foreign products; e. carry out outreach, education and publication of Halal Products; f. carry out accreditation of LPH (halal guarantee institution g. register Halal Auditors; h. carry out supervision of JPH; i. carry out training for Halal Auditors; and j. collaborate with domestic and foreign institutions in the field of JPH implementation.

In carrying out its authority, BPJPH collaborates with related Ministries and/or institutions, Halal Inspection Institutions (LPH, LP POM and the Indonesian Ulema Council

(MUI). BPJPH collaboration with LPH is carried out for product inspection and/or testing. BPJPH collaboration with MUI is carried out in the form of Halal Auditor certification, determining product halalness; LPH accreditation. This means that MUI's role starts from issuing a halal product recommendation letter which will then be followed up by BPJPH. Before BPJPH issues halal certification, there must be a MUI decision regarding the halalness of the product. The second role, MUI still has the authority to issue halal fatwas on products registered with BPJPH. In addition, the MUI has an irreplaceable role in issuing certification to the Halal Inspection Institute (LPH), namely the halal product auditor organization. These relevant auditors must obtain approval from the MUI. The collaboration between BPJPH and MUI will play its role in issuing halal certification and monitoring products in Indonesia. In this way, law enforcement related to the JPH Law will be more secure than before because it is imperative.

Products entering, circulating and being traded in Indonesian territory must be halal certified (Article 4 UUPJPH). The contents of this article do not mean that every product sold by entrepreneurs must be halal and not that they cannot trade in things that are not halal or haram according to Islam, but the meaning of the contents of Article 4 is that entrepreneurs can trade in goods that are not halal, but it must be stated that these goods are not halal, as stipulated. What is meant by "non-halal statement" is a non-halal statement which is an inseparable part of the Product. Information can be in the form of images, signs, and/or writing. Strictly speaking, this article does not mean that in Indonesia no haram products can be sold, but for those that are not halal, they do not need to be certified halal, but simply label them as not halal.

The obligation for products entering, circulating and being traded in Indonesian territory to be halal certified is not implemented immediately, but in stages. The stages are explained in Minister of Religion Regulation (PMA) Number 26 of 2019. A summary of the stages is described as follows:



Source: BPJPH

Regarding products that are not halal, Article 18 UUPH states that materials originating from animals that are haram include: carrion, blood, pork, and/or animals slaughtered that are not in accordance with sharia. Materials derived from animals that are prohibited apart from these four things are determined by the Minister based on the MUI fatwa (Article 18 UUPH).

The Halal Product Guarantee System (SJPH) Manual (2021) was prepared to serve as a guideline for implementing SJPH in companies, in order to maintain the continuity of halal production in accordance with the halal certification requirements set by the Halal Product Guarantee Organizing Agency (BPJPH) and the decision to determine product halalness by the Assembly. Indonesian Ulema Council (MUI). The application used is SIHALAL (<https://ptsp.halal.go.id/>) (Halal Information System), namely a web-based BPJPH information system that can be accessed via desktop, personal computer, mobile phone and so on so that it can be accessed from anywhere and at any time just. Digitalization in halal product assurance continues to be carried out and developed, so it can be stated that the future direction continues to be increasingly adapted to the various demands of the times.

CONCLUSION

Halal business covers broad aspects. Halal business requires that the goods and services transacted are clearly halal, so that whatever Muslims consume is halal. This cannot be separated from Islamic teachings which emphasize that consuming halal food is both an obligation and a human right for Muslims. Halal products are products that have been declared

halal in accordance with Islamic law. In the context of regulations in Indonesia, halal products are marked by having received a halal certificate issued by BPJPH based on a written halal fatwa issued by the MUI.

The types of products that must obtain halal certification are goods and/or services related to food, beverages, medicines, cosmetics, chemical products, biological products, genetically engineered products, as well as consumer goods that are used, applied or utilized by the public. Types of services include business services related to slaughtering, processing, storage, packaging, distribution, sales and/or presentation.

The presence of the Halal Product Guarantee Law (JPH) which is complemented by the Job Creation Law is a form of regulation that provides legal certainty regarding the halalness of goods and services circulating in Indonesia. Products entering, circulating and being traded in Indonesian territory must be halal certified. To guarantee this, a Halal Product Guarantee System Manual (SJPH) has been created which has been prepared to serve as a guideline for implementing SJPH in companies, in order to maintain the continuity of halal production in accordance with the halal certification requirements set by the Halal Product Guarantee Organizing Agency (BPJPH) and decisions on determining product halalness. by the Indonesian Ulema Council (MUI). The application used for the JPH process is based on information technology which makes it easier for users. Digitalization in halal product assurance continues to be carried out and developed, so it can be stated that the future direction continues to be increasingly adapted to the various demands of the times.

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