

The Urgence of Regulation for the Use of Halal Product Labels in the Era of the Industrial Revolution 5.0

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ABSTRACT

This study aims to analyze the urgency of regulating the use of halal product labels in Indonesia, where halal product labeling is a very important issue, especially in this modern era, namely the era of the industrial revolution 5.0. In addition, this article also aims to identify and analyze whether Law no. 33 of 2014 concerning the Guarantee of Halal Products (UU JPH) there are very serious questions about whether or not in providing constitutional guarantees for the majority of Muslims and especially for minorities in Indonesia. answers and new legal provisions to protect consumers from consuming products that are not halal. This research is based on normative legal research. Normative legal research is research conducted by examining library materials and secondary materials. The approach used in this study uses a normative approach by researching and analyzing the laws and regulations related to halal product guarantees in the 5.0 revolution era and their probes. The normative juridical method takes secondary data through literature study. The results and discussion in the research are first, Labeling of halal products is very important to provide guarantees for consumers to avoid haram properties, especially for Muslims, even for non-Muslims with hygienic goods guaranteed. Guarantees of protection for halal products are contained in the JPH Law, especially in the era of the industrial revolution 5.0 so that this regulation can help provide extra guarantees to consumers regarding the 2 protection of the purchase of halal products. Halal labeling and certification. This is because after the Ministry of Religion of the Republic of Indonesia firmly took over the policy and decision that the MUI was no longer entitled to issue labeling and certification of halal products.

INTRODUCTION

Indonesia is a country with a majority Muslim population. In 2020, the total Muslim population in Indonesia is estimated to reach 229.62 million. It is not surprising that in their lives there are many people who strongly adhere to Islamic values (Nastiti & Pratiwi, 2020). The increase in the world's Muslim population has an impact on increasing demand for halal commodities. In addition, the trend of consuming halal products among non-Muslims also continues to increase for ethical and health reasons. Facts on the ground show that, Indonesia is the 4th largest importing country for halal food in the world (Piketty, Saez, & Zucman, 2018).

The trend of halal products is increasing lately in the global world (Setiawan & Mauluddi, 2019). Halal products continue to be promoted by various parties who have an awareness of how important it is to sell and buy halal products. The Industrial Revolution is an advanced change through the intelligence of the mind that uses several machines for processing power and motion power. Technology is widely used as a business opportunity, such as an online halal food business (Binti Aminuddin, Garza-Reyes, Kumar, Antony, & Rocha-Lona, 2016). Many companies produce halal food and introduce it online (Setiawan, Setyowati and Triuspitorini, 2020). Halal food is a basic need for Muslims and as a form of worship that must be carried out by every Muslim because the label of halal products is a sign of safety, cleanliness and high quality for Muslims (Zahrah & Fawaid, 2019).

In terms of legal issues, Islamic legal values are fused into positive Indonesian law due to the uncertainty of Islamic law in enforcing Islamic law in Indonesia, because Indonesia is not an Islamic country. Instead, Islamic law is often used in various activities, such as in terms of sharia economic 3 disputes, labeling halal products, and many others (Ahyani, Bumaeri, & Hapidin, 2021). In the reform era, the existence of Islamic law has the same opportunities as other sources of law, one of which is our positive law to compete democratically so that it can be absorbed into the national legislation program.

The JPH law is one of the products of the many controversial products of Islamic law legislation in Indonesia. Not even 6 years after the enactment of the Law in 2014 to 2020, the presence of this law is considered by some to have caused many problems (Rohmah, Tohari, & Kholish, 2020). The enactment of Law Number 33 of 2014 concerning Halal Product Guarantee (UUJPH) actually emphasizes the urgency of the issue of halal and haram labeling in the production chain from business actors to the hands of consumers and consumed by consumers, where there is also the role of intermediaries such as distributors, sub-distributors, wholesalers, as well as retailers before reaching the final consumer (Charity, 2017).

Based on these problems, the focus of this research has the aim of emphasizing the context of the meaning of halal product labeling rules for consumers in the industrial era 5.0. This research is considered important because it follows up on the effects of how problematic the halal labeling and certification of the Halal Product Assurance Act is.

METHODS

The type of research used is a normative legal research method. Normative legal research is research conducted by examining library materials and secondary materials (Mahmud Marzuki, 2005). In this type of research, law is conceptualized as what is written in legislation or regulations (Soerjono and Mamudji, 2006). The approach used in this study uses a normative approach by researching and analyzing laws and regulations related to halal product guarantees. The normative juridical method takes secondary data through literature study.

Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law No. 34 of 2014 concerning Halal Product Guarantee (JPH 4 Law), Job Creation Bill, Civil Code, 2014 JPH Law, Law No 12 of 2011 as amended by Law No. 15 of 2019, Government Regulation No. 69 of 1999 concerning Food Labels and Advertisements, Government Regulation No. 31 of 2019 concerning Implementation of the JPH Law, Government Regulation No. 69 of 1999 concerning Food Labels and Advertisements, Decree of the Minister of Religion No. 518 of 2001 concerning Guidelines and Procedures for Inspection and Determination of Halal Food and Decree of the Minister of Religion Number 519 of 2001 concerning Implementing Institutions for Halal Food Inspection, Ministerial Decree No. 982 of 2019 concerning Halal Certification. Secondary legal materials are articles, results of legal research and other research (Hutagalung, 2021). Then the secondary data is analyzed and evaluated in the form of primary legal materials, secondary legal materials, and tertiary legal materials to obtain maximum results and research discussions (Arini, 2018).

In conducting research related to the importance of a rule that regulates the issue of using halal product labels in the era of the industrial revolution 5.0, the author should use the theory of legal objectives and the theory of the legal system, this is because the rule of law relates to how the purpose of the law can be useful in society, and how a rule of law can apply, one of which is the problem of the legal system that applies in a legal state itself.

In the theory of legal purposes, it is explained that humans are God's creations who have the power to exploit and explore the world. Power is the central point of all human life in carrying out activities in the world. Humans are actors or subjects, not tools or objects that have interests and demands that are expected to be implemented properly (Mertokusumo, 2014). Awareness in humans is basically humans need the protection of interests, namely laws that are obeyed and implemented and enforced so that their interests and the interests of others are protected from threats around them..

Sunaryati Hartono argued that law as a tool is a means and steps taken by the government to create a national legal system in order to achieve the ideals 5 of the nation and the goals of the state. The state has goals that must be achieved and efforts to achieve these goals by using the law as a tool through the

enforcement or enforcement of laws in accordance with the stages of development faced by our society and country (Mertokusumo, 2014).

According to Radbruch, the law has three aspects, namely:(Tanya, Simanjuntak and Hage, 2010)

- 1) The aspect of justice which refers to equal rights before the law. Justice must have the first and foremost position of benefit and legal certainty;
- 2) The aspect of benefit that shows the purpose of the law is to advance the goodness of human life in determining the content of the law, to grow the value of goodness for humans as a value in law. The value of goodness for humans can be linked in three subjects including individual, collectivity and culture;
- 3) The aspect of certainty refers to the guarantee that the law (which contains justice and norms that promote goodness) actually functions as a rule that is obeyed. First, the law is positive. Second, the law is based on facts or the established law is certain, namely by the existence of information. Third, the facts (facts) must be formulated in a clear way so as to avoid mistakes in meaning. Besides being easy to implement. Fourth, positive law should not be easily changed.

Meanwhile, in another theory, namely the theory of the legal system, which was pioneered by Lawrence M. Friedmen, said that the theory of the legal system is also known as the Theory of Legal Effectiveness. Legal effectiveness is a legal ability to create or create conditions or situations that are desired by law or expected by law(Tjandrasari and Yudho, 1987). A legal product is said to be effective if the legal product has been carried out or implemented in practice According to Lawrence W. Friedman that the effectiveness of law enforcement depends on the legal system which includes three components or sub-systems, namely the legal structure component (structure of law), legal substance (substance of the law) and legal culture (legal culture).

Based on the legal system in Indonesia, Friedman's theory is a guide in measuring the law enforcement process in Indonesia. The police are part of the structure along with the organs of prosecutors, judges, advocates, and prisons. The interaction between these components of law enforcement determines the strength of the legal structure. However, the enforcement of the law is not only determined by the strength of the structure, but is also related to the legal culture in society. However, until now the three elements as stated by Friedman have not been implemented properly, especially in the legal structure and legal culture.

Law as a tool to change society or social engineering is nothing but ideas that the law wants to realize. In order to guarantee the achievement of the legal function as community engineering towards a better direction, it is not only necessary to have the availability of law in the sense of rules or regulations, but also to guarantee the realization of these legal rules into legal practice, or in other words, guarantees of law enforcement. good law enforcement (Ali, Haider, Munir, Khan, & Ahmed, 2013).

RESULTS

The history of the development of the halal industry in Indonesia generally begins with the regulation of halal related food, medicine, and cosmetics and other products that are useful for knowing the law of a consumption material and providing peace for Muslims in carrying out the provisions in their religion. Meanwhile, if you look specifically at the history in question, there is a periodization of halal assurance in Indonesia. The purpose of halal assurance in a special sense is related to the guarantee of halal products and institutions related to guaranteeing halal products(Othman, Shaarani, & Bahron, 2016).

The inclusion of halal labeling does affect consumers' decisions to buy these products, both food products, medicines and cosmetics(Nugraha, Mawardi and Bafadhal, 2017). Giving a halal label on a product has a significant effect on consumer buying interest. This means that it shows that consumers are very interested in halal labeling contained in an item. With the provision of halal labeling, this creates a pattern that is carried out by consumers continuously and sustainably(Nastiti and Use, 2020).

The Urgency of the Meaning of Halal Product Label Rules for Consumers in the Industrial Age 5.0

Juridically, the implementation of Halal in Indonesia began on January 28, 1975 with the issuance of Regulation of the Minister of Health of the Republic of Indonesia No. 280/Men.Kes/Per/XI/76 concerning Provisions for Circulation and Marking of Foods Containing Ingredients of Pork(Hutagalung, 2021). Then on August 12, 1985, the government issued a Joint Decree of the Minister of Health and the Minister of Religion No.42/Men.Kes/SKB/VIII/1985 and No. 68 of 1985 concerning the Inclusion of Halal Writing on Food Labels(Rohmah, Tohari and Kholish, 2020). Further developments, the Indonesian Ulema Council (MUI) established the LPPOM-MUI institution based on the licensing decree number 018/MUI/1989, on 26 Jumadil Awal 1409 Hijriah or January 6, 1989. This institution is an extension of the MUI with the main task of conducting an examination of products in circulation and carry out halal certification(Shofie, 2018).

In Islamic teachings, food and drink are benchmarks for all reflections of initial judgments that can influence various forms of a person's behavior. So, Muslims must pay attention to the halalness of a product that is consumed and used(Ariny, 2018). Conceptually, the definition of product according to Kotler and Armstrong(Kotler, 2002)are: "A product as anything that can be offered to a market for attention, acquisition,

use or consumption and that might satisfy a want or need". This understanding means that the product is anything that is offered to the market to get attention, be purchased, used and that can satisfy the wants or needs of consumers.

In its development, food products that have been labeled halal have a high commodity value and spur an increase in buyer interest. This kind of response does not only occur among Muslims, but also non-Muslims who have hygienic standards and food goodness in terms of labeling a food product.(Aminuddin, 2016). According to Mirsa Astuti, the halalness of a product is a mandatory requirement for every consumer, especially for Muslim consumers. In the international trade system, the issue of halal certification and labeling has received good attention in order to provide protection and security to consumers and to meet strategies to face the challenges of globalization (Astuti, 2020).

In Indonesia itself, the laws and regulations regarding the labeling of Halal Products are included in Law Number 33 of 2014 concerning Halal Product Guarantee (UUJPH). This regulation is an affirmation for producers and consumers on halal and haram issues in the production chain from business actors to consumers with the sole purpose of protecting consumers. However, the purpose of protecting consumers is actually not the only pure intention of the existence of the Halal Product Guarantee Act itself(Hijriawati, Putriana and Husni, 2018). The government issued the Halal Product Guarantee Act as a form of consumer protection, especially Muslim consumers. The ratification of the Halal Product Guarantee Act is a form of implementation of the Consumer Protection Law Number 8 of 1999, Article 8 paragraph (1) letter h, which reads: "does not follow the provisions for halal production, as stated in the "halal" statement in label" (See Article 8 paragraph (1) letter h of Law Number 8 of 1999 concerning Consumer Protection).

In accordance with Article 3 letter a, the enactment of this Law aims to provide comfort, security, safety, and certainty for Halal Products for the public in consuming and using the product. As for business actors, the presence of the JPH Law provides guidance on how to process, produce, and market products to the consumer community, as well as how to provide information on halal products to consumers. In addition, producers also reap the benefits of this Law, namely by providing legal certainty for all goods produced, so that the JPH Law will have a positive impact on the business world (Halal Product Guarantee Law Provides Legal Certainty to Consumers, www.hukumonline.com accessed on September 13, 2019 at 13:15 WIB).

At the level of positive Indonesian law, basically the government has issued several legal products that regulate food products in order to provide protection and guarantees to consumers, especially Muslim consumers.(Safira, Kurniawan, Rochana, & Indriani, 2019). Among them, Law Number 7 of 1996 concerning Food and Law Number 8 of 1999 concerning Consumer Protection and Government Regulation Number 69 of 1999 concerning Food Labels and Advertisements. Decree of the Minister of Health Number: 82/Menkes/SK/I/1996, concerning the Inclusion of Halal Writing on Food Labels. In 2001 the Ministry of Religion also issued a Decree of the Minister of Religion Number 518 of 2001 concerning Guidelines and Procedures for Inspection and Determination of Halal Food, Decree of the Minister of Religion Number 519 of 2001 concerning Implementing Institutions for Halal Food Inspection, namely the Indonesian Ulema Council through LPPOM-MUI. Even the last one out of the DPR RI has ratified Law no. 33 of 2014 concerning the Halal Product Guarantee Agency(Muhammad, 2018).

In positive law, regulations regarding the halal and haram of food products through halal certification and labeling have been regulated in such a way as to be marked by the birth of various regulations governing these food products and have been applied in the midst of society. However, these regulations have not fully answered the food problems that have arisen along with the progress of the times and modern science and technology(Muhammad, 2018).

Philosophically, the formation of this law is a mandate of the 1945 Constitution. The provisions for consideration in points (1) and (2) are the provisions of Article 29 of the 1945 Constitution. Thus we can say that:

1. The JPH law is a law that breathes sharia because it was formed as a form of worship guarantee for every Indonesian citizen, especially Muslims.
2. Any changes or establishment of implementing regulations of this JPH Law must not conflict with sharia principles.

In article (4) of the JPH Law it is stated that "products that enter, circulate, and are traded in the territory of Indonesia must be certified halal".(Budiarto et al., 2018). The meaning of the word obligatory in the article, if it is related to the 1945 Constitution, is the obligation to obey the law and government. In accordance with Article 27 paragraph (1) of the 1945 Constitution, it states that "All citizens have the same position in law and government and are obliged to uphold the law and government with no exceptions". Thus all citizens without exception must comply with the implementation of halal certification and the organizer in this case is the government which is formed in an agency called BPJPH.(Hutagalung, 2021).

Then with the existence of Law Number 18 of 2012 concerning food relating to the regulation of halal food products, Chapter VIII of food labels and advertisements, Article 97 paragraphs 1, 2, and 3 explains that food sold both domestically and from abroad must include halal label and list of ingredients, date, month, year of expiration, distribution permit number and so on, both inside and outside the package written in Indonesian (Hasan, 2014).

The Industrial Revolution 5.0 not only brought changes to the manufacturing industry, but also greatly impacted globalization, disguising international boundaries and competition (<http://elmeconmk.com/article/impact-revolution-industri-4-0/,2019>). In era 5.0, halal food competition is higher than abroad, therefore, halal food companies must maintain production, with other applications and technologies, companies must respond to consumers more quickly, production must be flexible and incorporate automatic technology, so as not to lose competitiveness with foreign countries. Besides that, halal certificates are the main thing in world competition because with a halal certificate marked with a halal stamp, the food ingredients used must be halal and will greatly affect the purchase value in all corners of the world. (Zahrah and Fawaid, 2019), Halal food is growing rapidly because not only 11 Muslims are tempted by halal food but also non-Muslims due to the fact that halal food is more secure in terms of hygiene and health. The invasion of imported food is a fairly formidable challenge, especially since Indonesia is a Muslim-majority country, other countries will compete to reach consumers in order to achieve company profits (Hasan, 2014).

Halal Product Labeling and Certification Regulatory Problems

Article 67 paragraph (1) which states that "The obligation to be certified halal for products circulating and traded in the territory of Indonesia as referred to in Article 4 comes into effect 5 (five) years from the promulgation of this Law".

The mandated halal certification obligation has become ineffective, one of which is because a number of regulations as implementing regulations for the law have not been formed. The JPH Law requires 1 Presidential Regulation, 9 Government Regulations and 11 Ministerial Regulations/Decrees, as follows:

- a) Presidential decree 1) Article 5 paragraph (5) concerning provisions regarding the duties, functions and organizational structure of BPJPH
- b) Government regulations
 - 1) Article 11 concerning Halal Product Guarantee Agency
 - 2) Article 16 concerning halal inspection institutions
 - 3) Article 21 paragraph (3) concerning the Halal Production Process
 - 4) Article 44 paragraph (3) regarding the cost of certification
 - 5) Article 46 paragraph (3) concerning international cooperation
 - 6) Article 47 paragraph (4) concerning registration of foreign products / imported products
 - 7) Article 52 concerning supervision of Halal Product Guarantee
 - 8) Article 65 concerning implementing regulations of the JPH Law
 - 9) Article 67 paragraph (3) concerning the stages of product types that must be certified halal.

In accordance with article 65 of the JPH Law, it states that "The implementing regulations for this Law must be enacted no later than 2 (two) years from the promulgation of this Law." This means that if the JPH Law was promulgated in 2014 then all of these Government 12 Regulations should have been issued in 2016, but the fact is that so far only one government regulation has been issued, namely Government Regulation of the Republic of Indonesia Number 31 of 2019 concerning Implementing Regulations for Law No. Law Number 33 of 2014 concerning Halal Product Guarantee which was promulgated on May 3, 2019.

In terms of the time of formation and ratification, it is clear that Government Regulation Number 31 of 2019 and 9 (Nine) Government Regulations that are not yet available have violated the mandate of the JPH Law itself. If it is related to Article 5 paragraph (2) of the 1945 Constitution which states that "the President stipulates a Government Regulation to carry out the law as it should be", then in this case the government is not lawful or violates the rule of law for good governance because it means "as it should be". including compliance with the issuance time.

The ministerial regulations mentioned above have not yet been formed, indicating that there are cross-sectoral problems between stakeholders involved in the implementation of halal certification (BPJPH, MUI, LPH) because the authority to issue ministerial regulations is within the authority of the ministry of religion, especially BPJPH as the leading sector for the implementation of guarantees. Halal Products.

This indication was more clearly seen after the issuance of the Minister of Religion Decree No. 982 of 2019 concerning Halal Certification Services whose dictum returned the authority for halal certification back to LPPOM-MUI. In the fifth dictum of the Decree of the Minister of Religion Number 982 of 2019 it is stated that in the event that the legislation regarding the tariff rate for halal certificate services as referred to in the Fourth dictum has not been determined, the tariff for halal certification services is carried out in accordance

with the provisions applicable to the MUI and LPPOM MUI which provide certification. halal before the provisions regarding the laws and regulations related to the guarantee of halal products apply. The decision of the Minister of Religion is indeed discretionary because until now KMA No. 982

CONCLUSION

Regulations related to the labeling of halal products in Indonesia have basically been carried out since 1975, only then in the implementation of the rules in that year they have not given firmness to business actors. Labeling of halal products is very important, this is due to guarantee that the goods purchased by consumers are free from doubts about goods that are indicated as haram, especially for Muslims, even for non-Muslims with the existence of halal labeling by the MUI institution. on all halal products it gives the assumption that the goods are hygienic. The regulation of labeling halal products in Indonesia has actually been around for a long time. even to ensure consumer protection, the Indonesian government issued an updated regulation, namely Law Number 33 of 2014 concerning Guaranteed Halal Products, even the government directly issued Government Regulation of the Republic of Indonesia Number 31 of 2019 concerning Implementing Regulations rather than the JPH Law. The guarantee of protection of halal products for consumers contained in the JPH Law is also a form of mandate contained in our constitution, namely the 1945 Constitution, especially with the progress and modernization of the era, namely in the era of the 5.0 industrial revolution which is said to be very sophisticated and even digitalized, so that These regulations can help provide extra guarantees to consumers regarding the protection of the purchase of halal products.

The current controversy, and is even becoming a trend, is related to the authority to grant halal labeling and certification to all products, be it food, cosmetics, medicines, and so on. This is because after the Ministry of Religion of the Republic of Indonesia firmly took over the policy and decision that the MUI was no longer entitled to issue labeling and certification of halal products. Even though in the regulations that are still in effect, namely Law Number 33 of 2014 concerning Guaranteed Halal Products, even the government directly issued Government Regulation of the Republic of 14 Indonesia Number 31 of 2019 concerning Implementing Regulations rather than the JPH Law, the MUI institution still has the right to carry out halal labeling and certification.

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