



## CHALLENGES AND SOLUTIONS IN MEETING LEGAL AND HALAL REQUIREMENTS FOR FOOD BUSINESSES

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### ABSTRACT

*This study discusses the importance of halal certification in the food industry in Indonesia, particularly for Micro, Small, and Medium Enterprises (MSMEs). Although halal certification has become an urgent need for consumers, many businesses face challenges such as high costs, lack of understanding of regulations, and procedural complexity. Clear and transparent information about halal products is essential to help consumers make informed decisions. Therefore, more intensive educational efforts, collaboration among stakeholders, and the digitization of certification processes are needed to improve accessibility and understanding of halal products, thereby promoting the growth of the food industry in accordance with halal principles.*

**Keywords:** Legal, Halal Certification, Food MSMEs, Regulations, Business Challenges



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## 1. INTRODUCTION

The book printing industry in Indonesia plays an important role in supporting the dissemination of information, education, and literacy. However, behind its contributions, there are still serious issues, particularly regarding legal protection for copyrighted works. Many written works, such as fiction books, scientific books, and educational materials, are still vulnerable to being copied or reprinted without proper authorization. This raises concerns about the weakness of copyright protection in the printing industry (Yahanan., 2013).

Food, whether raw or processed, is the most important thing for a person. People choose food in various forms and for various reasons; each place has different preferences, giving each food a unique taste. Clients also consider food safety aspects when choosing food to consume, one of which is food product quality.

Since the majority of Indonesians are Muslim, they have strict rules about what is permissible and impermissible to eat, as well as what is considered halal. From a halal perspective, this has spiritual consequences for an individual, as Islamic law has established rules regarding halal and haram when examining controversial foods.

Currently, many products sold in Indonesia have unclear halal status. However, it is a legal obligation for the public to consume halal food. This assurance enhances product quality and attracts consumers. Halal-certified products have become a necessity for all buyers, especially Muslims (Habibie, 2023). However, these products do not include food, medications, or other consumer goods. With this guarantee, halal products will become increasingly important and a major concern throughout the country. Based on the 1945 Constitution of the Republic of Indonesia, the state is responsible for protecting all Indonesian citizens and all Indonesian blood, as stated in the Preamble, as well as maintaining public welfare (Muhammad Nizar & Antin Rakhmawati, 2022).

The food industry processes food ingredients using various methods and techniques that employ the latest technology and techniques to produce ready-to-eat products. However, it should be noted that most of the world's food and technology industries do not have global halal certification. This raises concerns that Indonesia will be prohibited from consuming foods and products that contain or are contaminated with prohibited ingredients in the face of regional, international, and global free trade. In processes such as processing, storage, handling, and packaging, preservatives that are harmful to human health or additives containing substances prohibited by Islamic law are used.

To assure consumers that their products are halal, manufacturers must implement halal certification. In addition to assuring consumers of the halal status of their products, halal labels also offer financial benefits to manufacturers, such as:

- a) increasing consumer confidence because the product is guaranteed halal
- b) having a USP (unique selling point)
- c) having the ability to enter halal markets worldwide
- d) increasing product sales, and
- e) being a cost-effective investment compared to the potential for significant revenue.

The importance of efforts to consume halal products must be balanced with each customer's attitude in making better product choices for consumption through purchasing preferences. In addition to halal labels on food, many other factors can influence buyers' preferences when purchasing imported food products, such as income and price.

One easy way to determine whether a product is safe and halal is to look for the MUI halal label on food packaging. Unfortunately, many people are still uneducated about halal products, preventing them from enjoying the benefits and blessings of Allah SWT.

Awareness of halal products remains low, as does consumer knowledge and understanding of MUI-certified halal products. The aim of this study is to encourage consumers to make more informed choices when selecting products for consumption based on their preferences, particularly regarding imported foods, to promote halal consumption. In addition to halal product labels, various other factors, such as food imports, income, and product prices, can influence consumer purchasing decisions.

According to the Halal Product Guarantee Law No. 33 of 2014, intermediaries such as distributors, sub-distributors, wholesalers, and retailers play a crucial role in the production process, from the company to the consumer and ultimately to the end customer.

The purpose of implementing the UUJPH is to provide legal certainty to consumers regarding the consumption of food and other goods. The UUJPH provides guidelines on the processing, production, and marketing of products to the general public, as well as information about halal products for customers.

With halal certification, the UUJPH not only provides protection and certainty for consumers but also benefits producers, as the law applies to all products produced with certainty (Rambe et al., 2023; Suhendar et al., 2023; Rizky, F et al., 2024). Thus, the UUJPH will have a positive impact on business. With the assurance of halal certification for products produced in accordance with halal standards, halal certification will have a positive impact on the industry.

Every product can benefit the company; halal-certified products will be preferred and chosen by customers, which in turn can increase sales. This is favored by both Muslims and non-Muslims because people generally believe that the quality of products that have been proven halal is good for health (Yuanitasari et al., 2023).

#### **Production Facility Requirements and Documents for Halal Certification**

Production facilities used to manufacture products submitted for Halal certification, or also used to manufacture products not submitted for Halal certification and not derived from ingredients containing pork or its derivatives, require the business operator to submit the following documents:

1. product name and type,
2. list of products and materials used;
3. product processing procedures,
4. cleaning or sanitization of shared production facilities.

However, if the products produced use materials derived from and/or containing pork, the business operator must separate the location, premises, and equipment used in the production process from the location, premises, and equipment of the Halal Supervisory Companion (HSC). Meanwhile, the requirements for the completeness of documents for the issuance of a halal certificate as determined by the Halal Product Guarantee Agency (BPJPH) include:

1. Application letter (format determined by BPJPH)
2. Registration form (format determined by BPJPH)
3. Legal aspects (Business Identification Number) or business license and similar documents
4. Halal supervisor documents: ID card, halal supervisor appointment decision, resume, halal supervisor training and/or competency certificate (if any)
5. List of products and ingredients
6. Production process flow

7. Halal assurance system/halal product assurance system documents (format specified by BPJPH)
8. Copy of halal certificate (for renewal registration)
9. Other documents (e.g., distribution permit documents from relevant authorities)

### Halal Certification Registration Process

To obtain a halal certificate, business operators must register online. The Halal Product Guarantee Agency (BPJPH) has introduced a breakthrough in halal certification services, completing the process in just 21 days from registration to the issuance of the halal certificate per product submitted by the business operator, as illustrated in the following halal certification registration flowchart (Figure 1.0)

Furthermore, to clarify the diagram above, the researcher describes the halal certification registration process applicable after October 18, 2024, complete with the sequence of activities, implementers, and estimated time as shown in the following table (Table 1).



### Halal Certification Fees

The provisions for halal certification fees cover several stages, consisting of:

a. Halal certification fees consist of:

- Fees for applying for a halal certificate;
- Fees for examining and/or testing the halal status of products;
- Fees for conducting halal fatwa hearings;
- Cost of issuing the halal certificate; and
- Cost of registering the halal certificate abroad.

b. Halal certification fees are borne by the business entity submitting the halal certificate application.

c. The amount of halal certification fees is determined in accordance with applicable laws and regulations.

d. Halal certification fees are non-tax state revenues, except for the costs of inspection and/or testing of product halal status and the costs of conducting halal fatwa hearings.

## RESEARCH METHODE

This study uses a descriptive qualitative approach by combining literature review, regulatory analysis, and case studies to identify challenges and formulate solutions in meeting legal and halal requirements in the food business. The focus of the study is on MSMEs in Indonesia as the main subject, given their significant contribution to the national economy and their vulnerability to regulatory compliance issues.

## 2. RESULT AND ANALYSIS

### Regulation of Halal Food Products in Relation to Consumer Protection.

In 2014, Indonesia conducted a large-scale survey on food consumption involving 33 provinces, hundreds of subdistricts from 6,793 subdistricts, thousands of clusters from 79,075 villages/hamlets, and hundreds of thousands of family members measuring their food intake with the aim of determining the level of national and community food consumption adequacy, as well as determining food and nutrition legislation.

Additionally, out of 175,157 products registered with the Food and Drug Supervisory Agency (BPOM), approximately 103,382 products, or 59.01 percent of the total, have been certified halal by the Indonesian Ulema Council (MUI). Out of 155,774 products sold in Indonesia, the MUI Halal Product Certification Agency (LPPOM MUI) has issued 13,136 halal certificates. Based on this data, it is clear that many products sold in Indonesia do not yet have MUI halal certification. The majority of MUI-certified halal products originate from Indonesia, accounting for 71 percent, followed by products from China (17 percent), Asia, ASEAN, Europe, and Australia, each at 1 percent. Despite the popularity of US products in Indonesia, only 1 percent are MUI-certified halal.

Additionally, the report highlights an annual survey conducted by the United Nations Food and Agriculture Organization (UNFAO) on food safety consumed by a country, with Indonesia ranking 71st, with 50.6% of the food consumed by its population meeting safety standards.

This indicates that Indonesian society is still in the category of protecting safe food consumption that does not yet meet the expected standards, especially for halal and thoyib food products, based on the above data indicators.

The Health, Consumer Protection, Food, and Food Security Law is a form of legal protection provided by the state to the Muslim community to ensure the consumption of healthy food and halal products sold in Indonesia (Rambe & Sihombing., 2024; Ardana et al., 2024; Ayu et al., 2024). The Consumer Protection Law protects consumers when transacting with businesses and encourages businesses to be responsible, honest, and transparent in providing accurate information about the products (food) they market, as well as ensuring quality, processing, and access to other information (Pribadi & Fitriana, 2023).

Similarly, the Food Law and the JPH Law aim to ensure the fulfillment of:

- a. Consumers' right to feel safe when consuming food from biological, chemical, and cultural or religiously inappropriate contamination that is harmful to health.
- b. Legal assurance that food products are halal, as evidenced by Halal Certificates and Halal Labels,

In addition, as an official institution, the Indonesian Ulema Council's Food, Drug, and Cosmetics Assessment Agency (LPPOM-MUI) has implemented a Halal

Assurance System (SJH) to meet the requirements for halal food ingredients. Halal ingredients must meet the following general requirements:

- a. The ingredients must not come from pigs or their derivatives.
- b. The ingredients must not contain any materials from pigs or their derivatives.
- c. The ingredients must not be khamr (alcoholic beverages) or physically separated khamr derivatives.
- d. The ingredients must not contain khamr (alcoholic beverages) or physically separated khamr derivatives.
- e. The material is not blood, carcass, or other human body parts.
- f. The material does not consist of blood, carcass, or human body parts.
- g. The material must not be produced in a facility also used to manufacture products containing pork or its derivatives.
- h. The material must not be mixed with prohibited or impure substances, such as additives, auxiliaries, or production facilities.
- i. Materials that have the potential or possibility of being produced in the same facility as pork or its derivatives must be accompanied by a statement from the manufacturer and facility that they do not use pork.
- j. Companies implementing product or material coding must ensure that the manufacturer, materials used, and halal status can be easily traced.

The implementation of the above JPH Law is carried out in the form of efforts to protect the public (legal subjects) and protected objects. Therefore, the state must protect its citizens from consuming food that is not halal and thoyiban.

Food producers generally have a common understanding of the term halal. They interpret halal to mean that the product does not contain ingredients prohibited by Islamic law. The aim is for producers to be confident that their products will not contain ingredients prohibited by Islamic law.

Consumers are freed from doubts about things that have elements of syubhat, i.e., things that are not yet clearly haram or halal, or haram proven by Halal certification and labeling. These labels and certifications indicate government intervention in halal food products. Under the JPH Law, production information regulations are established to ensure that halal products are produced while optimizing consumer protection for Muslims. Information about halal food products can be considered a personal right of Muslim citizens based on their moral values and personal integrity (Solution et al., n.d.).

Similarly, halal food labels can protect customers regarding the actual quantity, quality, and contents of the product. Labeling is important so that customers can compare products with competing products. Every original ingredient, including hidden ingredients, will be explained with this label, including processing, equipment, and other supporting materials. According to O'Rourke in Zulham, it is stated that food labels and food laws play an important role in providing information to buyers about food products.

The Consumer Protection Law and the JPH Law are the reasons why businesses or producers are responsible for ensuring that the goods and services they produce are safe for customers to use, such as by providing accurate, clear, and honest information about the condition and warranty of goods and services, as well as explanations about usage, repairs, and maintenance. In addition, businesses or producers are also responsible for ensuring that the goods and services they produce and distribute are of good quality (Gilalo et al., 2020).

The Consumer Protection Law regulates companies in terms of product guarantees or manufacturers who do not comply with halal production requirements, as stated on the label with the word “halal.” Creating a consumer protection system is one of the objectives of consumer protection, which combines elements of legal certainty, information disclosure, and access to that information. Consumers are in dire need of information. Food labels typically contain information on food packaging. For goods traded in Indonesia, according to Article 97(3) of the Food, Labeling, and Advertising Law, labels must at least include:

- a. Name;
- b. List of ingredients used;
- c. Net weight or net content;
- d. Name and address of the manufacturer or importer;
- e. Halal certification where required;
- f. Production date and code;
- g. Expiration date, month, and year;
- h. Distribution permit number for processed food; and
- i. Origin of certain food ingredients.

In this case, customers will be given the freedom to choose whether or not to consume the food. Information provided by producers or businesses is very important for consumers, according to Gunawan Wijaya and Ahmad Yani, because this information allows consumers to exercise their right to choose correctly. The right to choose is a fundamental right that cannot be taken away by anyone. By affixing a “Halal” label on food packaging, consumers who will consume the food are given the freedom to choose which products they will consume, whether they contain prohibited ingredients or are halal.

Business operators or manufacturers who violate their obligation to provide accurate information about the status of Indonesia as a sovereign state governed by the rule of law, consumers' right to information is a human right (Rambe et al., 2024; Lestari et al., 2024; Rambe, 2024). The sale of halal food products constitutes a violation of human rights. Consumers must be properly informed about halal food products (Hasyim, 2023). Private rights or rights arising from legal relationships are protected by law. As a result, businesses are responsible for providing accurate information to consumers or the public, thereby acknowledging the laws established by the sovereign state to protect its citizens. This aligns with the objectives of the Indonesian state as stated in the Preamble of the 1945 Constitution, which states that “to protect all Indonesian people.” The obligations of businesses are closely related to the safety and health of consumers (the people) in consuming food products (halal) that they receive in a manner that gives them a sense of security (Oktaviani & Yasa., 2022).

There are now laws protecting consumers from inadequate halal products, but to strengthen protection for Muslim consumers, every producer or business should be responsible for certifying and labeling halal products to be sold to consumers. Therefore, the government is absolutely responsible for overseeing halal food. The government should consider assigning such oversight responsibilities (Khairawati et al., 2025; ).

### **Legal Protection for Consumers in Consuming Halal Food**

Law No. 8 of 1999 concerning Consumer Protection regulates the fulfillment of consumers' rights to obtain accurate information about products and their production processes. They are also entitled to clear and honest information about product conditions and guarantees (Zaini Fikri, 2023). This right is crucial because if consumers are provided with inadequate information, the product may be deemed defective due to insufficient information. Additionally, the public must be provided with adequate information about the product (Rambe et al., 2023; Harahap et al., 2024; Rambe et al., 2024).

The right of consumers to enjoy comfort, safety, and security when using products is closely related to the right to information, enabling customers to gain an accurate understanding of the product so they can choose products suitable for their needs and avoid losses due to feeling comfortable, safe, and secure.

Similarly, consumers' rights to Food Safety require strict oversight of food products that are unfit for distribution to prevent negative impacts from consuming such food products. This is due to several factors, such as:

1. 1. Consumers' understanding of food and beverage products is still low, especially regarding the ingredients they purchase for processing. Generally, the focus is still on lower prices rather than the quality offered.
2. Manufacturers do not affix labels or tags to every package. Some brands may even deliberately remove or obscure product labels or tags.
3. The role of the Ministry of Industry and Trade and the BPOM as the authorized and responsible agencies for issuing distribution permits and supervising these products often overlooks the misconduct of companies.

Thus, food products that do not provide information or do not affix labels or tags on their products result in products that are unfit for distribution, such as:

- a. Failure to list the production/industry agency/department involved.
- b. Failure to include an expiration date/ED.
- c. Failure to comply with "Halal" production standards.
- d. Failure to affix labels/tags or provide information on product size, content, composition, usage instructions, production date, side effects, and the clear address of the business operator.
- e. Failure to clearly state information related to the importer/distributor responsible for importing the product, especially for imported processed food and beverage products.



- f. Suspect use of harmful substances in the production process, such as the use of Rhodamine B textile dye, food preservative borax, or flavor enhancer MSG.

Food safety is important and sometimes non-tariff in free trade. barriers, which are used to protect a country's domestic products. Some examples related to food safety are:

1. Indonesian shrimp crackers were banned by the Netherlands due to the discovery of borax as a preservative;
2. Saudi Arabia also banned Indonesian beverages or syrups because they were found to contain illegal coloring agents;
3. Indonesian shrimp exports to the United States were banned due to the presence of harmful salmonella bacteria;
4. Indonesia halted the sale of Chinese milk due to the presence of melamine, which poses a potential risk to kidney health; and
5. Australia does not import peanuts from Indonesia because they contain aflatoxin, a toxin produced by *Aspergillus flavus*. Although Israel is far away, it prefers to import aflatoxin-free peanuts from there.

The purpose of the Consumer Protection Law is to place consumer protection within the corridor of the consumer protection legal system, which is part of the national legal system. As mandated by the constitution, the state must protect its citizens. This also applies to the Food Law and the Halal Product Assurance Law (JPH). Ensuring the rights and obligations of the people is the government's effort to build, update, and create a national legal policy that considers the common interests of all groups, avoiding the domination of certain groups over others (Aceh, 2023).

Therefore, the purpose of the UU-JPH is to ensure that every religious adherent practices the teachings and worships their religion, whereby the state is responsible for protecting and guaranteeing the health of goods consumed and used by people. Despite the fact that the law only grants the government authority to conduct supervision, enforcement also includes imposing sanctions on producers who violate the law while operating (Sayekti, 2014).

Legislation governing food safety is an effort by every country to protect its citizens, including consumers, from the effects or consequences of consuming food and beverages that are harmful to their health. Law No. 33 of 2014 concerning Halal Product Guarantee (UU-JPH) was enacted to protect Muslim consumers from purchasing non-halal products. Halal certification indicates that a product is halal, as it complies with Islamic law. The Islamic production process includes the provision of raw materials, processing, storage, packaging, distribution, sale, and presentation of the product while ensuring its quality.

UU-JPH regulates the certification and labeling of halal products. Every product traded in Indonesia must have a halal certificate, according to Article 4, which states: "Products that enter, circulate, and are traded in the territory of Indonesia must have a halal certificate." Based on this formulation, it can be understood that the regulation of halal product certification and labeling contains mandatory norms, as every product traded in Indonesia must have a halal certificate.

If food products sold in Indonesia do not have the relevant halal label, consumption becomes haram because there is no legal protection for Muslim consumers. All goods and services that are not of good quality will be discarded in Indonesia. What is more worrying is that achieving the desired people's welfare is increasingly difficult. In addition, the importance of the law to protect consumers has been recognized, because every buyer (Muslim) always needs halal food products that are safe for personal safety and worship. To guarantee these things, a law is needed that ensures that every product purchased by consumers is safe for human consumption, with accurate, honest, and responsible information. Therefore, BPJPH can carry out effective supervision of the Registration System which was originally directly organized by the government as an official provider of halal certification evidence, while producers or businesses can only get that certification if they sell halal goods (Article, 2024).

This system will be a paradigm to guarantee the legal certainty of halal food products and protection for producers and consumers is not only a personal responsibility but also a government responsibility carried out by an institution authorized to do so.

## CONCLUSION

Legal requirements and halal certification are very crucial aspects in developing food businesses, especially in Indonesia, where the majority of the population is Muslim. Research shows that MSMEs face various challenges in meeting these requirements, such as the complexity of procedures, high certification costs, and lack of understanding of applicable regulations. This results in many business actors having difficulty obtaining the necessary permits and certifications, which in turn can affect the sustainability of their businesses. In addition, the importance of clear and transparent information about halal products is also highlighted. Consumers have the right to get accurate information so they can make the right decisions in choosing products that suit their preferences. However, many people are still poorly educated about halal products, so they cannot optimally utilize the benefits of halal-certified products.

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