

Halal Certification of Cosmetic Products From The Perspective of Consumer Protection Law (Analysis of cosmetic business actors' understanding of halal cosmetics)

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ABSTRACT

The birth of a law in Indonesia is a rule that becomes a reference for all Indonesian people, including the policy on halalization of products and consumer protection guarantees for products including cosmetic products.

This study aims to determine how halal certification of cosmetic products in the perspective of consumer protection laws and how the understanding of cosmetic product business actors about the importance of halalization of cosmetic products sold in terms of consumer protection guarantee laws, and whether in selling a beauty / cosmetic product the business actors pay a lot of attention to the halalness of their products or sell all kinds of cosmetics that are trending and viral without paying attention to the halalness of a product. This research uses a mixed research method, namely combining normative research methods where the primary source of this discussion is the law, namely the consumer protection guarantee law and also the halal product guarantee law as well as the rules that are derived from the above laws, then the researcher also uses an empirical method, namely a field method where the author gives a questionnaire and also conducts interviews with several cosmetic business actors about how much understanding and attention cosmetic business actors pay to the halalness of the cosmetic products they sell. From the results of the study, it states that most business actors are aware of the existence of rules governing consumer protection guarantees and rules governing halal product guarantees, it's just that some of them also do not fully understand the contents of the two rules, there needs to be more attention from the government to socialize the applicable rules, rules relating to the importance of protecting consumers from products traded and the guarantee that products traded must be halal certified.

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1. PENDAHULUAN

Protection of consultants is seen both materially and formally as increasingly important, considering the increasing pace of scientific and technological advances which are the driving

force for productivity and production efficiency of goods or services produced in order to achieve business targets. To reach the ultimate goal, in the end, whether directly or indirectly, it is the consultant who ultimately feels the impact. In this way, ulpaya-ulpaya ulntulk provide adequate protection against consulumeln fraud, forgetting the most important and ulntulk ulntulk solutions are sought, especially in Indonesia, where the problems affecting consulumeln protection are increasingly complex. , even more towards the upcoming era of free trade. (Niru Anita, 2015).

The government's attention to the protection guarantees of consulumeln was born when the Indonesian Consulumeln Defense and Protection Institute Foundation (YLKI) was founded, followed by the establishment of another complete institution, namely the Consulumeln Development and Protection Institute (LP2K) in Selmarang, established around 1988 and in 1988. 1990 officially became a member of the "Consulumelrs Intelrnational '(CI). In its entirety, YLKI has been instrumental in protecting the consultancy, as well as maintaining the dignity of the product and also providing assistance to the government. YLKI has branches throughout Indonesia and is also supported by mass media Kompas, Meldia Indonesia and others. (Dewa Gde Rudi, 2016).

The regulations that exist in Indonesia regarding the protection of foreign communications, to date can be said to be still very minimal, both in terms of the quality of the regulations and the depth of the material they cover. The consulumel's defense and protection regulations cover eight areas, the 8 areas in question are:

1. Dangerous drugs and hazards
2. Food and drinks
3. Electronic equipment
4. Motorized vehicles
5. Meltelrology and telra
6. Industry
7. Multi-item supervision
8. Living environment. (1999)

Before the ratification of the law on the protection of the consulumel, the types of regulations that regulate the issue of consulumel are varied, from ordinances and UIUI, PP, Insprels, Kelp. Meln, Kelp belrapa melntelri, Kelp Dirjeln and others. The consulumel movement in Indonesia, the event initiated by YLKI, where YLKI was recorded as having made a major contribution to the adoption of the consulumel protection law, this major achievement started with the submission of the UIUIPK academic text to the DPR, which

continued with the draft being ratified. became Undang-Undang on April 20, 1999 and went into effect efektif one last year, namely from 2000 to the present.

Currently, the global economic situation is developing an era of free trade which requires more class efforts from producers in maintaining customers/consults, this must be done considering the increasing intensity of business competition. Increasingly tighter competition also has a negative impact on consultancy in general. The goal of every country and business today is to advance global marketing. Various concepts or ways of looking at and ways of implementing product marketing are widely implemented, marketing strategies, this also has an impact on the protection of global consultancy. The protection of consultants in the era of globalization has become very important regarding their rights which are universal and have a very specific nature (Niru Anita, 2015).

One of the products which from the past has been developed and is increasingly being marketed is cosmetic products, where this product is a product that promises overall goodness and beauty for its consumers, where the consuls of cosmetic products today are not only dominated by women but have also become consuls. from various groups including men, women, children and the elderly.

Cosmetics are one of the clothing components that play a very important role in society's life, where society is very dependent on cosmetic products at every opportunity. In general, on the market, there are many cosmetic brands that have the ultimate effect on the beauty of facial skin, skin, lips and others.

The term cosmetics, which in English is "cosmeltics", comes from the word "kosmelin" (Yulnani) which means "beauty". The ingredients used in this beauty formula were previously formulated from natural ingredients found in the surrounding environment. Nowadays cosmetics are made not only from natural ingredients but also from circular ingredients with the aim of increasing beauty. Since cosmetics is one of the medical sciences or health sciences, cosmetics experts are also health experts; including the healers, dulkuln, even the counselors of the palace family. In its recent development, there has been a separation between cosmetics and medicine, both in terms of types, products, side effects, and others (Retno Iswari Tranggono, 2007).

The development of the times has led to the development of cosmetics as well as increasingly developing from hand-made or small home-made industries to factory-made cosmetics on a large scale, this has resulted in the materials used also being varied from natural ingredients to chemicals, ingredients. Halal and non-halal can also certainly be used as ingredients for today's cosmetics.

Matters related to the materials used by Muslims in Islamic practices have not been very clearly regulated in Islamic law, Sharia has created the concept of halal and haram towards all human beings and this has become a form of protection for Muslims in the use and use of products and regulations. too can be described as a form of protection against the

consulmel. Halal certification is a fatwa written by the Majellis Ullama of Indonesia which states the halalness of product regulations according to Islamic law.

With the increasing popularity and variety of cosmetics being marketed and marketed, it is appropriate for the whole community to understand and obtain guarantees regarding the use of cosmetics that are legal in today's society. have mulpuli knowledge in matters Knowledge covers cosmetics both in terms of the ingredients used and the halal certificate of the products sold for the protection of consumers regarding the quality of cosmetics and the halalness of the cosmetics sold.

Based on this, the author carried out a series of research studies regarding the protection of cosmetics consultants and halal certification on cosmetic products, an analysis of the understanding of sellers or practitioners of cosmetics reviews regarding halal certification on cosmetic products as a form of guarantee for the consulmeln's sincerity. there are Muslim consuls and cosmetic consuls in general.

RESEARCH METHODS

The type of research in this research is sociological legal research which in other words is a type of sociological legal research and can be called field research, that is, studying actual legal culture as well as what happens in reality in society (Suharsimi Arikunto, 2002), so this research has been included in empirical research through attachment to sociological situations.

Research with a legal sociological approach is an approach that is used to see the reality of law in society. Sociology of law is an approach that is used to see aspects of law in social interaction in society, and its function as an ultimate supporter of social science. delntification and clarification of non-material material findings for research progress or the publication of hulkulm (Zainudin Ali, 2014). where in this research it is related to the norms contained in the Al-Qur'an and Hadith, including regulations which are related to the guarantee of consumer protection and the guarantee of genuine halal products for cosmetic products.

FINDINGS AND DISCUSSION

A. Halal Certification on Cosmeltic Products in the Implementation of Consumer Guarantee Laws

The majority of Indonesian traders are of the Islamic faith, so that the belief in halal products in Indonesia is a symbol of morality, Indonesia is a country that pays attention to the guarantee of religion and worship for all its customers. This started in the 1945 Constitutional UIndang Constitution, Article 29 paragraph 2, which states that "The State guarantees the freedom of every individual who adheres to their respective religion and worships according to that religion and

belief." The guarantee of multi-religion implies that the perpetrator is given the freedom to express the belief of his choice. Meanwhile, the guarantee of worship is the ultimate freedom to carry out worship according to the Shari'a. For Islamic scholars, choosing halal products has become an obligation that has the value of worship. The government is responsible for this by providing protection and guarantees of halal products for the Muslim community (Hayyun Durrotul Faridah).

Islam is defined in the Alqulran and Hadith as halal and haram. So that it is halal is a very important point in Islam. Not only does it become a bond between human beings, but it also has a cultural connection with God. Consuming what is halal and avoiding what is haram is part of the worship of a Muslim and promotes devotion to the religion he professes. Mental comfort and security when using food products, cosmetics and medicines are highly desired by every Muslim. The consultant should always obtain legal certainty regarding the product being used. Products that are free from haram and are processed halal.

Cosmetics are a product that is not consumed (eaten or drunk) but this product is used in the body of every person starting from the hair to the skin of human skin, however, guaranteeing the halalness of the product must be an important concern as well as discounts. ulmsi or used by a Muslim, because A Muslim is obliged to use and consume ingredients that are halal thoiba.

The provisions of the guarantee law for consulumels have already included their own articles regarding guaranteeing products, both the safety of the ingredients and their use, for cosmetics manufacturing consulumels. Also in the law on guaranteeing the protection of the consulumel, the protection of the consulumel is all the measures that guarantee the certainty of the ultimate legal protection of the consulumel. The protection of the consulumeln is based on the benefits, justice, balance and safety of the consulumeln as well as legal certainty (1999 U.-U.p.)

As a further discussion regarding cosmetics, in addition to providing protection for its producers through the consulumel protection guarantee law, for its users/consulumels, the Muslim consulumeln ulntulk has also stipulated that the production of cosmetics must be given halal certification to consumers. product that will be marketed until the consulumeln collects the first 2 protections of the product the consultant's protection guarantee and the second is the halal product

guarantee, which should always be a concern for business owners who sell cosmetics.

The legal regulations provided by the government must be in line with what exists in society, the producers and legal actors must always have knowledge of regulations that have been implemented so that they can minimize the existence of disputes or damage to the products being marketed, providing a sense of security and comfort to consumers. *sulmeln* of the cosmetic products used.

Halal certification is a fatwa issued by the Indonesian Ulema Council which states the halalness of a product according to Islamic law. What is meant by a halal product is a product that meets the halal requirements according to Islamic law, namely:

1. Does not contain pork and ingredients derived from pork
2. Do not contain prohibited items such as materials from human organs, blood, dirt and so on.
3. Initially the ingredients come from animals that are slaughtered according to Islamic law procedures
4. Preliminary storage, sales, processing, management and transportation must not be used for pork, if they are ever used they must be cleaned up in accordance with Islamic law.
5. All foods and drinks that do not contain alcohol (Burhanuddin S, 2011)

The implementation of halal certification for food, medicine and cosmetic products is basically the ultimate goal of ensuring the certainty of the halal status of the products, so that it can reassure the minds of Muslim consultants, this is something that must also be understood by its sincere practitioners. cosmetics wholesaler in selling cosmetics products within his birthday. So that the business owner and the consultant also obtain goodness and convenience in the buying and selling process or transactions carried out.

The things mentioned above may also have been implemented in the Halal Product Guarantee Act No. 33 of 2014, where it has been stated that all products licensed in Indonesia must have a halal certificate.

B. Understanding of Cosmetic Ulcers and Consumer Protection Laws on Consumer Protection Laws

The understanding of the words "consumer protection law" is the totality of principles and rules that regulate the responsibility and problems of the procurement and use of goods and/or service products, between the supplier and the manager, in the life of society." (Abdurrahman Konoras, 2017).

From the results of the research that the author carried out, there were several questions that the author asked of the business actors, either by using the Google Form or through unstructured interviews with the cosmetic business actors, where the answers from the business actors were varied, most of the students were understanding. i what is the definition of cosmetics.

Furthermore, the question includes what things you understand about the products you sell, almost half of the answer is that the wholesalers understand the cosmetic products that they sell, in Belgium also the composition of the cosmetics that the wholesalers sell in their stores, in Belgium also in terms of Questions about how wholesalers choose the products they sell. 80% said that they choose cosmetics that are safe, completely legal and halal, only the remaining sellers answered that they were not.

Basically, the legal actors only understand that there are regulations on the protection of consultants, where these regulations generally cover the regulations that protect the legal actors and consultants in the sales or trading process, but there are other things that are not related to the guarantee of protection as a shareholder. ha or lpuln how do the perpetrators of usaha Providing product guarantees to consultants is not yet understood in detail by the business owners.

Understanding and implementing applicable regulations is the responsibility of the legal actors where the responsibility of the legal actors is viewed from the principle of balance with the consultants, is a form of intelligence which ultimately results in providing legal protection to the consultants in a limited way. i always balance the bargaining positions of the parties, as stipulated in Article 18 of Law No. 8 of 1999 concerning the protection of the Consul Meln. (Konoras, 2017) The publication of the sale article regulates the implementation of the basket clause which must be paid attention to by the sell product (producer) so as not to harm the product.

Furthermore, in this research, the writer still asks questions to foreign business actors about how wholesalers choose cosmetic products that are readily available for sale and the answer from the majority of cosmetics business actors is to choose cosmetic products that are popular, while the other part answered with an email

answer. choose legal cosmetics , safe and halal. Basically, some of the cosmetic products that are currently licensed are imported products, the composition, legalization and halalness of which are still being questioned, but they have already been approved and are still popular among the public, so that the distribution of wholesale products is still widely approved without the government's government knowing about them in particular. melngulrulhi about this problem.

Of the 10 business actors who wrote interviews, many called for the socialization and provision of training on the legal aspects of cosmetic products to be further improved by the government, where knowledge of this matter is still minimal. Several of the wholesalers also said that if there were any parties who were concerned about this matter, they would carry out comprehensive outreach and involve the wholesalers in order to pay more attention to the product sales regarding cosmetic products and the consultant's guarantee of protection for whole sale products.

C. Understanding of Cosmetic Products and Cosmetics Companies regarding Halal Product Guarantee Laws

The existence of a clear regulation regarding the inclusion of the word "Halal" on a product has a long journey, where at first this resulted in an agreement between the Ministry of Health and Ministry of Religion and the Ministry of Religion as well as MUII at that time as a representative of the community organization or institution at that time, this was marked by its promulgation. sulrat no. 427/Melnkels/SKB/VIII/1985 and no. 68 of 1985, followed by all the existing dynamics and over a long period of time, finally in 2014 the UIndang-UIndang Guarantee of Halal Products was issued or known as UIndang-UIndang no. 33 of 2014 regarding Halal Product Guarantee.

In this research, the author also provided a question sheet for several cosmetic business actors regarding the understanding they have of the laws that have been implemented and the extent of the protection efforts of the business actors regarding the products that they are willing to offer or sell in that store. They have real protection for their products Cosmeltics are sold from Telrbult's product halal system. Basically, the business owners who conducted the interviews almost always had knowledge of the importance of guaranteeing halal products in a product that sells. This was indicated by the results of filling out the form which

the author distributed 100% of the answers that the business owners understood that there were regulations or regulations. invitation to guarantee halal products.

The wholesalers also have a good understanding of the cosmetic products that are available for sale, both in terms of the composition of the ingredients contained in the cosmetic products as well as the halal labeling on the products that are available for sale. Almost all of the wholesalers pay so much attention to the halalness of cosmetics that they sell them and understand the importance of halal cosmetics being sold at Muslim consuls, especially Muslim consuls. From several inquiries, the research found that 80% of the consultants asked about the halalness of the products that the wholesalers were selling and the wholesalers also provided information about this to their consultants.

Lastly, cosmetic wholesalers stated that there is still very little socialization regarding the halal status of a product that is licensed among the public, especially cosmetic products. Selling bells in Indonesia is focused on the product cosmetics, however, those who express hope that there will be training, socialization or direct government implementation in the development of the importance of guaranteeing halal products are also much more than those who express ignorance.

D. Halal Product Guarantee in several countries

As explained at the beginning, currently in Indonesia the handling of halal products has had a strong legal impact with the issuance of the law on halal product guarantees (UIU JPH No. 33 of 2014). Based on the mechanism set out therein, an important player in the process of handling halal certification is the Halal Product Guarantee Organizing Agency (BPJPH). This body was formed by the government, or in other words, it is an institution belonging to the government, which in this case is the Ministry of Religion.

Mean while, as a comparison of the existence of regulations and mechanisms for halal certification, it is necessary to understand how the mechanisms and regulations that apply in other countries include:

1. Thailand

The relationship between religion, Islam and the country in Thailand is very different from Indonesia. If Indonesia is Islamic, Thailand is Buddhist. So it is

not easy to spread Islam among the country in Thailand. However, in terms of halal certification, especially in terms of food, Thailand is no less than Indonesia, even in other respects it is superior to Indonesia.

As an illustration, in Thailand there are at least two halal research institutions, namely the Halal Standard Institute of Thailand and the Halal Science Center of Thailand. The Halal Science Center of Chulalongkorn University (later called HSC-CUI), was founded by a cell of people who have Indonesian blood, namely Prof. Dr. Winai Dahlan. Scientists from the University of Leuven, Belgium who are the fathers of KH Ahmad Dahlan, founder of Muhammadiyah.

In his progress at HSC-CUI, Belliaul developed networks and collaborations with other halal science laboratories in the world to foster the interests of academics and science. In addition, HSC-CUI has been actively involved in leading the Working Group on Halal Products and Sales (HAPAS) within the framework of the Indonesia-Malaysia-Thailand Growth Triangle (IMT-GT). This institution is becoming increasingly well known, the most prominent in the Islamic world. In line with the spirit of developing the world's halal standard system, Thailand became the head of the world's first Halal study "Thailand Halal Assembly", 28-30 December 2014 at Bangkok Conference Center, Central World, Thailand. The event was held in collaboration with the Chulalongkorn University Halal Science Center, the Central Thai Islamic Council and the Thai Halal Standards Institute, the event was designed to help improve the standards of halal products and services in Thailand to cover the rapidly developing Islamic market, both in Asia and abroad.

Halal certification in Thailand is handled by the Central Islamic Council of Thailand (CICOT) or Syaikhul Islam of Thailand, an institution that oversees Islamic affairs in Thailand. This institution is recognized by the state. The Halal Standard Institute of Thailand is an institution under CICOT that handles halal certification issues. (Muh. Zumar Aminuddin, Sahih Journal)

2. Malaysia

Malaysia, legal culture, policies and all issues related to halal standardization are based on halal principles and concepts stated in the Al-Quran, Sunnah and the Ulema's Ijma. Among the laws related to halal standardization in Malaysia

is the Trade Regulations Act (APD) 2011. Starting from January 2012 there was complete control over halal standardization based on APD (2011) which stated things as follows:

- a. The institutions that have the right to implement halal certification in Malaysia are Jabatan Kelmajulan Islam Malaysia (JAKIM) and Majellis Agama Islam Nelgelri (MAIN). Certificates issued by other than JAKIM and MAIN are invalid for both domestic trade and exports.
- b. The use of verses from the Al-Quran or any symbols that could confuse Islamic scholars is prohibited, especially if the restaurant is owned by non-Muslims.
- c. Products that will be exported to Malaysia will only use the Malaysian halal logo or the halal logo of other countries recognized by JAKIM. For example, for Indonesian halal products, they must use the Majellis Ullama Indonesia (MUII) halal logo.
- d. The name of the halal certification agency must be placed together with the halal logo. Apart from that, during the implementation of halal certification, all actions and regulations from related agencies must comply with the Halal Thoyyiban Council and implement the Food Act 1983. Meanwhile, in the development of the halal industry in Malaysia, the Malaysian government has established the Halal Delvelopmentelnt Center (HDC) which handcrafted to promotes Malaysia as an international halal hub. Among its roles are monitoring halal standards, including auditing and certification processes, as well as supporting the development of the halal industry in marketing its products on the global market.

The Malaysian government drafted laws related to halal food procedures and guidelines for domestic and imported products starting in the 1970s. Imported food products and global food processing are opening up restaurants in Malaysia, the Malaysian Muslim consultant wants guarantees that the food offered in restaurants as well as in shops is halal. This UIntulk, the Malaysian government issued the Malaysian UIndang-UIndang Deed 87, the 1972 Trade Regulations Act. Based on the conflict of Article 10 which regulates the command definition (command delfinition) and Article 11 which regulates the

stamp (mark/label) of the 1972 Trade Regulations Act, it was suppressed. commander's ulk Trade Regulations (Protection of Halal Interpretation) 1975 and Trade Regulations (Food Labeling) 1975.

Subsequently, the regulations which were in progress with the halalization of products had not yet been developed and in 2011 the Malaysian Government issued the Malaysian Undang-undang Deed 730, the 2011 Trade Regulations Act which replaced the 1972 Trade Regulations Act as mentioned above. Dengan Delmu, currently Pelngatulran is a selamication and halal labellization in Malaysia, Diatulr Delngan Pelruhal Deda Merchandise 2011. Delmi Kelpelntingan (Consulus) Askan , if the product must always have or can only be understood with "telrtelintelligence" then through the intel command it can formulate and provide a comprehensive understanding. Violations of the "definitions" issued by the Ministry of Defense on the basis of the General Secretariat Order, with the ultimate aim of misdirecting the State Consultative Assembly, are seen as a mistake. It was on the basis of national security that the Malaysian Ministry of Internal Affairs and Maritime Affairs (KPDNKK) was able to promulgate the 2011 Trade Regulations (Takrif Halal) (Isti Nuzulah Atiah, 2019)

3. China

China began to look at the Muslim market by starting to send its products to Muslim countries, then Hul Jinto, the former Chinese President, also took part in the Arab world, Sauldi, as assistant marketing professor, Nottingham Ulnivelrsity Bulsinelss School, Mulhammad Mohsin Mel state that the Chinese government and the private sector are the same - Together with Selriuls' commitment to understanding the Muslim market, both in terms of food, medicine and cosmetics, this is marked by China's involvement in international halal conferences, developing the pulse of the halal industry and investment in the form of business cooperation with Muslim countries.

As an example of China's global success, the Ningxia government held an international festival of Muslim commodities and halal food. And Ningxia is currently the center of halal food production launched by the Chinese government, Ningxia's international expansion ulntul has an office in Dulbay.

Recently in Qinghai, an international exhibition of halal products and food was also held since 2007, this activity was carried out so that China's halal products were widely known, so that small businesses that provide raw materials for halal products and food could develop. As many as 20 million Muslims in China are very concerned about using halal products, where currently the halal label in China which is available in Ningxia is still accepted in seven countries including Saudi Arabia, Egypt, Qatar, Australia, Malaysia and Indonesia (Hasan, 2018).

Indonesia and China themselves have had cooperation in trade following the opening of C-AFTA (China ASEAN Free Trade Agreement), this has impacted on the high demand for halal certification processes for Chinese products at LPPOM MUI

CONCLUSION

The 2014 Halal Product Guarantee Law (UU JPH 2014) is a further appreciation of the hulkulm norms (rules) Article 8 paragraph (1) hulkul h Undang-undang Number 8 of 1999 concerning the Protection of Consumer carried out by the government. The existence of the 2014 JPH Law is not only important for the Muslim consumer community at large, but also for other segments of the consumer community.

In particular, the understanding of this matter is very basic for entrepreneurs or business actors in the cosmetics sector, it is still very basic, cosmetic business actors still understand the existence of consumer protection for products marketed in Indonesia, especially for cosmetic products without knowing the details of the existing laws, as well as With halal certification for cosmetic products, in general, cosmetic business actors still need to be provided with training or socialization regarding the importance of knowledge regarding consumer protection laws and also the importance of halal certification for cosmetic products circulating on the market so that sales are carried out to maintain quality, legality and halal. Products that are bought and sold don't just pay attention to which products are booming and popular.

As a suggestion, the author hopes that more intelligent forms of socialization and training will be provided to educate cosmetics business actors about the importance of knowledge about legal protection for consultants and halal certification for products licensed in Indonesia, especially cosmetic products.

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