



## REVIEW OF SHARIA ECONOMIC LAW ON FOOD PRODUCTS OF SMALL AND MEDIUM ENTERPRISES (UKM) (Case Study in Tanjungrejo Village, Kudus Regency)

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### **Abstract**

*MUI halal certification is the legality of halal guarantees for food products. In the Tanjungrejo Village area, there are many food products that have not been certified halal by the MUI, even though the majority of consumers are Muslims. The purpose of this study is to find out why there are still many SME Food Products that are not halal certified in Tanjungrejo Village, why non-labeled products can circulate in the community, how is law enforcement of the Law of the Republic of Indonesia Number 33 of 2014 and a review of sharia economic law how is the Review of Sharia Economic Law on SME Food Products that are not yet halal certified in Tanjungrejo Village. This research uses a type of field research or field research with a qualitative approach method. This researcher uses primary data obtained from interviews with informants who are in accordance with the research problems, while secondary data is obtained from books, journals, articles from the internet, MUI Fatwas and theories related to sharia economic law to facilitate the research process. Methods of data collection using observation, interviews and documentation. The results of this study are that business actors in Tanjungrejo Village do not fully understand the halal certification process, the benefits and objectives of halal certification. There are also reasons underlying the problem, namely, incomplete documents in the halal certification process and the high cost of registering halal certification, business actors are also not fully prepared for the Halal Product Assurance Law policy due to low public knowledge in implementing halal products, in terms of law Sharia Economic products that are circulating and do not yet have legal halal certification are not allowed or do not get permission because they are not in accordance with the provisions in Sharia Economic Law.*

**Keywords:** *Halal Certification, Food Products, UKM, Sharia Economic Law.*

### **INTRODUCTION**

Halal food is food that is permitted for consumption by all people. Islam regulates in the Qur'an and Hadith regarding halal and haram so that halal is a very important point in Islam. <sup>1</sup> Consuming halal products and not consuming haram products is a form of worship for Muslims, this shows obedience to what they believe in. Consumers feeling calm and safe when consuming food products, cosmetics and medicines is the hope for all Muslims. Consumers should get legal certainty regarding the products they

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<sup>1</sup> Dr. Nur Halima., Manshuruddin "THE MEANING OF HALAL AND GOOD FOOD IN ISLAM" CV. Cattleya Darmaya Fortuna

use.<sup>2</sup> The verses of the Al-Qur'an that govern halal food in accordance with Islamic law which are sourced from the text can be explained according to the arrangement of the letters and verses in the Al-Qur'an:

كُلُوا مِنْ طَيِّبَاتِ مَا رَزَقْنَاكُمْ وَلَا تَتَعَوَّا فِيهِ فَيَحِلَّ عَلَيْكُمْ غَضَبِي وَمَ يَخْلُ عَلَيْهِ  
ضَيِّ فَقَدْ هَوَى

Meaning: "Eat the good food from the sustenance that we have given you and do not exceed the limit, which causes My wrath to fall upon you. Whoever incurs my wrath, he will surely perish." (QS. Thaha: 81)

In this verse, Allah commands them to eat good fortune, which tastes delicious and which Allah has given them, so that they should never abuse it, such as spending it wastefully without being grateful for it, donating to disobedience, and so on, because if so, it means they have invited the wrath of Allah which will inflict His punishment. Woe and perish to those upon whom Allah's wrath has fallen.

يَا أَيُّهَا الَّذِينَ ءَامَنُوا كُلُوا مِنْ طَيِّبَاتِ مَا رَزَقْنَاكُمْ وَاشْكُرُوا لِلَّهِ إِنْ كُنْتُمْ إِيَّاهُ  
تَعْبُدُونَ

Meaning: "O you who believe, eat of the good provisions we have given you and give thanks to Allah, if it is truly Him you worship." QS. Al-Baqarah [2]: 172

This verse is only shown to Muslims to enjoy Allah's beneficial sustenance and to be grateful for Allah's blessings. This verse also reminds us that only Allah is the giver of sustenance. He allows them to use good food from what they have been provided with. On the other hand, Allah forbids them from using (forbidden) bad food from this sustenance.

Meaning: "O man! Eat from the halal and good (food) found on earth, and do not follow the footsteps of Satan. Indeed, the devil is a real enemy for you." Al-Baqarah [2]: 168

Content on QS. Al-Baqarah [2]: 168: above, contains the command of Allah SWT to humans to eat halal and good food. What is meant by halal food is food that is allowed by religion, for example eggs, fruits, vegetables, beef, goat and others. Halal food is actually food that is obtained and processed in the right way according to religion, for example food such as the example above that is obtained through the right way of doing business,

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<sup>2</sup>Hayyun Durrotul Faridah, 'Halal Certification in Indonesia; History, Development, and Implementation', *Journal of Halal Product and Research*, 2.2 (2019), 68



not the result of cheating, stealing, cows that are slaughtered in the name of God and others .<sup>3</sup>

Law of the Republic of Indonesia Number 33 of 2014 concerning halal product guarantees contained in article 4 regulates the obligation of halal certification for all products circulating and traded in the territory of Indonesia. The aim of halal certification is to obtain legal certainty for products circulating on the market.<sup>4</sup> This goal is none other than within the frame of benefit which is in line with good halal consumption patterns in accordance with Islamic law.

With this law, every producer who will market their products in Indonesian territory will be required to carry out halal certification and obtain halal certification.<sup>5</sup> Thus, if a manufacturer has halal certification, it is mandatory to also include a halal label on its product packaging as information to consumers that the packaged food is halal and safe for consumption. Even though there have been various regulations made by the Indonesian government, there are still many packaged food products that are not yet halal certified, so there needs to be more attention from institutions to provide legal guarantees to Muslim consumers so that meeting their daily food needs is safe and does not deviate from Islamic Sharia.

Fatwa is a consideration of Islamic law issued by *a mufti* or ulama, either individually or collectively as an answer to a question asked or a response to a problem that is developing in society.<sup>6</sup> Even though it is often considered not to have binding legal force, fatwas have played a significant role in providing religious legal considerations to Muslim communities from the past until now. In the context of Indonesian society, fatwas issued by religious institutions, including the Indonesian Ulama Council (MUI), have no small influence. The position of halal fatwas from the Indonesian Ulama Council (MUI) is basically like ulama fatwas in general, namely related to the institution that produces the fatwa, namely the ulama who join the MUI (Indonesian Ulama Council), especially in the MUI Fatwa Commission (Indonesian Ulama Council).

The issue of a product is a complicated issue and cannot be seen as easy. Halal products require in-depth laboratory studies to ensure raw

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<sup>3</sup>Dr. Zulham, . "THE ROLE OF THE STATE IN PROTECTING MUSLIM CONSUMERS Against HALAL PRODUCTS," (East Jakarta: Kencana, 2018), 99.

<sup>4</sup> Atma Y, " Identification Risk Point Critical Halal Product Food ," *Biotechnology Product Studies*. 10, no. 1 (2018): 59–66,

<sup>5</sup>Muthia Sakti and others, 'CONSUMER PROTECTION AGAINST THE CIRCULATION OF FOOD THAT IS NOT HALAL CERTIFIED,' *Juridical Journal* Vol.2 No. 1 June 2015: 62-77

<sup>6</sup>Panji Adam Agus Putra, 'THE STATE OF HALAL CERTIFICATION IN THE NATIONAL LEGAL SYSTEM AS A CONSUMER PROTECTION MEASURE IN ISLAMIC LAW . *Amwaluna: Journal of Sharia Economics and Finance*, (Vol.1 No. 1 January 2017) Matter. 150-165



materials, manufacturing processes, media and even packaging , thus, halal standardization is needed. <sup>7</sup>Halal standardization has the function of ensuring, protecting and calming consumers, especially Muslims, from consuming haram products. Product packaging by the POM agency. <sup>8</sup>Permission to include halal labels on food product packaging is issued by the POM based on MUI recommendations in the form of MUI halal certificates. The MUI halal certificate is issued by the MUI based on the results of the MUI LP POM inspection. This label is also a sign that a product is guaranteed to be halal and has a halal certification issued by BPJPH.

The inclusion of a halal label has an important meaning, not only for consumers but also for business actors or producers. <sup>9</sup>The halal label is useful for providing a sense of security for consumers, as well as as a guarantee for consumers that the products they consume are safe from non-halal elements and are produced in a halal and ethical manner. Meanwhile, for producers, this halal label functions to build consumer trust and loyalty towards their products. Products that are halal certified also have higher competitiveness compared to products that do not include a halal label on their products.

In owning a food product business business actors in Tanjungrejo Village must be able provide a guarantee of the quality of the products produced. Among them are guarantees product halal, with the aim that consumer become more comfortable And obtain satisfaction. However, the reality is that there are still many food product SMEs in Tanjungrejo Village Not yet has standardization halal products. So there are still many SMEs who have difficulty registering their products to obtain halal certification. Most of the people in Tanjungrejo Village, especially in Beji Hamlet, have many small and medium enterprises (SMEs). One of them is raw shrimp crackers, each entrepreneur has its own characteristics regarding taste. Especially Mrs. SW's raw shrimp cracker business is very popular in the market, sales can reach outside cities such as Pati, Juwana, Rembang and even East Java. Mrs. SW's raw shrimp cracker business is a family business that has been in business for a long time, however, the raw shrimp cracker processed product does not yet have halal certification due to a lack of knowledge about how important halal certification is for

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<sup>7</sup>Law number 8 of 1999 concerning consumer protection

<sup>8</sup>Panji Adam Agus Putra, THE POSITION OF HALAL CERTIFICATION IN THE NATIONAL LEGAL SYSTEM AS A CONSUMER PROTECTION MEASURE IN ISLAMIC LAW. (Vol.1 No. 1 January 2017) Pages 150-165

<sup>9</sup> Bamabang Sugeng Ariandi Subagyono and others, " *MUSLIM CONSUMER PROTECTION OF HALAL PRODUCTS* ". (Graha Indah E -11 Gayung Kebon Sari Surabaya), 3 CV. Jakad Media Publishing



products and is hampered by the high cost of registering for halal certification.

Certification halal beneficial For remove doubt consumers regarding the halalness of these food products. <sup>10</sup>The issue of doubts about food products that have not been certified halal has occurred in Tanjungrejo Village, Regency Holy. For example, Mrs. Nk's instant pecel seasoning food product has been pioneered since 2016 until now, but sales can growing rapidly to outside Java and outside the city. Perpetrator SMEs especially in the sector foods like, Mother Nk as product entrepreneur spice pecel instant, snacks and catering in the village Tanjungrejo in fact Previously, he had applied for halal certification registration for the snack products he produced. However, after the halal certification expired, Mrs. Nk was reluctant to register her snack products again. Mrs. Nk wanted to register her pecel seasoning product but there were obstacles regarding the required documents and the complexity of laboratory tests.

The reality shows that there are still some business actors who have not understand how to apply for halal certification for their products. There are many SMEs don't understand the use of halal certification so they choose to postpone it management and considers the certification application process halal is very complicated. Even though SMEs have a very strong desire to develop product food them so that the product can develop to wider territory and can be marketed to ever-demanding outlets there is a guarantee of halal product quality. Limitations of their abilities have, leading to efforts to improve product quality, especially products halal become stopped.

Protection for consumers has received great attention, so make business actors have responsibilities and obligations if this occurs loss for consumer. <sup>11</sup>Perpetrator business SMEs in Village Tanjungrejo Kudus Regency Lots Which Not yet own certificate halal, but Power buy consumeris still considered very high, sales can reach large markets in Kudus Regency, such as Mbareng market, Bitingan market and Kliwon market Kudus Regency, can even reach outside the city and outside Java such as Jakarta and Kalimantan without a label halal certification and only includes the brand name of the food product without include the expiry date or period of use and best utilization of the product.

Previous researchers focused more on discussing consumers' rights to guaranteed halal products from informal traders, while the researchers themselves focused more on SME products that did not yet have halal

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<sup>10</sup>Dr. Zulham, S.HI. M. Hum. *THE ROLE OF THE STATE IN PROTECTING MUSLIM CONSUMERS Against HALAL PRODUCTS* , (East Jakarta: Kencana, 2018).

<sup>11</sup> Dr. Zulham, *THE ROLE OF THE STATE IN PROTECTING MUSLIM CONSUMERS Against HALAL PRODUCTS* (East Jakarta: Kencana, 2018).





certification. To find out more about halal certification that is not yet available implemented by para perpetrator SMEs to product food Which they develop Which if No in accordance with provision sharia Which should have the potential to be haram. This became an interest special to writer For do study To use discuss more about SME food products that have not ownhalal certification with appropriate Sharia Economic Law applied.

## RESEARCH METHODS

The type of research used in this research is field research *using* a qualitative method approach. The data collection techniques used were observation, interviews and documentation in the field regarding informants regarding food products that were not yet halal certified in the Sharia Economic Law Review in Tanjungrejo Village, Kudus Regency, including labeling and standardization of food products managed by business actors. This research uses a qualitative approach to review and examine the problems under study related to the large number of SME food products that are not yet halal certified in Tanjungrejo Village, Kudus Regency qualitatively. The informants in this research were entrepreneurs and the secretary of the Tanjungrejo village hall.<sup>12</sup>

## DISCUSSION/RESULTS AND DISCUSSION

### **Background: Why are there still many SME food products that are not yet halal certified in Tanjungrejo Village, Kudus Regency.**

The large number of business actors who do not yet have halal certification in Tanjungrejo Village, Kudus Regency, is due to the lack of information about halal certification even though Law Number 33 of 2014 concerning Halal Product Guarantees has been introduced and confirms that this law is *mandatory*.<sup>13</sup> Apart from that, the aim of halal certification is not only an effort to protect consumers (especially Muslim communities) regarding the guarantee of halal products. but also as an effort to prepare business actors to be able to compete in markets with different demands from time to time. Based on this, the researchers gathered information from business actors about halal certification policies that one of the criteria for the success of a policy is the extent to which the policy is able to satisfy the needs, preferences or values of certain social groups.

In this research, researchers conducted interviews to obtain clear and real information from business actors.<sup>14</sup>The resulting data shows almost the

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<sup>12</sup>Noeng Muhajir, *Qualitative Research Methods* (Yogyakarta: Rake Sarasin, Edition IV, 1st Cet, 2000), 139

<sup>13</sup> Law Number 33 of 2014 concerning Halal Product Guarantees

<sup>14</sup>Suwarti (owner of UKM Krupuk), interview by the author at his home, 22 February 2023, interview transcript 1



same response to the halal certification obligation. When researchers asked questions about information about halal certification obligations, some informants knew and some did not. The informants explained that so far they had not known about the existence of halal certification obligations for business actors. As Mrs. SW responded, as a Cap Two Udang Krupuk business owner who doesn't know about the halal certification obligations for SMEs, let alone selling raw crackers, they are also required to have halal certification. From other cracker sellers, Mrs. SW also never received any information about whether she was required to have halal certification. Suaha actors always assume that their products are clearly halal, because the raw materials used are only tapioca flour, wheat flour, trasi, food coloring, salt and flavorings, there is no mixture of dangerous or haram ingredients.<sup>15</sup>

Based on the data that researchers obtained from interviews, it can be explained that in terms of economic and *financial adequacy*, halal certification for business actors is still limited.<sup>16</sup> The lack of economic and financial adequacy is due to uncertain income and mastery of digital technology among business actors. Meanwhile, at the accessibility level, the process of obtaining halal certification is carried out online through a special application and this makes business actors feel as if this is too difficult due to limited knowledge and experience in the field of technology. Business actors are used to managing things manually, for example processing population files in local sub-districts. Likewise regarding the management of business legality and requirements such as (Business Identification Number) NIB, (Taxpayer Identification Number) NPWP, MSE (Micro Small Business) actors feel they do not understand the flow and procedures.

The reason why there are still many SME food products that have not been halal certified in Tanjungrejo Village, Kudus Regency is because there is a lack of information regarding halal certification, there are still many SMEs who take the halal label lightly because their products are already sold on the market, and the S-PIRT registration process is complicated. Especially for Mrs. Nk's pecel seasoning food products, it is difficult to register S-PIRT and halal certification due to the following obstacles; The oil, flour, sugar and salt used must have a halal label, the method of sterilizing the tools must also be considered, the printing process must also be considered, the method of sterilizing tools made from stenlis

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<sup>15</sup> Suwarti (owner of UKM Krupuk), interview by the author at his home, 22 February 2023, interview transcript 1

<sup>16</sup> Mohammad Thoifur Immamutakim (Tanjungrejo Village Secretary), interview by the author at the Tanjungrejo Village Hall, 22 February 2023, interview transcript 3.



and wood must be able to differentiate, in production processes that do not use water, this becomes an obstacle in the process. Certification, storage of materials must also be considered, weighing, product, packaging flow must be organized from the start, the obstacle is that SOPs are not feasible because the process of making the product is done at home, not at the production house.<sup>17</sup>

### **Factors that Influence SME Food Products that Without Labeling Can Circulate in Society**

Factors that influence food products that are not labeled as halal can circulate in society because people themselves think that the important thing is that it tastes good and that the product also sells well on the market. The practice of buying and selling processed food products without halal labels is often found in Tanjungrejo Village, Kudus Regency, in snacks, such as crackers, instant pecel seasoning, and dry cakes and cakes.

Based on the information that the author obtained through observations and several interviews, the views of the people of Tanjungrejo Village towards halal products are as follows. The community's perception is certainly not free from influencing factors, namely internal factors such as *feelings*, attitudes, individual personalities, prejudices, desires or hope etc. Or external factors *such* as family background, knowledge, sectoral needs, information obtained, new things or the unfamiliarity of an object. The researcher presents several questions to some business actors and one of the village staff about their views on products labeled halal. Of course, the most basic thing is whether you know the halal label or not.

Based on the analysis, the researcher found the answer to the problem formulation referred to, namely why products without halal labeling can circulate in the community in Tanjungrejo Village due to the main reasons, namely social factors, economic factors, cultural factors. They assume that the products distributed in the Tanjungrejo Village area of Kudus Regency are halal because the majority of the people are Muslim. They are not worried even if there are products that are not labeled halal, it can be seen from the ingredients contained in them and also how they are made. So even if it is not labeled halal, it is safe for consumption.

### **Law Enforcement of Law of the Republic of Indonesia Number 33 of 2014 in Tanjungrejo Village, Kudus Regency**

In this research, researchers found that there were inhibiting factors in the implementation and implementation of Small and Medium Enterprises (UKM). There are five factors that influence a rule or law to be effective and

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<sup>17</sup>Makrifatun Hidayah (pecel seasoning SME player), interview by the author at his home, 22 February 2023, interview transcript 2.





obeyed by the community, namely; The legal factors themselves, law enforcement factors, facilities and facilities factors, community factors, cultural factors

This factor is the substance in carrying out law enforcement which can be called the basis for measuring and assessing the effectiveness of regulations that have been made such as laws, therefore it can be said that this theory will become a benchmark for researchers in analyzing the implementation and implementation of the effectiveness of laws. Law Number 33 of 2014 concerning Halal Product Guarantees in Tanjungrejo Village, Kudus Regency, especially Small and Medium Enterprises (UKM). The aim of law enforcement is to improve order and legal certainty in society.

### **Review of Sharia Economic Law on Food Products that Have Not Been Certified as Halal**

If you look at Sharia Economic Law, products in circulation that do not have halal certification are legally prohibited or do not receive permits because they do not comply with the provisions of Sharia Economic Law. This makes the product potentially contain haram or should not be consumed. Where the product being marketed does not have a halal logo and there is no expiration date or clear information regarding the product. This will help SME business actors and they will not be burdened by halal obligations. After UKM business actors are helped and they are not burdened with halal obligations, after the actors understand and gain knowledge about halal, business actors will automatically have the awareness to be halal certified and get official recognition by applying for a halal certificate. The conclusion drawn by the current author is that the development of halal certificates and halal labels, especially in Tanjungrejo Village, is greatly influenced by culture, culture, customs and spiritual values , even though the majority of the population is Muslim.

Based on health, it is clear because it is not only beneficial for physical health but also spiritual. In Islamic law, Muslims emphasize the importance of the availability of food sources for consumption. This is because food intake will improve the development of human health and behavior. Haram foods are explicitly prohibited in the Qur'an, Sunnah and the consensus of Muslim jurists (Ijma<sup>1</sup>). This is very clear in the Al-Qur'an, there are many verses that command this, including: ( Mardani, 2010 )

Meaning: "O people! Eat of the halal and good (food) found on earth, and do not follow the steps of Satan. Indeed, Satan is a real enemy for you." QS Al-Baqarah [2]: 168



يَا أَيُّهَا الَّذِينَ ءَامَنُوا . كُلُوا مِن طَيِّبَاتِ مَا رَزَقْنَاكُمْ وَأَشْكُرُوا لِلَّهِ إِن كُنتُمْ ءِيَّاهُ  
تَعْبُدُونَ

Meaning: "O you who believe, eat of the good provisions that we have given you and give thanks to Allah, if it is truly Him you worship." QS Al-Baqarah [2] : 172.

In fulfilling its needs in Islam, a Muslim must always be in line with the Al-Qur'an and Sunnah. In terms of quality, every Muslim not only has to pay attention to whether a product is halal or not, but also about assessing its tayib-ness (goodness) for health apart from the 'taste' aspect which is often the choice. There are many verses in the Koran that inform us about the importance of consuming food and tayyib.

## CONCLUSION

According to the results of research conducted by the author, it can be concluded that there are reasons why in Tanjungrejo Village there are still many business actors who do not understand the importance of halal certification and the benefits of halal certification for products, consumers and business actors . There are also inhibiting factors in the implementation and implementation of halal product guarantees for Small and Medium Enterprises (UKM) influencing regulations or laws so that they are effective and obeyed by the public. The factors that underlie this problem are the legal factors themselves, law enforcement factors, religious factors, community factors, cultural factors and facilities and facilities factors. In Law Enforcement of Law of the Republic of Indonesia Number 33 of 2014, it can be seen that there are still several obstacles experienced by the public in implementing halal product guarantees, namely due to the low level of public knowledge in administering halal products. Judging from Sharia Economic Law, products in circulation that do not yet have halal certification are not permitted or do not receive permits because they do not comply with the provisions of Sharia Economic Law. The conclusion drawn by the author at this time is that the development of halal certificates and halal labels, especially in Tanjungrejo Village, is greatly influenced by culture, culture, customs and spiritual values, even though the majority of the population is Muslim.



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