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The Implementation of Halal Certification of Online Food and Beverage Products Based on Aceh Qanun in Banda Aceh

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Abstract

In Indonesia, there is a strict requirement that all food and beverages sold must be certified as halal. The obligation for halal certification is clearly stated in Article 4 of Law No.33 of 2014 concerning Halal Product Guarantee, which states that any products entering, circulating, and being traded within Indonesia must have this certification. This means that businesses involved in the production and trade of food products in Indonesia must obtain halal certification and display the halal logo on their packaging. This legal framework is crucial for the government to effectively

regulate halal products in the country. But in reality, in Banda Aceh, business actors still sell food and beverage products that have not been halal-certified. The purpose of this study is to examine the level of consumer protection provided by the requirement of halal certification for food and beverage products in Banda Aceh. It will also explore the challenges faced in implementing this certification in the region, as well as the measures taken to impose legal sanctions on businesses that fail to obtain halal certification in Banda Aceh.

Keywords: Implementation, Halal Certification, Food and Beverage Products

Introduction

The necessity to consume halal food for every human being as said by Allah SWT in Al-Quran Surah Al-Baqarah paragraph 168: "*O mankind, eat of the lawful and wholesome food found on the earth*". In Islamic teachings, food or drink is not enough to just look at whether the food or drink is healthy or unhealthy, but what is most important is whether or not the food or drink consumed and entered the human body is halal. Therefore, Islam is very selective about the food and drink consumed, because a piece of meat that grows from something that is not halal, then hell is appropriate for it or hell is the place.

It is the responsibility of the state to ensure the protection of Muslim consumers when it comes to the consumption of food products. Article 29 (2) of the 1945 Constitution of the Republic of Indonesia explicitly states that "The State guarantees the freedom of each resident to practice their religion and worship in accordance with their beliefs." However, there is currently a lack of certification for many food and beverage products being sold. It is crucial to provide consumers with accurate, transparent, and truthful information about these products.

To address this issue, the government has enacted Law No. 33 of 2014, which establishes the guarantee of halal products. This law serves as a legal framework to safeguard Muslim consumers from the uncertainty associated with the use of various food and beverage products, ensuring compliance with Islamic dietary requirements.¹

The regulations pertaining to the responsibility of producing food that is fit for consumption are also addressed in Law No.8 of 1999 on Consumer Protection in Article 8 (1) h, which states that "business entities are prohibited from manufacturing and/or trading goods and/or services that do not adhere to the regulations on food production, as indicated by the 'halal label'".

The purpose of guaranteeing the implementation of halal products is to provide comfort, security, safety, and assurance of the availability of food products for the community to consume and use.² Additionally, it aims to increase the value of halal products for businesses engaged in their production and sale. Halal food, in this context, refers to food that meets the

¹ Aal Lukmanul Hakim, "Dissecting the Contents of Law of Indonesia on Halal Product Assurance", *Indonesia Law Review*, Januari-April 2015, hlm. 89.

² Penjelasan atas Undang-Undang Republik Indonesia Nomor 33 Tahun 2014 tentang Produk Jaminan Halal.

requirements of Islamic law regarding raw materials, additives, and production methods, allowing Muslims to consume food without committing any sins.³ Therefore, it is crucial that the food consumed is free from any contamination, especially with forbidden substances, as this would render the food products questionable or doubtful in terms of their edibility.⁴

So far, the concern of business actors for halal certification is still limited to large-scale business actors. Meanwhile, small and medium-sized businesses have not made halal certification a major thing. For Owner Micro, Small, and Medium Enterprises, some processed food products, including food and beverage products sold, have not been labeled halal and only use the Home Industry Food Number issued by the Health Office. Only the use of the cottage industry food number on the food packaging can give consumers peace of mind because they already have a label that gives them a sense of security because it has passed the health test.

Article 4 of the Halal Products Guarantee Law clearly stipulates the food certification obligations for all foods and beverages. It stipulates: "Products imported into Indonesia, circulated and traded must be certified as halal." This means that it is clear that business actors who produce and trade food products in Indonesia must be halal certified and have an halal logo on their packaging, and are also absolutely necessary as a strong legal umbrella for the government authorized to regulate halal products in Indonesia. For information, Law No. 6 of 2023 concerning the Stipulation of Government Regulation of Law No. 2 of 2022 concerning Job Creation into Law only provides legitimacy to institutions authorized to provide halal fatwa, namely Majelis Ulama Indonesia (MUI), MUI Province, MUI district/city, Majelis Permusyawaratan Ulama (MPU) Aceh, and halal Product Fatwa Committee. MPU, as the name implies, only operates and covers Aceh. The Fatwa Committee is given two tasks: To provide a fatwa on the halal products conditionally if the MUI and MPU exceed the deadline for determining halal set by law. In addition, the Fatwa Committee is responsible for issuing fatwas on the halal products requested by micro and small businesses.

Regarding the realization of Islamic Shari'a in Aceh, as a special region recognized by the government based on Law No.11 of 2006, the Aceh Government, Aceh Province, gets several special powers from the central government to regulate its territory. The implementation of Islamic Shari'a values is one of the programs carried out by the Government of Aceh, which is regulated in Aceh Regional Regulation (Qanun Aceh) No.8 of 2016 concerning Halal Product Guarantee System to serve as a basis or guide for LPPOM MPU Aceh and business actors in making and producing halal products.⁵

Article 35 (a) of Qanun Aceh No. 8 of 2016 states that "commercial actors are prohibited from producing or trading products that are certified as inhalal/non-halal." Operators who violate this provision will be subject to administrative

penalties such as verbal warnings, written warnings, non-issuance or revocation of production licenses, revocation of production licenses, issuance or revocation of Aceh distribution licenses, revocation of halal certificates, non-issuance or revocation of business licenses or administrative penalties in accordance with Article 36 (1) of Qanun Aceh No. 8 of 2016. The purpose is to protect the rights of consumers and to ensure accurate, correct, clear and honest information about goods and/or services in a sufficient and satisfactory manner.

All products produced in Aceh are required to register their commercial products for halal certification. However, for products produced outside Aceh and distributed throughout Indonesia with MUI halal certification, the following provisions apply:⁶ In the field, it was found that many food and beverage businesses produced and sold in Banda Aceh, are not registered in the halal certification of LPPOM MPU Aceh. This was discovered after initial research was conducted at LPPOM MPU Aceh. Previously, there have been several studies that have discussed halal certification of food products. However, no one has discussed the implementation of halal certification for food and beverage products. Therefore, it is necessary to study more deeply related to consumer protection of food businesses marketed by business actors sold through social media so that their safety and halal are guaranteed to consumers. This legal writing is entitled The Implementation of Halal Certification of Halal Food and Beverage Products in Banda Aceh.

Research Method

The research method used in this study is empirical juridical legal research, which is also known by the general public as empirical legal research. The empirical juridical approach involves analyzing and examining phenomena found in society in depth to resolve an event.

The location in this research is the Municipality of Banda Aceh. The reason for choosing the location in the Municipality of Banda Aceh is because there have been several cases in the Municipality of Banda Aceh, business actors selling food and beverage products online that are not halal certified.

Population is a whole or set of objects with the same characteristics.⁷ The population in this study is:

1. Online Food and Beverage Product Business Actors;
2. Consumers of Online Food and Beverage Products;
3. LPPOM MPU Aceh Halal Certification Manager;
4. Relevant staff at the Banda Aceh SME Cooperative and Trade Service.

The technique used to collect data is carried out in 2 ways, namely:

1. Library Research, is the collection of secondary data in the form of applicable laws and regulations and documents relating to the object being studied as well as legal theories and principles relating to the research material.
2. Field Research, is obtained from respondents, which are respondents who provide answers to questions asked by researchers that are related to the problem being

³ Ahmadi Miru dan Sutarman Yodo, *Hukum Perlindungan Konsumen*, PT Raja Grafindo Persada, Jakarta, 2007, hlm. 34.

⁴ Azhari Nasution, *Tinjauan Sosial, Ekonomi, dan Hukum pada Perlindungan Konsumen Indonesia*, Pustaka Sinar Harapan, Jakarta, 2000, hlm. 55.

⁵ Thabrani, Kepala LPPOM MPU Aceh, *wawancara* 16 Oktober 2023.

⁶ Thabrani, Kepala LPPOM MPU Aceh, *wawancara* 16 Oktober 2023.

⁷ Bambang Sunggono, *Metodologi Penelitian Hukum*, PT Raja Grafindo Persada, Jakarta, 2020 hlm.18

studied. Apart from respondents, there is also the term informant, namely a person who provides the required data information to the extent of what he knows and the researcher cannot direct the answers according to what is desired. Informants are needed in research to obtain qualitative data.⁸

In this research, data obtained through library research and field research were analyzed using a qualitative approach. A qualitative approach is used to produce primary, secondary, tertiary and informant data stated by respondents and informants in writing or orally and then studied and researched as a unified whole. With this research, it is hoped that it can produce an analysis that is able to answer the problems that have been formulated.⁹

Result and Discussion

The Forms of Consumer Protection in Halal Certification of Food and Beverage Products in Banda Aceh

Legal protection of consumers over halal certification of food and beverage products sold can be linked to two main approaches, namely preventive and repressive. These two approaches complement each other in creating a safe and fair consumer environment. Within the scope of preventive legal protection, orders to prevent violations.¹⁰ This protection is like legislation. Furthermore, repressive legal protection is protection that has already occurred, protection in the form of sanctions in the form of fines, imprisonment, and additional penalties if a violation has occurred.

The birth of the Halal Production Guarantee Act is an opportunity to implement consumer protection for Indonesian citizens. The function of consumer protection is as stated in Article 3 (b) of the Consumer Protection Law, namely to raise the dignity of consumers by avoiding negative access to the use of goods and/or services. Meanwhile, Article 3 (d) is to create a consumer protection system that contains elements of legal certainty, information disclosure, and access to information.

The formulation of this legislation has implications for every food and beverage product that enters, circulates, and is traded in the territory of Indonesia to be halal certified, as explained in Article 4 of the halal Production Assurance Law. The obligation to be halal certified also obliges all business actors, including traded products, to implement it as a form of consumer protection to provide legal certainty. However, there are still consumers who are not careful enough to know whether the products they consume are halal. However, some consumers already understand the importance of halal certification in food or beverage products.¹¹ The data from LPPOM MPU Aceh shows that throughout 2020-2023, there were only 18 food and beverage businesses in the city of Banda Aceh that were registered in the halal certification of LPPOM MPU Aceh. The 18 businesses can be seen in the table below:

Table 1: List of the Names of Halal Certified Food and Beverage Businesses LPPOM MPU Aceh

| S. No | Nama Usaha | Tahun Pendaftaran |
|-------|--|-------------------|
| 1 | Catering Banda Rifie | 2020 |
| 2 | Haidil Catering | 2020 |
| 3 | Banda Seafood | 2020 |
| 4 | Gerai Ayya | 2020 |
| 5 | Restoran Permata Hati Hotel | 2020 |
| 6 | Restoran Hotel Grand Permata Hati | 2020 |
| 7 | NA Coffee Premium | 2020 |
| 8 | Catering CV. Arnoby Bersaudara | 2020 |
| 9 | Diva Catering | 2020 |
| 10 | Agam Fried Chicken | 2021 |
| 11 | Catering Atos | 2021 |
| 12 | Rumah Makan Spesifik Aceh | 2021 |
| 13 | Al-Hambra Restaurant & Daud Terrace Cafe | 2021 |
| 14 | Catering Harfindo Boga Sehat | 2021 |
| 15 | Catering Al-Hanifi | 2021 |
| 16 | Catering As-Shifa | 2022 |
| 17 | Restoran Hotel Kuala Radja | 2023 |
| 18 | Hermes Restaurant | 2023 |

Sources: LPPOM MPU Aceh

The table clearly shows that halal product guarantees for food and beverages in Banda Aceh currently do not reach all business actors. This is also inseparable from the lack of awareness and interest of food and beverage business actors in carrying out halal certification obligations to provide legal protection to consumers.

It can be said that the position of consumers of economic actors is weaker. This is due to a lack of understanding of consumer rights. As consumers, especially Muslim consumers, mistakes and errors in the selection of products consumed can have a serious impact on health and cause inner anxiety.¹² Article 2 of the Halal Product Guarantee Law explains that there are several aspects of consumer protection: Consumer protection is based on benefits, justice, balance, security, consumer safety, and legal certainty. This explanation shows that consumers have legal protection when using a product.

The Halal Product Guarantee Law aims to provide public protection, peace, and legal certainty in consuming and using halal and hygienic products for physical and spiritual health. From the above analysis, it can be said that the absence of halal certification on food and beverage products sold results in unguaranteed legal protection to consumers.

The Obstacles in the Implementation of Halal Certification of Food and Beverage Products in Banda Aceh

Business actors often consider the halal certification process complicated and confusing, which is one of the main reasons why many are reluctant to register their products.

1. First, businesses often face a convoluted bureaucracy in applying for halal certification. Each step in the process, from document collection to field audits, requires detailed attention and often takes considerable time.
2. Second, strict and diverse requirements are often an obstacle. Businesses must ensure that all raw materials meet halal standards, often requiring certificates from multiple suppliers. This can be a big challenge,

⁸ Ishaq, *Metode Penelitian Hukum dan Penulisan Skripsi, Tesis, Serta Disertasi*, Bandung, Alfabeta, 2017, hlm. 72.

⁹ *Ibid.*, hlm. 74.

¹⁰ *Ibid.*, hlm. 22.

¹¹ Deni Candra, Auditor LPPOM MPU Aceh, *Wawancara*, 20 Februari 2024.

¹² Deni Candra, Auditor LPPOM MPU Aceh, *Wawancara*, 20 Februari 2024.

- especially for small and medium-sized enterprises with limited resources to trace the origin of each raw material.
3. The lack of understanding and knowledge of halal certification procedures is also a barrier. Many businesses do not have adequate information on what is required and how to fulfill it. This leads to confusion and uncertainty, discouraging them from starting the registration process.
 4. Fourth, high costs are also often cited as a barrier. The halal certification process requires registration fees, audit fees, laboratory testing, and possibly additional costs to change production processes to comply with halal standards. For small businesses, these costs can be quite a burden.
 5. Fifth, businesses also often feel that the benefits of halal certification are not worth the effort and cost. If their main market is not consumers who pay attention to halals, the incentive to obtain halal certification becomes less significant. This is especially true for businesses operating in non-Muslim majority areas.
 6. Sixth, uncertainty in assessment and audit results is also a deterrent factor. Businesses are concerned that even if they have made every effort to comply with the requirements, they could still fail the audit due to vagueness in the standards or subjective judgment of the auditor. This uncertainty adds risk and stress to the certification process.
 7. Seventh, businesses often experience difficulties in changing their existing production processes to meet halal standards. This can involve significant changes in the supply chain, product formulas, or even in production methods, which require not only time but also additional investment.
 8. Eighth, the lack of support and guidance from the authorities is also an obstacle. Many businesses feel that they do not get enough help or information from the agencies responsible for halal certification. The lack of assistance and consultation makes them feel like they have to overcome all the challenges on their own, which adds to the burden and difficulty of the process.
 9. Ninth, businesses also face challenges in ensuring continuous compliance after obtaining a halal certificate. halal certification is not just a one-time process, but requires ongoing maintenance and supervision to ensure that halal standards are still met. This adds to the operational and administrative burden for businesses.
 10. Tenth, negative perceptions about the halal certification process cannot be ignored. Some businesses may have had bad experiences or heard stories from their peers about the difficulties and complications faced in the certification process. This negative perception can lead to hesitation and reluctance to start the halal certification process.

To overcome these barriers, the authorities need to take concrete steps, such as simplifying procedures, reducing costs, increasing socialization and education, and providing more intensive support to businesses. Thus, halal certification can become more affordable and accessible to all business actors, especially small and medium-scale ones. Mr. Munardi also said that halal certificates and labels are useful in helping Muslims who need halal information about

the food they want to consume. Therefore, what is meant by a halal certificate is an acknowledgment of the halalness of a product issued by the Halal Product Guarantee Agency (BPJH) MPU Aceh based on Qanun Number 8 of 2016 concerning SJPH.¹³ The high level of consumer awareness of the importance of halal certification for a product, especially food and beverage products, is not accompanied by the awareness of business actors to carry out halal certification for their products.

There is a need to guarantee whether a food or drink is halal or not, as stated above, in Islamic teachings, food or drink is not enough to just look at whether the food or drink is healthy or unhealthy, but the most important thing is whether the food or drink consumed is halal or not. and enter the human body. Therefore, Islam is very selective about the food and drink consumed, because a piece of meat that grows from something that is not halal, then hell is appropriate for it or hell is the place. Thus, Indonesian people in general, and Acehnese people in particular, must really be aware of the issue of whether or not food or drink is acceptable, don't just eat or drink. However, healthy and clean food is not necessarily halal for consumption, so you have to look at the raw materials, additional ingredients and the handling process.

The Efforts to Implement Legal Sanctions for Business Actors of Food and Beverage Products There are Halal Certified in Banda Aceh

Implementing sanctions for food and beverage businesses that are sold and are not halal certified requires a structured and comprehensive approach. The following are detailed efforts that can be made to implement these sanctions:

1. **Formulation of Clear Regulations:** The government must strengthen regulations governing halal certification obligations for food and beverage businesses sold. This regulation must include a clear definition of products that must be certified, certification procedures, and the types of sanctions that will be applied to violators. Law No. 33 of 2014 can be the basis for this regulation, but it needs to be strengthened with derivative regulations that are more specific to the sector.
2. **Socialization and Education:** Before applying sanctions, the government and related institutions must conduct socialization and education to businesses regarding the importance of halal certification and the legal implications of not complying with the rules. This program can be carried out through seminars, workshops, and digital campaigns that reach business actors in all regions.
3. **Development of a Supervisory System:** The government needs to build an effective supervision system to monitor businesses' compliance with halal regulations. This can be done by forming a special task force or using digital surveillance technology to check product certification status in real-time.
4. **Cooperation with e-commerce platforms:** The government needs to work with e-commerce platforms to ensure that all food and beverage products sold through these platforms are halal certified. E-commerce platforms can be asked to add a halal certificate

¹³ Munardi, Staf Bidang Perdagangan DISKOPUKMDAG kota Banda Aceh, *Wawancara*, 22 Februari 2024.

- verification feature and refuse the sale of non-certified products.
5. **Application of Administrative Sanctions:** Business actors proven to sell products without halal certification can be subject to administrative sanctions such as fines, revocation of business licenses, or bans on selling. The fine amount must be significant enough to have a deterrent effect, and revocation of business licenses can be applied for repeated or serious violations.
 6. **Publication of Names of Violators:** To increase public awareness and provide social pressure, the government can publish a list of businesses that violate halal regulations. This publication can be done through the official websites of related institutions and mass media so that consumers can find out and avoid products from these business actors.
 7. **Strengthening the Capacity of Certification Institutions:** The institution responsible for halal certification needs to strengthen its capacity both in terms of the number of personnel, competence, and facilities. Thus, the certification process can run faster and more efficiently, reducing obstacles for business actors in obtaining halal certificates.
 8. **Consumer Complaint Mechanism:** The government must provide an easily accessible mechanism for consumers to report violations related to halal products. Consumer reports can be an important source of information in monitoring and enforcing halal regulations.
 9. **Routine Audits and Inspections:** Businesses must undergo regular audits and inspections to ensure that the products sold meet halal standards after the certificate is obtained. Inspections can be random and unannounced to ensure ongoing compliance.
 10. **Mentoring and Technical Assistance:** The government can provide mentoring and technical assistance services to help businesses comply with regulations. These can include consultation on the certification process, assistance in filling out documents, and guidance in implementing halal standards in daily operations.

Through these efforts, it is hoped that sanctions can be effectively imposed on business actors that fail to comply with food certification regulations, promoting compliance and protecting Muslim consumers from products that do not meet food standards. According to the theory of legal effectiveness, laws are effective when legal norms are followed or not followed. The rule of law can be said to be effective when certain goals of the rule of law are understood and followed. In light of the efforts to implement food and beverage certification, the Aceh government may add penalty clauses in the form of criminal sanctions to Aceh Qanun No. 8 of 2016 for food and beverage businesses that fail to carry out food and beverage certification.

Salsa, who is a consumer of food and beverage products sold online in the Municipality of Banda Aceh, said that currently regarding the information obtained when buying food and beverage products online, there are still several products that do not include halal labels. This makes

consumers feel anxious when consuming food purchased online.¹⁴

With the criminal sanctions as intended above, the rules contained in Aceh Qanun No. 8 of 2016 can apply effectively. In this case, of course, it is the authority of the Civil Service Police Unit (Satpol PP) to take action against producers who do not obey and comply with these regulations. This is understandable because enforcing Qanun is one of the authorities of Satpol PP.¹⁵

As an effort to guide producers who violate or do not comply with these rules, it would be better if administrative sanctions were first applied to these producers, for example in the form of: First Warning, Second Warning and Third Warning.¹⁶ If after the Third Warning is not complied with, then criminal sanctions as intended above can be applied. This can be understood because criminal law is a last resort (*ultimum remedium*) if other efforts are ineffective.

Conclusion

The forms of consumer protection for food and beverages sold in Banda Aceh, both repressively and preventively, have not been implemented properly. Preventively, the legal protection of consumers of food and beverages sold has not met the standards, due to the government's lack of enforcement of regulations and supervision. This poses a risk to consumers, especially those who are Muslim, in ensuring the halal of the products consumed. Preventively, the legal protection of consumers of food and beverages sold requires collaborative efforts between the government, certification bodies, e-commerce platforms, and businesses to strengthen regulations, raise awareness, and ensure compliance with halal standards to ensure consumer safety and trust in products sold.

The obstacles in the implementation of halal certification for food and beverage products, namely business actors who do not understand the Halal Product Guarantee Law and Aceh Qanun No.8 of 2016; lack of legal awareness, convoluted halal certification requirements and procedures, and Applications used to sell food and beverages do not require products to be halal certified.

Implementing legal sanctions for businesses selling food and beverage products is crucial to ensure compliance with halal standards and protect Muslim consumers. This effort should include clear regulations, extensive socialization, strict supervision, and cooperation with e-commerce platforms to ensure that only halal-certified products can be marketed. By implementing administrative sanctions such as fines, revocation of business licenses, and publication of offenders' names, the government can enforce discipline and provide a deterrent effect to businesses. These measures, if implemented consistently, will increase consumer confidence and support the growth of a more transparent and responsible halal industry.

¹⁴ Salsa, Konsumen Produk Makanan dan Minuman yang dijual Online di kota Banda Aceh, *Wawancara*, 3 Maret 2024.

¹⁵ Mardiani, Suhaimi, Teuku Muttaqin Mansur, Peranan Satuan Polisi Pamong Praja dalam Menata dan Membina Pedagang Kaki Lima di Kota Banda Aceh, *Syah Kuala Law Journal*, Vol. 2(1), Agustus 2018, pp. 233-246.

¹⁶ Putri Ramadhani, Suhaimi, Penerapan Sanksi Administratif Terhadap Pengelola Warung Internet Yang Membiarkan Akses Situs Pornografi Di Kota Banda Aceh, *Jurnal Ilmiah Mahasiswa Bidang Hukum Kenegaraan*, Vol.3(1) Februari 2019, pp. 120-128.

Suggestion

The government needs to develop and implement a stricter verification and supervision system to ensure that all food and beverage products sold online have valid halal certification. This can be done by collaborating with e-commerce platforms to create automatic verification features, as well as by involving halal certification bodies in routine monitoring of marketed products.

The government and related institutions must increase educational and outreach efforts regarding the importance of halal certification and the required procedures to business actors. This educational program can take the form of workshops, seminars and practical guides that are distributed widely, both offline and online, to help business actors understand and comply with halal regulations.

Bearing in mind that the costs and procedures for halal certification can be a burden for small and medium enterprises (SMEs), the government should provide incentives in the form of subsidies for certification costs or mentoring programs that assist SMEs in the process of applying for halal certificates. This support will motivate more business actors to obtain halal certification, thereby increasing compliance and guaranteeing that products sold online meet halal standards.

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