



THE ROLE AND RESPONSIBILITY OF MUI NORTH SUMATRA IN HALAL CERTIFICATION ISLAMIC LAW AND SHARIAT PERSPECTIVE

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Abstract

This study analyzes the role and responsibilities of the Indonesian Ulema Council (MUI) of North Sumatra in the halal certification process after the enactment of Law No. 33 of 2014 concerning Halal Product Assurance (UU JPH). The JPH Law transfers most of the administrative authority of halal certification to the Halal Product Assurance Organizing Agency (BPJPH), but the MUI still plays a crucial role in issuing halal fatwas that form the basis for certification. In its implementation, the MUI of North Sumatra faces a number of challenges, including complex coordination with BPJPH, the length of the certification process due to complicated bureaucracy, and the lack of competent resources and auditors. In addition, the issue of transparency in the certification process and ineffective socialization regarding the new regulations are also significant obstacles. This study recommends strengthening the internal capacity of the MUI of North Sumatra, increasing transparency and accountability in the halal certification process, and improving coordination with BPJPH to reduce bureaucratic obstacles. In addition, increasing socialization to business actors regarding the new procedures in halal certification is very necessary to ensure the effectiveness of the implementation of the JPH Law and maintain public trust in halal certification institutions. With these steps, it is hoped that the MUI of North Sumatra can continue to carry out its role in ensuring the halalness of products more efficiently and reliably.

I. INTRODUCTION

Halal certification in Indonesia is a very crucial issue, especially considering that Indonesia is the country with the largest Muslim population in the world. Along with the increasing awareness of the Muslim community about the importance of the halalness of the products they consume, halal certification has become an essential need. The Indonesian Ulema Council (MUI) plays a central role in issuing halal fatwas and is the main authority in ensuring that products circulating in the market are in accordance with Islamic sharia provisions. (Kadir, 2024)

In this case, MUI, especially MUI of North Sumatra Province, plays a strategic role in providing halal certification for products produced or distributed in the North Sumatra region. With the establishment of Law No. 33 of 2014 concerning Halal Product Assurance (UU JPH), the role of MUI in halal certification has undergone significant changes. Although MUI remains the authorized institution in issuing halal fatwas, the Halal Product Assurance Organizing Agency (BPJPH) is now the main authority in managing the certification process. This creates new dynamics related to the division of authority

and responsibility between MUI and BPJPH.

This change is not free from legal challenges that need to be considered, especially regarding the authority of the MUI in this new system. The JPH Law gives BPJPH a dominant role in the halal certification process, but halal fatwas remain the domain of the MUI, which provides the basis for sharia legitimacy for certified products. This issue is important to study further, especially in North Sumatra, considering that the North Sumatra MUI has so far played a significant role in ensuring the halalness of products circulating in the community. (Putri et al., 2024)

In this context, there is a debate about the efficiency and effectiveness of the MUI in carrying out its role, especially related to the length of the halal certification process complained about by many business actors. The complicated bureaucratic process and the alleged lack of transparency of the certification system are the main highlights. In addition, there are several cases of products that turned out to not meet halal requirements even though they have received certificates, further worsening public trust in this system. On the other hand, with the formation of BPJPH, there is the potential for overlapping

authority and lack of coordination between the two institutions, which can hinder effective halal certification efforts.(Yusdani, 2020)

Based on data from the MUI Food, Drug, and Cosmetics Assessment Institute (LPPOM MUI), there is an increase in the number of halal certificates issued each year. This shows how great the public demand is for certainty of a product's halal status. However, with the increasing number of products requiring certification, the challenges faced by MUI, including MUI North Sumatra, are also increasing. In addition to the demands to increase the speed and accuracy of the certification process, MUI must also face challenges related to integrity and transparency in granting certification.(Yunanto & Helmi, 2024)

Therefore, it is important to further analyze the role and responsibilities of the MUI of North Sumatra in the context of halal certification, especially from the perspective of Islamic law and sharia. How do regulatory changes affect the authority of the MUI in the halal certification process? Is the MUI still an institution that has full authority in issuing halal fatwas or does it only act as a supporting institution for BPJPH? What are the obstacles faced by the MUI of North Sumatra in carrying out its duties, and what solutions can be proposed to improve the quality and transparency of halal certification in this region?

This study has several important reasons that need to be considered. First, the regulation on halal certification has changed significantly since the enactment of the JPH Law, which gives BPJPH a central role in the halal certification process. This study is needed to understand the impact of this regulatory change on the role of the MUI, especially at the provincial level such as the North Sumatra MUI, which has so far been the main authority in granting halal certification.

Second, this study will help explain how the MUI of North Sumatra adapts to its new role in the halal certification process, as well as how they can maintain the legitimacy of sharia in the halal fatwas they issue. Given the important position of the MUI in issuing fatwas, a clear understanding of their role under the new system is essential.

Third, it is important to highlight the challenges and obstacles faced by the MUI of North Sumatra in the halal certification process. With the increasingly complex demands of society and industry, as well as the demands for speed and transparency, this study aims to identify these obstacles and provide practical solutions that can improve the effectiveness of the MUI in carrying

out its certification role.

Based on the background above, the formulation of the problem in this study is as follows:

1. What is the authority and role of the North Sumatra MUI in the halal certification process after the enactment of Law No. 33 of 2014 concerning Halal Product Assurance?
2. What are the obstacles and challenges faced by the MUI of North Sumatra in carrying out its function in providing halal certification, especially within the framework of Law No. 33 of 2014?

II. RESEARCH METHODS

The research method used in this research is the method doctrinal,(Indra Utama Tanjung, 2024) which focuses on a normative legal study of laws and legal documents related to halal certification, especially those related to the role and responsibilities of the Indonesian Ulema Council (MUI) of North Sumatra. This approach is carried out by analyzing Law No. 33 of 2014 concerning Halal Product Assurance, its implementing regulations, as well as fatwas and sharia views issued by the MUI. In addition, this study also examines legal literature, MUI fatwas, and other relevant legal documents to understand how the MUI's authority is exercised from the perspective of positive law and Islamic sharia. This study aims to identify, interpret, and evaluate the role of the MUI of North Sumatra in the context of halal regulation, as well as highlight the challenges faced in carrying out its duties.

III. RESULTS AND DISCUSSION

A. The authority and role of the North Sumatra MUI in the halal certification process after the enactment of Law No. 33 of 2014 concerning Halal Product Assurance

The enactment of Law No. 33 of 2014 on Halal Product Assurance (UU JPH) marks a significant change in the regulation of halal certification in Indonesia. Before this law was enacted, the Indonesian Ulema Council (MUI) acted as the main institution responsible for issuing halal certification, both through halal fatwas issued by the MUI Fatwa Council and through the Food, Drug, and Cosmetics Assessment Institute (LPPOM MUI). However, after the implementation of the JPH Law, the main authority in managing halal certification

was transferred to the Halal Product Assurance Organizing Agency (BPJPH), a new body under the Ministry of Religious Affairs. (Salsabila, nd)

Nevertheless, MUI, including MUI at the provincial level such as MUI North Sumatra, still plays a very important role in the halal certification process. The role of MUI is not immediately abolished, but rather re-arranged in the new regulatory framework. MUI remains responsible for issuing a fatwa on the halal status of a product, which is one of the bases for the certification process carried out by BPJPH. Therefore, MUI, including MUI North Sumatra, is still an institution that has sharia authority in assessing the halal status of products to be certified.

The normative role of the MUI in issuing halal fatwas is emphasized in several provisions of the JPH Law and its derivative regulations. Article 10 of Law No. 33 of 2014 states that halal fatwas are the basis for issuing halal certification. Although BPJPH is responsible for the administration and issuance of certification, the decision on the halal status of a product remains in the hands of the MUI. In other words, BPJPH cannot issue a halal certificate without a fatwa issued by the MUI.

In this case, the MUI of North Sumatra has the responsibility to conduct a sharia assessment of products registered in its territory. This task involves an audit process by LPPOM MUI and a review by scholars who are members of the Fatwa Council. The MUI of North Sumatra plays an active role in conducting examinations of raw materials, production processes, and management systems used by companies or producers, to ensure that all are in accordance with Islamic sharia provisions. (Mukidi, 2020)

MUI North Sumatra, as part of the national MUI structure, plays an integral role in issuing halal fatwas that support central policies. As an institution known and trusted by the Muslim community in North Sumatra, their role is very important in ensuring the halalness of products circulating in the local and regional markets. Thus, the authority of MUI North

Sumatra lies in its ability to maintain the integrity of halal fatwas, which are the basis for formal halal certification. (Diana Susanti & Kn, 2021)

After the enactment of the JPH Law, there was a fundamental change in the structure of the halal certification authority in Indonesia. Before this law was enacted, the MUI had full authority to issue halal certificates through the LPPOM MUI. However, with the existence of BPJPH, this authority was separated. BPJPH is now the body responsible for organizing halal certification, while the MUI acts as the issuer of halal fatwas. (Fitrianto et al., 2021)

Although it looks like a reduction in authority, the MUI, including the North Sumatra MUI, remains a key actor in determining the halalness of products. Legally, BPJPH cannot issue halal certificates without a halal fatwa from the MUI. This confirms that the MUI still has very important authority, even though its role has changed to be more of a sharia fatwa than an administrative manager.

This dynamic poses a number of challenges for the North Sumatra MUI. First, the MUI must coordinate intensively with BPJPH in terms of managing halal certification. This includes communication flows, aligning audit schedules, and the process of submitting halal fatwa documents which are the basis for issuing certification. Second, the North Sumatra MUI must maintain quality and credibility in issuing fatwas, because these fatwas are the core of the halal certification process. If the fatwa is doubted, the entire certification process can lose legitimacy in the eyes of the public. (Hasibuan et al., 2024)

After the implementation of the JPH Law, the halal certification system is no longer fully centered on the MUI. BPJPH as the new authority has the responsibility to manage certification administratively, starting from receiving certification applications, the verification process, to issuing certificates. However, in terms of halal fatwas, BPJPH must still refer to the MUI, which has sharia authority in determining the halalness of products.

In the context of the North Sumatra MUI, coordination between the MUI and BPJPH is very important. Both must work together effectively to ensure that the certification process runs smoothly and transparently. Obstacles that may arise in this coordination include differences in interpretation of sharia provisions, differences in approaches to product audits, and bureaucratic problems that slow down the process of issuing halal certificates.(Pintabar et al., 2024)

In addition, Government Regulation No. 31 of 2019 concerning Implementation Guidelines for the JPH Law provides clearer guidance regarding the role of the MUI in the halal certification process. This regulation emphasizes that although BPJPH is responsible for the administration of halal certification, the MUI remains the sole authority authorized to determine the halalness of a product through its fatwa. Therefore, the North Sumatra MUI must play an active role in ensuring that every certified product meets strict sharia standards.

Although the MUI of North Sumatra still has a significant role in halal certification, they face a number of challenges. One of the biggest challenges is the bureaucratic problem and the length of time required to complete the certification process. Several business actors in North Sumatra complained that the certification process was considered to take too long, especially when it had to go through several stages of audit and verification involving the MUI and BPJPH. This can certainly hamper the pace of business, especially for Micro, Small, and Medium Enterprises (MSMEs) who really need halal certification to be able to compete in the local and international markets.(Rafianti et al., 2022)

In addition, the challenge of transparency is also an issue that is often raised. The halal certification process involving the MUI is often considered less transparent, especially in terms of the costs and time required. The public and business actors often do not get clear information about the certification process and the stages that must be passed.

This results in dissatisfaction and a potential decline in public trust in the halal certification system, which can ultimately affect the image of the MUI as an institution responsible for issuing halal fatwas.

Another obstacle is related to the human resource capabilities of the MUI of North Sumatra. Although the MUI has competent scholars and sharia experts, the halal product audit process requires more technical expertise, especially in terms of factory inspections, materials used, and production processes. Coordination with BPJPH also requires in-depth knowledge of regulations, so the MUI of North Sumatra needs to increase its internal capacity to be able to carry out its role more effectively.

To face these challenges, MUI North Sumatra needs to take several strategic steps. First, increasing internal capacity is very important. MUI must improve the capabilities of its human resources, both in terms of sharia knowledge and technical skills in conducting halal audits. This can be done through regular training, cooperation with educational institutions, and utilizing technology in the audit process and halal assessment.(Rafianti et al., 2022)

Second, transparency in the halal certification process must be improved. MUI North Sumatra needs to open wider access to information to the public and business actors regarding the stages, costs, and time required to obtain a halal certificate. This is important to avoid accusations of unfair practices or abuse of authority in the certification process.

Third, MUI North Sumatra must improve coordination with BPJPH to ensure that the entire certification process runs in accordance with applicable provisions. MUI's active involvement in this process will ensure that products that receive halal certification truly meet the established sharia standards.(Tanjung et al., 2023)

Following the enactment of Law No. 33 of 2014 concerning Halal Product Assurance, the authority of the North Sumatra MUI in the halal certification process has shifted significantly.

Although no longer responsible for certification administration, the MUI still has a key role in issuing halal fatwas, which are the basis for certification issued by BPJPH. The challenges faced by the North Sumatra MUI include bureaucratic issues, transparency, and coordination with BPJPH. To ensure that its role remains relevant and effective, the North Sumatra MUI needs to increase internal capacity, strengthen coordination, and increase transparency in the halal certification process.

B. Obstacles and challenges faced by the MUI of North Sumatra in carrying out its function in providing halal certification, especially within the framework of Law No. 33 of 2014

The enactment of Law No. 33 of 2014 concerning Halal Product Assurance (UU JPH) has brought about major changes in the governance of halal certification in Indonesia. One of the main changes is the shifting of the administrative authority of halal certification from the Indonesian Ulema Council (MUI) to the Halal Product Assurance Organizing Agency (BPJPH). However, MUI, including MUI North Sumatra, still has an important role in issuing fatwas on the halalness of a product, which is the basis for halal certification by BPJPH. In its implementation, MUI North Sumatra faces a number of obstacles and challenges that affect the effectiveness of its function in the halal certification process. These challenges arise both from the internal aspects of the MUI institution itself and from external dynamics involving regulations, bureaucracy, and public perception. (Hasan, 2015)

One of the main challenges faced by the North Sumatra MUI after the enactment of the JPH Law is the shift in authority and coordination mechanisms with BPJPH. Before the JPH Law was enacted, the MUI, through the Food, Drug, and Cosmetics Assessment Institute (LPPOM MUI), held full control in the halal certification process. LPPOM MUI was responsible for all stages from product audits, issuing fatwas, to issuing halal certificates.

However, after the JPH Law came into effect, BPJPH took over the administrative role in certification, while the MUI was only responsible for issuing halal fatwas.

This change raises challenges in terms of coordination between the North Sumatra MUI and BPJPH. Although the JPH Law has stipulated that BPJPH acts as the administrator of halal certification administration, BPJPH still requires a fatwa from the MUI as a legal basis for issuing certification. In practice, coordination between the MUI and BPJPH often encounters obstacles, especially related to the synchronization of audit schedules, the halal assessment process, and the completion of multi-layered bureaucracy. This inefficient coordination process slows down the entire certification process and can cause frustration among business actors who need fast and transparent halal certification.

In addition, BPJPH as a new body often requires adjustments in its work process, which extends the time for issuing halal certification. For MUI North Sumatra, this challenge burdens their responsibilities, because they no longer have full control, but still have to play an important role in ensuring the halalness of products through fatwas. (Yuliaty, 2020)

The halal certification process, both before and after the enactment of the JPH Law, is often considered slow and bureaucratic. The North Sumatra MUI, which has been responsible for the halal audit process through LPPOM, is still faced with challenges in the form of administrative and technical complexity in carrying out the halal certification function. After the JPH Law was enacted, although BPJPH took over the administrative role, many technical aspects still require the involvement of the MUI, including the time-consuming audit, verification, and product analysis processes.

A common complaint from business actors is the length of the halal certification process, which can take several months to more than a year, depending on the complexity of the product and the number of documents

required. This convoluted bureaucracy is not only caused by the administrative flow between BPJPH and MUI, but also by the limited human resources at the North Sumatra MUI tasked with auditing products.

The lack of competent auditors at the North Sumatra MUI is one of the factors causing delays in the certification process. Halal audits require special expertise in assessing the halalness of products from a sharia perspective, as well as technical skills in analyzing the materials used in production. Without enough auditors, the North Sumatra MUI has difficulty following up on the increasing demand for halal certification from local, national, and international industries.

The issue of transparency in the halal certification process is often a public concern, especially regarding the costs and time required to obtain certification. Many business actors complain about the lack of clear information regarding the stages that must be passed, the costs incurred, and the reasons for delays in the certification process. This challenge is also faced by the MUI of North Sumatra, which is responsible for issuing halal fatwas.

This lack of transparency can lead to public distrust of the halal certification process, which ultimately harms the MUI's reputation as an institution with sharia authority. In addition, allegations of conflicts of interest and unethical practices in granting halal certification are also serious challenges for the MUI. Cases that have surfaced in the media related to allegations of granting halal certificates to products that do not meet halal requirements have worsened the image of the MUI as an authorized institution. (Kadir, 2024)

This transparency challenge requires MUI North Sumatra to be more open in conveying information to the public and business actors. With better transparency, MUI North Sumatra can increase its accountability and reduce the potential for abuse of authority in the halal certification process.

One of the most obvious challenges faced by the MUI of North Sumatra is the limited human

resources and institutional capacity in handling the increasing number of halal certification applications. As an institution tasked with issuing halal fatwas, the MUI of North Sumatra requires competent sharia experts and auditors to ensure that the audited products are truly in accordance with sharia provisions.

However, in practice, the number of auditors and sharia experts owned by MUI North Sumatra is limited, while the number of requests for halal certification from business actors in North Sumatra continues to increase. This causes a bottleneck in the audit and verification process, which ultimately extends the time needed to complete certification.

In addition, limited facilities and technology are also obstacles in accelerating the certification process. MUI North Sumatra has not fully utilized modern technology in the halal audit process, which can automate several stages and speed up the process without reducing accuracy. The lack of technological support has caused MUI North Sumatra to rely on manual methods that require more time and effort. (Nurhayati et al., 2023)

The enactment of the JPH Law has brought significant changes to the halal certification system in Indonesia, but socialization of these changes has not been carried out effectively, especially at the regional level. Many business actors in North Sumatra are still confused about the new flow in the halal certification process after BPJPH took over most of the administrative functions.

MUI North Sumatra faces challenges in providing understanding to business actors regarding their new role in this system. Uneven socialization causes uncertainty among business actors about how to obtain halal certification, who is authorized to issue it, and the procedures to be followed. This not only harms business actors, but also slows down the certification process as a whole.

To overcome this challenge, MUI North Sumatra needs to work together with BPJPH and the local government to conduct more

intensive socialization regarding the new rules in halal certification. With better socialization, business actors will better understand the certification flow and can prepare the necessary documents more quickly, thereby reducing the time required in the certification process.

In addition to internal challenges, MUI North Sumatra also faces external challenges in the form of competition with halal certification institutions from other countries. In the era of globalization, halal products are not only consumed in Indonesia but also exported to various countries with significant Muslim populations. Some countries, such as Malaysia, have internationally recognized halal certification systems that are often considered more efficient and transparent than the system in Indonesia.

This creates additional pressure for the North Sumatra MUI to improve standards and efficiency in issuing halal fatwas, so that products from North Sumatra that are halal certified can compete in the international market. In addition, the emergence of private halal certification institutions in several countries is also a challenge for the MUI, because the public and business actors are starting to have more choices in obtaining halal certification.

The MUI of North Sumatra faces various obstacles and challenges in carrying out its function of providing halal certification under the framework of Law No. 33 of 2014 concerning Halal Product Assurance. The shift in authority from the MUI to BPJPH, complicated bureaucracy, lack of transparency, limited human resources and technology, and lack of effective socialization of regulatory changes are some of the main challenges that must be faced. To overcome these problems, the MUI of North Sumatra needs to increase its internal capacity, improve coordination with BPJPH, and conduct better socialization to business actors regarding the new flow in halal certification. Thus, the MUI of North Sumatra can continue to carry out its function as a credible and efficient sharia authority in

maintaining the halalness of products in Indonesia.

IV. CONCLUSIONS AND RECOMMENDATIONS

In conclusion, although the Indonesian Ulema Council (MUI) of North Sumatra still has an important role in issuing halal fatwas after the enactment of Law No. 33 of 2014 concerning Halal Product Assurance, the shift in authority to the Halal Product Assurance Organizing Agency (BPJPH) has presented various obstacles and challenges. Complicated coordination, slow bureaucracy, lack of transparency, limited resources, and minimal socialization of regulatory changes are some of the inhibiting factors in the halal certification process. Therefore, the main recommendations are to improve more efficient coordination between MUI and BPJPH, strengthen human resources through special training, increase transparency in the certification process, and increase socialization to business actors so that the halal certification system runs faster, accountably, and effectively in supporting the needs of the halal industry.

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