

An Analysis of the Distribution of Carla Cosmetic Products in Accordance with Law No. 33 of 2014 on Halal Product Assurance

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Abstract

The growth of the cosmetics industry in Indonesia has led to an increasing demand for innovative and safe products, particularly among Muslim consumers. According to Law No. 33 of 2014 on Halal Product Assurance (UU JPH), all products that are imported, distributed, and traded in Indonesia are required to obtain halal certification. However, this study identifies that several cosmetic products are still available on the market without such certification, including brands such as Carla. This research employs a qualitative empirical-juridical method through interviews and observations involving business actors, shop owners, and consumers. The findings reveal that Carla products are distributed through a consignment system in offline stores and marketed via e-commerce platforms such as Shopee and TikTok Shop. The absence of halal certification is primarily attributed to financial constraints, limited knowledge among business actors regarding certification procedures, and insufficient socialization by the government and relevant institutions. In addition, public awareness regarding the halal status of cosmetic products remains low, while shop owners tend to prioritize product availability and price over halal legality. From a legal perspective, this condition contradicts Article 4 of the Halal Product Assurance Law, which mandates halal certification for all traded products, and reflects weak supervision by the Halal Product Assurance Agency (BPJPH). These findings indicate that the effective implementation of the UU JPH cannot rely solely on regulation but must be accompanied by consumer education, facilitation for business actors, and stronger government oversight.

Keywords: Halal Certification; Cosmetics Industry; Halal Product Assurance Law; Consumer Protection; Muslim Consumers.

Introduction

The growth of the cosmetic industry in Indonesia demonstrates highly dynamic development, as evidenced by the increasing number of products and brands available in the market, in line with the rising public demand for personal care and appearance. Cosmetic products are now offered in a wide range of variations, colors, attractive packaging, and appealing claims that attract consumers. Consequently, this situation compels the cosmetic industry to continuously innovate. Such innovation is not limited to enhancing product functionality, but also encompasses ease of use and

efficiency in the manufacturing process, which must be carried out in accordance with established regulatory standards.

Cosmetic business actors face new challenges due to increasingly complex consumer demands, particularly concerning product safety and halal compliance, amid intense market competition. Halal assurance is especially crucial in Indonesia, where the majority of the population is Muslim. Consumers expect cosmetic products that are not only safe for health but also have undergone halal verification processes in accordance with applicable regulations. This reality should motivate cosmetic companies to produce goods that are not only halal but also safe for long-term use and officially certified with a halal label.

Furthermore, business actors are required to obtain halal certification in accordance with requirements formally established by the government. The Indonesian government enacted Law Number 33 of 2014 on Halal Product Assurance (*Undang-Undang Jaminan Produk Halal / JPH Law*) in response to public demands for certainty regarding product halal status. Cosmetic manufacturers whose products meet halal standards are obligated to comply with this law. According to the JPH Law, all products circulated and traded in Indonesia must possess an official halal certificate issued by an authorized institution (Law No. 33 of 2014, Article 1, paragraph 1).

In addition, the government established the Halal Product Assurance Organizing Agency (*Badan Penyelenggara Jaminan Produk Halal / BPJPH*) under the Ministry of Religious Affairs to administer and supervise the halal product assurance system. The Assessment Institute for Foods, Drugs, and Cosmetics of the Indonesian Ulema Council (*Lembaga Pengkajian Pangan, Obat-obatan, dan Kosmetika Majelis Ulama Indonesia / LPPOM MUI*) also plays a role in the halal certification process.

Nevertheless, there remain cosmetic products – such as the Carla brand – that do not provide clear information regarding their ingredients or composition and lack valid halal certification as required by regulations. This condition raises uncertainty regarding whether such products contain hazardous or prohibited substances and whether they are safe for long-term use. This situation occurs due to business actors neglecting halal aspects in their products, treating them as though they are insignificant. As a result, cosmetic products without proper authorization and clear standards can easily circulate and be traded in the market, thereby posing risks to consumers.

Moreover, Government Regulation Number 39 of 2021 on the Implementation of Halal Product Assurance stipulates that all goods entering, circulating, and traded within Indonesia must possess halal certification (President of the Republic of Indonesia, 2021). Complementarily, the Indonesian Food and Drug Authority (*Badan Pengawas Obat dan Makanan / BPOM*) issued Regulation Number 23 of 2019 on Technical Requirements for Cosmetic Ingredients, which emphasizes that business actors are required to ensure that all cosmetic products manufactured for the domestic

market or imported into Indonesia comply with technical provisions regarding the ingredients used (BPOM RI, 2019, Article 2).

Based on this phenomenon, the author is interested in examining this issue in greater depth. This study specifically investigates the circulation of the Carla cosmetic brand, which lacks halal certification.

Research Methods

This study employs a qualitative empirical juridical approach, in which data were collected through interviews and observations. Respondents included Carla cosmetic business actors, shop owners, and consumers, while observations were conducted prior to the research process. The study is descriptive-analytical in nature, aiming to describe the legal realities of halal certification and to identify discrepancies between legal norms and actual practices related to Carla cosmetic products. Primary data were obtained from direct observations, product documentation, and interviews, whereas secondary data were derived from applicable regulations, including Law Number 33 of 2014 on Halal Product Assurance (Arikunto, 2013).

Result and Discussion

Circulation of Carla Cosmetic Products

Given that the majority of Indonesia's population is Muslim, the assurance of halal compliance for products circulating in society constitutes a matter that must be taken seriously by the government. The large number of Muslim consumers in Indonesia positions the country as a highly promising market for halal products across various sectors. Consequently, halal compliance has become a fundamental necessity for society, particularly for Muslim consumers. Halal requirements are not limited to food products alone but also extend to beverages, pharmaceuticals, cosmetic products, and other consumer goods, all of which are required to meet established halal standards.

For Muslims, adherence to halal standards is obligatory, as it embodies both spiritual value and protective principles. Islamic teachings explicitly instruct believers to consume halal products, emphasizing that such compliance ensures both religious observance and overall well-being.

يَا أَيُّهَا النَّاسُ كُلُّوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيْبًا وَلَا تَتَّبِعُوا حُطُمَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَذَابٌ مُّبِينٌ

The verse means: "O humankind, consume what is lawful (*halal*) and good (*tayyib*) from what is on the earth, and do not follow the footsteps of Satan; indeed, Satan is a clear enemy to you" (Qur'an, Al-Baqarah 2:168).

The concept of *halal* articulated in this verse encompasses two dimensions: first, permissibility in substance, meaning that the product does not belong to a prohibited category; and second, permissibility in the manner of acquisition. The term *tayyib* in the verse, as explained by Ibn Kathir, refers to that which is wholesome, beneficial, and

does not cause harm to the human body or intellect (Sopa, 2013, p. 16). The consumption of halal products yields various benefits, including fostering sincerity in worship, serving as a means for the acceptance of supplications, contributing to the nurturing of righteous offspring, purifying the heart, and functioning as a remedy for various illnesses (Five Benefits of Consuming Halal Food, n.d.).

Furthermore, the prohibition of consuming unlawful (*haram*) products is reaffirmed in Qur'an, Al-Baqarah 2:173, which explicitly states that Allah prohibits humans from consuming forbidden foods. This verse emphasizes the obligation to select food that is halal in accordance with religious provisions, both in terms of its substance and its legal status. It also reiterates a warning against following the paths or deceptions of Satan.

إِنَّمَا حَرَّمَ عَلَيْكُمُ الْمَيْتَةُ وَالَّذِي لَمْ يَحْرُمْ أَهْلُهُ ۖ لَعَلَّهُمْ يَذَرِّفُونَ ۖ لَعَلَّهُمْ يَذَرِّفُونَ ۖ

"Indeed, Allah has only forbidden to you carrion, blood, the flesh of swine, and that which has been dedicated to other than Allah. But whoever is compelled by necessity, neither desiring it nor transgressing the limit, then there is no sin upon him. Indeed, Allah is Most Forgiving, Most Merciful" (Qur'an, Al-Baqarah 2:173).

In Islamic teachings, unlawful (*haram*) products are classified into two categories: *li-dhātihi* (prohibited due to their inherent substance or origin) and *li-ghayrihi* (prohibited due to external factors). The consumption of non-halal products is believed not only to incur divine displeasure and eliminate blessings in life, but also to undermine moral character, weaken the body, and hinder the acquisition of beneficial knowledge (The Importance of Halal Products in Islam, n.d.).

Based on this explanation, it is evident that Muslims are obligated to use and consume halal products that are wholesome in terms of substance, processing methods, and means of acquisition. A permissible product is not only one that is lawful under Islamic law but also one that is safe, beneficial, and does not pose harm to the human body.

The obligation of halal certification is explicitly stipulated in Law Number 33 of 2014 concerning Halal Product Assurance (*Undang-Undang Jaminan Produk Halal / JPH Law*). This regulation represents a form of state protection aimed at ensuring peace of mind for Muslims in consuming and using products that comply with Islamic teachings. Halal products are not only of religious significance but are also regarded as providing protection from prohibited elements (Sarwat, 2013, pp. 2-5). Prior to the enactment of this law, existing regulations merely required the disclosure of ingredient composition on product packaging (Wajdi, 2019, p. 18). With the ratification of the JPH Law on 25 September 2014, the state established legal certainty regarding the halal status of products circulating in Indonesia.

The JPH Law regulates several essential aspects, including the assurance of halal products across all stages—from raw materials, production processes, and distribution to presentation. It also governs the rights and obligations of business

actors, including the obligation to label products containing prohibited ingredients with the statement "non-halal." The implementation of these provisions is carried out through the Halal Product Assurance Organizing Agency (*Badan Penyelenggara Jaminan Produk Halal / BPJPH*), which was officially established on 17 October 2017 (Mohammad, 2021, p. 150). The primary objective of this policy is to provide protection, comfort, and safety for the public, while ensuring that available halal products meet established halal standards (Konoras, 2017, p. 64).

In practice, the government bears significant responsibility for ensuring that products circulating in society are both safe and halal. This responsibility is particularly important given that a portion of the public remains insufficiently aware of the importance of halal status. Many consumers directly use products available in the market without verifying their halal certification, creating substantial opportunities for uncertified products to circulate freely. In this context, the government acts not only as a regulator but also as a supervisory authority tasked with ensuring that all products in circulation comply with legally binding halal provisions.

The government requires all business actors to obtain halal certification so that the halal status of products can be properly assessed, verified, and officially endorsed. In Indonesia, the halal certification mechanism is administered by BPJPH and involves six main stages. First, business actors submit a written application. Second, officers examine the documentation to ensure completeness. Third, BPJPH appoints an accredited Halal Inspection Body (*Lembaga Pemeriksa Halal / LPH*) in collaboration with the Indonesian Ulema Council (MUI). Fourth, halal auditors conduct inspections and product testing. Fifth, through a fatwa session, MUI determines the halal status of the product. Finally, upon completion of all stages, BPJPH issues the halal certificate (Mohammad, 2021).

Carla cosmetic products are perfume items primarily used by young consumers, particularly women. These products constitute one of the cosmetic brands circulating in the market without halal certification. The Carla cosmetic business has been operating since July 2024 and employs various effective distribution strategies.

However, in practice, the products continue to be distributed without certification. Interview findings with the business actors indicate several obstacles that hinder the halal certification process. The certification process is perceived as a considerable challenge, particularly due to cost considerations. The estimated certification fee, ranging between IDR 900,000 and IDR 1,000,000, is regarded as burdensome, especially for small-scale enterprises. Additionally, limited understanding of the certification mechanism, procedures, and requirements contributes to the complexity of the process. Business actors also acknowledged that they have never received socialization or guidance from relevant institutions, resulting in minimal knowledge of Law Number 33 of 2014 on Halal Product Assurance.

Furthermore, the relatively lengthy processing time has led them to prioritize product development and market competition before pursuing certification.

These factors have contributed to the absence of halal certification for Carla cosmetic products. Nevertheless, business actors recognize that halal certification is crucial for enhancing consumer trust. Despite this awareness, certification has not yet been obtained. The business actors plan to initiate the certification process by completing required documentation and administrative procedures to facilitate a smoother application process. Although financial constraints and limited access to information remain challenges, the commitment to obtaining halal certification persists. The business actors intend to apply for certification once sufficient funds are available and hope for tangible government support, particularly in the form of small-business assistance programs, technical training, and structured guidance. To date, Carla products are still found circulating in the market without halal certification, underscoring the need for stricter supervision by relevant authorities.

Halal Products under Law Number 33 of 2014 on Halal Product Assurance

Law Number 33 of 2014 on Halal Product Assurance stipulates that all products circulating, traded, or imported into Indonesia are required to possess halal certification, as set forth in Article 4 (Minister of Law and Human Rights, 2014). This provision reflects the government's commitment to ensuring that products used by the public comply with halal requirements. To clarify its implementation, the government subsequently issued Government Regulation Number 39 of 2021 on the Implementation of Halal Product Assurance, which details the procedures, mechanisms, and processes for obtaining halal certification. Under this regulation, a halal product is defined as a product whose halal status has been determined in accordance with Islamic law through an official certification process.

Halal certification, issued by the Halal Product Assurance Organizing Agency (*Badan Penyelenggara Jaminan Produk Halal / BPJPH*) following the issuance of a written fatwa by the Indonesian Ulema Council (MUI), constitutes legal proof that a product has been declared halal in accordance with Islamic principles. The halal certification process includes the implementation of a Halal Assurance System (*Sistem Jaminan Halal / SJH*) in compliance with LPPOM MUI requirements, verification of raw materials, and assessment of production procedures (Warto & Samsuri, 2020, p. 101). Competent halal auditors conduct inspections, the results of which form the basis for MUI's halal determination through a fatwa session. Subsequently, the halal certificate issued by BPJPH is valid for four years and may be renewed, while business actors are obligated to ensure continuous halal compliance and report the implementation of the SJH every six months (Faridah, 2019, p. 72).

According to Article 3 of the JPH Law, the primary objective of halal certification is to provide safety, comfort, and assurance to the public regarding the

availability of halal products, while simultaneously encouraging business actors to gain added value through the production and marketing of halal goods (Minister of Law and Human Rights, 2014). To achieve these objectives, the government established BPJPH as an institution responsible for consumer protection within an integrated legal system. Law must be understood as a system composed of interconnected components that interact and function cohesively to achieve shared goals. Therefore, legal norms cannot be viewed in isolation but must be linked to other elements within the system. This systemic understanding forms a crucial foundation for the implementation of halal product assurance in Indonesia (Mertokusumo, 2010).

Within this framework, the determination of a product's halal status is not based solely on the absence of prohibited ingredients but also involves a comprehensive assessment of the entire production process, including the selection of raw materials, auxiliary substances, equipment, and processing locations (Hasan, 2014, p. 146). Halal products must meet halal requirements in terms of composition, processing methods, slaughtering procedures (where applicable), and means of acquisition (Wajdi, 2019). Specifically for cosmetic products, Islamic law requires that halal cosmetics be permissible for use, free from prohibited and impure substances, and protected from contamination by impure materials throughout both composition and production processes (Amin, 2010, p. 33). Accordingly, the scope of halal cosmetics includes all cosmetic products whose entire production process complies with Islamic legal principles (Widyaningsih, 2023, p. 67).

Analysis of the Circulation of Carla Cosmetic Products Based on Law Number 33 of 2014 on Halal Product Assurance

In terms of product distribution, the Carla cosmetic business utilizes a consignment system as its primary offline marketing method in the regions of Banda Aceh and Aceh Besar. According to the *Kamus Besar Bahasa Indonesia* (KBBI), consignment refers to a form of cooperation in which goods are entrusted to another party for sale, with payment made after the goods are sold (Bahasa, 2008). Widayat explains that this system involves a consignor as the owner of the goods and a consignee as the party entrusted with selling them, while the goods themselves are referred to as consignment or commission goods (Widayat, 1999, p. 125).

Through this system, Carla cosmetic products are distributed to five to seven retail stores, with approximately five units supplied to each store per month. The business actor's objective is to introduce the Carla brand while facilitating consumer access without requiring direct visits to the production site. In addition, Carla leverages technological developments by selling products through various e-commerce platforms such as Shopee and TikTok Shop. Digital distribution not only expands market reach but also enhances convenience for consumers in obtaining products.

Regarding product acceptance in retail stores and e-commerce platforms, interview findings indicate that shop owners are generally unaware of regulations related to the Halal Product Assurance Law. Shop owners also admitted that they do not require business actors to present halal certification prior to displaying products in their stores, assuming that distributed products are already halal-compliant. Some even stated that because the product is perfume, halal status is not considered a primary concern. Nevertheless, shop owners expressed concern should business actors consign products without official halal certification. With respect to consumer responses, shop owners reported that the absence of a halal label has never become a source of complaint. Price and product availability remain the primary considerations in selecting products for consignment, while consumer demand for halal-certified products has not exerted significant pressure.

Consumers who use Carla cosmetic products and were interviewed also indicated that they do not place significant emphasis on halal labeling. However, they acknowledged that ideally every product should possess halal certification, even though it is not their main consideration when choosing a product. Consumers prefer Carla products due to perceived quality, fragrance appeal, and affordable pricing. Despite limited understanding of the Halal Product Assurance Law, consumers recognize the importance of halal certification as evidence and assurance of a product's halal status.

This phenomenon reflects a lack of public awareness regarding the importance of halal compliance. Interview data reveal that consumers continue to use products that lack halal certification, often assuming that products readily available in the market are safe for use without verifying their halal status. This assumption is problematic, particularly for Muslim consumers, for whom halal considerations are fundamental.

In such circumstances, the government plays a highly strategic role. The state is obligated to protect the public by ensuring that only products meeting halal requirements are permitted to circulate in the market. The government's role extends beyond rule-making to include active supervision to ensure that marketed products have obtained official halal certification. Effective supervision alleviates the burden on consumers to independently verify product ingredients and composition, thereby fostering public trust in the halal assurance system. When public confidence is established, products that violate Islamic legal provisions can be effectively prevented from circulating.

Article 4 of the Halal Product Assurance Law explicitly states that "products that are traded, circulated, and imported into Indonesia must possess halal certification." This provision implies that no uncertified product should be available in the market. Consequently, Carla cosmetic products that lack halal certification should not be permitted to circulate.

Regarding supervision, Article 49 authorizes BPJPH to oversee the implementation of halal product assurance. Article 50 further specifies that such supervision encompasses, among other aspects: (a) Halal Inspection Bodies (LPH); (b) validity periods of halal certificates; (c) product halal compliance; (d) halal labeling; (e) information regarding non-halal status; (f) separation of locations, facilities, and equipment for halal and non-halal products throughout slaughtering, processing, storage, packaging, distribution, sales, and presentation; (g) the presence of halal supervisors; and/or (h) other activities related to halal product assurance (Indonesia, 2014, p. 21). Accordingly, Carla cosmetic products circulating without halal certification fall directly within the scope of halal product assurance supervision as regulated by Law Number 33 of 2014. The continued circulation of uncertified products indicates that supervisory functions have not yet been optimally implemented. BPJPH, as the primary mandated institution, appears to have not exercised effective oversight, allowing uncertified products to remain in the market.

In addition to the roles of the government and business actors, consumers are also entitled to protection from products lacking halal certification or containing non-halal substances. Such protection represents a manifestation of state responsibility in ensuring public safety and comfort. Therefore, the government encourages public participation in monitoring products circulating in the market, whether domestically produced or imported. The state even provides recognition to individuals who actively participate in such oversight, in accordance with Articles 53 and 54 of the Halal Product Assurance Law, which stipulate that:

1. The public has the opportunity to participate in the implementation of halal product assurance.
2. Such participation may take the form of:
 - a. educational or socialization activities related to halal product assurance; and
 - b. monitoring the circulation of products and halal-certified goods.
3. Public monitoring activities are conducted through official reporting or complaint mechanisms submitted to BPJPH.

As a form of appreciation, BPJPH is authorized to grant recognition to parties who actively support the implementation of the halal product assurance system. This recognition serves as acknowledgment of public involvement in safeguarding halal compliance in the marketplace.

Accordingly, ensuring that all circulating products meet halal requirements requires more than supervision alone. Empowerment of business actors and consumer protection must proceed in parallel. Parties with limited awareness of halal issues require education and oversight, while business actors require facilitation to meet certification requirements. When supervision and support operate in balance, the objectives of the JPH Law – to ensure legal certainty, comfort, and public safety – can be optimally achieved. BPJPH remains the primary institution responsible for

overseeing halal product assurance, yet current implementation reveals two principal weaknesses: insufficient supervisory performance and low public awareness, with consumers often delegating full responsibility to the government. Therefore, the state must strengthen supervisory institutions and ensure that their mandates are effectively carried out in practice.

Conclusion

Based on the foregoing analysis, the circulation of Carla cosmetic products without halal certification constitutes a violation of Law Number 33 of 2014 on Halal Product Assurance. This situation indicates that supervision of uncertified products remains ineffective. Accordingly, the government must strengthen the performance of BPJPH as the legally mandated supervisory authority for products subject to mandatory halal certification. At the same time, public participation, as mandated by law, must be enhanced to ensure effective enforcement and oversight.

To address these issues, this study recommends: (1) that business actors promptly pursue halal certification and gradually implement halal product assurance procedures; (2) that the government and BPJPH strengthen education, assistance, and financial support mechanisms; and (3) that retail stores and consumers be actively involved in participatory monitoring systems.

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