

## LEGAL PROTECTION FOR CONSUMERS IN CHOOSING EID SNACK PRODUCT IN PEKALONGAN CITY: A STUDY ON HALAL LABELING

Mohammad Fateh<sup>a,b</sup>

Fitroh Zulfiana<sup>a</sup>

Teti Hediati<sup>a</sup>

Khasan Safrudin<sup>a</sup>

<sup>a</sup>Universitas Islam Negeri K.H. Abdurrahman Wahid Pekalongan

<sup>b</sup>mohammad.fateh@uingusdur.ac.id

### Abstract

The purpose of labeling packaged foods is to ensure that people who buy or consume food can get accurate and clear information. The use of labels in packaging has always been related to the commercial aspect. Many food household industries or small and medium businesses are engaged in traditional food in the past, as is the case in the city of Pekalongan. These household industry products, especially packaged foods that are not known to be halal and haram, are certainly quite dangerous for the general public to consume. This type of research is field research with a qualitative approach. The researcher will answer an analysis of how halal labels affect the decision to buy Eid snacks in Pekalongan City and whether legal protection for small and medium business products without halal labels in Pekalongan City Halal labeling. Legal protection for small and medium business products without halal labels in Pekalongan can be guaranteed in accordance with Law No. 33 of 2014 concerning the implementation of halal product assurance regulations has not been applied to the maximum due to two factors: first because the seller has experienced difficulties in taking care of the registration procedure for halal certification of food products, the second because the seller includes halal labeling on the food product only for formalities to be attractive consumer attention.

**Keywords :** *Legal Protection, Consumer Protection, Halal Labeling.*

### INTRODUCTION

The purpose of labeling packaged food is to ensure that people who buy or consume the food can obtain accurate and clear information about all the packaged information, such as origin, packaging, quality, nutritional content, and other necessary information before deciding to buy or consume the food. These provisions apply to food that has undergone the final packaging process and is ready for trade, with the packaged food presented to the buyer. The use of labels on packaging is always related to trade aspects. (Republic).



Many home food industries or small and medium enterprises engaged in traditional packaged foods, such as those in the city of Pekalongan. These home industry products, especially packaged foods whose halal status is unknown, are certainly quite dangerous for the general public to consume.

There are several home-based businesses that do not use halal labels, and their marketing sometimes contradicts the law. However, Islamic law does not explicitly regulate the application of halal labels on food products. This shows that there is a different concept between positive law and Islamic law regarding how food products should have halal labels. The research titled "The Influence of Halal Labeling on Consumer Behavior in Choosing Eid Snack Products in Pekalongan City" has become the subject of interest for the author.

## **RESEARCH METHOD**

The method used in this article is field research with a qualitative approach. (Rahmadi, 2011). The data sources in this research consist of primary data sources and secondary data sources, with the primary data sources obtained through interviews or direct observations with the owners of Eid snack products in Pekalongan. (Saifudin Azwar, 2003) Meanwhile, secondary data is obtained from books, journals, research results, or others. (Juliansyah Noor, 2015). To obtain the data, the collection methods used are observation, interviews, and documentation. (Basrowi dan suwandi, 2008). Next, the data will be analyzed using the deductive method.

## **RESULTS AND DISCUSSION**

### **A. THEORY**

#### **1. Theory of Halal Labeling**

##### **a. Definition of Halal Labeling**

Labeling is a word derived from the English word "label," which means "name" or "to give," while in the terminology of this material, it refers to a part that consists of descriptions (words) about the item or the seller. With the presence of labels on product packaging, consumers will find it easier to recognize and obtain clear information about the product. (Danang Sunyonto. 2012)

##### **b. Legal Basis for Halal Labeling**

Halal certification activities are managed by the Food and Drug Supervisory Agency. (BPOM). In 2014, the government issued Law Number 33 of 2014 concerning Halal Product Assurance, regulating the authority of

the government to issue halal certificates, in this case, the Ministry of Religious Affairs. Regarding the halal status of a product, Article 8 paragraph (1) letter h of Law Number 8 of 1999 on Consumer Protection states that business actors are prohibited from producing and/or trading goods and/or services that do not comply with halal production regulations, as indicated by the "halal" statement on the label. (Tim Penyusun, 1975)

## 2. Theory of Legal Protection

### a. Definition of Legal Protection

Legal protection is also an action to protect or provide assistance to legal subjects using legal instruments. Legal protection is protection using legal means or protection provided by law aimed at safeguarding interests that need to be protected within a legal right. Legal protection itself aligns with the function of law, which is to protect an individual's interests by allocating power to them to act in accordance with those interests. (Sajipto Raharjo, 2006)

### b. Legal Basis for Consumer Protection

- 1) Law number 10 of 1961 concerning the stipulation of government regulations in lieu of law number 1 of 1961 concerning goods into law
- 2) Law number 2 of 1966 concerning hygiene
- 3) Law number 3 of 1982 concerning mandatory company registration
- 4) Law number 8 of 1999 concerning consumer protection, the emergence of this law provides hope for the Indonesian people to obtain protection against losses suffered from transactions of goods and services. The Consumer Protection Law guarantees only legal certainty for consumers. The 1945 Constitution, as the source of all sources of law in Indonesia, mandates that national development aims to realize a just and prosperous society. (Tim Penyusun, 2007)

## 3. Theory of MSME Products

### a. Understanding MSME Product

Ina Primiana also stated that Micro, Small, and Medium Enterprises (MSME) can be interpreted as the development of flagship areas to accelerate economic recovery, accommodating priority programs and the development of various potential sectors. Meanwhile, small enterprises represent the enhancement of various community empowerment efforts. (Nurul Widyaningrum, 2013)

### b. Legal Basis for MSME Products

- 1) Law Number 9 of 1995 concerning small enterprises



- 2) Government Regulation Number 44 of 1997 concerning partnerships
- 3) Government Regulation number 32 of 1998 concerning the guidance and development of small enterprises
- 4) Presidential Instruction number 10 of 1999 on the empowerment of medium enterprises. (Vina Septiana, 2016).

Micro, small, and medium enterprises are business activities that can expand job opportunities and provide widespread economic services to the community, and can play a role in the process of equitable distribution and increasing community income, driving economic growth, and contributing to national stability. In addition, micro, small, and medium enterprises are one of the main pillars of the national economy that must receive primary opportunities, support, protection, and extensive development as a manifestation of firm commitment to the people's economic business groups, without neglecting the role of large enterprises and state-owned enterprises. (UU Number 11, 2003)

## **B. General Description**

### 1. Profile of Pekalongan City

Pekalongan City is one of the cities in Central Java Province located along the northern coastal route of Java. The population of Pekalongan City in 2023 is 317,524 people, consisting of 157,155 female residents and 160,369 male residents. Many household food industries or small and medium-sized businesses engaged in traditional packaged food, such as in the city of Pekalongan. These home industry products, especially packaged foods whose halal status is unknown, are certainly quite dangerous for the general public to consume. (Statistic Daerah Pekalongan, 2024)

### 2. Profile of Eid Snack Entrepreneurs in Pekalongan City

- a. Mrs. Nurul Uyun resides at Jl. Jlamprang Krapyak Kidul Gang 1, Pekalongan City. She is a Muslim and completed her education up to elementary school. She is a gingerbread entrepreneur who has been selling for almost 14 years and is 60 years old. It can be seen that Mrs. Nurul is already elderly, but her enthusiasm for making gingerbread is very high. Mrs. Nurul started selling gingerbread because she liked the snack, which her child initially bought for her. Without thinking twice, she made it herself while looking up the recipe on Google, with her child's help. Then the idea to sell gingerbread together with her child emerged. Because the production is on a household scale, the gingerbread production takes place at her home. However, Mrs. Nurul Uyun has one employee, which is her child, because she has not yet produced thousands of them, so she is only assisted by her child. Her production is

bustling only during the days leading up to Eid, with daily production, but not like on Eid itself. The gingerbread is not consigned to shops; instead, it is sold at home, and sometimes people buy it directly and resell it.

- b. Mrs. Khotijah resides at Jl. Tuntrum Klego Gang Ilalang Panjang Baru, Pekalongan City. 40 years old with a junior high school education and a Muslim. Her husband works as a security guard at an elementary school, and she tries to make eid snacks like nastar, kastengel, putri salju cookies, and others. In its production, she is assisted by two employees. Her business is run at Mrs. Khotijah's residence, and her products are promoted through WhatsApp stories, Facebook, Instagram, and other social media platforms. She also offers them to the elementary school teachers where her husband works. Since the snacks have a eid theme, they only produce a few pieces each day, and they are definitely made by themselves. They are only popular just before Eid because these snacks are more of a eid specialty. In the lead-up to Eid, they produce almost hundreds of those snacks and offer them while walking around their hometown.
- c. Mrs. Kholifah is located at Jl. Panjang Baru Alley 5, Pekalongan City. She is a tempeh chip, spinach chip, cassava chip, banana chip, and various other chip entrepreneur, 37 years old with a junior high school education, and has been selling for almost 10 years. Mrs. Kholifah initially did not have a talent for selling; the business originally belonged to her child. However, since her child got married again and had many children, Mrs. Kholifah took over with the help of her husband. Initially, they sold products from others, but now, Alhamdulillah, they can produce 50-70 kilos on their own. And her products were entrusted to small shops, and eventually, she was able to open her own storefront to sell various types of chips. Not only that, but Mrs. Kholifah also receives orders for events or customer orders for resale every day. And approaching Eid, she produces almost 2 to 3 times the usual amount due to making snack jars for Eid and for souvenirs for families coming from afar. Mrs. Kholifah herself already has regular customers or resellers. Usually, there are also those who take samples and then resell them during Eid, and the various chips snacks are already well-known in the surrounding community, such as in Batang Pekalongan.
- d. Mrs. Novita resides at Jl. Dr. Sutomo, Setono Village, Pekalongan City. Mrs. Novita herself sells a variety of Eid cookies (nastar, putri salju, kastengel, biscuits), and she has been doing so for almost 3 years. She is still young, at 25 years old, and is a high school graduate. Initially, she made the Eid cookies just for fun and then tested them with her close friends. Not long after, she was encouraged to sell them. Without thinking twice, Novita posted them on her





WhatsApp story and Facebook, and many people started ordering. Over time, she gained many resellers, and her sales were indeed only during Eid. It can be said that every eid, she sold several jars, almost 2,000 jars, even though she only sold them through social media, but her earnings were very high. The cookies were initially made together with her husband, and then they were able to have 5 employees, all of whom were her relatives. And according to Mrs. Novita herself, every week there are always people who want to place orders, but Mrs. Novita chooses to sell only during Eid because she has other work and it is just a side job during Eid. Even though Mrs. Novita herself has 5 employees, she doesn't want to sell on regular days.

- e. Mrs. Regina resides on Jl. Veteran, Kidul Village, Pekalongan City. She is a 45-year-old entrepreneur specializing in various light snacks and Eid treats, with a high school education and nearly 10 years of selling experience. Mrs. Regina herself is known as a busy person with her daily activities, but in her spare time, she makes an effort to sell every day at home and produces various types of cakes and Eid snacks. Although it can be said that Mrs. Regina only sells these items, she has become well-known in the surrounding community through her efforts. Mrs. Regina does not have anyone to help her; she works alone, and her sales are mostly to people who place orders.
- f. Mrs. Nisa lives on Jl. Karya Bakti Medono, Pekalongan City. She is a 30-year-old entrepreneur specializing in Eid cookies and is a vocational school graduate. Mrs. Nisa sells cookies only during Eid because selling them is more appropriate at that time. So, Mrs. Nisa only sells them during Eid, and as Eid approaches, her neighbors enthusiastically order cookies without being told and without any posts on their phones. Her neighbors already know that Mrs. Nisa makes cookies every Eid. You could say that the orders for her cookies are not in the hundreds, but Mrs. Nisa never gives up on making them. Originally, Mrs. Nisa didn't want to sell them, but her neighbors always order from her. And Mrs. Nisa makes her cookies herself without anyone's help because if someone else helps, the taste won't be the same as hers. Even though there are people who want to help, Mrs. Nisa prefers to do it herself.

### 3. The Implementation of Labeling on Eid Snack Products in Pekalongan City

Food labels are something important to pay attention. The presence of halal food/drinks in Indonesia has been obtained through halal certification on food products by the Indonesian Ulema Council's Drug and Food Supervisory Agency (LPPOM-MUI), which is responsible for inspection, supervision, and selection of food types. Labels are tools for conveying information about products that are listed on the packaging. In addition to providing information about the product name, the

label also provides information on the list of ingredients contained in the product, net weight, shelf life, any value, product usage, and halal certification. The inclusion of the halal label is regulated by the joint decision of the Minister of Health and the Minister of Religious Affairs Number. 427/MENKES/SKB/VII/1985. Those that are forbidden or processed according to Islamic laws.

Based on field practices, many foods are still found without halal labels. Usually in the form of snacks produced by home industries that are then distributed. Snacks or light meals usually consist of chips, bread, and other items that are highly favored by consumers due to their savory taste and the convenience of being consumed anytime and anywhere. So the consumers also ignore what the food they are consuming is made of.

Just like in the city of Pekalongan, some eid snack products do not yet have halal labels on their packaging. Based on data from 6 eid snack producers that the author researched, the products made by these producers do not yet have halal labels on their packaging. These producers believe that not having halal labels on their packaging will not affect the sales of these snack products.

According to Mrs. Nurul Uyun, who resides at Jl. Jlamprang Krapyak Kidul Gang 1, Pekalongan City.

"According to him, the food he produces does not contain anything haram and is healthy, so his products can be consumed, especially by Muslims. He is aware that labeling the product is important as a guarantee of his processed food. However, according to Mrs. Nurul Uyun, she is not yet willing to register it. She believes that only large entrepreneurs should do halal labeling, like factories that produce thousands every day."

The purpose of the above writing is that the goal of implementing halal labeling is to ensure the materials for sale. For now, she feels there is no need to implement halal labeling, because according to her, none of her consumers have complained about her products or raised this issue. And so far, Mrs. Nurul mentioned that no one has ever asked about the halal certification for the Eid snacks, which is why Mrs. Nurul Uyun will not include a halal label on the food products she makes.

As stated by Mrs. Khotijah, residing at Jl. Tuntrum Klego Gang Ilalang Panjang Baru, Pekalongan City.

"According to him, he is not willing to handle the halal labeling because his customers already believe that the products he sells are halal without the need for a halal label/logo. He only assures customers who ask about the halal status of his products without going through the hassle of halal certification. His customers are already convinced and think that it is impossible for a businessman to mix the ingredients they sell with haram or harmful substances."



The meaning of that statement is that Mrs. Khotijah is not very different from Mrs. Nurul, but at some point, she will have to implement the certification regulations. However, as long as her customers do not question it too much, she is unwilling to apply it, and Mrs. Nurul herself always reassures her customers.

According to the knowledge of Mrs. Kholifah, who resides at Jl. Panjang Baru Gang 5, Pekalongan City, regarding the implementation of halal labeling as follows

"In my opinion, the implementation of halal labeling is important, but I myself have not yet obtained halal certification due to a lack of knowledge or not fully understanding the halal labeling regulations. Mrs. Kholifah also mentioned that she does not know whether there is a law requiring products in circulation to include halal labels." According to her, it is not yet necessary because the production volume is not too large and within her scope, and Mrs. Kholifah is confused about the requirements that need to be registered. Although she is aware that halal certification is important for ensuring her product is trusted by consumers, especially those who are Muslim, she has not pursued halal certification because the requirements are too complicated, according to Mrs. Kholifah. Therefore, Mrs. Kholifah has not yet labeled her products with halal certification because she did not know that food products on the market must include halal labeling. Mrs. Kholifah also mentioned that she does not know where to obtain the halal certification."

And according to Mrs. Novita, who lives on Dr. Sutomo Street, Pekalongan Village, her opinion is as stated above.

"I do not include the halal label due to a lack of knowledge about the mechanism for obtaining halal certification, and Ms. Novita mentioned that she did not know that halal certification for a food product is mandatory." While I only sell dry cakes during Eid, so it's not too important to register or manage the sale of those products. So far, consumers have never asked about the halal label on the packaging. And if anyone asks about that, I will assure them that I use natural ingredients without any added haram elements. And I do not understand consumer protection or the halal standards of a product, he admitted that he does not have an issue with that because if the seller is dishonest by mixing in haram products or other harmful substances, it is the seller's responsibility."

There are some consumers who are unaware of the halal label with halal certification; when they buy products, they do not check the label on the packaging they purchase.

"I have participated in socialization about halal certification before, but in my opinion, the halal label is not that important, and the most important thing, in my opinion, is the expiration date, ma'am."



The intention of Mrs. Regina, who resides on Jl. Veteran, Kidul Village, Pekalongan City, according to her, is that she has only participated in socialization about halal certification, which states that in selling products, a halal label is required, and she acknowledges that she understands these steps. But Mrs. Regina did not register it directly because she did not find it too important and there are certainly other requirements. Since I have to manage other things besides selling every day, I don't have the time, and the costs involved are too high for a small business like mine. The most important thing for her in the product packaging is the expiration date.

However, unlike Mrs. Nisa herself, she stated that the application of halal labeling on product packaging is important, but Mrs. Nisa herself does not understand how to implement it.

"According to Mrs. Nisa, she stated that attaching the logo is not too important, but for Muslims, it is actually very important. However, as a seller, the most important thing is that we always ensure the quality of the materials used."

The meaning of the statement from Mrs. Nisa, who resides at Jl. Karya Bakti Medono, Pekalongan City, according to her, in the production process, Mrs. Nisa does not include halal and consumption labels in her sales because she does not know that home industry production must obtain halal certification to ensure the halal status of the distributed food. She believes that the products made by Mrs. Nisa are halal, and furthermore, Mrs. Nisa is confident that the ingredients used do not contain any elements of prohibition. Although the inclusion of a regular halal label on the product packaging does not pose an issue for consumers, the presence of a halal label gives consumers the power to choose, especially those who are Muslim.

According to the above explanation, it can be concluded that the Implementation of Labeling on Eid Snack Products in Pekalongan City is due to the lack of legal awareness and knowledge about the laws regulating halal labeling. As for producers who underestimate halal labeling because their consumers do not consider it an issue. Some consumers also lack understanding of the official labels because there are those who only use the halal label but have not registered for halal certification, and the lack of comprehensive socialization from MUI to all producers, resulting in producers not applying halal labels to their food products.

### **Discussion:**

#### **a. ANALYSIS OF THE INFLUENCE OF LABELS ON THE PURCHASE DECISION OF EID SNACKS IN PEKALONGAN CITY**

Labeling is the inclusion of halal writing or statements on consumer products to indicate that the product in question is classified as halal. A halal label can be affixed

to a product's packaging if the product has received halal certification from BPOM MUI. Halal certification and labeling aim to provide legal certainty in consumer protection and enhance the competitiveness of domestic products in order to increase national income. A halal product certificate is a halal fatwa decision issued by the MUI Executive Board in the form of a certificate. (Dwio Edi Wibowo dan Edi Wibowo).

The halal label according to Law Number 33 of 2014 concerning Halal Product Assurance is a sign of a product's halal status. The halal label is obtained after receiving a halal certificate, whereas the halal certificate is a written fatwa issued by the Indonesian Ulema Council (MUI) that declares a product's halal status in accordance with Islamic law through the decision of the MUI fatwa commission based on an audit process conducted by the MUI Food, Drug, and Cosmetic Research Institute. (LPPOM MUI). A halal certificate is a requirement to obtain permission to include a halal label on product packaging.

Regulations regarding halal labeling are also explained in Law Number 39 of 2021 concerning the Implementation of the Halal Product Assurance Sector. This law explains the types of products that are halal certified and the types of products after the implementation in the territory of Indonesia. The obligation to have halal certification for certain types of products is implemented gradually. The obligation for micro and small business operators to have halal certification applies to productive businesses and products that are low-risk/use raw materials that have been confirmed to be halal and production processes that have been confirmed to be halal in a simple manner. In the application for halal certification submitted by micro and small business operators, no additional fees are charged. (UU Number 39, 2021)

The similarity of the results of this study with previous research is that proper labeling in accordance with applicable regulations will create honest and responsible trade. Thus, it will facilitate the supervision of food safety and protect consumers from misconceptions. Halal labeling plays a role in increasing sales to attract consumers, especially Muslim consumers, where the purchase decision plan can serve as a measure of the level of sales. Whereas the difference is that the needs for food, drink, clothing, and shelter always increase from year to year. Therefore, producers are competing to dominate the market by producing a variety of food and beverages. Producers who are aware of the needs of society have their own ways to attract consumers.

From the various explanations, it can be concluded that halal labeling is an important aspect for a food company to possess. This is because labeling has an influence on consumers. Additionally, halal labeling also becomes a unique attraction for consumers in the Indonesian society, which is predominantly Muslim.

Therefore, before consumers decide to use a product, they will go through a decision-making process first. The decision-making process consists of the stages

consumers go through in deciding on a particular product that they believe is the best among others, so the purchase decision can be interpreted as the consumer's willpower to make a purchase if they have an interest in buying a product. The consumer decision-making process or high-involvement decisions are characterized by the fact that when buying a product or service, they spend a considerable amount of time, attention, and effort comparing brands and sales locations.

The labeling that found on food product packaging has a relationship and partially has a significant influence on food product purchasing decisions. This proves that the presence of halal labeling on food products provides a positive value that has a great opportunity to influence consumer purchasing decisions. The level of awareness of the halal status of food products is indicated by the influence of halal labels and prices on food product purchasing decisions. This can be interpreted that halal labels can provide information about the quality and standard of the product, thereby influencing consumers in the process of making food product purchasing decisions. (Surat-surat Lembaga).

b. ANALYSIS OF LEGAL PROTECTION FOR SMALL AND MEDIUM ENTERPRISES PRODUCTS WITHOUT HALAL LABELS IN PEKALONGAN CITY

The legal basis for protecting consumers from unhealthy and unsafe food products is outlined in Government Regulation Number 69 of 1999 concerning labels and processed food and Law Number. 8 of 1999 concerning consumer protection. According to Law Number 8 of 1999 on consumer protection, MSME actors or producers who manufacture food are required to comply with food safety and health standards set by BPOM. In addition, they must also provide clear, accurate, and non-misleading information about the food products they have produced. Meanwhile, Government Regulation Number 69 of 1999 concerning labels and advertisements for processed food stipulates that labels on food product packaging must clearly provide information about the ingredients used and meet specific requirements for halal certification on food products. (Indonesia, 1999 PP Number 33 of 1999)

If MSME actors violate regulations regarding halal products, there will be several consequences they will face, including: MSME actors who violate halal product regulations can be subject to legal actions, both criminal and civil, based on existing regulations; MSME actors who do not meet halal product requirements and violate applicable rules can cause a negative reputation impact that can reduce consumer trust and expected business opportunities; MSME actors who cause losses to consumers or other parties due to products that do not meet halal requirements can be subject to compensation claims and administrative sanctions.



Regulations regarding halal certification in providing protection for Muslim consumers are found in Law Number 33 of 2014 on Halal Product Assurance. (JPH). This law regulates the rights and obligations of business actors who produce products from materials derived from prohibited substances as referred to in Article 28, and Article 20 is exempted from applying for a halal certificate. (Indonesia, 1999 PP Number 69 of 1999)

Regulations regarding halal certification in providing protection to Muslim consumers are found in Law Number 33 of 2014 concerning Halal Product Assurance (JPH). This law regulates the rights and obligations of business actors who produce products from materials derived from prohibited substances as referred to in Article 28, and Article 20 is exempted from applying for a halal certificate.

Legal protection for consumers not only concerns the halal status of products, but this law also provides exceptions for business operators who produce products from forbidden materials, with the obligation to clearly state the non-halal status on the product packaging or on certain parts of the product that are easily visible, readable, not easily erased, and an inseparable part of the product. To ensure the availability of halal products, the raw materials of the products are declared halal, whether they come from animal, plant, microbial sources, or materials produced through chemical, biological, or genetic engineering processes. In addition, PPH is determined, which is a series of activities to ensure the halal status of the product, including the provision of materials, processing, storage, packaging, distribution, sale, and presentation of the product. (Law Number 33 of 2014)

## CONCLUSION

1. The influence of halal labeling on the purchasing decisions of Eid snacks in the city of Pekalongan is not very significant for consumers because they do not pay attention to the halal labeling on these food products. Halal labeling has a simultaneous relationship that significantly affects the purchasing decisions of food products. The level of awareness regarding the halal status of affordable food products is indicated by the influence of halal labeling on the decision to purchase food products. This can be interpreted to mean that affordable halal labeling can directly provide information about the quality and standard of the product, thereby influencing consumers in the process of deciding to purchase food products.
2. Legal protection for small and medium-sized business products without halal labels in Pekalongan has not been fully implemented because, in this study, the author still found food products that have already included halal labeling but have not included an ID number on the food products. This is caused by two factors:

first, the sellers face difficulties in managing the halal certification registration procedures for food products; second, the sellers include halal labeling on these food products merely for formality to attract consumer attention.

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