

## **LEGAL PROTECTION OF THE COMMUNITY BANDA ACEH CITY IN USING COSMETICS NON-HALAL LABEL REVIEWED FROM AKAD SELLING**

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### **Abstract**

This research aims to answer 3 research questions, namely how the form of legal protection for consumers who use non-halal cosmetic products, how the form of use of non-halal label cosmetic products, and how the perspective of Islamic law on the legal protection of non-halal label cosmetic consumers in the city of Banda Aceh. The research method used is descriptive analysis, namely data collection techniques in the form of field and literature studies. The results of this study indicate that the form of legal protection for consumers who use non-halal labelled cosmetic products carried out by the Banda Aceh city government is by imposing jinayah sanctions. Both in the form of flogging, imprisonment, and fines in accordance with Aceh Qanun Number 8 of 2016 concerning the Halal Guarantee System. The form of use of non-halal labelled cosmetic products in the people of Banda Aceh city varies, namely Special UV whitening, bb cream night and day, Doolby lipstick, make over, and so on. This product is used for skin beauty on the face, hands and body. The perspective of Islamic law on legal protection for consumers of non-halal labelled cosmetics in the city of Banda Aceh in the sale and purchase contract must be carried out so that consumers are protected from buying and selling which contains elements of lies about the goods they buy, especially from elements that are not halal for use by buyers. From the results of this study, the author suggests that the Banda Aceh city government continue to take firm steps in the circulation of non-halal labelled products. In addition, buyers must also be more careful in choosing cosmetics that will be used daily.

**Keywords:** Customer, Non-halal cosmetics, Islamic Law, legal protection

## Abstrak

Penelitian ini bertujuan untuk menjawab 3 pertanyaan penelitian, yaitu bagaimana bentuk perlindungan hukum terhadap konsumen yang menggunakan produk kosmetik non halal, bagaimana bentuk penggunaan produk kosmetik berlabel non halal, dan bagaimana perspektif hukum Islam terhadap perlindungan hukum konsumen kosmetik berlabel non halal di Kota Banda Aceh. Metode penelitian yang digunakan adalah deskriptif analisis, yaitu teknik pengumpulan data berupa studi lapangan dan kepustakaan. Hasil penelitian ini menunjukkan bahwa bentuk perlindungan hukum terhadap konsumen yang menggunakan produk kosmetik berlabel non halal yang dilakukan oleh pemerintah kota Banda Aceh adalah dengan memberikan sanksi jinayah. Baik berupa hukuman cambuk, penjara, maupun denda sesuai dengan Qanun Aceh Nomor 8 Tahun 2016 tentang Sistem Jaminan Halal. Bentuk penggunaan produk kosmetik berlabel non halal pada masyarakat kota Banda Aceh beragam, yaitu pemutih Special UV, bb cream night and day, lipstik Doolby, make over, dan lain sebagainya. Produk ini digunakan untuk kecantikan kulit pada wajah, tangan dan tubuh. Perspektif hukum Islam terhadap perlindungan hukum bagi konsumen kosmetik berlabel non halal di kota Banda Aceh dalam akad jual beli harus dilakukan agar konsumen terlindungi dari jual beli yang mengandung unsur kebohongan terhadap barang yang dibelinya, terutama dari unsur yang tidak halal untuk digunakan oleh pembeli. Dari hasil penelitian ini, penulis menyarankan kepada pemerintah kota Banda Aceh untuk terus melakukan langkah tegas dalam peredaran produk yang berlabel tidak halal. Selain itu, pembeli juga harus lebih berhati-hati dalam memilih kosmetik yang akan digunakan sehari-hari.

**Kata kunci:** Kosmetik non halal, masyarakat Banda Aceh, jual beli, produk, perlindungan hukum

## INTRODUCTION

Buying and selling (doing business) in a community is a traditional activity that everyone experiences. But proper buying and selling under Islamic law is not sure that all believers adhere to it. Moreover, there are those who do not know the same about the rigour provided by Islamic law

when it comes to buying and selling (the field of business).<sup>1</sup> In the Quran and hadith, which are the basis of Islamic law, many people share illustrations or organise businesses that are proper to Islam. Not only for merchants, but also for consumers. Today, more and more merchants are prioritising people's profits, not based on the provisions of Islamic law.<sup>2</sup> They only seek secular profits, not wanting to barok what they have done.

In the Quran and hadith, which are the basis of Islamic law, there are many illustrations or organised business fields that are appropriate for Islam. Not only for traders, but also for consumers. Today, more and more traders are prioritising people's profits, not based on the provisions of Islamic law. They only seek worldly gains, not wanting the barakah of what they have done.

Article 1 paragraph 1, Law of the Republic of Indonesia Number 8 Year 1999 on Consumer Protection states that consumer protection is all efforts that guarantee legal certainty to ensure consumer protection. Paragraph (2) states that a Client is any person who uses objects and/or services that exist in the community, useful for the needs of himself, family, other people or other people who are still alive and not intended for trade. In these provisions, it is clear that the customer is the party that must be protected from the point of view of the consumption of the real object of origin, the halalness of the object is stated.<sup>3</sup>

In the positive rules of Indonesian law, the interpretation of the term "customer", which is a legal definition, can be found in Law Number 8 Year 1999 on Consumer Protection (UUPK). The various harms that have been established in Indonesia's isolation have not been frequent over the past few years, the problems that have been established are several significant incidents that concern the safety and security of customers when consuming goods and services. In the endeavour to win people's lives, something intertwined is created, namely the one-on-one relationship between the supply of desire and the user of desire. Addiction involves the relationship between customers and desire users. producers in the buying and selling activities or the mercanism of creation and consumption.

Recent achievements in the field of customer protection in Indonesia have gained recognition and a tangible legal framework with the adoption

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<sup>1</sup> Abdul R Saliman, *Hukum Bisnis untuk Perusahaan Teori dan Contoh Kasus* (Kencana, 2020).

<sup>2</sup> P. Adam, *Hukum Islam: Konsep, Filosofi dan Metodologi* (Sinar Grafika, 2021).

<sup>3</sup> F. N. Handayani, *Penggunaan klausula baku yang dilarang menurut hukum perlindungan konsumen* (Uwais inspirasi Indonesia, 2020).

and promulgation of the Consumer Protection Law No. 8 Year 1999 (UUPK) on the right of initiative by the Indonesian Parliament. Subsequently, the UCP was adopted one (1) year later on 20 April 2000. With the introduction of the UCP, it became the legal parachute for the implementation of customer protection in Indonesia.

In other words, producers are often also considered as business entities that, in their business activities, have the goal of generating the greatest profit from the amount of capital they have. In this age, customers are also often referred to as facility users who understand the services performed by business entities by the method of providing a certain amount of money to obtain a product. I-Producers are those who produce objects or services that are either good or unformed, namely in the form of objects or services that can cause connections or need to be made between producers and customers or vice versa.<sup>4</sup>

This problem was proven by a direct study by iTri Susanto, published in the iJournal iKanopi iwhich was published by the iJalanan Mahasiswa Peternakan Universitas iBrawijaya iApes in 1989, which found that in milk products, food accompaniments and other dishes that actually contain gelatin, ishortening and ilechitin and fat derived from pigs.

The consumption of technology, which is getting better, in one part allows manufacturers to be able to produce products of different types, shapes, properties or qualities. As a result, the ventilation of customer wishes can be implemented larger, more fully, at lightning speed and cover the largest part of the population. However, in another part, the use of technology makes it possible to produce products that do not meet the safety and security requirements of users as a result of causing harm to customers.<sup>5</sup>

Every religion basically has a special determination that regulates food, so it is also special with Islam. One part of life is the observance of Islamic provisions and values, is the implementation of law Number 33 of 2014 concerning the halal product pledge (uu JPH). Although the law has been implemented, it has not fully extended legal protection to religious customers of halal products. This is due to the fact that the provisions of the

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<sup>4</sup> T. R. Kartika, N. Saputra, D. Tjahjana, and A. H. Manurung, 'Stock Investment Decision: The Effects of Personal Factors and Moderating Role of Years of Service' (2022) 19 *WSEAS TRANSACTIONS ON BUSINESS AND ECONOMICS* 107-15.

<sup>5</sup> S. Wahyuni, C. Fahmi, R. Sholihin, and L. M. Rasyid, 'THE ROLE OF COURTS IN RESOLVING CASES OF BANKRUPTCY OF ISLAMIC BANK CUSTOMERS' (2023) 7 *JURISTA: Jurnal Hukum dan Keadilan* 1-23.

law have not been effectively implemented, thus requiring a duration of 5 years from the date of initial ratification in 2014. This issue is in accordance with article 66 of the SPH Law, which states: "Laws enacted prior to the entry into force of this Law shall remain in force until enacted, unless they conflict with the SPH Law".

The law is understood as a legal framework and a stepping stone to spread protection among religious clients, the impact of uncertainty in the use of various products, which may be in the form of objects or services derived from definitions in Islamic law. As a reflection, in 2013 Indonesia imported beef from neighbouring countries, namely Australia and New Zealand. Not only that, but it also imported processed foods such as yogurts, chocolates, snacks and cosmetics and others which as agents of some of those products are completely dominated by Nestle, Unilever, Carrefour and the like.

As a province that enforces Islamic law, Aceh requires every common product to be certified halal before it is eaten by residents. This commitment is communicated to the Aceh Malim Advisory Board through LPPM Aceh. Yet, there are many cosmetic products sold in the city of Banda Aceh that are not halal certified. The authorities have taken affirmative action in view of halal certification, as stated in several legal documents.<sup>6</sup>

Aceh Province as an area that applies Islamic law, which has the Aceh Malim Advisory Board (MPU), which functions very significantly in providing halal to every product in the province of Aceh, because the issue of the Aceh MPU body is regulated in a special channel that contains the use and obligations and powers in carrying out its position. The presence of LPPM MPU Aceh is an independent body that has special obligations in terms of food safety for Muslims from the dangers of harmful substances. With the help of institutional level, the role of this Agency is built at the central level of LPPOM MUI (Indonesian Malim Agency) or at the regional level, which in Aceh province is said as LPPOM MPU Aceh. There is a perceived obstacle to how to create a way to certify halal globally, is that there is a need for experts and maximum encouragement, which is useful for the implementation of legal practices.

In Article 12 of the Qanun regarding the halal product assurance system. Various levels of registration, certification and provision of halal

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<sup>6</sup> W. Akbar, R. Kurniawan, A. Dakhoir, and C. Fahmi, 'Optimization of Sharia Banking Regulations in Developing the Halal Cosmetic Industry in Indonesia' (2024) 22 *Jurnal Ilmiah Al-Syir'ah* 1-12.

brands for products that meet the criteria, carrying out nursery modernization for business entities in the halal product guarantee system improvement chart, encouraging awareness of the importance of halal products for customers and business entities in the business diagram, training efforts between citizens and participants in an effort to introduce the provision of halal products, motivating other agencies or institutions can also function in intensifying the use of halal products and creating a networked data transmission technology system based on halal product data, which is easy and careful as a result of accessibility for large citizens.

The use of cosmetics has become a dual phenomenon for Indonesian women, especially in the city of Banda Aceh. Unfortunately, there are still many who are not careful in choosing cosmetics. The price factor without taking into account quality is often taken into account. Of course, people know that the use of non-halal cosmetics should be harmful to the wearer because it can cause injustice in terms of purity in Islam for the residents of Banda Aceh city who are Muslims. As for health, Wardah dermatologist Dr. Sari Charennis, SpKK, said that safe cosmetics are part of halal. Exposure to the use of unsafe cosmetics will cause side effects on the skin.

The Mayor of Banda Aceh said business owners can negotiate with the Food Assessment Institute in line with the Implementation of Qanun No. 8 of 2016 related to the Halal Product Guarantee System (SJPH). Because Aceh is currently implementing Islamic jariat, so that people consider food and cosmetic tools as halal, this is a problem that needs to be written and labeled halal.<sup>7</sup>

Based on the description above, it can be concluded that consumer protection has been regulated in a legal product that must be carried out for the benefit of society. Consumers when using cosmetic products do not pay attention to the halal labeling of the cosmetic products used, so that it can cause material and moral losses for users (consumers). This is the basis for the dissertation study entitled "Legal Protection of Banda Aceh City Residents when Wearing Halal Cosmetics Without Labeling from the Sales Contract Point of View".

## RESULT AND DISCUSSIONS

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<sup>7</sup> Akbar, Kurniawan, Dakhoir, and Fahmi, 'Optimization of Sharia Banking Regulations in Developing the Halal Cosmetic Industry in Indonesia'.

In the linguistic sense, the word "protection" in English is pronounced as "protection". The term "protection" for the Big Indonesian Dictionary can be equated with the term "protection", which means the method or action to protect, while, according to Black's legal dictionary, protection is the act of protection.<sup>8</sup>

In the usual way, protection means protecting a person from a risky situation, which may be a need or an item or thing. Not only that, protection also means the support passed on by a person to a more disadvantaged person. In this way, legal protection can be found implicit in all efforts by the authorities to provide legal clarity to ensure the protection of their subjects so that their rights as individuals in the country are not violated and, for those who violate them, they must be rewarded in accordance with the law.

The interpretation of protection is shelter, action, and the like) protection. In the KBBI, which is defined as protection, it is a method, method, and action that should be prevented. In contrast, a law is a decision adopted by the ruler or becomes legal information for everyone in the country (land).

It is this interpretation of legal protection that is conveyed to the legal subject in the form of good legal features that are usually protected or that have impressive habits, both registered and unregistered. In other words, legal protection, as a reflection of the use of law, is the construction by which law can separate something equal, discipline, clarity, expediency, and tranquility.<sup>9</sup>

Legal protection is an attempt to obstruct the needs of a person by sharing with him something that is the basic right of a person to play a role in the scheme of his interests. Legal protection is an action or effort aimed at preventing citizens from taking action at the will of the sovereign that is not in accordance with the provisions of the law, creating discipline and peace by allowing people to enjoy their dignity as individuals. Legal protection is an activity that aims to prevent people by connecting the relationship between values or rules that are realized in actions and actions to create discipline in living relationships between other people.<sup>10</sup>

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<sup>8</sup> G. Howells and S. Weatherill, *Consumer Protection Law* (Routledge, 2017).

<sup>9</sup> C. Fahmi, 'TRANSFORMASI FILSAFAT DALAM PENERAPAN SYARIAT ISLAM (Analisis Kritis terhadap Penerapan Syari'at Islam di Aceh)' (2012) 6 *Al-Manahij: Jurnal Kajian Hukum Islam* 167-76.

<sup>10</sup> C. Fahmi and W. Afrina, 'ANALYSIS OF LEGAL ASPECTS ON DEBT TRANSFER FROM CONVENTIONAL BANK TO SHARIA BANK POST THE

Legal protection is all efforts that can ensure legal clarity as a result of being able to share legal protection with parties who are bound or who take legal action. Legal protection is the key to the protection of the authorities and/or citizens in the citizens in the exercise of their use, rights, roles and roles in accordance with the definition of legal regulations. Legal protection is all efforts to share comfort with the victim assessed by the family, lawyers, social authorities, police, prosecutors, legal council or other parties working properly or derived from the definition of the bar.

Protection can be considered legal protection if it has the following elements:

- a. There is support from the ruler to the citizens;
- b. Ensure clarity of law;
- c. Relates to the rights of citizens;
- d. There is a reward for the party that attaches it.

The root of the investor's legal protection is what allocates guarantees to the capital investor if he wants to be able to attribute his capital in a fair atmosphere to the parties involved with the law, citizens and other parties, most importantly in terms of gaining access to market atmosphere data, political atmosphere and citizens, assets governed by the investor, laws, as well as other similar.<sup>11</sup>

#### 1. Form of legal protection

The form of legal protection provided by the state has 2 orders, namely prohibited and authorized. A very obvious form of legal protection is the existence of law enforcement agencies, such as legal tribunals, prosecutors, police, and agencies that handle clashes outside of other legal tribunals (not related to litigation). Laws have different interpretations among citizens, and one of them, which is very clear from the interpretation of the law, is the existence of law enforcement agencies.

Legal protection is very well linked to the view of equality. In fact, the purpose of law is to achieve equality. Until then, the existence of legal protection is one of the usual ways to reduce equality, one of which is to strengthen equality in certain economic dimensions of investment.

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APPLICATION OF QANUN ACEH NO. 11 OF 2018' (2023) 4 *Al-Mudharabah: Jurnal Ekonomi dan Keuangan Syariah* 28–39.

<sup>11</sup> C. Fahmi, 'THE DUTCH COLONIAL ECONOMIC'S POLICY ON NATIVES LAND PROPERTY OF INDONESIA' (2020) 5 *PETITA: JURNAL KAJIAN ILMU HUKUM DAN SYARIAH* 105–20.



Strengthening legislation in the form of legal protection in economic investment activities in particular cannot be separated from the view of industrial law, especially limited liability companies, because legal protection in investment refers to several parties in the implementation of efforts to join investors, chairmen, commissioners, donors of reasons and rights holders, as well as parties who form investment activities, such as notaries, where the parties to the legal moments that apply in the form of legal entities are limited liability companies.

The legal points in the right of observation are 2 legal points, namely individual legal points and legal points in the form of *ibadan ihukum*. A natural person or *inatuurlijkepersoon* is a person or person who has been misconstrued as a person capable of law. a person, as a legal point, is a supporter or bearer of rights from the moment of his birth alive until his death. Although there is an opinion that a boy who is currently in the custody of his mother is considered a legal point if his interests support it.

In addition, the legal point in prudential law is the legal code or *rechtspersoon*. A le

gal entity is the case of a natural person or can also be the case of a legal person. The law prevents the satisfaction of a person's needs by delegating to him the authority to play a certain role in the map of his interests. Needs are the object of rights, as rights have protection and recognition factors. Legal protection or legal protection is an activity aimed at protecting or defending the population in order to achieve equality. After that, legal protection is built as a form of service, as well as a protected point.

## 2. Definition of Law and Consumer Protection

Laws are laws made and enforced through social or government institutions to regulate community behavior. Consumer protection in the UUJPH is regulated and mentioned in the Preamble of the UUJPH. That is, to guarantee every religious believer and carry out their religious teachings, the state is obliged to provide protection and guarantees about the halalness of products consumed and used by the community. UUJPH regulates the process of registering halal certification to several stages.<sup>12</sup>

This is stated in articles 68-74 of Government Regulation number 31 of 2019 concerning the phasing of halal-certified product types. In this regulation, the phasing is divided into three parts. Halal certified

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<sup>12</sup> G. Ajani, 'Legal Change and Economic Performance' (2001) 1 *Global Jurist Advances*.

obligations for product types are carried out in stages due to considerations including, the product is a primary need and is consumed massively, the product has a high critical point of unlawfulness, the readiness of business actors and the readiness of JPH implementing infrastructure (mentioned in article 72 of Government Regulation number 31 of 2019), and the phasing of certification obligations starting from food and beverage products. However, the issue of legal compliance of these regulations is still often encountered. For this reason, effectiveness in a law becomes a problem in implementing the law.<sup>13</sup>

Business actors of cosmetic products should provide information about the products to be sold honestly because consumers have the right to know what ingredients are contained in these cosmetic products. The rights of consumers have been regulated in Law Number 8 Year 1999 concerning Consumer Protection. Article 4 reads: "Consumer rights are:

- a. The right to comfort, security, and safety in consuming goods and/or services
- b. The right to choose goods and/or services and to obtain such goods and/or services in accordance with the exchange rate and the conditions and guarantees promised
- c. The right to correct, clear, and honest information regarding the conditions and guarantees of goods and/or services
- d. The right to have their opinions and complaints about the goods and / or services used heard
- e. The right to obtain advocacy, protection, and efforts to resolve consumer protection disputes properly
- f. The right to receive guidance and consumer education
- g. The right to be treated or served correctly and honestly and non-discriminatory
- h. The right to obtain compensation, compensation and/or replacement, if the goods and/or services received are not in accordance with the agreement or not as they should be
- i. The rights stipulated in the provisions of other laws and regulations.

From Article 4 as mentioned above, consumers have the right to obtain true, clear, and honest information about the condition and guarantee of

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<sup>13</sup> C. Fahmi, 'The Impact of Regulation on Islamic Financial Institutions Toward the Monopolistic Practices in the Banking Industrial in Aceh, Indonesia' (2023) 11 *Jurnal Ilmiah Peuradeun* 667-86.

goods, which in this case is cosmetic products. As for business actors, they are obliged to provide true, clear, and honest information about the cosmetic product. This is regulated in Article 7 letter (b) of Law Number 8 Year 1999 on Consumer Protection, which reads:

"...provide correct, clear, and honest information regarding the condition and guarantee of goods and/or services as well as provide user, repair, and maintenance explanations." Based on this, every product sale made by business actors must include a label of the product so that consumers can determine whether the beauty product is suitable for use on themselves (on their skin).

However, if after using the cosmetic product, consumers experience side effects, such as skin disorders, then consumers have the right to be heard for their opinions and complaints about the cosmetic product. This is reasonable because it turns out that the information listed on the cosmetic product does not match the ingredients listed on the cosmetic product label.

## CONCLUSIONS

Based on the findings in writing the thesis and the results in the author's discussion, it can be collected into a summary in the form of the conclusions below:

1. The form of legal protection for consumers who use non-halal label cosmetic products carried out by the Banda Aceh City government is by imposing jinayah sanctions in the form of flogging, imprisonment and fines through the iQanun iAceh Number i8 of 2016 concerning iHalal Guarantee System. This Qanun has not been implemented well in Banda Aceh City, so further supervision is needed.
2. The form of use of non-halal label cosmetic products in the city of Banda Aceh is in the form of Special UV whitening products, bb cream night, bb cream day, Doolby lipstick, Temulawak cream, viva powder cream zam-zam, quina powder, face concoction and make over. This product is used for skin beauty, especially on the face, hands and body. Its use is usually done in the morning and at night.

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