

ANALYSIS OF MAQASID SYARIAH ON THE LEGAL DEVELOPMENT OF THE HALAL INDUSTRY AS A FORM OF CONSUMER PROTECTION

ANALISIS MAQASID SYARIAH TERHADAP PENGEMBANGAN HUKUM INDUSTRI HALAL SEBAGAI BENTUK PERLINDUNGAN KONSUMEN

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Abstract

Development The halal industry is very fast in Indonesia so it is a concern society. There is halal industry is expected capable collaborate, adapt, proficient technology and capability increase connection to all layers society. With development of industry from various sector, then as a Muslim demands must be in accordance with Islamic law, namely halal and *thoiyib*. Therefore it is necessary exists supervision law from government. Based on matter the purpose of doing this research is to analyze law halal industry as a form protection for consumers using analysis *maqashid sharia*. The research used is qualitative descriptive with approach normative juridical. Data collection techniques using primary data and secondary data obtained from laws, books, journals, scientific articles and literature reviews, as well as collected using *library research* Then analyzed by method descriptive qualitative. The results of this study known that analysis *Maqasid sharia* against the law halal industry as a form of protection for consumers is in accordance with Islamic teachings and can ensure the security public in consuming products and services.

Keywords: Halal industry, Protection Consumers, *Maqashid Sharia*

Abstrak

Perkembangan Industri halal sangat pesat di Indonesia sehingga menjadi perhatian masyarakat. Adanya industri halal diharapkan mampu berkolaborasi, beradaptasi, cakup teknologi dan mampu meningkatkan koneksi ke semua lapisan masyarakat. Dengan berkembangnya industri dari berbagai sektor, maka sebagai muslim dituntut harus sesuai dengan syariat Islam yaitu halal dan *thoiyib*. Oleh karena itu perlu adanya pengawasan hukum dari pemerintah. Berdasarkan hal tersebut tujuan di lakukannya penelitian ini ialah untuk menganalisis hukum industri halal sebagai bentuk perlindungan konsumen dengan menggunakan analisis maqashid syariah.

Penelitian yang digunakan adalah kualitatif deskriptif dengan pendekatan yuridis normative. Teknik pengumpulan data menggunakan data primer dan data sekunder yang diperoleh dari undang-undang, buku, jurnal, artikel ilmiah dan literatur review, serta dikumpulkan dengan menggunakan *library research* lalu dianalisis dengan metode deskriptif kualitatif. Hasil penelitian ini diketahui bahwa analisis *Maqashid syariah* terhadap hukum industri halal sebagai bentuk perlindungan konsumen sudah sesuai dengan ajaran Islam dan dapat menjamin keamanan masyarakat dalam mengkonsumsi produk maupun jasa.

Kata Kunci: Industri halal, Perlindungan Konsumen, *Maqashid Syariah*

Introduction

Development economy is a defined country through economic growth. Growth of the real economy of the country is influenced by the country itself, ie utilize the source of the power you have optimally used to raise capacity to meet the needs of the people and the state. Height production of goods and services is one influencing factor in economic growth. The more tall production an area, then the more tall development of the region or what is referred to as income national. This is used as one measure to classify a country as a developed country by using Product Domestic Gross (GDP) or *Gross Domestic Product (GDP)*. Todaro and Smith suggest that a growth economy is influenced by three component main that is *capital accumulation*, *growth in population*, and *technological progress*. Third this component refers to the conclusion, ie production (Todaro and Smith 2004) . Where is the growth of a country is seen by its many supply goods using development technology to give efficiency of production in an area. So that orientation from economic growth is assumed to pattern to produce Keep going manage.

Attempts to obtain Economic growth are always driven by motivation for production, consumption, and investment. Activity in the economy affects decline quality environment, which will create two problems big, that is depleting it source of Power nature and causing pollution (Ngoya 2015) . This is a problem imbalance in looked relationship between humans and nature. Problems that implies to us in order fulfillment the well-being society does not result damage to the source Power existing nature. Questions like this do not only focus on economic stability at speed demand and offer but will influence lasting impact on resources Power existing nature. Influence world economy by relying on production, it turns out to impact greatly damage ecosystems on earth. Whereas necessary ethics done in activity production is guard source Power natural because source Power nature is a gift of God that must we maintain sustainability.

Draft production in conventional theory demand exists enhancement quantity product regardless of standard prioritizing community needs and safeguarding electability and deep spiritual ethics the process. So nothing is guaranteed halal goods produced, this is due because there isn't reference standard as a guideline do activity production. While the parameters of halal and *tayyib* are the basis in doing production that delivers guaranteed hygiene, safety, and quality product (Euis 2016). as word of Allah SWT. in QS. Al-Baqarah: 168-169 as follows :

يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ إِنَّمَا يَأْمُرُكُمْ بِالسُّوءِ وَالْفَحْشَاءِ
وَأَنْ تَقُولُوا عَلَى اللَّهِ مَا لَا تَعْلَمُونَ

“O humanity! Eat from what is lawful and good on the earth and do not follow Satan’s footsteps. He is truly your sworn enemy. He only incites you to commit evil and indecency, and to claim against Allah what you do not know.”

This verse explains obligation people Muslim in consume halal food. Halal isn't it only substance, however method Obtaining it must also be lawful. In addition, the food consumed must be good, healthy, safe and not consumed in a manner excessive. This verse also calls on humans to avoid it deed satan who calls on the unlawful.

Halal management process in publication of the Indonesian Sharia Economic Masterplan 2019-2024 carried by the Ministry of IBRA. Stretched concept is halal *by design* which is based on Islamic law with principles Halal and *Thoyib*. Development the halal industry move government to create regulation legislation halal product. Regulation legislation halal products made by the government provide a sense of security to consumers in consume product. The Majelis Ulama Indonesia (MUI) is an institution from thought of Islamic scholars. MUI formed something agency supervision halal food, medicine and cosmetics, namely the Lembaga Pengawasan dan Peredaran Obat dan Makanan Majelis Ulama Indonesia (LPPOM-MUI). In 2017 the Organizing Body Guarantee Halal Products or Badan Penyelenggara Jaminan Produk Halal (BPJPH) was inaugurated based on conditions Law Number 33 of 2014 concerning Guarantee Halal Products. With it regulation that , then all the actors business required to register their products to the Organizing Body Guarantee Halal Products (BPJPH). This is according to what is stated in Law Number 33 article 4 of 2014 which reads "Products circulating in Indonesia are mandatory halal certified" (Government Regulation of the Republic of Indonesia 2014). After the operation of BPJPH, MUI still has important role viz issue a fatwa halal for each product which is then submitted to BPJPH as a basis for issuing halal certificate . in matter sharia auditor certification, determination halal products and accreditation institution Halal examiners BPJPH and MUI collaborate (Ofori et al. 2020) .

Industrial revolution 4.0 is a time when the world is entering an era of disruption work patterns changed and interacting with others became very dramatic. Industry 4.0 brings speed, depth breadth information and innovation that will make system changes in every new world country ie the halal industry was born in the same era. Halal industry is a activity in process goods and services that comply with Islamic law. Along with the massive development world industry, the halal industry is here to answer the needs of the community world Muslims (Pujayanti 2020) .

With potential development enough halal industry rapidly in Indonesia and has been made regulation to regulate matter it is necessary presumably done study Islamic law to know developera law halal industry in Indonesia. Maqashid Sharia is one study Islamic law to know meaning and wisdom of exists order prohibition in Islam. So that man in set law not only sourced from the Qur'an and Hadith, but also understand values the benefits contained in something orders or prohibitions in Islam. In understanding values the intended benefit in every orders and prohibitions consume unlawful things as in the word of Allah SWT mentioned before, in particular in development halal industry in Indonesia. Based on matter, this article is

made to discuss development law halal industry as a form protection consumers using approach analysis maqashid sharia.

Research conducted is qualitative research descriptive with approach normative juridical. Data collection techniques using secondary data obtained from laws, books, journals, scientific articles and literature reviews. Research done based on results observation of economic practices that occur in the field, ie observe trend issue halal industry. This research refers to research that has been by Suwardi that is Constitution guarantee halal products as a form internalization sharia values in law national (Suwardi and Billah 2021). The difference from previous research is researcher studies from perspective of *maqasid sharia* guarantees halal products in Indonesia. In addition, researchers should give new references to society in do production, distribution, and consumption in a lawful way. So that the public guaranteed the safety in consume products and services. In addition, with the plunge into the halal industry, Indonesia's economic growth will grow rapidly. This is considered important because leaves from understanding that halal is not only a principle for Muslims but can be implemented in all societies of the world.

Discussion

Draft *Maqashid Sharia* and Halal Industry

Maqasid sharia consists of two Arabic words, namely: *maqasid* and *al-Sharia*. *Maqasid* has the meaning of intent, goal, principle, goal, and objective end. While the word *syari'ah* is interpreted as a way going to springs. So *maqashid sharia* is defined as an important and fundamental concept that is made tree discussion in Islam which emphasizes that Islam exists to create and manifest benefit for everyone people man (Paryadi 2021).

Islamic Sharia is used as a great guide as well own mark the height it should have objective certain to achieve it. The objective learn *Maqasid sharia* is to understand texts' *syara'* and apply it in parse and search solutions on new and defined problems theorem law on the problem. Studying *Maqasid sharia* then can give understanding and helpful people Muslim to know that everything law that has been ordained by Allah SWT. only solely to achieve benefit and avoid harm (Qotadah 2020) .

Inside realize *Maqasid Sharia* is needed grouping ability the levels. According to Imam al-Ghazali and al- Syathibi, There is three level *Maqasid sharia* namely, *dharuriyyat* (primary), *hajiyyat* (secondary) and *tahsiniyyat* (tertiary). Third level the in a manner hierarchy come first. Levels the contains five things that must be guarded, namely: *hifdz al-din* (safeguarding religion); *hifdz al-nafs* (guard soul); *fidz al-aqal* (guard sense mind); *hifdz al-nasal* (keep offspring); And *hifdz al-maal* (keep the property). Watch over five things that too hierarchy, keep religious aspects must come first on guard four aspect other. However in practice sometimes maintenance on five aspects the precedence with attention their urgency. For example keep treasure come first than keeping religion, inside it is level keep the treasure inside category *dharuriyyat*, whereas keeping religion in the category *hajiyyat* or even *tahsiniyyat* (Rusdi 2017) .

industry is everything efforts are being made to improve well-being good society processing material raw and development other aspects that can become economic products that are in accordance with sharia, both from terms of production process, distribution up to

hand consumer. The economic cycle process not a prohibited economic process in activity muamalah (Sulistiani 2019). Halal has become an indicator main then used as collateral quality something product and become standard universal life (Hameeda, Gillani, and Ijaz 2016) . Universal meaning is halal isn't it Hay for Muslims only, but a guarantee production for groups non muslim.

In its development, the halal industry is not only penetrate the sector food and drink only, but also has penetrated the entire industry economy such as tourism, finance, clothing, cosmetics, medicine, education and entertainment. Attempts to improve potential and exploit opportunity halal industry, required good synergy of all element. This is to achieve Halal standards holistically (Andini 2019). Therefore, synergy is needed from various parties to form a halal ecosystem in the industrial world. In addition to human resources, the raw materials or production equipment used also requires full support from the government to supervise and make guidelines for the running of the halal industry in Indonesia.

Regulation Halal Industry in Indonesia

The existence of a demographic bonus in 2045 will reach 70%. whole Indonesian population that shows group age productive part big. So with this potential demand public will Halal products from various sectors will also increase and increase big. Source Power man to be one component key halal industry. So that human resources are superior and competitive must improved with an optimal and maximum empowerment program, so later will be cast in enhancement halal literacy and halal industry from all chains management. With it proper and optimal training will make continuous collaboration between the knowledge and skills possessed by the actors industry (Sa'adah and Asnawi 2022) . So that will give birth to staff and employees who are capable of halal requirements and trends. Therefore by developing superior human resources The same case make one key key to develop halal industry.

Expansion halal products and industry get attention special from government, this is evidenced by the existence various efforts and strategies undertaken in do enhancement economy, one of which is by issuing UU no. 33 of 2014 concerning Guarantee Halal products. Regulation the made to provide a sense of security to consumers entitled use products that comply with Islamic law, both from facet tools and materials, manufacturing process until stage distribution. In essence, Law no. 33 of 2014 describes protection, fairness, certainty, accountability, transparency, effectiveness, efficiency and professionalism (Government Regulation of the Republic of Indonesia 2014) .

As for the main discussion the formulation of Law no. 33 of 2014 namely:

- a. Guarantee the availability of halal products;
- b. Regulates the rights and obligations of business actors in guaranteeing halal products;
- c. Implementation of halal product guarantees by BPJPH;
- d. Procedures for obtaining halal certification;
- e. BPJPH collaboration with related ministries or institutions, MUI and Halal Inspection Agency (LPH);
- f. JPH Supervision;
- g. Administrative sanctions and criminal sanctions.

Regulation law related to guarantees Halal Products or Jaminan Produk Halal (JPH) is very important to be implemented with the aim that the products produced own mark plus because it is halal standard through BPJPH examination. In addition, halal certification can also be of value added to the competition products in the domestic market both nationally and globally. So that halal industry is expected capable realize vision gold Indonesia mission 2045 through *sustainable economic development*. Not only that, this halal industry will deliver Indonesia to competition global industry.

Potency Halal Industry in Indonesia

Halal industry and products in Indonesia really have potency large both nationally and internationally. Not only field food, drink, but already includes various sectors, such as cosmetics, tourism, hotel, medicine, *fashion* and Islamic finance. Because the halal industry is related to everything aspect support *lifestyle* and cultural trends that are diverse and also suitable to be applied according to market demand because Indonesia is the majority country muslim. This is evidenced by population data Muslim reached 2 billion or around 25% of the total world population and adherents Muslim biggest is in the Asia Region (Mastercard and Crescent Rating 2022) . Following potency halal industry in Indonesia:

a. The world's largest Muslim population

Indonesia is a country with population Muslim world's largest , amounting to 237.53 people or 86.9% of total 273.32 souls (Ministry of Home Affairs 2021) . Based on these data, then meeting community needs on Halal products are also very large. The halal industry is one of them generator of Islamic economics, this is a momentum for actors business domestic, national and global. No only as form awareness and adherence to sharia, but make living world community healthier, safer and lawful inside consuming. With development Halal industry national level, then Indonesia will be the actor main sector world halal industry. The halal industry is not only a problem main for the people Muslim, but it has become a system production international Because halal something product arranged in the trade Codex International.

b. The high value of consumption of halal products by the Indonesian people

as a majority country Muslims, Indonesian people are detected use up about USD 220 billion. This value is estimated will always increase along with increasing amount population and consciousness public will lawful literacy. This is an opportunity big for Indonesia to be the center halal industry if capable optimize properly. as we do know that Indonesia is rich in source Power great natural, that is agriculture, animal husbandry, fishery and plantation. If industry large and MSMEs are driven to take advantage of human resources and carry out halal certification, then will make Indonesia the center the world's halal industry and ready to realize a golden Indonesia 2045.

c. Indonesia gold 2045

Along development geostrategic and geopolitical both scope nationally and globally, in 2045 Indonesia will face challenge big. Emerging dynamics caused post-Revolution Industry 4.0 and *Society 5.0* will bring problems classic around challenges and opportunities in issues such as resilience food and security energy, demographic bonus (Mohammad Ali et al. 2020). Demographic bonus in 2045 reaches 70% of whole Indonesian population that shows group

age productive part big. So with this potential demand public will Halal products from various sectors will also increase and increase big.

See than phenomenon that occurs so arrange it the vision of Indonesia Gold 2045 with four pillars, namely: (1) Human development as well as mastery knowledge knowledge and technology, (2) Sustainable economic development, (3) Equity development, and (4) Consolidation resilience national and governance governance. The four pillars are built on Pancasila and the 1945 Constitution as the basis nation, state and constitution, with the aim of protecting all the Indonesian nation and all over spilled Indonesian blood and to advance well-being general as stated in fourth paragraph of the 19945 Constitution .

See vision said, that Indonesia has plan to do sustainable economic development in 2045. Via development Halal industry really suitable for upgrading Indonesian economy, this is because majority Indonesian population is public muslim. This is evidenced by population data Muslim reached 2 billion or around 25% of the total world population and adherents Muslim biggest is in the Asia Region (Mastercard and Crescent Rating 2022) .

Analysis *Maqashid Syariah* on the Development of Halal Industry Law

Scholars say that Islamic law exists to manifest *maslahata* humans in this world and the hereafter. According to Imam al-Ghazali and al-Syathibi benefit divided into three level that is primary (*dharuriyyah*), secondary (*hajiyyah*), and tertiary (*tahsiniyyah*). Primary ie all something that is mandatory fulfilled to make it happen benefit of religion and the world. If the primary does not exist, then benefit man difficult materialized, even will created chaos, destruction and destruction (Rusdi 2017). To avoid matter the two things are needed. First, it is necessary presumably maintain and strengthen foundation, principle law and guard existence Shari'a Second, something that can prevent Violation of Shari'a, either directly or indirectly, is also a aspects to avoid extinction of sharia. According to Imam al- Syathibih, secondary is all something that can give leeway and reduce the trouble it causes happening constraint in reach something purpose. Whereas benefit in nature tertiary is all something to get keep away bringing about actions disgrace and opposed by common sense. Or got said to be the first benefit morals (Muchtar Ali 2016) .

Shari'a aims to create and maintain benefit to humans, so Shari'a can also be defined as Shari'a aim prevent and bring damage . This principle is confirmed based on hadith that says *لا ضرر ولا ضرار* (not applicable harmful and not *detrimental*). This hadith explains that "a person is not justified damage himself and others." Not allowed man do damage or reply damage. Imam shatibi said that maintenance benefit can embodied in two forms, viz positive and negative . Positive mean _ is all something that can erect and strengthen its pillars . (Mochtar Ali 2016) Whereas from facet the negative sharia prevent will happening something that creates damage. So that much needed prevention To use realize benefit for the people human. *Maqashid sharia* consists from various type aspects introduced by Ash-Syatibi with the term *ad-dharuriyah al-khamsa* consisting from *hifdz al-din* (guarding religion); *hifdz al-nafs* (guarding the soul); *fidz al-aqal* (guarding the mind); *hifdz al-nasal* (guarding offspring); and *hifdz al-maal* (guarding property). However, *maqashid sharia* is expected Keep going grow to answer various problems over time.

Development the halal industry is inseparable from three aspect main that is production, distribution and consumption. Third aspect the follow over time, so accompanied by use increasingly technology sophisticated and innovative. Therefore it is necessary presumably There is governing rules in it is Islamic law with a framework maqashid sharia so can ensure consumer in consume Halal product.

Based on tree formulated discussion in Law no. 33 of 2014 covers draft safety in halal industry as follows:

- a. The foundation of the halal industry that is applied is the foundation of monotheism, so that not only worldly benefits are obtained but also obtain aspects of the hereafter. In the aspect of human and natural safety, maqashid sharia, the industry's concentration is to produce products that are halal and *tho yi ban*
- b. The aim of the halal industry is not only to focus on profits but also to be responsible in obtaining halal and *thoyiban results*. So that it can prevent harm to humans and nature.
- c. Remuneration for labor must be in accordance with the efforts of workers. The appropriate wages are given in realizing maqashid sharia, namely taking care of the soul among others. In addition to material values, the concept of blessing is also developed in the halal industry.

If aspect maqashid Sharia is used as a framework development the halal industry in Indonesia, then harm and harm can avoided. The resulting harm activity industry is a part from management considered risk. Draft maqashid sharia guard life in the process of production, distribution and consumption in the halal industry should be a focus main, so the product guaranteed for consumption. Guaranteed product evidenced by halal certification carried out by authorized institutions in overcome matter the. The institution later emit Halal permits for products and services that pass certification. It has arranged in UU No. 33 of 2014 concerning product lawful guarantee. Balance rights and obligations between consumers and producers in halal industry can running properly. This is the goal from maqashid sharia.

Conclusion

industry in Indonesia really has potency large both nationally and internationally. Not only field food, drink, but already includes various sectors, such as cosmetics, tourism, hotels, pharmaceuticals, *fashion* and Islamic finance. Besides own potency source Power great nature, Indonesia is also a majority country the population is Muslim. This is evidenced by population data Muslim reached 2 billion or around 25% of the total world population and adherents Muslim biggest located in the Asia expansion region halal products and industry get attention special from government. To support development Halal industry as part from sustainable economic development so that issuance of Law no. 33 of 2014 concerning Guarantee Halal products. Regulation the made to provide a sense of security to consumers in consume products that comply with Islamic law, both from facet tools and materials, manufacturing process until stage distribution. So from facet Indonesian law is clear that rules are made to protect consumers are in line with maqashid sharia, namely by maintaining benefit people human.

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