



LEGAL PERSPECTIVE ON INNOVATION AND HALAL CULTURE IN STRENGTHENING MSMEs IN DIGITAL ERA

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Abstract: According to data from the Ministry of Cooperatives and MSMEs and Central Bureau of Statistics, as of 2021, efforts by MSMEs to upgrade from their respective business scales have not been going well; in fact, there has been a drastic decline, as approximately 3 million micro enterprises were reduced in 2020 and were not accommodated in the number of small enterprises in 2021. The same goes for the transition from small enterprises to medium enterprises. Business competition is closely related to marketing and innovation, especially in the current digital era. Another aspect that needs attention and is even an obligation is to meet halal product guarantees, which so far have been implemented separately, referring to Law Number 33 of 2014 concerning Halal Product Guarantee. The presence of regulations that can ensure halal product guarantees while also promoting a culture of innovation among MSMEs is of significant importance. The method used in this research is normative-empirical legal research by conducting policy analysis. Data collection uses a questionnaire instrument; data analysis employs descriptive analysis. Based on the above research results, it is necessary to establish a system for developing a culture of innovation and compliance with halal products in MSME empowerment in the Digital Era by strengthening its regulatory aspects in two separate local regulation. The existing regulations related to the development of MSMEs in Bekasi City are quite supportive; however, the specific direction of this development has not yet been structured and integrated effectively.

Keywords: MSME; Intellectual Property Rights; Regulatory Model; Halal Policy.

INTRODUCTION:

MSMEs have an important role in the national economy and have proven to be the most able sector to survive during economic crisis.[1] Apart from that, this sector also has the potential to be continuously improved in the context of encouraging national economic growth. This can be seen from the number of MSME business units which continues to increase, as in Table 1.

Table 1. MSMEs Profile 2018-2021

Year	2018	2019	2020	2021	2022
Business Unit (million rupiah)	64,19	65,47	64,0	65,46	65,0
Contribution to GDP	60,34	60,50	60,51	61,07	61,97
Labor Absorption	97,0	96,92	97,0	96,9	97,0
Exports Percentage to Total Exports	14,40	15,70	14,37	15,69	15,50
KUR Realisation (trillion Rupiah)	120,30	140,10	198,50	278,38	365,5
Credit position (trillion Rupiah)	11,66	12,89	13,14	11,05	17,7
Credit Presentage to Total Credits	19,27	19,55	19,67	19,74	19,6
MSMEs Go Public	15	24	25	29	33

Source: Kemenkopukm.go.id; Infobank (12/09/2023)

By 2022, the number of MSME business units reachad 65 million or cover 99% of all business units in total. This sector also contributes to increases GDP every year, reaching 61.97% in 2022. Even during the Covid-19, this sector made makes a significant contribution despite decrease national growth was -5.3% at the moment [2]. This sector also become the largest of absorbing workforce up to 97% of national workforce.

Problems occur in encouraging MSMEs sustainable growing due to among other things include capital difficulties (39.22%), especially during the Covid-19 pandemic. Apart from that, the low added value of MSMEs shows potential weaknesses in the Indonesian business segment. MSMEs also face challenges of productivity, competitiveness, or limited access to resources. Furthermore, the aim of regulating MSMEs through Law Number 20 of 2008 of Micro, Small and Medium Enterprises is to encourage gradual and systematic increases in the scale of MSME businesses so that they can move up in class has not optimal yet [3]. In reality, the upgrade of the MSME class from micro to small and from small to medium is not going very well. Data from the Ministry of Cooperatives and Human Resources shows the trend as shown in Table 2.

Table 2. The Comparison of Micro, Small, and Medium Enterprises in 2018-2021

Business scale	2018	2019	2020	2021
Micro	63.350.222	64.601.352	61.843.768	63.955.369
Small	783.132	798.679	794.778	793.959
Medium	80.702	65.465	57.235	44.728

Source: Kemenkopukm and BPS, 2023

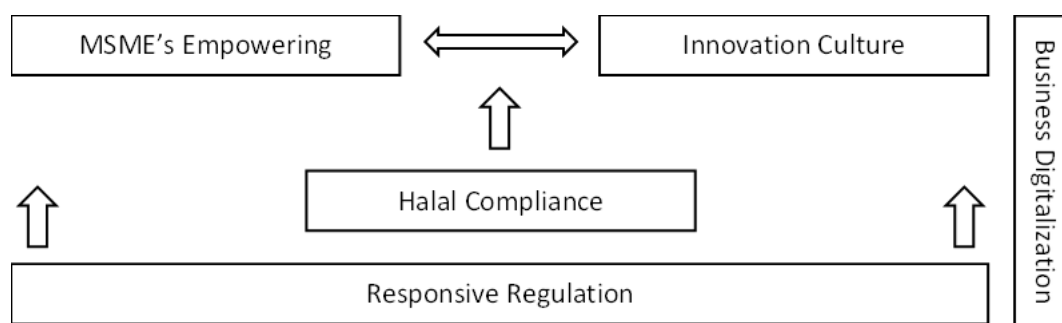
From Table 2, using 2021 data, it can be seen that efforts to move up the class of each business scale are not going well, in fact they have decreased drastically because the difference between micro businesses decreased by around 3 million in 2020, not being accommodated in the number of businesses. small in 2021; The drastic decline in the number of small businesses in 2021 does not reflect an increase in class to the middle class, because the number of medium-scale businesses also dropped drastically in 2021. The possibility that can explain logically is that the exit of small and medium businesses is due to many things, including business competition and Covid-19 pandemic [4].



To solve MSME problems related to the low added value of SMEs, there are two things that could be an alternative, namely: (1) strengthening the culture of innovation through the application of intellectual property rights (IPR), and (2) application of Sharia economic principles, especially the halal aspect of products. However, the two systems have not been properly integrated and provided maximum results for empowering MSMEs. The existing approach is through separate and sectoral regulations, so the impact is not yet optimal for sustainable empowerment of MSMEs, in addition to developments in science and technology in this digital era which must also be accommodated. Therefore, it is important to develop a regulatory model that can empower MSMEs in this digital era.

A culture of innovation is very important in order to driving force of the MSME for increasing the capacity of MSMEs. This culture must be formed and managed well so that it can produce new ideas that are creative and beneficial for MSMEs. For this reason, there are several important elements that must be considered to be able to manage an innovation culture well, including: (1) leadership that can be a role model and is committed to innovation and creates a working environment for it; (2) open and transparent communication that allows employees to comfortably share ideas and thoughts; (3) collaboration and cooperation with various parties to trigger the emergence of new ideas; (4) tolerance for failure because this is an inevitable part of the innovation process. From this failure, learn to improve your next efforts, which is also known as continuous improvement; (5) rewards and recognition for those who demonstrate innovative behavior in the form of bonuses, awards and promotions [5].

Innovation culture management is very strategic in today's digital era and has become the main key in empowering MSMEs. By utilizing digital technology, the competitiveness of MSMEs will increase and they can reach a wider market, while also increasing operational efficiency. A culture of innovation will make it easier to understand and utilize information technology and internet-based electronic transactions. To increase MSME literacy, it is necessary to provide training and education on the use of digital technology in running their business. The closest step that can be taken immediately is to encourage innovation in new products and services that utilize digital technology, even to the point of building digital platforms and markets. Using the approach above, the conceptual framework for this research can be described as follows



Based on the explanation above, the problems and challenge to be studied is:

- a. Does the innovation culture through the application of IPR have a positive effect on empowering MSMEs in the digital era?
- b. Do halal products have a positive effect on empowering MSMEs?

What is a regulatory model that can develop a culture of innovation while encouraging halal product compliance in digital era to empower MSMEs?



METHODOLOGY:

The method used in this research is normative-empirical legal research by conducting policy analysis. The sequence of implementation is to observe and map policies and regulations using qualitative methods to measure the culture of innovation and the influence of halal on MSME products. Then a regulatory model was developed that could develop a culture of innovation while also encouraging halal products in the digital era in the context of empowering MSMEs.

To obtain samples using a qualitative survey method, respondents were MSME business actors in Bekasi City according to open data. jabarprov.go.id totaling 309,116 units in 2023. The sample was selected with a focus on MSMEs that have difficulty developing their business but have the potential to move up a class with the characteristic of having been operating for more than 2 (two) years. So, a sample of 56 MSMEs was obtained.

RESULTS AND DISCUSSION

The Challenge of Developing Innovation Culture Through IPR System in Empowering MSMEs

1. Innovation culture and Intellectual Property Right System in MSMEs

Innovation holds an essential role in business and economic growth, it is indeed crucial to create an environment where intellectual creativity to thrive for driving sustained innovation [6], [7], [8]. In detail, Keles suggested that intellectual property management is one of the seven pillars in dynamic and smart innovation, that started with ideas, design, and technology, infrastructure, finance and fund, collaboration management [9]. At the end of the concept there is human and innovative strategy management. Looking at the close relationship between innovation culture and intellectual property rights (IPR), the IPR takes a role as a catalyst for innovation [10], strong IPR protection can encourage innovation by providing a clear path for creators to monetize their work. However, this becomes serious challenge for MSMEs, since MSMEs do not follow any structured and strategic innovation pattern, resulting in the IPR not having a significant effect [11], [12]. Causes of insignificant effect between intellectual property and innovation culture among MSMEs according to Arsawan due to MSMEs that have export oriented have special specifications from destination country that based on ISO as a set of standards [13]. Innovation culture is very difficult in this context, because foreign markets are also very strict in applying specifications according to international standards [13].

MSMEs as a start-up company is growing very fast and held the biggest portion in national economy. As many scholars pointed out that startup ecosystem is growing with varying level of success. Many actors involved along the path, such as incubators, inventors, service providers, educational and research institutions, the government, and big (er) companies [14]. It is essential, therefore, to have support of all significant elements in order to create innovation culture for MSMEs continuously.



As a start-up, MSMEs have no real value, so the corporate has to convince market, then. In order to do so, MSMEs should build lots of evidence, one way is through intellectual property. Once the intellectual property becomes MSMEs’ asset, it is essential to protect it, because once disclosed, it is unable to get a patent for technology [15], [16], and for trademark and logo as a brand could hold the strong impact since the brand is closely associated with the corporate [17]. The most popular way to protect the innovation through intellectual property rights (IPR). Taking MSMEs’ product ant sugar “Kawung Lebak” as an example, all IPR types could be applied to the product. Kawung Lebak is a sugar made from pure palm sugar, without preservatives, and (artificial) sweeteners [18]



Copyright	Trademark	Geographical Indication	Trade Secret	Patent	Industrial Design
<ul style="list-style-type: none"> ✓ Product description ✓ Graphic ✓ Concept and packaging design 	<ul style="list-style-type: none"> ✓ Company name ✓ Company logo ✓ Brand “Kawung Lebak” 	<ul style="list-style-type: none"> ✓ Kawung Lebak 	<ul style="list-style-type: none"> ✓ Pricing information ✓ Composition ✓ Know-how 	<ul style="list-style-type: none"> ✓ Invention of sugar processing without preservatives ✓ Invention of ant sugar processing technique 	<ul style="list-style-type: none"> ✓ Packaging design

Source: Lubis, 2021

It is necessary for MSMEs to identify the innovation aspects in their product. To be able to do so, MSMEs should mastering the knowledge beyond the product itself, and this is the true challenge for MSMEs. According to Firdausya et.al, and Syukri et.al, a culture of innovation is needed in the MSME business climate as a driving force for increasing the capacity of MSMEs [19], [20]. Included in a culture of innovation are leadership, collaboration and the use of digital technology

This research aimed to measure developing aspect of innovation culture through IPR system in MSMEs. The indicator for that [19], [21] including (1) business value, (2) commitment, (3) competency, (4) infrastructure, and market orientation. The data shows that there is not yet a good understanding of business values among respondents, so the role of vision in developing MSMEs is not optimal yet. Commitment is defined as the strong determination of MSME players in running their business to achieve their business goals. Commitment is reflected in various aspects, starting from dedication of time, consistent effort, to a willingness to continue learning and developing. From this aspect, all respondents answered that they had a high commitment to advancing to class.

The competency of SMSEs relates to skills and expertise. The data shows that MSME skills and expertise still need to be developed and improved, whether through training, workshops, focus group discussions, and other forms. Several programs have been facilitated by Diskopukm Bekasi, such as digital marketing training and preparation of financing proposals. However, these programs and training have not been optimal; The inhibiting factor, apart from the socialization and dissemination of program and training information, is that there are requirements set by Diskopukm, namely being registered as a fostered MSME.



Competency aspect also measured by the MSMEs response to developments in science and technology, especially digital technology [22]. In general, respondents have anticipated and adapted to the current digital-based market orientation in marketing their products. This can be seen in their efforts to take advantage of available market places such as Shopee, Tokopedia, Lazada and so on [23]. Apart from that, respondents have also utilized social media such as TikTok, WhatsApp, Instagram, and so on. Another problem is that the supporting infrastructure is not optimal, because all respondents still use their home address as a place to do business.

No	Innovation culture aspect	Responses
1	Business value	No good understanding
2	Commitment	High commitment
3	Competency/technology	✓ Need to be developed and improved ✓ Medium level of digital-based market usage
4	Infrastructure	Not optimal (using home address)

Another positive thing in the culture of innovation is the respondents' knowledge of IPR; although it is still general. Thus, there is already a knowledge base for MSMEs to maximize the use of IPR at the next stage. Respondents need increased knowledge to be able to apply types of IPR, especially brands and patents as a marketing development strategy for the products they produce. On the other hand, there are several things that still require improvement and strengthening in developing a culture of innovation.

Regarding IPR knowledge, the problem is the registration of IPR, especially the brands they own. Registration is not carried out for reasons including not understanding how to apply for trademark registration, the costs are expensive, and some even think it is not necessary. The majority of respondents (91.1%) feel that they really need knowledge about IPR so that their products are better known and the brands they use are not taken by others.

It can be seen from the data above that the influence of the culture of innovation through the application of IPR on the empowerment of MSMEs cannot be measured because the culture of innovation is not yet running well. Mastery of aspects of innovation culture through the application of IPR is still sporadic, regardless of each other, a structured, systematic and measurable system is needed to be able to encourage MSMEs to move up in class in this digital era [24]. The main thing that must be strengthened in the innovation culture system is the expertise of MSME business actors and supporting facilities.

To conclude, innovation culture through IPR's application have no positive effect yet in empowering MSMEs. From 4 aspects of innovation culture only commitment that has been fulfilled highly; three others aspect have not optimal yet. This condition shows that the mindset of respondents have not yet innovation culture oriented yet.

2. The Impact of Halal Product Compliance in MSMEs

The halal product compliance aspect is aimed to measure whether halal products have a positive effect on empowering MSMEs. Based on the Law Number 33 of 2014 concerning Halal Product Guarantees, all products circulated and distributed in all over Indonesia must have halal certification from authority. The Halal Label is a written form of halal statement to show that the product in question has the status of a halal as protection for consumers; without halal certificate, it is difficult for consumers to recognize the raw materials, composition and processes that the product goes through has comply with halal provisions. However, it needs to be emphasized that halal certification through halal labels is only one part of the overall product monitoring system. While, from the perspective of Consumer Protection Law, it is explained that consumer entitle to



all efforts to ensure legal certainty of guarantees to consumers, including the halalness of the product to be consumed. Therefore, the halal label has to be evaluated and examined from time to time. This is the essence of halal compliance, and the authority for this is Badan Penyelenggara Jaminan Produk Halal (BPJPH) or the Halal Product Guarantee Administering Body.

Pursuing halal certification in MSMEs is not an easy task, especially the procedure is using an online system now. At least MSMEs has to go through for 10 steps to get the certificate:

1. Submission of a written application to BPJPH;
2. Online registration: making an account by following procedures systemic;
3. Pre audit;
4. Audit scheduling;
5. Auditing;
6. Laboratorium analysing and auditor meeting;
7. Status decision of product (meet the requirements or not);
8. Fatwa commission meeting (if meet the requirements);
9. Halalness from MUI;
10. Halal certificate from BPJPH.

Due to the difficult procedures that must be followed by MSMEs, it is not surprising if only 28.6% of the respondents have received halal certification with assistance (including financially) from various institutions, such as Bekasi local government (Diskuk), BUMN BRI, Ministry of Religion, and from Pexita. The rest of respondents do not know how to get the certificate. Another aspect getting halal certification for MSMEs is Nomor Induk Berusaha (NIB) or business identification number as a requirement to be processed. Most of respondents has no NIB (57%), regardless the procedure and system support of it relative easy and accessible.

According to Sukoso et.al, halal aspects should at least cover raw material selection, production process, strict quality control, thorough documentation, strong management system, and collaboration with halal certification institutions [25]. The principle has been applied to measure respondent compliance in halalness. Using management process in production, the elements that asked to the respondents: (1) raw material; (2) processing; (3) storage; (4) packaging; (5) distribution; (6) sale; (7) serving; and (8) halal certificate process. None of respondents aware of the elements and rely on halal certificate process only, which has not applied by most of them (71.4%).

From the data above, the halal product compliance has not applied and has no impact to the MSMEs business so far. However, from the indepth interview with respondents, MSMEs' at least in Bekasi area need local government support especially to fulfill the halal requirements. The role of the Bekasi City through Cooperatives and Micro Enterprises Department is facilitating the process of free halal certificates, which is know as SEHATI collaboration between Ministry of Religious and Association of MSMEs Bekasi City. Another approach is using corporate social responsibility to process the halal certificate as provided by BRI and Pexita in this case. Therefore, it is necessary to regulate how the CSR can become as supporting system in halal certificate for MSMEs, specifically, and MSMEs in general so they can better and bigger.

3. Regulatory model supporting innovation culture and halalness for MSMEs

Supporting MSMEs especially in innovation culture and halalness from regulatory perspective, based on discussion above, can be in the form of local regulation. So far, it is only one local regulation regarding halal product, i.e. Semarang City Regulation No. 1 of 2021 regarding Halal Food Product [26]. Other area such as Banjarmasin and Sumatera Barat are also just regulating halal sectorally, namely the tourism sector through Banjarmasin City Regulation No. 2 of 2021 regarding Halal Tourism, and West Sumatera Province Regulation No. 1 of 2020



regarding Halal Tourism Management, respectively. To support MSMEs effectively and optimally, it needs a comprehensive approach that integrated system. The answer to this a special regulation for two aspects above. Since the nature of activity in innovation culture and halalness is different, it needs two separate yet integrated local regulation for MSMEs.

Aspects that must have in MSMEs innovation culture in local regulation:

1. Education and dissemination knowledge among others such as innovation management, intellectual property rights, leadership, digital technology.
2. Assistance through training and workshop in building business value, competency, infrastructure, and using related instrument for promotion.
3. Advocacy institution for IPR registration assistance
4. Collaboration and harmonization function between stakeholders such as incubator, inventors, service providers, educational and research institutions, the government, and bigger companies.
5. Funding support management through CSR

For the halalness, MSMEs needs not only assistance in fulfill all requirements needed, but also stabil and permanent collaboration with registered halal center institution. Several aspect in halalness in local regulation relates to MSMEs specifically, among others:

1. Education and dissemination knowledge for MSMEs about halal from sharia perspective, how to get halal certificate, consumer protection,
2. Assistance in halal compliance in selecting raw material, composition, process, quality control, documentation, storage, packaging, sale, and serving.
3. Assistance in processing NIB, registration halal certificate
4. Collaboration with near halal center institution, and research and development institutions
5. Interactive database.
6. Funding support management through CSR.

CONCLUSIONS

Based on the research results above, to form a system for developing a culture of innovation, halal product compliance in empowering MSMEs in the Digital Era by strengthening regulatory aspects. The number of laws and regulations relating to the development of MSMEs in Bekasi City is quite supportive, but the specific direction of development is not yet well structured and integrated. For example, in the City of Bekasi, Bekasi City Regional Regulation Number 4 of 2024 concerning the Management of Regionally Owned Enterprises has been issued, which in Article 60 paragraph (2) states that the use of profits for social and environmental responsibility as prioritized for the purposes of developing micro businesses, businesses small, and cooperative. This provision has not been followed up with a program or regulation that regulates the use of BUMD profits in question.

Bekasi City has issued Bekasi City Regional Regulation (Perda) Number 7 of 2021 concerning the Development, Empowerment, Protection and Supervision of Cooperatives and Micro Enterprises. Thus, this regulation is still limited to fostering and empowering cooperatives



and micro businesses. According to Article 30 of Regional Regulation Number 7 of 2021, what is meant by micro business is a business that has business capital of up to a maximum of IDR 1,000,000,000.00 (one billion rupiah) excluding land and buildings where the business is located.

In order to maximize the supporting system for MSMEs in developing innovation culture and halalness, needs two separate local regulatory as a model regulatory. For innovation culture, at least needs 5 elements, and for halalness, at least needs 6 elements as discussed above.

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