



The Legal Status of The Sanitary Hygiene Feasibility Certificate As A Consumer Protection Instrument In Cloud Kitchen Operations

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Abstract: This research examines the legal status of the Sanitation Hygiene Eligibility Certificate as an instrument of consumer protection in the operation of Cloud Kitchen businesses in Indonesia. The background of this study arises from the increasing trend of online food consumption that is not yet fully supported by adequate guarantees of hygiene and food safety. The purpose of this research is to analyze the dual function of the Sanitation Hygiene Eligibility Certificate as an administrative licensing requirement and as a preventive legal instrument that ensures consumers' rights to safe and proper food. The research method used is normative juridical with a statutory approach, focusing on the analysis of laws, government regulations, and ministerial decrees related to food safety and consumer protection. The findings indicate that the absence of a Sanitation Hygiene Eligibility Certificate or the negligence of business actors in maintaining hygiene standards may result in civil liability based on unlawful acts under Article 1365 of the Indonesian Civil Code. The conclusion emphasizes the necessity of strengthening regulations and integrating digital licensing systems to ensure that the Sanitation Hygiene Eligibility Certificate functions effectively as a legal instrument for consumer protection in the digital economy era.

Keyword: Sanitary Hygiene Feasibility Certificate, Consumer Protection, Cloud Kitchen

INTRODUCTION

The development of digital technology has transformed the way people interact, conduct transactions, and fulfill their daily needs, including in the culinary sector. Sales in the culinary field have become increasingly accessible for business actors as transactions can now be conducted digitally through e-commerce platforms. Globalization and advancements in information technology have encouraged society to interact without the limitations of space and time (Surahmad & Iswahyuni, 2016). This development allows culinary entrepreneurs to utilize online platforms to expand their markets and meet consumer needs more efficiently. However, not all of these changes are accompanied by adequate regulatory

frameworks or consumer protection mechanisms, thereby creating potential legal and social risks (Hamid, 2017).

One of the most salient innovations arising from this digital transformation is the emergence of the Cloud Kitchen business model. A Cloud Kitchen is a culinary business model that operates solely through a production kitchen without a physical dining area, where all transactions occur online via e-commerce platforms or food delivery applications (Tharoor, 2020). This business model enables cost efficiency and broader market access but also raises new challenges regarding food safety and hygiene (Tobin, 2021). In practice, a considerable number of Cloud Kitchens operate without valid sanitation certification, notwithstanding that the products they prepare are intended for direct human consumption. Consequently, the Sanitation Hygiene Feasibility Certificate (Sertifikat Laik Higiene Sanitasi or SLHS) assumes a pivotal role as a juridical instrument ensuring that food processing establishments conform to the prescribed standards of hygiene and sanitation established under Indonesian regulatory law (Ministry of Health of the Republic of Indonesia, 2011).

The SLHS serves as an official administrative instrument that evidences compliance with statutory hygiene and sanitation requirements mandated by the state. It has become a prerequisite for the issuance of a Business License for Supporting Business Activities (Perizinan Berusaha untuk Menunjang Kegiatan Usaha or PB-UMKU) under the Risk-Based Online Single Submission (OSS-RBA) system. Within this licensing framework, food service operators, including Cloud Kitchens, are obliged to obtain a Standard Certificate, one component of which is the SLHS, as a manifestation of regulatory compliance verified by the competent health authority. This regulatory mechanism underscores that the SLHS is not a mere procedural formality but rather a substantive element of legal validity in the operation of food-related enterprises (Aprilianti & Amanta, 2020).

The legal foundation of the SLHS is articulated in the Regulation of the Minister of Health of the Republic of Indonesia No. 1096/MENKES/PER/VI/2011 concerning Sanitation Hygiene of Food Services. Pursuant to Article 2 paragraph (1), every food service provider is mandated to fulfill hygiene and sanitation requirements to ensure that food produced is safe for consumption. Furthermore, Article 3 paragraph (1) stipulates that food processing establishments must obtain an SLHS as proof of compliance with sanitation and feasibility standards. These provisions affirm that the SLHS transcends its administrative nature and operates as a legal safeguard for consumers, guaranteeing their right to food that is safe, healthy, and fit for consumption. This regulatory obligation is consonant with the Consumer Protection Law (Law No. 8 of 1999), particularly Article 4 letter (a), which affirms the consumer's right to comfort, security, and safety in the use or consumption of goods and services, and Article 7 letter (c), which imposes upon business actors the duty to maintain the quality and safety of their products and services.

Article 2 of the Consumer Protection Law establishes several foundational principles of consumer protection, including the principles of utility, justice, balance, consumer safety and security, and legal certainty. Within the operational context of Cloud Kitchens, these principles constitute the normative basis for assessing the juridical standing of the SLHS as an instrument of consumer protection. The principle of utility requires that business activities produce mutual benefit for both entrepreneurs and consumers. The SLHS, by ensuring that food production adheres to hygiene protocols, enhances consumer confidence while strengthening the reputational legitimacy of business actors (Hakim, 2023). The principle of justice mandates that the reciprocal rights and obligations of both parties be maintained in a fair and proportionate manner, implying that Cloud Kitchen operators bear both a moral and legal duty to uphold sanitation standards in their production facilities.

The principle of balance reflects harmony between the interests of consumers, business actors, and the government. The government plays a role in regulating, supervising, and enforcing sanctions against businesses that fail to comply with hygiene certification requirements. The principle of safety and consumer security is the most fundamental aspect since consumers cannot directly assess the cleanliness of Cloud Kitchens due to their closed operational nature. Therefore, the SLHS functions as a preventive legal protection mechanism, protecting consumers from potential health risks caused by unhygienic food. Finally, the principle of legal certainty guarantees that businesses holding the certificate have met recognized legal and operational standards, while those without certification may be deemed in violation of the law if consumer harm occurs. Accordingly, the SLHS plays a strategic role as a legal instrument that not only ensures food quality and safety but also enforces the principles of justice and legal certainty within digital-based culinary practices such as Cloud Kitchens (Tobin, 2021).

A legal issue that arises in this context is the failure of Cloud Kitchen operators to obtain the SLHS before marketing their products online. The absence of such certification exposes consumers to potential health risks and creates the possibility of legal disputes resulting from business negligence. This issue reveals a gap between the evolution of digital business practices and the implementation of legal instruments governing food safety and hygiene standards (Kulshreshtha & Sharma, 2022). In practice, many digital food service businesses operate without sanitary verification from the competent authority, while consumers lack sufficient information to assess the hygiene level of the products they consume.

This situation has the potential to create a conflict between legal theory and practical implementation when analyzed through the lens of legal protection theory and civil liability theory. The theory of legal protection emphasizes that the law must provide security and protect the rights of individuals, particularly vulnerable parties such as consumers. Meanwhile, the theory of civil liability explains that any act that causes harm to another person due to negligence may constitute a tort (*onrechtmatige daad*) under Article 1365 of the Indonesian Civil Code (Agustina, 2003). In the context of Cloud Kitchens, the failure to comply with food hygiene standards may give rise to civil liability because it represents a breach of the legal duty to ensure the safety of products sold to consumers.

The purpose and urgency of this research are to conduct a juridical analysis of the legal standing of the Certificate of Sanitary Feasibility (SLHS) within the consumer protection system and to assess its relevance to the development of digital-based culinary business models, particularly Cloud Kitchens. This study also aims to examine the civil liability of Cloud Kitchen operators from the perspective of civil law in cases involving violations of food hygiene standards that may harm consumers. The urgency of this research arises from the increasing trend of food consumption through digital platforms in Indonesia, which is not always accompanied by adequate guarantees of hygiene and safety. This condition poses health risks to the public and creates the potential for legal violations due to business negligence in fulfilling hygiene standards. Therefore, this research is expected to provide both academic and practical contributions by strengthening consumer legal protection, reaffirming the role of the SLHS as a mandatory licensing requirement for food service businesses, and encouraging the stricter and more consistent implementation of hygiene and sanitation standards within Indonesia's digital culinary industry (Suteki & Taufani, 2018).

METHOD

The research method employed in this study is normative juridical research using the statutory approach (Muhamad, 2022). This method was chosen to examine and analyze the legal liability of business actors for violations of hygiene standards in the sale of food

through digital platforms (e-commerce). Through this approach, the study aims to identify normative clarity in addressing the legal issues raised. Data collection in this research was conducted through library research, utilizing a qualitative data analysis technique. The library research involved the identification, review, and analysis of various relevant legal materials, including statutes, the Indonesian Civil Code (*Burgerlijk Wetboek*), ministerial regulations, and government regulations.

RESULTS AND DISCUSSION

The Legal Standing of the Sanitation Eligibility Certificate (Sertifikat Laik Higiene Sanitasi/SLHS) as a Consumer Protection Instrument in the Operation of Cloud Kitchen Businesses in Indonesia

The legal standing of the Sanitation Eligibility Certificate (Sertifikat Laik Higiene Sanitasi or *SLHS*) within Indonesia's consumer protection framework originates from the Ministry of Health Regulation No. 1096/MENKES/PER/VI/2011 and from the substantive norms governing food safety and the obligation of business actors to ensure product quality for consumers. The Regulation on Food Service Sanitation (*Higiene Sanitasi Jasaboga*) stipulates the technical hygiene requirements and the procedures for the issuance of the *SLHS*. This certificate is issued after a comprehensive assessment of facilities, equipment, personnel, and food management processes. As a result, it serves as administrative evidence that a food-handling establishment complies with hygiene and sanitation standards, ensuring the safety of ready-to-eat food for public consumption. The absence of explicit regulation addressing the Cloud Kitchen business model in the 2011 Ministerial Regulation creates a regulatory gap because this type of enterprise operates without dine-in services, making conventional physical inspections and certification mechanisms less effective.

The *SLHS* functions as a consumer protection instrument within two interrelated legal domains, namely the administrative regulatory framework and civil liability. From an administrative standpoint, the *SLHS* is a mandatory legal prerequisite for engaging in food service activities. The obligation to comply with hygiene and sanitation standards is further emphasized by relevant Government Regulations and other technical provisions that regulate food safety and product quality. This administrative obligation performs a preventive role, as certification serves as an initial mechanism to prevent the circulation of potentially hazardous food products, ensuring that consumers receive a basic guarantee of product fitness before the transaction occurs. In practical terms, the *SLHS* provides a legal foundation for supervisory authorities, including local governments, the Ministry of Health, or BPOM, to impose administrative sanctions on business operators who fail to comply with these standards.

From the perspective of civil law, the failure of Cloud Kitchen operators to comply with hygiene and sanitation requirements may give rise to civil liability based on Article 1365 of the Indonesian Civil Code (*Kitab Undang-Undang Hukum Perdata*), which regulates tortious acts (*onrechtmatige daad*). When a food product causes material or immaterial loss that can be attributed to the operator's negligence, such as the absence of an *SLHS* or unhygienic production practices, the elements of a tort, including an unlawful act, fault, damage, and causation, may be fulfilled. In such circumstances, consumers may pursue claims for compensation. The *SLHS* thus serves as both administrative evidence and a standard indicator, where the lack of certification can be used as proof of negligence in civil lawsuits concerning consumer harm.

The role of the *SLHS* is further reinforced under Law No. 8 of 1999 on Consumer Protection, which guarantees consumers' rights to comfort, security, and safety in the consumption of goods and services, and imposes a duty on business actors to provide accurate, clear, and honest information regarding product conditions. The *SLHS* functions as a relevant informational tool for consumers, as its availability demonstrates a business

entity's legality and compliance with public health standards. Consequently, it directly relates to the protection of consumer rights, particularly the right to information and the right to safety.

In the context of Cloud Kitchens, the online nature of transactions and the limited access consumers have to production processes enhance the importance of the SLHS. Since this business model operates without dining areas or public visibility, consumers rely primarily on information available online, as physical inspection of kitchen facilities is generally impossible. The SLHS therefore acts as a credential of accountability that places initial responsibility on business operators while also facilitating regulatory oversight. Empirical studies on online food delivery platforms indicate that many online food businesses, including small-scale Cloud Kitchens and home-based producers, operate without circulation permits or sanitation certification, which increases the risk of unsafe food being sold to consumers (Aprilianti & Amanta, 2020). This finding reinforces the preventive role of the SLHS because an effective certification and business registration system significantly reduces the likelihood of unsafe products entering the online market.

The effectiveness of the SLHS as a consumer protection instrument does not depend solely on the existence of written norms. An administrative instrument only fulfills its protective purpose when supported by accessible issuance procedures, adequate supervision, and integration with enforcement mechanisms. Policy evaluations show that the main challenge in the digital sector is weak post-market surveillance and limited interagency coordination, which results in suboptimal enforcement of hygiene standards in online food platforms (Aprilianti & Amanta, 2020). Inconsistent monitoring and enforcement may reduce the SLHS to a mere formality without providing actual protection to consumers. Therefore, the SLHS can only function effectively as a protective legal instrument when supported by affordable certification processes, transparent registration systems, and sufficient administrative and civil enforcement capacity.

Although the SLHS serves as proof of a business operator's compliance with hygiene and sanitation standards, its effectiveness extends beyond the initial certification process. Post-certification supervision by competent authorities is essential to ensure that the verified hygiene standards are continuously maintained throughout the business operation. In practice, many business operators fulfill administrative requirements only during the licensing stage but later neglect operational standards. This practice diminishes the preventive and protective role of the SLHS and increases the likelihood of consumer harm caused by unhygienic food (Aprilianti & Amanta, 2020). In this context, post-certification supervision aligns with Satjipto Rahardjo's Theory of Legal Protection, which posits that law should not function solely as a normative set of rules but also as an instrument that protects the rights of society through both preventive and repressive measures. Effective legal protection must provide a sense of security for the weaker party, namely the consumer, against potential misconduct or negligence by business operators (Rahardjo, 1987). Continuous monitoring of Cloud Kitchens that have obtained SLHS exemplifies the law's function as an instrument of social control, intended to prevent violations before they result in harmful consequences.

If negligence continues even after certification, the business operator's civil liability can be analyzed using Subekti's Theory of Legal Responsibility. According to this theory, any act that causes harm to another party as a result of negligence or failure to fulfill legal obligations constitutes an unlawful act (*onrechtmatige daad*) under Article 1365 of the Civil Code. In the case of Cloud Kitchens, the failure to maintain hygiene standards after obtaining the SLHS can be viewed as both a breach of administrative obligations and a violation of consumers' rights to safe and proper food. Post-certification supervision possesses not only an administrative dimension but also a substantive legal function that embodies the principles of legal protection and civil liability theory within a preventive legal framework. This

supervisory mechanism plays a crucial role in maintaining the balance between the rights and obligations of business operators while ensuring continuous legal protection for consumers in accordance with the principles stipulated in Article 2 of Law No. 8 of 1999 on Consumer Protection, particularly the principles of safety, security, and legal certainty.

Forms of Legal Protection and Legal Remedies Available to Consumers for Losses Arising from the Sale of Unhygienic Food in E-Commerce Transactions.

The rapid development of e-commerce in Indonesia has transformed consumer behavior, particularly in the food sector. Online transactions enable consumers to order food directly from business operators through digital platforms such as GoFood, GrabFood, and ShopeeFood without any physical interaction. However, this convenience has introduced new legal risks, especially concerning food safety and hygiene in production processes that lack direct supervision. Many online food businesses, including cloud kitchens and home-based enterprises, still fail to comply with hygiene standards stipulated in existing regulations, and some operate without circulation permits or a Sanitation Eligibility Certificate (Sertifikat Laik Higiene Sanitasi or SLHS). Within this context, it becomes essential to examine the forms of legal protection and remedies available to consumers who suffer harm as a result of consuming unhygienic food sold through e-commerce platforms.

Forms of Preventive and Repressive Legal Protection

Legal protection for consumers can be categorized into preventive and repressive measures. Preventive protection aims to prevent harm by requiring business actors to comply with specific standards before their products enter the market. In the context of food, this obligation is established through several legal instruments that mandate compliance with hygiene, safety, and quality standards.

The primary legal basis is found in Law Number 18 of 2012 concerning Food, which stipulates that every person engaged in the production or trade of food must meet the requirements of safety, quality, and nutrition in accordance with statutory regulations. Article 71 paragraph (1) further asserts that the government is responsible for ensuring food safety throughout the food supply chain, while Article 86 paragraph (1) requires that food produced for trade must comply with established safety, quality, and nutritional standards. Government Regulation Number 86 of 2019 concerning Food Safety provides a more detailed framework by imposing obligations on business actors to maintain sanitary hygiene and granting the government authority to supervise pre-market and post-market activities. Within this administrative framework, the Sanitation Hygiene Eligibility Certificate (SLHS), regulated under Minister of Health Regulation Number 1096/MENKES/PER/VI/2011, serves as a preventive instrument that ensures kitchens or food-processing facilities meet public health standards before their products are distributed to consumers.

Repressive protection, on the other hand, arises after consumers experience harm caused by unhygienic or unsafe food. This protection may take the form of compensation, complaints, product recalls, criminal charges, or civil lawsuits. The main legal foundation for this lies in Law Number 8 of 1999 concerning Consumer Protection (UUPK). Articles 4(a) and 4(c) of the UUPK guarantee consumers the right to comfort, safety, and security in using goods, as well as the right to receive accurate and truthful information regarding the condition of goods or services. Article 19 paragraph (1) further requires business actors to provide compensation for damage, pollution, or loss suffered by consumers as a result of the goods or services they produce. Compensation may take the form of refunds, product replacement, medical treatment, or other remedies agreed upon by the parties.

Legal Remedies Available to Consumers

If a consumer suffers losses due to unhygienic food purchased online, several legal remedies may be pursued, either through non-litigation or litigation channels

a. Non-Litigation Settlement

Consumers may seek dispute resolution through administrative or mediation mechanisms outside the courts. Article 45 paragraph (2) of the UUPK provides that consumer disputes may be settled either through court proceedings or out-of-court mechanisms, depending on the voluntary choice of the parties. The primary institution for non-litigation settlement is the Consumer Dispute Settlement Agency (Badan Penyelesaian Sengketa Konsumen/BPSK). Pursuant to Article 52 of the UUPK, BPSK has the authority to handle and decide disputes between consumers and business actors through mediation, conciliation, or arbitration. Decisions made by BPSK are final and binding, although objections may still be filed with the district court. This mechanism is particularly suitable for minor disputes, such as cases involving moldy or unhygienic food that causes mild health disturbances. In addition to BPSK, consumers may report business actors to the Food and Drug Supervisory Agency (BPOM) or the local Health Office, which have administrative authority to conduct inspections, order product recalls, or revoke distribution permits. Reports may also be submitted digitally through BPOM's consumer complaint system or via the reporting mechanisms provided by e-commerce platforms (Aprilianti & Amanta, 2020).

b. Civil Law Remedies

For significant material or immaterial losses, consumers may file a civil lawsuit based on the tort provision in Article 1365 of the Indonesian Civil Code (Burgerlijk Wetboek). In cases involving unhygienic food, the business actor may be deemed negligent for causing harm to consumers. The elements of Article 1365 are fulfilled if there is:

- (1) an unlawful act, such as producing food without proper hygiene standards;
- (2) fault or negligence;
- (3) loss suffered by the consumer; and
- (4) a causal relationship between the business actor's negligence and the consumer's loss.

The absence of an SLHS or distribution permit can serve as administrative evidence of negligence in a civil lawsuit, as it demonstrates the failure of the business actor to comply with mandatory legal obligations (Hakim, 2023).

c. Criminal Remedies

Apart from civil liability, the act of selling unhygienic food may also constitute a criminal offense. Article 140 paragraph (1) of the Food Law stipulates that any person who produces or trades food that does not meet safety standards may be subject to imprisonment for up to two years or a fine of up to four billion rupiah. Article 62 of the UUPK also provides criminal sanctions for business actors who violate Article 8 of the same law, including trading goods that fail to meet quality standards, lack labeling, or endanger consumer safety. The penalty may include imprisonment for up to five years or a fine of up to two billion rupiah.

Challenges in the Enforcement of Consumer Protection

Despite the existence of comprehensive regulations, several challenges hinder the effective enforcement of consumer protection in online food transactions. The first challenge is the lack of transparency in digital food supply chains, which prevents consumers from verifying kitchen locations, hygiene standards, or business legality. The second challenge lies in the insufficient coordination among supervisory bodies such as BPOM, the Ministry of Health, and e-commerce platforms, particularly in permit verification and post-market monitoring. The third challenge involves limited consumer access to legal mechanisms like BPSK due to inadequate public awareness and the limited capacity of such institutions at the regional level. Research by Aprilianti and Amanta (2020) emphasizes that BPOM's post-market supervision of online culinary businesses remains weak, allowing unsafe food products to circulate through digital platforms. Similarly, Aulia Rahman Hakim (2023) found that weak law enforcement renders consumer protection largely normative and ineffective in practical implementation.

Juridical and Theoretical Analysis

From the perspective of consumer protection theory, as proposed by Philipus M. Hadjon, the state has an active role in protecting consumers through regulation, supervision, and enforcement. Therefore, responsibility for the sale of unhygienic food lies not only with business actors but also with the government as the regulator and supervisor (Hadjon, 1987). Effective consumer protection requires the integration of preventive norms, such as licensing and SLHS certification, with repressive mechanisms such as lawsuits and criminal sanctions. Consumer protection in online transactions must also adapt to technological developments, particularly through the application of digital due diligence principles by e-commerce platforms.

This principle requires platforms to verify the legality and safety compliance of their partner merchants before allowing them to operate. Integrating SLHS and other licensing data into e-commerce systems would strengthen preventive oversight and enhance consumer trust. To reinforce consumer protection, the government should revise Minister of Health Regulation Number 1096 of 2011 to explicitly include cloud kitchens and mandate the integration of SLHS data within e-commerce platforms. Such a reform would significantly reduce the circulation of unhygienic food in digital markets. In conclusion, legal protection for consumers in e-commerce food transactions encompasses preventive protection through mandatory hygiene certification and governmental oversight, as well as repressive protection through mechanisms such as BPSK dispute resolution, civil lawsuits, and administrative or criminal sanctions. Nevertheless, its effectiveness remains limited due to the absence of digital integration and the lack of shared accountability between platforms and business actors.

CONCLUSION

The legal status of the Sanitation Hygiene Eligibility Certificate (Sertifikat Laik Higiene Sanitasi/SLHS) in the operation of cloud kitchen businesses in Indonesia serves a dual function, namely as an administrative licensing requirement and as a preventive legal instrument that ensures consumer protection in exercising their right to obtain safe and proper food. Normatively, the SLHS constitutes a concrete manifestation of the principles of consumer legal protection as set forth in Article 2 of Law Number 8 of 1999 on Consumer Protection, which encompasses the principles of benefit, justice, balance, safety, security, and legal certainty.

From a civil law perspective, the absence of an SLHS or the negligence of a business operator in maintaining hygiene standards may be classified as a tort (*onrechtmatige daad*) that gives rise to liability for damages if it causes loss to consumers, in accordance with

Article 1365 of the Indonesian Civil Code (Burgerlijk Wetboek). Legal protection for consumers in this context comprises two dimensions: preventive protection, which is implemented through mandatory hygiene certification and governmental supervision, and repressive protection, which is enforced through administrative, civil, or criminal remedies against non-compliant business actors.

However, the effectiveness of the SLHS as a consumer protection instrument remains constrained by several challenges, including weak post-certification supervision, limited transparency of information on e-commerce platforms, and the lack of integration between certification verification systems and online food delivery applications. Consequently, it is essential to strengthen regulatory mechanisms and develop digitally integrated licensing systems, ensuring that the SLHS does not merely function as a formal administrative requirement but operates as an effective legal instrument that safeguards consumer rights and enforces the accountability of cloud kitchen operators within the digital economy era.

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