



XBREACH OF CONSIGNMENT AGREEMENT BETWEEN ADEE CAKE MANUFACTURER AND SMALL TRADERS (RESEARCH STUDY IN MEUREUDU DISTRICT, PIDIE JAYA REGENCY)

Aisyah

Fakultas Hukum Universitas Malikussaleh
e-mail: aisyah.220510063@mhs.unimal.ac.id

Teuku Yudi Afrizal

Fakultas Hukum Universitas Malikussaleh
Jln. Jawa, Kampus Bukit Indah, Blang Pulo, Muara Satu, Lhokseumawe, Aceh, 24355
e-mail: teukuyudiafrizal@unimal.ac.id

Tri Widya Kurniasari

Fakultas Hukum Universitas Malikussaleh
Jln. Jawa, Kampus Bukit Indah, Blang Pulo, Muara Satu, Lhokseumawe, Aceh, 24355
e-mail: triwidya@unimal.ac.id

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Abstract

This study aim For know implementation agreement consignment between manufacturers and traders small cake Adee in the District Meureudu , Pidie Jaya Regency , as well analyze factor reason occurrence default and efforts settlement dispute in agreement The problems studied related with practice agreement consignment in general done in a way oral based on principle trust , so that in implementation cause problem law in the form of delay payment results sales , implementation obligations that are not perfect , or No fulfilled achievements by traders to manufacturer . Research This use method qualitative with approach juridical empirical and nature study descriptive analytical . Research data obtained through interviews , observations , and documentation to manufacturer as well as trader small cake Adee in the District Meureudu , Pidie Jaya Regency , which then analyzed in a way qualitative . Research results show that implementation agreement consignment Still based on trust without agreement written . Causal factors occurrence default covering use results sale For interest personal , condition business traders who experience difficulties , as well as weakness supervision in implementation agreement . Form default that occurred in the form of delay payment , implementation achievements that are not appropriate , and not carry out performance The same once . Completion dispute done non - litigation through deliberation and negotiation For maintain connection Work The same between the parties . It is recommended that producers and traders small make agreement consignment in a way written to provide certainty law for the parties .

Keywords: *Default, Consignment Agreement, Cake Manufacturer, Small Trader*

1. INTRODUCTION

An agreement is a legal instrument that plays an important role in supporting economic activities, as it forms the basis of legal relations between parties in fulfilling their rights and obligations. In business practice, the development of trade activities has given rise to various forms of agreements that are not only limited to agreements specifically regulated in the Civil Code (KUH Perdata), but also develop based on community needs, one of which is a consignment agreement. A consignment agreement is a form of cooperation in the safekeeping of goods between the owner of the goods (*consignor*) and the party selling the goods (*consignee*), where payment is made after the goods are successfully sold. This agreement is included in the category of anonymous agreements as stipulated in Article 1319 of the Civil Code, so that its implementation is based on the principle of freedom of contract as regulated

in Article 1338 of the Civil Code, as long as it does not conflict with the law, morality, and public order.¹

The development of micro and small businesses in Indonesia demonstrates that trust-based partnerships are still widely used in trade activities, including in relationships between producers and small traders. One such practice can be found in the Adee cake production business in Meureudu District, Pidie Jaya Regency, which is a typical Acehese culinary product and a source of income for the local community. To expand product marketing, Adee cake producers collaborate with small traders through a consignment system, where producers hand over products to be sold by traders, and traders then receive a profit in the form of a commission from each product successfully sold. This partnership facilitates producers in expanding their market and helps small traders run their businesses with more limited capital. The existence of this business relationship is also in line with the development objectives of Micro, Small, and Medium Enterprises (MSMEs) as stipulated in Law Number 20 of 2008 concerning MSMEs.²

However, in practice, consignment agreements between Adee cake producers and small traders are still often carried out verbally based on trust without a written agreement that clearly regulates the rights, obligations, payment terms, or consequences if the agreement is violated. This condition creates the potential for default, namely a situation where one party does not fulfill the performance as agreed. In practice, problems that often occur include late payments of sales proceeds by traders to producers, the use of sales proceeds for other purposes, implementation of obligations that do not comply with the agreement, to non-fulfillment of payment obligations at all. This situation can hinder the continuity of the producer's business because capital that should be reused for production is held up. Legally, the consequences of default are regulated in Articles 1239 and 1243 of the Civil Code which provide a basis for the injured party to demand fulfillment of the agreement or compensation for non-fulfillment of obligations.³

The issue of default in consignment agreements demonstrates a gap between prevailing business practices and the need for legal certainty in the implementation of agreements. Although these cooperative relationships are built on trust, legal aspects are still necessary to provide protection to the parties in the event of a dispute. Disputes resulting from default can generally be resolved through non-litigation channels such as deliberation and negotiation, in line with the principle of peaceful dispute resolution established in civil law. This approach is considered more effective for MSMEs because it maintains cooperative relationships and avoids the greater costs and time involved in resolving them through the courts.⁴

Research Table Previously

No	Author and Year	Title Study	Focus and Key Findings	Limitations / GAP	Plan New Research	Novelty
1	Fathin Rizki Chlissma Putra, (2023) ⁵	Default In Implementation Agreement Consignment Between White Bread Producers With Businessman Self-service In Banda Aceh City	Discuss default in white bread consignment with form problem in the form of delay payment , damage goods , and delays supply . Settlement done through deliberation .	Study focus on relationships manufacturer with supermarket so that Not yet study practice consignment in business micro with trader small .	Default In Implementation Agreement Consignment Between Adee Cake Producers and Small Traders in the District Meureudu Pidie Jaya Regency	Review connection law consignment on products local with characteristics business small based trust .

¹Salim HS, *Contract Law : Theory and Drafting Techniques Contract* , Sinar Grafika, Jakarta, 2021, pp . 5-7.

² *Constitution Number 20 of 2008 concerning Micro, Small and Medium Enterprises* ; Development Institute Indonesian Banking , *Profile Micro, Small and Medium Enterprises*

³R. Subekti , *Contract Law* , Intermedia , Jakarta, 2021, pp . 45-48.

⁴Yahya Harahap, *Civil Procedure Law about Lawsuits , Trials , Confiscations , Evidence , and Court Decisions* , Sinar Grafika , Jakarta, 2022, pp . 233-235.

⁵ Fathin Rizki Chalissma Putra , " Default In Implementation Agreement Consignment Between White Bread Producers With Businessman Self-service In Banda Aceh City " *Journal Scientific Field of Civil Law* , Faculty of Law, Syah Kuala University, Volume 8 Number 1, 2024, pp . 134-151. <https://share.google/8PztmsQzp5MgsJgwP> .

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Aisyah et al

No	Author and Year	Title Study	Focus and Key Findings	Limitations / GAP	Plan New Research	Novelty
2	Munawarah and Ilyas Yunus, (2022) ⁶	Default In Implementation Agreement Consignment Between Traditional Acehese Cake Producers	Discuss form default in the form of delay payment , performance No perfect , and not fulfilled obligations . Settlement done in a way peace .	Not yet discussed in a way special cake Adee as product typical of Pidie Jaya as well as condition connection business manufacturers and traders small .	Analysis of Factors Causing Default In Agreement Consignment Adee Cake Products at Small Traders in the District Meureudu Pidie Jaya Regency	Give analysis more specific about factor economics and practice efforts that cause default .
3	Diyah Krisdayanti, (2021) ⁷	Default In Implementation Agreement Consignment Between Online Shop Cacafood.IDN With Sari Sayur Shop in Tegal City	Review consignment between digital businesses and stores physical . Default caused by negligence party and condition force .	Focus study are in digital commerce so Not yet describe practice consignment traditional in a way direct .	Legal Strength of Oral Agreements Implementation Consignment Between Adee Cake Producer and Small Traders	Review aspect law agreement verbal and certainty law in connection business based trust .
4	Khairul Habibi and Indra Kusuma Hadi, (2020) ⁸	Implementation Agreement Consignment Between Manufacturers Clothes With Trader Clothing in Banda Aceh City	Discuss implementation consignment clothes that are done in a way oral as well as constraint payment and compliance product .	Object study in the form of clothes so that Not yet study characteristics product foods that have risk different .	Legal Protection Against Manufacturer In Agreement Adee Cake Consignment with Small Traders	Offer study about protection law for manufacturer to risk loss consequence default .
5	Sarafina Ufaira and Eka Kurniasari, (2021) ⁹	Implementation Agreement Consignment Between Cake Manufacturers and Party Coffee shop	Discuss stages implementation consignment as well as form default in the form of delay payment and damage product .	Not yet discussed connection consignment between manufacturer cake traditional with trader small in the area .	Mechanism Settlement Dispute Default In Agreement Adee Cake Consignment in the District Meureudu Pidie Jaya Regency	Focus research on patterns settlement disputes implemented by local MSME actors .

⁶ Munawarah and Ilyas Yunus , " Breach of Contract In Implementation Agreement Consignment Between Traditional Acehese Cake Producers With Small Traders in the District Meureudu Pidie Jaya Regency , " *Journal Civil Law Student Scientific Paper* , Faculty of Law, Syah Kuala University Volume 5 Number 1, 2021, pp . 23-31. <https://share.google/TZWaJLEzL5p0eEEfs> .

⁷ Diyah Krisdayanti, Default in the Implementation of the Consignment Agreement Between the Online Shop Cacafood.IDN and the Sari Sayur Shop in Tegal City , *Thesis* , Faculty of Law, Pancasakti University , Tegal, 2021, p . 8. <http://repository.upstegal.ac.id/id/eprint/3759> .

⁸ Khairul Habibi and Indra Kusuma Hadi. "Implementation of Consignment Agreements Between Clothing Manufacturers and Clothing Traders in Banda Aceh City . " *Journal Student Scientific Paper in Civil Law* , Faculty of Law, Syah Kuala University, Volume 3 Number 1, 2020, pp . 75-85. <https://share.google/o0p3Jt0kYOetG2jZQ> .

⁹ Sarafina Ufaira and Eka Kurniasari, "Implementation of Consignment Agreements Between Cake Producers and Coffee Shops . " *Journal Student Scientific Field of Civil Law* , Faculty of Law, Syah Kuala University, Volume 9 Number 2, 2025, pp . 296-310. <https://share.google/icBbscaez9jVhuRXf> .

Based on the above description, research on default in the implementation of consignment agreements between Adee cake producers and small traders in Meureudu District, Pidie Jaya Regency is important to conduct. This research aims to analyze the factors causing default, the forms of default that occur, and dispute resolution efforts undertaken by the parties in the practice of consignment agreements. This study is expected to provide legal understanding for small business actors so they are able to implement cooperative relationships that provide more legal certainty, especially through the creation of written agreements in consignment-based trading activities.

2. RESEARCH METHODS

Study This aim For analyze factor reason occurrence default , form default , and effort settlement dispute in implementation agreement consignment between manufacturer cake Adee with trader small in the District Meureudu Pidie Jaya Regency . Research This use type study qualitative with approach juridical empirical , namely research that examines provision applicable law as well as its implementation in practice society . The nature of the research used is descriptive analytical with describe fact implementation agreement consignment Then analyzed based on theory law agreement and default . The data used consists of from the primary data obtained through interviews and observations to manufacturer cake Adee as well as trader small , and secondary data obtained through studies literature in the form of the Civil Code (KUH Perdata), books , journals and regulations related . Data analysis was carried out in a way qualitative with connect fact field with provision law , especially Article 1319 of the Civil Code about agreement No named , Article 1338 of the Civil Code about principle freedom contract , as well as Article 1243 of the Civil Code about consequence law default .¹⁰

3. RESEARCH RESULTS AND DISCUSSION

3.1. Factors Causing Default in the Consignment Agreement Between Adee Cake Producers and Small Traders

Based on the results of research conducted through interviews with Adee cake producers and small traders in Meureudu District, Pidie Jaya Regency, it was found that the implementation of consignment agreements still faces several problems that cause default. Consignment agreements made between the parties are generally only based on verbal agreements and trust, where producers entrust products to traders to be sold with the obligation to deliver the sales proceeds according to the agreed time. In a civil law perspective, this relationship is a form of legal obligation as long as it meets the requirements of the agreement as regulated in Article 1320 of the Civil Code, while Article 1338 of the Civil Code emphasizes that a legally made agreement applies as a law for the parties.¹¹

The main factors that cause occurrence default is use results sale For interest private by traders small . Based on interview with Umami Yati as manufacturer cake Adee Sis Nah, it is known that part trader experience delay in deposit results sale because the funds that should be given to manufacturer moreover formerly used For other needs . Conditions the cause obligation payment No done in accordance the time that has passed agreed so that harm manufacturer in fulfil need production .¹² Use of business funds For interest personal show weakness management finance trader small and not existence separation between finance business with need personal . In law agreement , action the can categorized as form No fulfillment performance as promised so that cause consequence law in the form of default based on Article 1243 of the Civil Code.¹³

Apart from the factors economy personal , instability effort and difficulty finances also become reason occurrence default . Interview results with a number of trader small show that decline sale cause they experience difficulty in fulfil obligation payment to producer . Yuni as trader small explain that when sale experience decrease in , earned income No always capable cover obligation payment to manufacturer so that payment often experience delay .¹⁴ Condition the show that risk business in system consignment No only originate from connection the law of the parties , but is also influenced by the conditions economy and capabilities management efforts of each party . If delay payment Keep going happens , then can cause disturbance producer capital flows and potential hinder

¹⁰R. Subekti , *Contract Law* , Intermasa , Jakarta, 2005, pp . 1–5.

¹¹R. Subekti , *Contract Law* , Intermasa , Jakarta, 2021, pp . 13–15.

¹² Interview with Umami Yati, Adee Kak Nah Cake Producer , District Meureudu Pidie Jaya Regency , January 12, 2026.

¹³Salim HS, *Contract Law : Theory and Drafting Techniques Contract* , Sinar Grafika, Jakarta, 2021, pp . 98–100.

¹⁴Yuni, Adee Cake Small Trader , Interview , District Meureudu Pidie Jaya Regency , January 13, 2026.

sustainability business .

Other factors that cause default is No existence agreement written and low understanding the law of the parties . Based on results interview with Fazli as manufacturer cake Adee Kak Mutia, it is known that Work The same consignment during This only done in a way oral Because based on mutual respect believe .¹⁵ Although agreement oral still own strength law during fulfil element legitimacy agreement , but absence document written cause difficulty in prove the rights and obligations of each party if happen dispute . In addition , the results interview with Mr. Alfian S.Sos ., MM as Secretary of the Department of Industry, Trade and Cooperatives Pidie Jaya Regency shows that part perpetrator business small Still own limitations understanding about importance recording business and agreement written as form protection law .¹⁶

Based on results study said , can concluded that factor reason occurrence default in implementation agreement consignment between manufacturer cake Adee with trader small influenced by internal and external factors . Internal factors include lack of discipline traders , use results sale For interest personal , as well as low understanding law , whereas factor external in the form of condition business that does not stable and system Work the same as only based on trust . Therefore that , is necessary implementation principle caution in connection business through agreement written which govern in a way clear about rights , obligations , term time payments , as well as settlement if happen default so that give certainty law for the parties .

3.2. Forms of Default That Occur in the Implementation of the Consignment Agreement Between Adee Cake Producers and Small Traders

A consignment agreement is a form of cooperative relationship between the producer as the owner of the goods (*consignor*) and the trader as the party selling the goods (*consignee*), where the goods are handed over to be marketed and the proceeds from the sale must be returned to the producer according to the agreement. In a civil law perspective, this relationship is included in the contract that gives rise to rights and obligations for the parties. Based on Article 1234 of the Civil Code (KUHPdata), performance in a contract can be in the form of giving something, doing something, or not doing something. If one party does not carry out its obligations as agreed, then this condition can be categorized as a breach of contract as regulated in Article 1243 of the Civil Code.¹⁷ Based on the results of research in Meureudu District, Pidie Jaya Regency, the implementation of the consignment agreement between the Adee cake producer and small traders still found several forms of breach of contract carried out by the small traders as recipients of the entrusted goods.

The first form of default identified was late payment of sales proceeds to producers. In practice, small traders continued to make payments, but not within the agreed-upon timeframe. Based on an interview with Fazli, a producer of Adee cakes, late payments were the most common problem, as the proceeds were sometimes used by traders to meet business and personal needs.¹⁸ This situation hindered producers in managing production capital, particularly for purchasing raw materials and meeting operational needs. Furthermore, a form of default was identified in the form of incomplete performance, where traders continued to fulfill their obligations but not in accordance with the terms of the agreement, such as partial payments, late returns of unsold goods, or a lack of accountability for entrusted goods. This situation indicates that although obligations were still being fulfilled, their implementation did not meet the standards agreed upon by the parties.

Apart from the delay payment and implementation achievements that are not perfect , shape default other is No carry out performance The same once . Form This happen when trader small No deliver results sale to manufacturer although goods has finished sold . Based on interview with one of them manufacturer cake Adee , there is conditions in which producers must do billing in a way direct Because trader No do deposit results sale in accordance the time that has passed determined .¹⁹ Condition the cause loss for manufacturer because the business

¹⁵ Interview with Fazli, Adee Kak Mutia Cake Producer , District Meureudu Pidie Jaya Regency , January 12, 2026.

¹⁶ Interview with Alfian, Secretary of the Department of Industry, Trade and Cooperatives Pidie Jaya Regency , January 15, 2026.

¹⁷ Yahman , *Characteristics Default and Criminal Acts of Fraud Arising from Connection Contractual* , Jakarta: Kencana , 2022, p . 35.

¹⁸ Interview with Fazli, Adee Cake Producer , Meureudu District , Pidie Jaya Regency , February 12, 2026.

¹⁹ Interview with Darwin, Adee Cake Producer , Meureudu District , Pidie Jaya Regency , February 12, 2026.

capital that should be used For activity production next become held back . In theory law agreement , action No fulfil obligations that have been agreed including form default Because injured party entitled demand fulfillment achievement , change losses , as well as settlement other in accordance provision applicable law .²⁰

Based on results research , can understood that form default in implementation agreement consignment between manufacturer cake Adee with trader small part big related with obligation payment and management goods deposit . Problem the influenced by conditions economy traders , weakness management finance business , as well as implementation agreement that is still done in a way oral based on trust . Although agreement done in a way simple , based on Article 1338 of the Civil Code every agreement made in a way legitimate valid as Constitution for the parties so that must implemented with good faith good .²¹Therefore that , is necessary existence agreement written regulations that regulate in a way clear about rights , obligations , time limits payments , as well as consequence law if happen default so that the relationship Work The same between manufacturers and traders small own certainty law and can walk in a way more orderly .

3.3. Factors Causing Default in the Consignment Agreement Between Adee Cake Producers and Small Traders

Dispute resolution in the implementation of consignment agreements can basically be done through litigation or non-litigation. However, based on the results of field research, the settlement of default between Adee cake producers and small traders in Meureudu District, Pidie Jaya Regency is more often done through a non-litigation approach in the form of deliberation and negotiation. This is because the cooperative relationship between the parties is still based on trust and close social relationships. Even though the agreement is made verbally, the agreement still has legal force as long as it meets the valid requirements of the agreement as stipulated in Article 1320 of the Civil Code, namely the existence of an agreement, capacity, a specific object, and a lawful cause. However, the weakness of oral agreements lies in the aspect of proof in the event of a dispute.²²Based on an interview with Dr. Sulaiman SH, M.Hum as a legal academic, the settlement of default in simple contractual relationships such as consignment is more effectively done through a family approach because it considers the economic value, social relationships, and business continuity of the parties.²³

Based on the research results, the form of default resolution carried out by Adee cake producers towards small traders is by approaching the traders directly to hold discussions regarding unfulfilled payment obligations. Producers prefer persuasive settlements rather than taking cases to court because they consider the long-standing cooperative relationship. One Adee cake producer explained that if the cooperative relationship were terminated immediately, there is a risk that traders will not fulfill their obligations, resulting in greater losses for the producer. Therefore, the producer collects periodically and gives traders the opportunity to fulfill their obligations.²⁴This settlement is in line with the principles of alternative *dispute resolution* (ADR), which prioritizes agreement between the parties to reach a mutually beneficial solution.

Apart from through deliberation , resolution default is also committed with giving extension time payment to trader small . In in practice , if trader experience delay deposit , manufacturer will request explanation about reason delay and provide chance For pay off obligation in term time certain . However , manufacturers still give limitation with No entrust return goods before payment previously resolved so as not to happen accumulation obligations . Based on results interview with Alfian S.Sos ., MM as Secretary of the Department of Industry, Trade and Cooperatives Pidie Jaya Regency , settlement through mediation and communication direct is more steps in accordance for perpetrator business small Because can guard connection business as well as avoid cost settlement major dispute .²⁵This is also in accordance with provisions of Article 1851 of the Civil Code which recognizes peace

²⁰Ridwan Khairandy, *Indonesian Contract Law in Perspective Comparison* , Yogyakarta: FH UII Press, 2021, p . 295.

²¹Salim HS, *Contract Law : Theory and Drafting Techniques Contract* , Jakarta: Sinar Grafika , 2021, p . 27.

²² *Ibid.*

²³ Interview with Lecturers of the Faculty of Law, Malikussaleh University , February 15, 2026.

²⁴ Interview with Fazli, Adee Cake Producer , Meureudu District , Pidie Jaya Regency , February 12, 2026.

²⁵ Interview with Alfian, Secretary of the Department of Industry, Trade and Cooperatives Pidie Jaya Regency , February 16, 2026.

as one of the method settlement dispute if the parties reach agreement .

4. CONCLUSION

Based on results research , can concluded that in implementation agreement consignment between manufacturer cake Adee with trader small in the District Meureudu Pidie Jaya Regency still found various form default , namely delay payment results sales , implementation achievements that are not perfect , and No implementation obligation payment The same once . It happened default the influenced by several factors , including use results sale For interest personal , bankruptcy or instability business trader , no existence agreement written regulations that regulate rights and obligations of the parties in a way clear , and low understanding law about the consequences that arise from violation agreement . As for the efforts settlement reached by the parties more put forward track non-litigation through deliberation , negotiation , and giving tolerance or extension time payment , because assessed more effective in guard connection Work The same as well as in accordance with condition economic and social aspects of the parties involved .

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