

Conference Paper

Protection of Consumer Rights on Unlabeled Food Products

Teddy Prima Anggriawan^{1*}, Anajeng Esri Edhi Mahanani², Retno Mumpuni³, Alvian Dwiannnga Wijaya⁴

¹Faculty of Law, Airlangga University, Surabaya 60286, Indonesia

²Faculty of Law, Universitas Pembangunan Nasional "Veteran" Jawa Timur, Surabaya 60294, Indonesia

³Faculty of Computer Science, Universitas Pembangunan Nasional "Veteran" Jawa Timur, Surabaya 60294, Indonesia

⁴Indonesia Law Faculty, Universitas Pembangunan Nasional "Veteran" Jawa Timur, Surabaya 60294, Indonesia

*Corresponding author:

E-mail:

teddyprima.ih@upnjatim.ac.id

ABSTRACT

Need the main human beings to include clothing, food, and shelter. In today's era, it is often seen that domestic industries or micro, small and medium enterprises are growing rapidly because in the current era they are supported by technological advances. One of the products is snacks. Most of these products are not included. expired the type of method used in this research is normative juridical. The research specification used by the author in this legal research is descriptive analysis. It is descriptive that this research was conducted by painting the object of research. In the UUPK it appears that good faith is more emphasized on business actors including home industry business actors because it covers all stages in carrying out their business activities so that it can be interpreted that the obligation of business actors to have good intentions starts from the time the goods are designed or produced until the after-sales stage. on the other hand, consumers are only required to have good intentions in making purchases of goods and/or services. This is of course caused by the possibility of harming consumers starting when the goods are designed or produced by producers or business actors, while for consumers the possibility of harming producers begins when they make transactions with producers.

Keywords: Consumer protection, legal guarantee, food products

Introduction

Need the main human beings to include clothing, food, and shelter. In today's era, it is often seen that domestic industries or micro, small and medium enterprises are growing rapidly because in the current era they are supported by technological advances. One of the products is snacks. Most of these products are not included. expiration In addition to not including the expiration date on the snacks produced, commercial actors also do not have a halal certificate. Meanwhile, based on article 2 paragraph (1) Government Regulation Number 69 of 1999 concerning Food Labels and Advertisements, labels are the main requirement for a product. The expiration date of the label allows consumers to make an accurate decision before buying or consuming any snack product. A lack of clear information about packaging can lead to fraud by economic actors. Economic actors or producers must realize that their business continuity is highly dependent on consumers. For this reason, economic actors are obliged to produce goods and services in the best possible manner and security and to satisfy consumers. The widespread use of home industry snacks that do not have an expiration date causes some people to complain about this and some people consider health as the number two thing so the development of micro-

How to cite:

Anggriawan, T. P., Mahanani, A. E. E., Mumpung, R., & Wijaya, A. D. (2022). Protection of consumer rights on unlabeled food products. *International Seminar of Research Month 2021*. NST Proceedings. pages 389-392. doi: 10.11594/nstp.2022.2460

enterprises seems like this. As we all know that there are two kinds of consumers, namely final consumers and intermediary consumers. End consumers are end users or utilization of a product, while intermediary consumers are consumers who use a product as part of the production process of other products.

The interests of business actors are to obtain profits in every transaction made with consumers. This makes the position of consumers and business actors tend to harm consumers with the circulation of products produced by business actors. The administration of administrative law sanctions is an important public legal instrument in consumer protection law. Civil and criminal law sanctions are often considered less effective if they are not balanced with administrative sanctions (Shidarta, 2009). The sanctions are not aimed at consumers in general, but at entrepreneurs, both producers and distributors of their products. For the law to function as a means of social engineering for the consumer community and business actors, an approach can also be used by taking the theory of Robert Seidman, who says that the operation of law in society involves three basic components, namely legislators/laws, implementing bureaucrats. and role holders (Rahardjo, 2010).

Material and Methods

The type of method used in this research is normative juridical. The research specification used by the author in this legal research is descriptive analysis. Descriptive meaning, namely that this research is carried out by describing the object of research based on the legislation and aims to provide an overview of an object that is a problem in research. In essence, two important legal instruments form the basis of consumer protection policies in Indonesia, namely: First, the 1945 Constitution as the source of all sources of law in Indonesia mandates that national development aims to realize justice and prosperity for the people. public. National development goals are realized through a people's economic development system so that they can grow and develop a world that produces goods and services that are suitable for public consumption. Second, Law no. 8 of 1999 concerning Consumer Protection (UUPK). The enactment of this law gives hope to the people of Indonesia, to obtain protection for losses suffered by transactions of goods and services. UUPK guarantees legal certainty for consumers.

Results and Discussion

The government's role is very important in supervising the implementation of consumer protection. Article 30 states that consumers stipulate that the government, society, and non-government consumer protection agencies are responsible for conducting supervision. State control has taken effect through the implementation of consumer protection and law enforcement. The supervision that has been carried out by the public consumer protection institutions and non-governmental organizations is not only on the implementation of consumer protection and the application of laws and regulations but also on goods circulating in the market. In this case, there are various forms of supervision including in the form of research, tests, and/or surveys. The various aspects monitored include the installation and integrity of information on labels/packages, posting of risk information regarding food use, advertising, etc., as required by laws, regulations, and commercial practices. The results of the supervision carried out by the public and non-governmental consumer protection institutions can be known to the public and submitted to the ministers and special ministers. The results of the supervision carried out by the public and non-government consumer protection agencies can be known to the public.

According to the Decree of the Director-General of the POM Agency Number 02591/B/SK/VIII/1991 concerning the Amendment to the Attachment to the Regulation of the Minister of Health Number 180/Men.Kes/Per/IV/1985 concerning Expired Food (a) States that Food is goods that are accommodated and labeled and used as human food or drink but not medicine. In the Regulation of the Head of BPOM RI Number 27 of 2013 concerning Supervision

and Importation of Drugs and Food into Indonesian Territory Article (1) it is stated that drugs and food are traditional medicines, cosmetics, health supplements, and processed foods (Ja'far, 2016).

Expiration is a statement from the head of the producer to the consumer stating the limit or grace period for the use or utilization of "good" (quality) and "safe" (health) food or beverage products. This means that the product has "prime quality" only until the time limit and also the product cannot be consumed again after the specified time limit has passed. So the expiration date is food that has passed the expiration date. While the expiration date is the expiration date of guaranteed food quality as long as it is stored following the instructions given by the manufacturer ((Ja'far, 2016).

In UUPK it appears that good faith is more emphasized to business actors, including home industry business actors because it covers all stages in carrying out their business activities so that it can be interpreted that the obligation of business actors to have good intentions starts from the time the goods are designed or produced until they are finished. sales, on the other hand, consumers are only required to have good faith in purchasing goods and/or services. This is of course caused by the possibility of harming consumers starting from the time the goods are designed or produced by producers or business actors, while for consumers the possibility of harming producers begins when they make transactions with producers (Miru & Yodo, 2004).

It is also based on the principles governing consumer protection, namely:

- The benefit Principle; mandates that all efforts in the implementation of consumer protection must provide the maximum benefit for the interests of consumers and business actors as a whole,
- Principles of Justice; participation of the entire community can be realized optimally and provide opportunities for consumers and business actors to obtain rights and carry out their obligations fairly,
- Principle of Balance; provide a balance between the interests of consumers, business actors, and the government in a material or spiritual sense,
- Consumer Safety and Security Principles; provide security and safety guarantees to consumers in the use, use, and utilization of goods and/or services that are consumed or used;
- Principle of Legal Certainty; both business actors and consumers obey the law and obtain justice in the implementation of consumer protection, and the state guarantees legal certainty.

In-Law No. 8/1999, is regulated in articles 19 to 28. Article 19 regulates the responsibility for the mistakes of business actors for products produced or traded by providing compensation for damage, pollution, damage, and consumer loss. Sanctions for business actors according to Law no. 8 of 1999 concerning Consumer Protection, there are Civil Sanctions which include compensation in the form of refunds or replacement of goods, health care, and/or compensation for compensation given within a grace period of 7 days after the date of the transaction. In addition, for civil law, there is also an administrative sanction of up to Rp. 200,000,000.00 (two hundred million rupiahs), through BPSK, if it violates Article 19 paragraphs (2) and (3), 20, 25. and a criminal sanction of imprisonment, 5 years, or a fine of Rp. 2,000,000,000 (two billion rupiah) (Article 8, 9, 10, 13 paragraph (2), 15, 17 paragraph (1) letter a, b, c, and e and Article 18. Imprisonment, 2 years, or fine IDR 500,000,000.00 (five hundred million rupiah) (Article 11, 12, 13 paragraph (1), 14, 16, and 17 paragraph (1) letter d and f. Other criminal provisions (excluding Law Number 8 of 1999 concerning Consumer Protection) if the consumer is seriously injured, seriously ill, permanently disabled, or dies, as well as additional penalties, including the announcement of the judge's decision to revoke the business license; It is forbidden to trade in goods and services; mandatory withdrawal from the circulation of goods and services; Monitoring results are disseminated to the public.

Conclusion

The role of the government is quite important to monitor the implementation of consumer protection. In Article 30 of the UUPK, the government together with the community and non-government consumer protection institutions are the parties in charge of carrying out supervision. Government supervision is carried out on the implementation of consumer protection and the application of statutory provisions. In addition to protecting the interests of consumers and implementing the provisions of the law, public and non-government consumer protection agencies also supervise the goods circulating in the market. This form of supervision is carried out through research, testing, and/or surveys. The monitored aspects include information on the risk of using food products, installation and completeness of information on labels/packaging, advertisements, and other information, as required by laws and regulations and commercial practice. The results of monitoring carried out by the public and non-governmental consumer protection institutions can be announced to the public and can be submitted to the ministers and technical ministers.

References

- Ja'far, K. (2016). *Sale and purchase of expired food products in the Perspective of Islamic Law*. Lampung: Institute for Research and Community Service (LP2) IAIN Raden Intan Lampung, 2016), 70
- Miru, A., & Yodo, S. (2004). *Consumer protection law*. Jakarta: Rajawali Press.
- Rahardjo, S. (2010). *Utilization of social sciences for the development of legal studies*, Bandung.
- Shidarta. (2009). *Indonesian consumer protection law, Revised Edition*. Jakarta: Grasindo.