

Consumer Protection of Expired Food And Beverage Products Based on Law Number 8 of 1999 Concerning Consumer Protection

Sugeng Samiyono¹, Zudan Arif Fakrulloh²
samiyonos@yahoo.ac.id¹, cclsis@yahoo.com²

Universitas Borobudur^{1,2}

Abstract. The purpose of this study was to determine consumer protection for food and beverage products sold and to determine settlement efforts for expired food and beverage products, both for consumer claims and for control over food and beverage products sold. This research is descriptive. Primary data is data taken directly from sources in the field with the aim that this research can get actual results from the object under study. The materials that have legally binding status, including related regulations, namely, Law Number 8 of 1999 concerning Consumer Protection, Law Number 7 of 1996 concerning Food Labels and Advertisements, and Government Regulation No. 69 of 1999 concerning Labels and Advertisements and other relevant laws and regulations. The results of this study can be seen that consumer protection for food and beverage products sold is through supervision carried out by the Health Service, supervision carried out by the Food and Drug Supervisory Agency, and supervision carried out by producers through sales. Efforts to Control the Food and Beverage Products that are sold, namely by carrying out product circulation and product control procedures. Efforts to settle expired food and beverage products, both on consumer claims and on control of food and beverage products that are sold, are one of the ways to settle the above existence of Control.

Keywords: Consumer Protection, Food, and Beverages, Expires

1. Background of the Study

How do we know that the challenge for the Indonesian nation in the second long-term development is to improve people's welfare to create an advanced, just, prosperous, and independent society? National development as indicated in the 1998 Outline of State Policy is complete human development; where all Indonesian people are entitled to welfare and justice. To achieve this goal, we are faced with progress in trade economy activities that are increasingly open; currently, Indonesia is faced with various challenges as a result of this openness and for this reason, it is required to have strong competitiveness.

As is well known, openness will present many challenges, both for consumers, producers/entrepreneurs, and the government. One aspect is that there will be increasing consumer protection issues. The impacts that arise need to receive joint attention because the dynamic and continuous developments that occur in the economic sector have created many new problems in the field of consumer protection. The comfort of customers in consuming an item, both as labor and products is an exceptional worry for shoppers specifically and makers overall.

Numerous contemplations are made by shoppers in eating an item, particularly food and refreshment items so customers get solace and wellbeing. These contemplations incorporate what fixings are contained in food and drink items, the nourishing substance in food and refreshment items, the handling of food fixings during the creation cycle, capacity, bundling, halal, and the termination date of a food and drink item.

The huge number of food and drink items coursing locally without noticing the arrangements in regards to the consideration of expiry marks is considered to have stressed purchasers. In the market, there are still expired fresh and packaged processed food products, not only in traditional markets but also in supermarkets. Processed food products found included canned and frozen foods (meat, meatballs, fish, nuggets).

These cases of circulation of expired food mainly occur before religious holidays and the new year. It is not uncommon for the Food and Drug Supervisory Agency or what will be called BPOM to carry out field checks, namely to supermarkets or supermarkets ahead of Eid, and find several parcels containing food and drinks that have expired. Not a few business actors are trying to gain huge profits in conditions of very high market demand by committing fraud which is very detrimental to consumers.

Through internet media on the detik.com website, the authors obtained data that during the operation that was held ahead of Eid 2017, the BPOM Banten Office confiscated at least 764 items that were unfit for consumption. These products consist of canned food, instant noodles, snacks, salted fish, soft drinks, and so on which are found in 11 regions in Banten Province and spread across 45 supermarkets and 43 shops or grocery stores. Based on data from BPOM, 492 products expired, 66 products were not registered, 161 products did not meet the requirements, and 45 products did not meet the requirements for the halal label.

In this regard, consumers need to be legally protected from possible losses that they experience due to fraudulent acts of business actors.

The problem of consumer protection is not merely an individual problem but a collective and national problem because everyone is a consumer. The issue of consumer protection is not only about finding out who is at fault and what the punishment is but also about outreach to consumers and awareness to all parties about the need for comfort and safety in consuming a product or service. Food is an essential human should have the option to live. Regulation Number 7 of 1996 concerning food expresses that food is an essential human need whose satisfaction is the fundamental right of each and every Indonesian individuals in acknowledging quality HR to complete public turn of events.

This shows us how important the food problem is to be addressed and is the responsibility of all parties. From the consequences of a concentrate by the Public Shopper Security Office (BPKN) in the field of food-related purchaser insurance, 4 (four) principal issues were found connected with customer wellbeing for the food they polished off, in particular: Food contamination can happen because of decay and pollution or blending in with unsafe materials, utilization of precluded substances, name arrangements for food and refreshment industry items that don't follow food marking and promotion arrangements (Unofficial law 69 of 1999) alongside Permenkes, modern items lapsed food and drink.

Talking about consumer protection is the same as discussing the responsibility of business actors/product liability because the responsibility of producers is intended to protect consumers. Agnes M. Toar defines product responsibility as the responsibility of the producers for the products they bring into circulation, which cause or cause losses due to defects attached to the product.

A trading company is a company whose activities are to buy goods and then resell them without changing the goods so that the form and type of goods remain unchanged. Trading

companies that include wholesalers and retail traders (retail). Wholesale trade is the resale of goods as well as distributors and other wholesalers, while retail traders are trading companies that serve final consumers who buy goods for personal use, such as supermarkets, shops, kiosks, pharmacies, and other retailers. Supermarkets are one of the distributors that market food and beverage products from suppliers, it is also possible that there are defective goods that have escaped the supervision of the quality control division of the supplier concerned, are damaged in the shipping process, or have exceeded their expiration date. Supermarkets as retail companies must also be responsible for supervising the marketing of food or beverage products according to Indonesian national standards, including expired products. In addition, supermarkets must also be able to provide solutions that do not harm consumers if consumers file a claim and or compensation for the product.

Consumers are sometimes worried about choosing food and beverage products sold in the market whether they are still within safe limits for consumption or not, that is, whether they have exceeded their expiry date or not. The author is then interested in conducting research entitled: "Consumer Protection of Expired Food And Beverage Products Based on Law Number 8 Of 1999 Concerning Consumer Protection."

2. Problem Formulation

In view of the foundation and issue distinguishing proof over, the detailing of the issue in this study is as per the following:

1. What is the consumer protection for the food and beverage products sold?
2. What are the efforts to resolve expired food and beverage products, both on consumer claims and control of food and beverage products sold?

3. Purpose of Writing

1. To determine consumer protection for food and beverage products sold.
2. To find out the efforts to resolve expired food and beverage products both on consumer claims and on control of food and beverage products sold.

4. Research Methods

The research method that the writer will use in this study is as follows:

1. Type of Research
This exploration is exact lawful examination. Exact exploration is additionally called field research. The information acquired from observational exploration is essential information, in particular information straightforwardly got from sources in the field.
2. Nature of Research
This research includes descriptive research, namely research that aims to describe completely and systematically the condition of the object under study.
3. Data Type
The types of data used in this study are as follows:
 - a. Primary data

Essential information is information taken straightforwardly from sources in the field with the point that this exploration can obtain genuine outcomes from the item under study. Essential information in this study were gotten utilizing interviews, to be specific by getting ready inquiries as an aide ahead of time yet it is as yet conceivable to have varieties of inquiries that are fitting to the circumstance during the meeting.

b. Secondary Data

Secondary data is data obtained from information or facts indirectly through official documents, reports, literature, laws and regulations, and others that have something to do with the problem under study.

4. Data Source

a. Primary Data Source

Essential information sources are information or data got straightforwardly from all gatherings straightforwardly connected with the issue that is the object of exploration.

b. Secondary Data Sources

Secondary data sources are data obtained through literature study, including literature, laws and regulations, articles in print and internet media, and other writings related to the problem under study. In this case, it is divided into two, namely:

- 1) Primary legal materials, namely materials that have legally binding status, include related regulations namely, Law Number 8 of 1999 concerning Consumer Protection, Law Number 7 of 1996 concerning Food Labels and Advertisements, and Government Regulation no. 69 of 1999 concerning Labels and Advertisements and other relevant laws and regulations.
- 2) Secondary legitimate materials, in particular materials that are firmly connected with essential lawful materials and can help break down and grasp essential legitimate materials, for example, library materials connected with customer assurance.

5. Discussion

5.1 Consumer Protection from Distribution of Expired Food by Increasing Consumer Legal Awareness of Rights and Obligations in Consuming Food

To increase legal awareness, there is a need for guidance and counseling so that members of the public voluntarily obey and comply with the legal regulations of the community as consumers regarding their rights and obligations in consuming good food which is still very lacking. The low level of awareness is a result of the education of the Indonesian people, which is generally still low. In this case, consumer awareness is more about efforts to make consumers more open to matters relating to food products, especially concerning expired labels and the condition of the packaging of these products. Consumers must be wiser and smarter in choosing and buying the food they will consume. Likewise, with the consumer's obligation to check the quality of food products before consumption for security and safety, or if a dispute occurs due to consuming food, the consumer is obliged to make legal settlement efforts.

Efforts to increase legal awareness from consumers should not only be carried out by consumers but also require intervention from the government, especially in terms of intensive supervision of trade in food products or by conducting counseling to consumers, for example,

regarding food quality requirements and packaging for good and healthy food so as not to endanger the health and safety of consumers.

5.2 Encouraging Business Actors to Maintain the Quality of Food Traded

The public authority specifies sterilization prerequisites in the exercises or cycle of creation, stockpiling, transportation, or conveyance of food since everybody is restricted from disseminating: (a) Food containing poisonous, risky fixings or which can hurt or jeopardize human wellbeing or life; (b) Food containing toxins that surpass the predefined greatest limit; (c) Food containing fixings precluded from being utilized in food creation exercises/or cycles; (d) Food that contains fixings that are grimy, harmed, foul, deteriorated and contains plant or creature fixings that are sick or come from remains so they become food unsuitable for human utilization; and (e) Food that has lapsed.

5.3 Imposition of Sanctions for Business Actors Committing Violations

Arrangements regarding sanctions that can be given to business actors because these business actors have violated the provisions stipulated in Chapter XIII of Law No. 8 of 1999 concerning Consumer Protection starting from Article 60 to Article 63, these sanctions consist of from:

First, administrative sanctions. Based on the provisions in article 60 paragraph (2) Jo article 60 paragraph (1) of the Law on Consumer Protection (UUPK) administrative sanctions can be imposed by BPSK.

Second, criminal sanctions. Sanctions can be imposed and imposed by the court on the demands of the public prosecutor for violations committed by business actors. The Law on Consumer Protection allows for criminal prosecution of business actors. This is contained in Article 62 of the Law on Consumer Protection which stipulates that business actors violate: (1) Article 8 regarding goods and/or services that do not meet predetermined quality standards; (2) Article 9 and Article 10 regarding incorrect information; (3) Article 13 paragraph (2) regarding the offer of medicines and matters related to health; and (4) Article 17 paragraph (1) letters a, b, c and e regarding advertisements that contain information that is not by reality or is misleading. Business actors can also be subject to criminal sanctions if they violate the provisions of Article 135 Law No. 18

The Food and Medication Administrative Organization (BPOM) is a non-legislative government organization whose errand is to complete government obligations in the field of medication and food control which is under and is straightforwardly capable to the President and directions with the Clergyman of Wellbeing. BPOM was shaped at the focal level while at the territorial level a specialized administration unit was framed by the Middle for Medication and Food Control. In completing its obligations, BPOM has the accompanying capabilities: (1) Survey and figure out public strategies in the field of medication and food control; (2) Execution of specific approaches in the field of medication and food control; (d) Coordination of useful exercises in carrying out BPOM's obligations; (d) Checking, giving direction and training on the exercises of non-departmental government organizations in the field of oversight and food.

BPOM likewise has the power to complete a few things, specifically: (1) Devise a most extreme full scale game plan in its field; (2) Detailing of strategies in their separate fields to help large scale improvement; (3) Assurance of data frameworks in their particular fields; (4) Assurance of necessities for the utilization of specific added substances (drugs) for food and expectation of rules for the control of medication and food course; (5) Giving of grants and management of medication dissemination as well as oversight of the drug business; (6) Assurance of rules for use, protection, improvement; and (7) Control of restorative plants.

BPOM's role in terms of carrying out this supervision is an effort to anticipate the distribution of spoiled food, especially due to expired food circulating in the community so that it is not consumed by the public. BPOM must also continuously develop monitoring and supervision of food and medicines that are widely circulated in the community. Early prevention must be done so that there are no victims. To achieve this goal, BPOM regularly carries out monitoring programs for food products on the market every month, including supervision at food distributors, supermarkets, and traditional markets. Supervision is carried out in 2 (two) ways, namely: (1) Carrying out the task of supervising food products circulating in supermarkets and traditional markets by checking the registration number, expiry date as well as the form of packaging, and the integrity of the food product. BPOM also conducts training for shop owners, supermarkets, or sellers in traditional markets so that they know how to choose food products for sale by checking the expiry date or the condition of the product whether it is still suitable for trading or not; and (2) Carry out supervisory duties on food products circulating in supermarkets and traditional markets by purchasing samples of said food products for laboratory testing which includes chemical tests and tests for the completeness of administrative requirements such as production or expiry dates, registration numbers, forms and packaging of the food product. After carrying out laboratory tests, the next step is to guide business actors to understand the requirements that must be met by a product so that the product is safe to be traded by business actors or consumed by consumers.

5.4 Settlement Efforts on Expired Food and Beverage Products Both on Consumer Claims and on Control of Food and Beverage Products Sold

Supporting Factors in Consumer Protection Efforts

In solving the problem of expired food and beverage products at Giant Pamulang Square, it is inseparable from the supporting factors that expedite efforts to protect consumers. So that until now, Giant Pamulang Square can provide good protection to consumers by applicable national standards.

The supporting factors that influence the consumer protection process include:

- 1) There is a commitment that all employees of the Giant Pamulang Square Supermarket have in carrying out their duties and responsibilities in protecting consumers.
- 3) There is intensive supervision of the performance of all staff by the Giant Pamulang Square Store Manager.
- 4) There is cooperation between Giant Pamulang Square and the Supplier to return products that are no longer fit for sale.
- 5) The role of consumers who provide criticism and suggestions through Customer Service.
- 6) There are clear and firm rules applied by Giant Pamulang Square Supermarket in response to consumer complaints.

The supporting factors described above are the existence of a circulation system and regulatory system that is carried out in an orderly and regular manner. So it helps Giant Pamulang Square in protecting consumers by the Law Number 8 of 1999 concerning Consumer Protection.

Constraining Factors in Consumer Protection Efforts

Obstacles that impede efforts to protect consumers at Giant Pamulang Square are:

- 1) Obstacles in implementing consumer protection provisions, especially

regarding the obligations of business actors who must comply with the provisions of Article 7 letter d concerning quality assurance of traded products based on applicable quality standard provisions are:

- a) The process of inspecting products sent by suppliers does not allow checking of all products because of the large number of products sent, so the inspection is carried out using a sampling system. Checking by sampling does not rule out the possibility that there are products that do not comply with quality standards that pass the inspection of the Giant Pamulang Square Supermarket.
 - b) The act of a consumer who either intentionally or unintentionally removes the label affixed to the product packaging resulting in damage to the product packaging.
 - c) The quality of fresh food products does not last long so they easily wither or rot causing a loss. Giant Pamulang Square Supermarket as a business actor does not want to experience large losses incurred so Giant Pamulang Square Supermarket always tries to suppress these losses.
 - d) The writing on the product label is so small that it will be difficult for consumers and Assalaam Hipermarket employees to read it.
- 2) Obstacles in implementing consumer protection provisions, especially regarding the obligations of business actors who must comply with the provisions of Article 7 letter f regarding the provision of compensation or compensation for consumer losses, namely consumers who cannot show proof of payment for the product complained of so that Giant Pamulang Square unable to provide compensation services desired by consumers.

From the description of the constraints faced by the Giant Pamulang Square Supermarket retail company in implementing laws and regulations regarding consumer protection, this is due to influencing factors, namely:

- 1) The large number of items with a limited number of checking officers makes it impossible to control them as a whole.
- 2) Characteristics of perishable goods.
- 3) The condition of the information on some goods regarding the expiration date is damaged, not easy to find, or difficult to read.
- 4) Proof of purchasing products that some consumers do not store properly.

6. Conclusion

1. Forms of consumer protection for food and beverage products sold, namely through supervision carried out by the Health Office, supervision carried out by the Food and Drug Supervisory Agency, and supervision carried out by producers through sales. Efforts to Control the Food and Beverage Products that are sold, namely by carrying out product circulation procedures and product control procedures.
2. Efforts to settle expired food and beverage products, both on consumer claims and on control of food and beverage products that are sold, one of which is the above settlement. Existence of Control. In the first inspection carried out at the warehouse by GR staff (goods receiver) if a product is found that is not by the order, does not meet national standards, or the packaging has been damaged. The second check is

carried out by the display staff in the store. At this stage, it is not uncommon to find products that have been damaged, are approaching expiration, or have expired and are no longer fit for sale. Products that are found to be no longer fit for sale will be sorted or separated from products that are still fit for sale to be returned to the warehouse. In the return process, products that are not fit for sale are carried out in the CN/IGRA (Credit Note/Internal Goods Return Advise) room by IGRA (Internal Goods Return Advise) staff. In this process, both parties, namely the entrepreneur and the supplier, sign a blank called a C/N (Credit Note) form. The C/N (Credit Note) form contains the company name, company name and address of the supplier who sent the product in question, date of return, C/N number, name of product returned, number of products returned, product price, the reason for CN or returns, as well as the signature that approves (the supplier), the person who delivers, and the signature that receives the product that has been returned (the supplier). Efforts to return products that are no longer fit for sale and not fit for consumption are made based on a prior agreement. This is by Article 1360 of the Civil Code (KUHPer) which states that whoever, by mistake or by knowing it, has received something that does not have to be paid to him, is obliged to return the item that does not have to be paid to the person from whom he has accepted it.

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