

The Legal Analysis of Consumer Protection Against The Circulation of Expired Food Products in Indonesia

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**The Legal Analysis of Consumer Protection
Against The Circulation of Expired Food Products in
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Abstract: The rapid growth of the food industry that produces processed food products today is increasing. There are a variety of food industry products that have the potential to cause food safety problems, especially broken food products and expiration, so the government needs to make regulations that govern it. Lately - in some areas there are many food that has been expired in the community. This condition is certainly not missed by producers for business in the field of food, because it is considered a tempting business to seek profit. However, the Government needs to respond to the manufacturers dishonesty in producing and selling food that endangers the health of consumers, especially food that has expired. The distribution of expired food is not separated from the responsibility of the Government as the party authorized to make the Regulation²². In this case the provisions governing expired food products are contained in Law No. 18 of 2012 on Food, and in Act No. 8 of 1999 on Consumer Protection. It is not only related to human health as a consumer but more than that which can endanger the safety and human life. While the role of the Government in protecting consumers against expired food products is by developing consumer protection in Indonesia and enforcing law against applicable law by imposing sanctions on the offending business actor¹. In relation to this, the research focuses on three problems, namely: first, how the regulation of food products in relation to consumer protection². Second, what is the role of government in protecting consumers against food products that have expired¹⁰. Third, how the handling of consumer complaints related to the distribution of expired food products. The method of this research using Descriptive Juridical Approach Methods that are descriptive, and perspective Analysis, with emphasis on the research of legislation - legislation through the library. The end of this study produces the following conclusions: The regulation of food products in relation to consumer protection has been regulated technically and interlinked and supported between the one law and the rest of the legislation so as to create harmonization of the law. While the Government's role in protecting consumers against expired food products is to develop consumer protection in Indonesia and enforce law enforcement on applicable laws and regulations. Regarding the handling of consumer complaints relating to the distribution of expired food products by the Food and Drug Administration, by opening the Public Service Unit to accommodate all consumer complaints, and if later there are producers who violate the rules, it will

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be penalized either in the form of sanctions administrative and criminal sanctions in accordance with the applicable law.

Keywords: Consumer Protection, Expired Food Products, Regulations

1. INTRODUCTION

Indonesia's economic crisis is partly due to moral hazard in various economic and political sectors. The moral hazard issue is quite extensive and profound. On a broad scale, moral and ethical factors should be included as important economic variables, especially in the patterns of economic behavior and business.¹ The behavior of business actors in the era of globalization and free trade supported by the advancement of telecommunication and informatics technology, causing the flow of goods transaction and or services across the boundaries of a country's territory widespread, so that the goods offered vary, both from outside domestic and domestic.

If you do not want to be stigmatized against the World Trade Organization, then in the era of free trade now requires that all goods and services originating from other countries should be able to enter Indonesia. The entry of imported goods and services to Indonesia is not without problems. Problems arise⁴³ if there is a consumers complaint of imported goods and services, for example the problem of how the settlement mechanism is simple, fast and light cost. There are still many imported, or even local foods in which the distributors are unidentified in Indonesia. This lack of clarity makes it difficult for consumers to experience losses from using the product or service. Consumer is someone who

makes a purchase with or without influence from other parties.²

Juridically there is also a problem of conflicting legal system between Indonesia and other countries. That is, if Indonesian legislation contradicts with the World Trade Organization's terms or agreements, that is, the only international organization governing international trade in Indonesia which passed in 1995 operates under a series of agreements negotiated and agreed upon by a number of major States in the World and ratified through parliament, so in this case it is necessary to harmonize the national provisions or agreements of the World Trade Organization. All this is seen as an effort to create better economic conditions for the welfare of the people. Theoretically, this Government should be in line, and guided by the Ideology of Pancasila and the 1945 Constitution, in its efforts are:

"Protecting the whole Indonesian nation, protecting the entire blood spill or territory of Indonesia, promote the general welfare, educate life of the nation, and participate in carrying out world order".³

Indonesia as a State of law based on Pancasila must provide legal protection to its citizens in accordance with Pancasila philosophy. Therefore the protection of law based on Pancasila which means legal protection of humanity, unity, deliberation and social justice. These values give birth to the recognition and protection of a

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¹ Erman Rajagukguk, *Peranan Hukum Di Indonesia: Menjaga Persatuan, Memulihkan Ekonomi dan Memperluas Kesejahteraan Sosial*, Jakarta: Makalah disampaikan dalam rangka Dies Natalis dan Peringatan Tahun Emas Universitas Indonesia, 5 Februari 2000), hal.6.

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² Adi Nugroho, *Perilaku Konsumen*, Cetakan pertama, (Jakarta: Studia Press, 2002), hal. 3.

³ Undang – undang Dasar Republik Indonesia 1945

unitary State that upholds the spirit of kinship in achieving common prosperity.⁴

This case can be solved, but on the level of practice and reality is not easy to do for various reasons that are juridical-political-sociological. There are at least three causes that can be categorized as barriers in free trade:⁵

1. Due to the inconsistency of the Indonesian judicial body over its verdicts. There are often differences in court decisions in similar cases. In the case of a national scale alone the court has not been able to be consistent, what about the case of consumers in the era of free trade that has international nuance.

2. Most Indonesian consumers are reluctant to go to court, whereas they have been severely disadvantaged by employers. This reluctance will be very different when compared to consumers in other free trade participating countries, such as the United States, Britain, and others. Such States have been accustomed to questioning the products they consume, if necessary through legal settlement. The reluctance of the Indonesian consumers is due to their lack of criticism, also more based on:

a. The norms of protection in Indonesia have not been applied yet; in this case the Law Number 8 Year 1999 on Consumer Protection, which is relatively still not understood by most people as consumers;

b. Justice practices in Indonesia are not simple, not fast and cost is not light;

c. The attitude of avoiding conflict even if its rights as a consumer is violated by employers or companies.

3. Attract interests between economic actors who have strong access in various

⁴ Sudikno Martokusumo, *Mengenal Hukum Suatu Pengantar*, Yogyakarta: Liberty, 1991, hal. 138

⁵ Yusuf Sofie, *Perlindungan Konsumen dan Instrumen-Instrumen Hukumnya*, Cetakan kesatu, (Bandung: Citra Aditya Bakti, 2000), hal. 249.

fields, including access to decision makers. Sociologically, this is beyond the reach of the law. Even if the law is used to reach it, it is only limited to those who become space-goat of attraction of interest.

In the era of free trade mentioned above, it is necessary to immediately prepared a set of laws that regulate it. Business activities of companies in various countries have been anticipated by the issuance of laws and regulations that are generally aimed at the regulation of business conduct issues to keep competition between businesses fair competition and establish requirements for business conduct not to harm consumers and the provisions on consumer protection. In maintaining the economy, consumers occupy an important position, but ironically as one of the economic actors, the position of consumers is very weak in terms of legal protection.⁶ Consumers in Indonesia who have been in a weak position seem to be only the object of business through promotional tips, as well as a very expansive way of selling. The weakness of consumer position due to, among others, there is still low awareness and low education of consumers in Indonesia (Garedow and Edriss, 2014; Kumari and Singhe, 2014; Isola, et.al. 2014; Nsanze, 2015; Ram, 2015; Oyediran, et.al. 2016; Oyediran, et.al. 2017; Mapfumo, 2017; Raza, et.al. 2018)

The weakness of consumer position in Indonesia can not be separated from the history of consumer protection. The history of consumer protection in Indonesia has only recently been popularized about twenty years ago, with the establishment of a non-governmental organization called the Foundation of Indonesian consumers.⁷ The establishment of the Institute was then followed by several similar organizations

⁶ Gunawan Widjaya dan Ahmad Yani, *Hukum Tentang Perlindungan Konsumen*, Penerbit (Jakarta: Gramedia Pustaka Utama, 2000), hal. 12.

⁷ Shidarta, *Hukum Perlindungan Konsumen Indonesia*, (Jakarta: Grasindo, 2000), hal. 40-43.

such as the Institute of ¹Consumer Development and Protection in Semarang which was established since February 1988 and in 1990 joined as a member of International Consumers.

The weakness of consumer position leads to the weakness of consumer's legal position. Prior to the issuance of the Consumer Protection Act, law enforcement on issues with producers was extremely difficult especially in relation to the filing of a lawsuit for losses suffered by consumers. Difficulties in filing a lawsuit against a business actor that has harmed the consumer is where each plaintiff should be able to prove that the business actor as a defendant has made a mistake. Thus any party who postulates a mistake then the arguing party must be able to prove his mistake. This is certainly making it difficult for consumers to prove the mistakes of producers as actors as business actors (Peirovedin, et.al. 2016; Adesina, 2014; Oyediran, et.al. 2016;; Angbre, 2016; Markos and Loha, 2016; Rahman and Ahamat, 2018).

Various restrictions have been imposed for business actors, both the business actors manufacturers and or their distributors, advertising business actors, as well as activities related to public relations. In principle, consumers are in a position that is economically disadvantaged. 8 As some examples cases of the violations of expired food product that circulate in communities that enter the jurisdiction of criminal law, among others: Case in North Sumatra, Consumers buy food in the form of biscuit branded Sweet Home at the Macan Yaohan Merak Jingga supermarket which is packed in parcel shaped. After arriving at the House the consumer is suspicious of one of the biscuit food branded Sweet Home in production by Garuda Teladan Company. Once it was opened, expired marks or labels have been closed with black marker markers, then replaced or exchanged for new posts or labels and affixed with the same brand, valid until December 25, 2004, it should

have expired in 2003. The case then goes to the Court of Consumer Dispute Settlement Court in the process of being legally in accordance with the applicable Law. 8 Another example of a case of food poisoning in West Java, Mrs. Amin is a catering entrepreneur, suddenly losing a contract to supply rice for lunch to a company's employees. The cause is food poisoning presented by the catering company for the employees of the company. There were five employees who had passed out due to food poisoning, and about thirty employees stayed in the hospital for 2 days, and dozens of other employees went to the hospital. After investigating the source of poisoning from canned food that mixed with one of main menu that afternoon is three of 10 canned food which is then mixed with other materials was expired. Madam Amin confessed, mistakenly, did not have time to read the expiry date listed in the packaging of the can. From the outside physically packing cans - the cans are not suspicious and do not suspect if there was any fungus - mushrooms that grow on the surface of the cans. Therefore Madam Amin then mixed 3 canned food with other food and then process it. 9 This ignorance obviously could endanger the human soul who consume it. The next case of death due to food poisoning which is expired. The case in Kupang city of Nusa Tenggara was shocked because of consuming noodles that had expired in June 2005. The death person's name was Hermanus, the case attracted public attention, and mass media, both print and electronic, which did not stop exposing. This ³⁰ is of concern to the Integrated Team of the Food and Drug Supervisory Agency of Kupang City and the Provincial Health Office of NTT. The team then examined and collected samples of instant noodles of "Sedap" brand

⁸ Innocentius Syamsul, *Hukum Perlindungan Konsumen, Kasus Biskuit Merek Sweet Honey*, diajukan pada tanggal 23 Januari, 2003, hal.44

⁹ Mustafid Amna, *Kedaluwarsa*, Bandung: Koran Pikiran Rakyat, 2004, hal.4

consumed by victims with other similar brands taken for inspection at the Laboratory of the Food and Drug Supervisory Agency. If proven, the Food and Drug Supervisory Agency did not hesitate to take action in the form of sanctions administration by revoking the business license, and sanction in the form of the manufacturer's compensation to the consumer, and there are also criminal sanctions in the form of imprisonment sanction in accordance with prevailing laws and regulations, resulting in severe disability, serious illness, and death for the victim.¹⁰ Consumers are solely dependent on the information provided and provided by the business actor, but the information provided without the education will be less perceived benefits. This is done, among others, through the installation of labels or standardization of quality. The significance of labeling or labeling or standardization of product quality is greatly felt for food products, given the very closeness associated with human life. Here at least there are two problems, namely:

a. Labeling problems: to what extent a food product includes complete information about the product in labeling, and

b. About the quality of the product itself.

According to Decree of the Director General of Drug and Food Control Number: 02240 / B / SK / VII / 91 regarding the Guidelines of Quality Requirements and Food Label and Advertising, part one of two points is mentioned, the information that should be included on the label is:¹¹

a. Name of food / product name;

¹⁰ Undang – Undang Republik Indonesia Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen, Pasal 60 – 62.

¹¹ Keputusan Direktur Jenderal Badan Pengawas Obat dan Makanan Nomor 02240/B/SK/VII/91 Tentang Pedoman Persyaratan Mutu Serta Label dan Periklanan Makanan.

b. Composition or list of ingredients;

c. Net contents;

d. Name and address of the manufacturer / importer;

e. Registration number;

f. Production code;

g. Expiration date;

h. Directions or storage methods;

i. Instructions or means of use;

j. Nutritional value, and

k. Writing or special statement.¹²

Pointing attention to the letter g about the expiration date, the consumer protection of food products that have expired should be very concerned. It is not just about human health as a consumer but more than that it can endanger safety or life. Thus in the labeling of food products must be considered. In labeling, in addition to the completeness of the information, which is not less important is the language problem.

¹³ Many food products with complete labeling, but informational messages are not up to the consumer, because it uses a language that consumers do not understand. Lately, on the market easily found imported products with labeling using the language of the country of origin of the product, such as China, Japan. Whereas according to Article 97 paragraph 3 of Law No. 18 of 2012 on Food, it is mentioned that label information on food packaging is written or printed using Indonesian language, and contains at least information about, product name, list of materials used, net weight or content net, name and address of the party producing or importing, permissible for the required, date and production code, date of month, and year of expiration, distribution license number for processed food, and specific food origin. This provision shall apply to

¹² Ibid.

¹³ Ibid.

any business actor producing or importing into the territory of Indonesia food which is packaged for trading.

1.1. Problems

Based on the above explanation, then there are some problems in this paper are as follows:

1. How is the regulation of food products in relation to consumer protection?

2. What is the role of the government in protecting consumers against expired food products?

3. How is the handling of consumer complaints related to the circulation of expired food products?

1.2. Writing purpose

This writing aims to obtain a comprehensive picture of the legal aspects of consumer protection against the circulation of expired food products in accordance with Law No. 8 of 1999 on Consumer Protection. With a view to know:

1. The regulation of food products in relation to consumer protection.

2. The role of government in protecting consumers against food products that have expired.

3. Handling of consumer complaints relating to the circulation of expired food products.

2. THEORY AND CONCEPTUAL FRAMEWORK

The Theory of legal system by Friedman said that the legal system consists of three elements, namely elements Structure, substance, and legal culture.¹⁴

According to Friedman, "The Structure of the system is its skeletal framework: it is the permanent shape, the institutional body

of the system, the tough, rigid bones that keep the process flowing within bounds."

¹⁵ So if in Indonesia, talk about the legal system structure, it includes courts and law enforcement institutions, such as the National Consumer Protection Agency, Consumer Dispute Settlement Agencies, the Food and Drug Supervisory Agency, the Consumer Trade Agreement. Each of these institutions is the structure of the consumer protection law system. Furthermore, according to Friedman said, "The Substance is composed of substantive rules and rules about how the institutions should be have".¹⁶ So Friedman's legal substance is defined as the rules, norms, and patterns of real human behavior, such as provisions on expiration limit on product packaging, provisions on the rights and responsibilities of business actors in the Consumer Protection Act.

While Friedman's understanding of Legal Culture is their System of beliefs, ideas, and expectations, and "Legal culture refers, then, to those parts of general culture - customs, opinions, ways of doing and thinking - that bend social forces to ward or away from the law and in particular ways".¹⁷ Legal culture is a social mood and social power that determines how laws are used, avoided, and abused. In this case the State guarantees to every citizen the right to the protection of the law which must be granted by the state. One of the safeguards that must be granted by the state is consumer protection. This is done so that people do not consume or use goods and / or services that could endanger safety, health and so on, so that people feel safe and get satisfaction. Once a consumer buys or consumes a product, the consumer may suffer or be injured due to defects in the product, including injury, damage to the product or to other goods and economic losses.

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¹⁵ Ibid. hal.14

¹⁶ Ibid. hal.15

¹⁷ Lawrence Friedman, *American Law An Introduction*, New York – London: WW Norton and Company, 1998, hal.20

¹⁴ Lawrence M Friedman, *The Legal System A Social Science Perspective*, New York: Russel Sage Foundation, 1975, hal.5

¹ Referring to The Theory of Legal System developed by Friedman there are three legal substances. The responsibility of the product that becomes the demand for compensation for the consumers. The three basic demands are: Compensation Claim, Claim for Negligence, Claim for Breach of Warranty.¹⁸ This is done because the reality of the position or position of consumers with producers as business actors are not the same.¹⁹

⁸ In Law Number 8 Year 1999 concerning Consumer Protection, it has been stated explicitly about the arrangement of responsibility that must be given by the business actor to the consumer. In Article 19 paragraph 1 stated that "Business actor is responsible to provide compensation for damage, pollution, and / or consumer loss due to consuming goods and / or services produced or traded".

Consumer Protection Law arises from a very weak consumer position, so it is necessary to get legal protection. One of the nature and purpose of the law is to provide protection to the community. Consumer protection law is part of consumer law that contains principles and rules and is regulatory and also contains the nature of protecting the interests of consumers. Consumer protection law can not stand alone as a system but must be integrated also into an economic system, which in it is interconnected with one another.

An increasingly complex economic system has an impact on changes in legal construction in the relationship between producers and consumers. The change in legal construction begins with a paradigm shift in the relationship between consumers and producers, the relationship originally built on the principle of caveat emptor which emphasizes the consumer must be

careful in making transactions with producers, turned into the principle of caveat vendors that emphasize the awareness of producers to protect consumers.²⁰ Position imbalances between producers and consumers desperately need to be compensated by various efforts, both through the movement of consumer protection, institutional and legal tools, as well as other efforts so that consumers can consume products of goods or services, especially the food they want more safely. The protection of large numbers of consumers in such food production businesses is imperative, as the advanced economic and industrial developments carry other negative implications.²¹

To protect consumers from the above situations, the government is obliged to think of policies whose direction is to protect society as consumers.²² In Indonesia, the significance of the regulation of consumer rights through the Act is part of implementation as a welfare state, since the 1945 Constitution and its amendments, in addition to being a political constitution are also referred to as economic constitutions, namely the constitution which contains the idea of a welfare state which grew because of the influence of socialism since the 19th century Indonesia through Law No. 8 of 1999 on Consumer Protection stipulates 9 consumer rights, as the elaboration of the Articles characterized by the welfare state, namely Article 27 paragraph 2 and Article 33 of the Constitution of the State Republic of Indonesia.²³

¹⁹ David Owen, Madden M Stuart, Davis J Mary, *Product Liability*, Third Edition, Volume 1, Minnesota: West Group, 2000, hal. 118.

²¹ Didi J Racbini, Zumrotin K Susilo, *Penyambung Lidah Konsumen*, Cetakan Pertama, Jakarta: Penebar Swadaya, 1996, hal. 5.

²² *Ibid.*, hal. 6.

²³ Lihat Undang – Undang Dasar 1945, pasal 27 ayat, 2 yang berbunyi: "Tiap – tiap warga Negara berhak atas pekerjaan dan penghidupan yang layak bagi kemanusiaan".

¹⁷ Inosentius Syamsul, *Perlindungan Konsumen, Kemungkinan Penerapan Tanggung Jawab Mullak*, Jakarta: Pascasarjana Fakultas Hukum Universitas Indonesia, 2004, hal. 45.

¹⁹ *Ibid.*, hal. 46.

Consumer rights as stated in Law Number 7
8 Year 1999 regarding Consumer
Protection are:

- 3 1. the right to comfort, safety and safety in the consumer goods and / or services;
2. the right to choose goods and / or services and obtain goods and / or services in accordance with the exchange rate and conditions and promised warranties;
3. the right to true, clear and honest information about the condition and guarantee of goods and / or services;
4. the right to be heard of opinions and complaints on goods and / or services used;
5. the right to appropriate advocacy of consumer protection;
6. the right to obtain coaching and consumer education;
7. the right to be treated or served properly and honestly and not discriminatively;
8. the right to compensation, indemnification and / or reimbursement, if the goods and / or services received are not in accordance with the agreement or not as it is;
9. the rights set forth in the provisions of other laws and regulations.

The rights mentioned above are an inherent right for anyone who is a consumer. Thus

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6 Sedangkan Pasal 33 ayat 1, 2, 3, dan 4 yang menyatakan: "Perekonomian disusun sebagai usaha bersama berdasar atas asas kekeluargaan; Cabang – cabang produksi yang penting bagi negara dan yang menguasai hajat hidup orang banyak dikuasai Negara; bumi dan air dan kekayaan alam yang terkandung di dalamnya dikuasai oleh Negara dan dipergunakan untuk sebesar – besarnya kemakmuran rakyat; Perekonomian nasional diselenggarakan berdasar atas demokrasi ekonomiiii dengan prinsip kebersamaan, Efisiensi berkeadilan, bbberkelaaanjutan, berwawasannn lingkungan, kemandirian, ssserta dengan menjaga keeesseimbangan kemajuan dan kesatuan ekonomi nasional.

it is a freedom for consumers to be able to present these rights into an organisation or group. The principle of independence is an important characteristic, both for consumer organizations and consumer groups. Regarding these characteristics there are six qualities of freedom that must be owned by consumer organizations and consumer groups, namely: ²⁴

1. They shall exclusively represent the interests of consumers;
2. Trade progress shall be meaningless, if obtained in ways that harm the consumer;
3. They should be non-profit making in their activity profile;
4. They may not accept advertisements for any commercial reasons in their publications;
5. They shall not permit the exploitation of information and advice they provide to consumers for the benefit of commerce;
6. They may not permit freedom of action and their comments are affected or limited by sponsored messages or additional messages.

The above freedom is not an absolute but relative freedom. This means that such freedom will remain attached and may be used by consumers or consumer groups as long as such rights are used to defend their rights as consumers. In this writing the rights that are infringed are the right in the form of true information about a food product, which ⁷ the above arrangement is referred to as a right to information that is true, clear and honest about the condition and guarantee of goods and / or servi⁸s. The 18 rights can also be attributed with the right to convenience, security and safety in the consumer goods and / or services, in particular against expired food products.

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²⁴ Yusuf Sofie, *Perlindungan Konsumen Dan Instrumen – instrument Hukumnya*, Cetakan Kesatu, Bandung: Citra Aditya Bhakti, 2000, hal.249

Some types of products such as food or medicines are not essentially harmful products, but are easily contaminated or contain toxins which, if they are negligent or not careful in the manufacture, or even neglect to keep distributing or deliberately not attracting food products that have expired. The negligence is closely related to the progress in the field of industry that uses the pattern of production and distribution of goods and services which is increasingly complex. In such a mechanism system, a product that is not actually considered to be hazardous, may endanger the safety and health of consumers, so that an instrument is required that creates a high standard of legal protection in the process and distribution of the product.²⁵

Legal protection of consumers provided by the state should be immediately implemented within the framework of economic life. This is given that consumer protection should be one of the main concerns because it also relates to the health and safety of the community⁴¹ as a consumer. In particular, consumer protection in the case of overcrowded food product distribution should receive serious attention from the government. How important the rights of consumers, so that gave birth to the idea that consumer rights is a "fourth generation of human rights", which is the key word in the human rights conception in the development of humanity in the future.²⁶

There are some conceptual conceptions contained in this theme are summed up in the use of terms or phrases as follows:

Consumer:

Consumer is any user of food¹⁶ available in society, whether for self-interest, family, other people, or other living creatures and not to be traded.

Consumer protection:

²⁵ Ibid.hal.5

²⁶ Ibid. hal.7

⁵ Consumer protection is any effort that ensures legal certainty to provide protection to consumers.

Product or Item:

²⁰ Goods are any tangible or intangible good, whether mobile or immovable, whether expendable or non-consumable, which may be traded, used or exploited by the consumer.

Businessmen:

⁵ Business actor is any individual or business entity, whether in the form of a legal entity or not a legal entity established and domiciled or conducting activities within the jurisdiction of the Republic of Indonesia, either alone or jointly through agreements to conduct business activities in various economic fields.

Food Expiry:

Expired food is food that has passed the expiry date.

Expired date

The expiry date is the deadline for a food to be of guaranteed quality throughout its storage following the instructions given by the manufacturer.

3. RESEARCH METHODS

1. Types and Nature of Research

This research is a legal research with normative juridical approach method that is descriptive and prescriptive analytical, that is by reviewing and reviewing the¹⁰ visions of legislation, especially about Law Number 8 Year 1999 About Consumer Protection, and other²³ulation, which is related to problem the circulation of food products that have expired.

2. Required Data

Primary legal materials, consisting of:

¹² Law Number 8 Year 1999 concerning Consumer Protection, Law Number 12

Year 2012 on Food, Government Regulation Number 28 Year 2004 regarding Food Safety, Quality and Nutrition, Government Regulation Number 57 Year 2001 concerning National Consumer Protection Board, Government Regulation Number 58 2001 on the Guidance and Supervision of the Implementation of Consumer Protection, Decree of the Head of the Food and Drug Supervisory Agency No. HK.00.05.52.4321 About General Guidelines on Food Product Labeling, dated December 4, 2003, Regulation of the Head of the Food and Drug Supervisory Agency, HK.00.05.52.0685 Number Functional Supervision of Food Security Regulations, dated January 27, 2005, Regulation of the Head of the Food and Drug Supervisory Agency, Number HK.00.06.51.0475 About the Guidelines for Inclusion of Nutrition Value Information On Food Label, dated January 17, 2005.

Secondary legal materials, which are required consist of: literature books, books relating to consumer protection, court decisions.

The tertiary legal materials, which are required consist of: Dictionary, encyclopaedia, bibliography.

3. Data Collection Method

Library studies conducted at several libraries are: Library Studies at Indonesian Consumers Foundation, Library Studies at National Agency of Drug and Food Control, Library Studies at the Ministry of Industry and Trade.

4. Data Analysis

All data collected is then analyzed qualitatively and then described descriptively.

4. CONCLUSION

The results of the description, the conclusions can be submitted as follows:

¹ The regulation of food products in relation to consumer protection has been regulated technically and mutually support so as to create harmonization of legislation, in particular consumer protection law in the field of food products that is expired.

The government's role in protecting consumers against expired food products is to develop consumer protection in Indonesia and to enforce legal pressure on existing laws and regulations. While the form of legal protection provided by the government as pengayom masyarakat consumers and also as a coach of business is by issuing, laws, government regulations or other regulations and supervise the application of regulations, or the standards of consumer protection that already exist.

Handling of consumer complaints relates to the distribution of expired food product by the Food and Drug Control Agency, by opening a Service Unit that holds all consumer complaints. This unit is called the Consumer Complaint Service Unit, it is expected that through this complaint unit the community as well as consumers can get information and complaints about various cases related to expired food products on the market.

5. SUGGESTION

In enforcing law enforcement in the field of food, especially on the distribution of expired food product, it should be done in coordination with police-related apparatus, and must be subject to strict sanctions to the producer or business actor if it is proven to violate the expired food product. It is expected that with law enforcement this can cause deterrent effect for other business actors.

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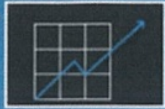
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