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Consumer protection against fast food circulation: Review of consumer protection law

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Abstract

Fast food has become an integral part of modern society's diet, and the fast food industry is experiencing rapid growth. However, with the increasing fast food consumption, there are concerns about consumer protection on quality, safety, and information related to these products. This research aims to analyze consumer protection against the circulation of fast food in terms of GCPL. This research uses normative legal research methods. The data used in this research was obtained through a literature study. The data obtained is analyzed qualitatively. The results showed that the Consumer Protection Law has provided sufficient protection to fast food consumers. The existing laws and regulations have regulated consumer protection against fast food, including food safety, quality conformity, correct information, reasonable prices, and ease of complaints. However, several things still need to be improved to enhance consumer protection of fast food, including weak law enforcement and low consumer awareness.

Keywords: Consumer protection, food distribution, fast food

Introduction

Fast food has become an integral part of the diet of modern society, and this phenomenon reflects major changes in global eating patterns. The fast food industry has experienced rapid growth in recent decades in response to changes in lifestyle, speed, and mobility of modern society. Several factors that contribute to the popularity of fast food include the increasingly busy nature of society, an increase in the number of workers working outside the home, and changes in family structures who may have limited time to cook at home ^[1]. Fast food offers convenience and speed in getting food, which is often a solution for busy individuals and families.

Additionally, technological advances and globalization have allowed fast food chains to expand their operations worldwide, leading to the global spread of well-known brands in the industry; this creates greater choice for consumers and makes fast food more accessible in the world in almost all parts of the world. However, with the increase in fast food consumption, some concerns need to be addressed regarding consumer protection. These concerns include important aspects such as quality, safety, and information related to fast food products.

Although fast food usually has advantages in terms of availability and speed, excessive consumption can hurt health because it is usually high in trans fats, added sugars, and salt, increasing the risk of diseases such as obesity, type 2 diabetes, and heart disease ^[2]. Fast food is often produced in large quantities and prepared quickly; there is a risk that the quality of raw materials and the food preparation process may suffer. It can affect the product's taste, nutritional value, and freshness. Consumers need to be confident that their fast food meets healthy and appropriate quality standards. Apart from that, food safety is a serious problem in fast food. Consumers must be able to trust that the fast food they eat is safe to consume. It includes proper processing, safe storage, and microbial or harmful chemical contamination prevention. Food safety is a fundamental consumer right. Consumers also have the right to obtain

clear and accurate information about the fast food they purchase, including nutritional composition, potential allergens, preparation methods, expiration dates, and other relevant information ^[3]. Due to the complexity of the fast food industry and its impact on consumer health and well-being, strict regulation and oversight are necessary to ensure that consumers are adequately protected.

Previous research by Disemadi & Nadia ^[4] examined expired food products being bought and sold in supermarkets with a study of consumer protection laws. The research results showed that the Food and Drug Supervisory Agency was also trying to take action against the distribution of expired food ingredients circulating on the market. Preventive and repressive efforts can be carried out to overcome the distribution of expired food ingredients in supermarkets. Preventive efforts that can be taken include introducing regulations that protect consumers against expired food ingredients in supermarkets. Meanwhile, repressive efforts are being made by acting against supermarket business actors who violate the Law.

Another study by ^[5] ^[6]urhayati ^[5] examined the effectiveness of supervision by the Food and Drug Supervisory Agency on the circulation of imported processed food products in realizing consumer protection. The research results showed that the supervision carried out ^[3] by the Food and Drug Supervisory Agency on the distribution of imported processed food products was to realize consumer protection in Indonesia was not yet effective. The proof is that there are still imported processed food products that are illegal, circulating in Indonesia without p ^[3]mits, and are unsafe for consumption. Apart from that, there are still imported processed food products that contain dangerous ingredients and are dangerous for ^[3]nsumption, even though they have a distribution permit in Indonesia. Second, the obstacles faced by ^[3] POM Agency in supervising imported processed food products in Indonesia include two categories, namely from internal and external aspects. The absence of research regarding consumer protection regarding fast food distribution in terms of the Consumer

Protection Law (UUPK) is a novelty in this research. This research aims to analyze consumer protection against fast food distribution in terms of UUPK.

Theoretical Review

Consumer Protection

Consumer protection can be explained as all regulations and legislation regulating the rights and responsibilities of consumers and producers that arise to meet consumer needs. It also includes steps to ensure consumer rights are legally guaranteed and protected in various transactions and consumption activities^[6]. It can apply to all buying and selling transactions, whether carried out directly or via online platforms, which are increasingly popular today. Even though this transaction may not involve a physical meeting between the seller and the buyer, consumers still have the right to receive the product on the information previously provided or by the promises given^[7].

Food is a material or substance consumed by humans or animals to meet nutritional, energy, and growth needs. Food can come from natural sources such as plants or animals and is often processed or cooked before consumption. Food can also include drinks that contain nutrients, such as water, milk, or juice. Food quality, safety, and availability are very important to maintain the health and welfare of humans and animals^[8]. Meanwhile, fast food, also known as fast food or fast food in English, is a type of food that is prepared quickly, is easy to serve, and is usually available to purchase and consume immediately. Fast food is often produced and served in large quantities in widespread specialty restaurants or outlets, such as well-known fast food chains. Characteristics of fast food include a quick preparation process, generally large portions, and often high fat, sugar, salt, and calories. Common fast foods include burgers, French fries, fried chicken, pizza, hot dogs, and soft drinks. This fast food is often packaged in easy-to-carry packaging, making it suitable for consumption on the spot or to take home^[9].

The legal basis for the Consumer Protection Law includes Article 5 Paragraph (1), Article 21 Paragraph (1), Article 27, and Article 33 in the 1945 Constitution. This Law regulates various aspects, which include principles and objectives, rights and obligations of consumers, prohibitions on business actors, provisions regarding standard clauses, responsibilities of business actors, guidance and supervision, the existence of the National Consumer Protection Agency, the Non-Governmental Consumer Protection Agency, consumer dispute resolution, the role of the Consumer Dispute Resolution Agency, investigation process, as well as various types of sanctions that can be imposed. The main objectives of establishing consumer protection can be described by Article 3 UUPK 8/1999 as follows^[10]: a) Increased Consumer Awareness, Ability, and Independence; b) Increase consumers' understanding, skills, and independence in protecting themselves; c) Increasing Consumer Value and Dignity; d) Promote the dignity of consumers by preventing them from the negative impacts of using harmful goods or services; e) Consumer Empowerment; f) Empowering consumers to make better choices, determine their rights, and demand the fulfillment of those rights; and g) Creating a Guaranteed Consumer Protection System Building a consumer protection system based on legal certainty, information disclosure, and adequate access to obtain necessary information.

Research Method ⁵

This research uses normative legal research methods. According to Peter Mahmud Marzuki, normative legal research is finding legal rules, principles, and doctrines to answer the legal issues faced^[11]. This research method was carried out by reviewing statutory regulations, legal doctrine, and literature on fast food consumer protection. The data used in this research⁵ was obtained through a literature study. The analytical method used in this research is qualitative analysis. The data obtained from the literature study will be analyzed by identifying legal provisions relating to consumer protection for fast food. This analysis will involve exploring the meaning and implications of these legal provisions and evaluating the extent to which these laws adequately protect consumers.

Discussion

Food consumption is a daily need to fulfill nutrition, which will later be useful in the body as the most important basic human fulfillment. The formation of consumption habits which will shape consumption behavior repeatedly. Society's fast-paced thinking patterns cause people to want everything to be instantaneous^[12].

Ready-to-eat food centers are a sector with good prospects and great potential to be developed due to increasing population growth. Ready-to-eat food centers that do not comply with health standards, of course, the products are quite dangerous if consumed by the public as consumers. Thus, there is a need for consumer legal protection as well as the importance of supervisors and quality supervisors in implementing quality assurance and food safety and applying strict administrative sanctions by Article 72 paragraph (2) of Law of the Republic of Indonesia Number 18 of 2012 concerning Food to business actors in ready-to-eat snack food centers who do not comply sanitation hygiene and good food processing methods^[13].

Food is the most important basic human need; its fulfillment is also part of human rights. This basic human right has also been guaranteed in the 1945 Constitution, Article 27 paragraph (2), which essentially states that every citizen has the right to obtain a decent living as a human being, one of which is consuming safe food. Protection of the public from the circulation of unsafe food is a guarantee that the public, as consumers, must obtain. It is in line with the mandate of Law Number 8 of 1999 concerning Consumer Protection (Consumer Protection Law) Article 4^[14].

Article 1, paragraph (1) of the consumer protection law explains that consumer protection is all efforts to ensure legal certainty to protect consumers. According to Faizah *et al.*^[15], the position of consumers is always weaker than the position of business actors, who are relatively stronger in many respects, so the UUPK emphasizes that there are at least eight consumer rights that must receive protection, namely: a) The right to security; b) The right to choose; c) Right to information; d) The right to be heard; e) The right to obtain the necessities of life; f) The right to receive compensation; g) The right to obtain consumer education; h) The right to a clean and healthy environment.

Consumer rights began to be standardized globally through an international instrument under the UN, which is not binding on its member countries, in 1985 and then improved or revised in 1999 and 2015 under the name United Nations Guidelines for Consumer Protection (UNGCP) or Guidelines UN Consumer Protection^[16].

In Yuliati^[17] 1999, the Indonesian government promulgated Law Number 8 of 1999 concerning Consumer Protection, which aims to: a) Increase consumer awareness, ability, and independence to protect themselves; b) Raising the dignity of consumers by preventing them from negative excesses in the use of goods and services; c) Increasing consumer empowerment in choosing, determining, and demanding their rights as consumers; d) Creating a consumer protection system that contains elements of legal certainty and information disclosure as well as access to information; e) Raising awareness among business actors regarding the importance of consumer protection so that an honest and responsible attitude in business can develop; f) Improving the quality of goods and services that ensure the continuity of business production of goods and services for the health, safety, and comfort of consumers.

The explanation of article 2 UUPK in Sinaga & Sulisrudatun^[18] states that consumer protection is carried out as a joint effort based on 5 (five) principles that are relevant to national development, namely: a) The benefit principle is intended to mandate that all efforts in implementing consumer protection must provide the maximum benefit for the interests of consumers and business actors; b) The principle of justice is intended so that the participation of all people can be realized optimally and 16 Ibid, Elucidation of Article 2. provide opportunities for consumers and business actors to obtain their rights and carry out their obligations fairly; c) Balance is intended to balance the interests of consumers, business actors, and the government in material and spiritual terms; d) The principle of consumer security and safety is intended to guarantee consumers' security and safety in the use, use, and utilization of goods and/or services consumed or utilized; e) The principle of legal certainty is intended so that both business actors and consumers obey the Law and obtain justice in implementing consumer protection, and the state guarantees legal certainty.

A form of consumer protection against purchasing imported goods and/or products according to the provisions of Article 4 UUPK, consumers have the right to obtain comfort, security, and safety in consuming goods and/or services, the right to choose goods and/or services and obtain these goods and/or services according to the exchange rate and conditions and the promised amount, the right to correct, clear and honest information regarding the condition of the goods, obtain protection and appropriate efforts to resolve consumer protection disputes and obtain compensation if the goods received are not by the agreement or are not as they should be^[19].

The government has established statutory regulations, including Law Number 8 of 1999 concerning Consumer Protection, Number 18 of 2012 concerning Food, Number 31 of 2018 concerning Food and Drug Supervisory Agency, and Government Regulation Number 86 of 2019 on Food Safety^[20].

The legislation regulates food products that are harmful to citizens, including the requirements of Article 111 paragraph (6) of Law Number 36 of 2009 concerning Health, which states that food and drinks do not meet standard requirements, health requirements, and/or are dangerous health as defined in paragraph (1) is prohibited from distribution, withdrawn from circulation, distribution permit is revoked, and confiscated for destruction by the requirements of the Legislative Regulations^[21].

The government's role in protecting consumers can be actualized through guidance and supervision. In the Consumer Protection Law, Article 29, paragraph 1 states, "The government is responsible for fostering the implementation of consumer protection which guarantees the rights of consumers and business actors and the implementation of the obligations of consumers and business actors." Preventive protection is protection provided by the government to consumers when the consumer is about to buy or use and utilize a particular item/product, begins the process of selecting a series or number of items/products, and then decides to purchase or use and utilize the item/product with specifications and certain brands.

Repressive protection is protection given to consumers due to the use or utilization of certain goods/products from producers/business actors. Apart from a preventive authority, BPOM also has repressive authority, which is also commonly called post-market authority, namely BPOM's authority to conduct inspections of drug and food products circulating in the community, with the process of inspecting production and distribution facilities for medicines and food. Next, sampling and laboratory tests should be conducted on products suspected of containing hazardous materials or products that are not in production and are suspected of being dangerous to public health^[22].

Conclusion

The Consumer Protection Law has provided strong protection for consumers in the context of fast food. Existing laws and regulations regulate various aspects of consumer protection for fast food products in detail. It includes strict standards related to food safety, quality conformity requirements, providing accurate and complete information for consumers, reasonable price controls, and ease of submitting complaints and complaints regarding food products. However, even though the legislative framework is in place, several aspects still need to be improved to increase consumer protection in the context of fast food. One of them is that law enforcement is still not optimal, which requires further steps to ensure that fast-food companies that violate the rules are subject to strict sanctions. Apart from that, consumer awareness about their rights and knowledge about fast food also needs to be increased through more intensive education campaigns.

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