

Guidance for the Community Related to the Protection of the Rights of Food Consumers

(As the Application of Indonesia Law Number 8 of 1999 Concerning Consumer)

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Abstract—The number of goods and services products is strongly influenced by technological developments and the complex needs of the community in various ways business actors to promote and trade systems. This development can provide benefits to consumers to meet all their needs and freedom in choosing the type and quality of goods and/or services needed. According to Article 1 Number 2 Consumers are every person who uses goods and/or services available in the community, both for the sake of themselves, family, other people and other living beings and not for trading. There are a number of things that need immediate attention in government responsibility, before further conditions and the position of consumers as users of goods and/or services are getting weaker and there is no balance between business actors and consumers who only exploit consumers for trade and gain profits. As big as possible, so that consumers need to be smart in choosing food to be consumed as mandated by the law. So it is very necessary to deliver information to consumers to be careful in consuming products such as goods and services, in accordance with the standards for eligibility for consumption. One of the efforts undertaken is to provide community service in the form of outreach and legal outreach relating to the Development of the Community Related to the Protection of the Rights of Food Consumers as the Application of Law No. 8 of 1999 concerning Consumer Protection. This article is the Result of Community Service The type of research that will be used is sociological research, which is to find out the implementation of legal counselling relating to community development related to the importance of being an active consumer in paying attention to products consumed before misuse of opportunities by business actors for the substances contained or products circulating is endangering consumers in general if consumed.

Keywords: *protection, rights, consumers*

I. INTRODUCTION

Development can provide benefits to consumers to meet all their needs and freedom in choosing the type and quality of goods and/or services needed. According to Article 1 Number 2, Consumer is every user of goods and/ or services available in the community, both for the benefit of themselves, their families, other people and other living things and not for

trading. Law is the basis of the rules of the game in the order of life [1], so the law is identical to individuals in society, because where there is a community there must be law. Pursuant to Article 1 Number 3 of Law Number 8 of 1999 Concerning Consumer Protection explains that the 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 carrying out activities in the jurisdiction of the Republic of Indonesia, both alone and together through agreements to conduct business activities in various fields of economics [2]. Business actors are inseparable from a company. The government explains that what is called a company is the whole act, which is carried out uninterruptedly, openly, in a certain position and for profit (for oneself) [3]. Whereas people who run a company are called entrepreneurs. Employers are people who run a company or who order to run a company, either by themselves or assisted by workers' assistance.

In line with Indonesia's goal to realize public welfare, Article 3 of Law Number 36 Year 2009 Concerning Health, states "health development aims to increase awareness, willingness and ability to live a healthy life for everyone to realize the highest public health, as investment for the development of human resources that are socially and economically productive" [4]. The development of the economy, trade, and industry which has been increasing has given remarkable progress to consumers who have a wide variety of products and services that can be consumed [5]. There are so many ingredients that are used as primary packaging in food, that is, packaging that comes in direct contact with food. But not all of these ingredients are safe for the food they pack [6]. The article discusses the existing problems as follows: To what extent are consumers' rights and obligations fulfilled by business actors, what is the responsibility of business actors for the protection of consumer rights to the circulation of products and services.

II. THEORETICAL FRAMEWORK AND HYPOTHESIS DEVELOPMENT

A. *The Concept of Consumer Protection*

Consumer protection is an inseparable part of healthy business activities. In a healthy business activity there is a balance between legal protection between consumers and producers. The absence of a balanced protection causes consumers to be in a weak position [7]. Article 1 number (1) of Law Number 8 of 1999 concerning Consumer Protection (hereinafter referred to as the Consumer Protection Act/UUPK) regulates that: "Consumer protection is any effort that guarantees legal certainty to provide protection to consumers" [8]. The legal certainty to provide protection to consumers, among others, is to increase the dignity of consumers and open access to information about goods and/or services for him, and foster an honest and responsible business actor's attitude [9].

Noting the substance of Article 2 of the Consumer Protection Act as well as the explanation, it appears that the formulation refers to the philosophy of national development, namely the development of Indonesian people as a whole which is based on the philosophy of the nation of the Republic of Indonesia [10]. The five principles mentioned in the article, if the substance is considered, can be divided into 3 (three) parts, namely:

- The principle of expediency which includes the principle of consumer security and safety;
- The principle of justice which includes the principle of balance; and
- Principle of legal certainty.

The principles of Consumer Protection Law are grouped into 3 (three) groups above, namely the principle of justice, the principle of expediency, and legal certainty. In economic law justice is aligned with the principle of balance, benefits are aligned with the principle of maximization and legal certainty is aligned with the principle of efficiency. The principle of legal certainty is equated with the principle of efficiency because according to Himawan that: "Authoritative law is an efficient law, under the auspices where a person can exercise his rights without fear and carry out his obligations without irregularities" [10].

B. *Legal Liability Theory*

In general, legal theory, it states that everyone, including the government, must be held accountable for their actions, either by mistake or without error. From general legal theory, legal responsibilities arise in the form of criminal liability, civil liability, and administrative liability [11]. According to the Big Indonesian Dictionary (KBB) responsibility is the condition of being obliged to bear everything (if anything happens may be sued, blamed, sued) [12]. Titik Triwulan said that liability must have a basis, that is, things that cause legal rights for one person to sue another person as well as things that give birth to other people's legal obligations to give an answer [13].

According to basic civil law, responsibility is divided into two types, namely error and risk. As such, it is known as

liability without based on fault and liability without fault known as risk liability or strict liability. The basic principle of accountability on the basis of mistakes implies that a person must be held responsible because he made a mistake because it harms others. Instead the principle of risk responsibility is that the plaintiff's consumer is no longer required but the defendant's producer is directly responsible for the risk of his business [14]. Regarding legal responsibility, Abdul Kadir Muhammad stated that the theory of responsibility in illegal acts (tort liability) is divided into several theories, namely:

- Liability resulting from intentional tort liability, the defendant must have committed the act in a way that is detrimental to the plaintiff or knows that what the defendant will do will result in losses;
- Liability due to unlawful acts committed due to negligence (negligence tort liability), is based on the concept of error (concept of fault) relating to morals and laws that have been intermingled (intermingled);
- Absolute responsibility resulting from actions that violate the law without questioning errors (strict liability), is based on his actions both intentionally or unintentionally, meaning that even though it is not his fault he remains responsible for the losses arising from his actions.

Another theory used in this study is the theory of legal liability by Hans Kelsen as quoted by Jimly Asshiddiqie and M. Ali Safa'at that "...a sanction may be imposed on individuals who do not commit themselves to an offense but are positioned in a particular legal relationship with the perpetrators delik" [15]. A person is legally responsible for a particular act or the subject is responsible for carrying out the things that arise due to his actions, the things that arise can be in the form of sanctions imposed by law enforcement due to acts contrary to the laws and regulations that are applicable [16].

Hans Kelsen stated that the lack of caution carried out by legal subjects regarding the products of the legislation is called negligence. Errors are seen as another type of error (culpa), although it is not as hard as the error which is fulfilled because it anticipates and desires, with or without malicious intent, a harmful result.

Hans Kelsen then divides responsibilities into 4 (four) sections consisting of [17]:

- Individual responsibility, that is, an individual is responsible for the violations he committed himself;
- Collective responsibility means that an individual is responsible for an offense committed by another person;
- Liability is based on an error which means that an individual is responsible for an offense that was committed intentionally and presumably with the aim of causing harm;
- Absolute liability which means that an individual is responsible for violations that he did because he was unintentional and not expected.

III. RESEARCH METHODS

The stages in the implementation of activities are divided into two parts, the first stage of research and the second is the stage of activity implementation. The method used is: This article is the Result of Community Service The type of research that will be used is sociological research, which is to find out the implementation of legal counselling relating to community development related to the importance of being an active consumer in paying attention to products consumed before misuse of opportunities by business actors for the substances contained or products circulating is endangering consumers in general if consumed. The research location is Bandar Sekijang District, Pelalawan Regency. The respondents of this dedication are PKK group members and the community of Bandar Sekijang District. Data sources used are primary data, secondary data and tertiary data.

Data collection technique, the data collection technique used is library research. The data that has been collected will be analyzed qualitatively by using sentence descriptions to explain the relationship between existing theories and the reality in the field.

IV. RESULTS AND DISCUSSION

A. General Overview of the Target Communities

This service will be conducted in Pelalawan Regency. Pelalawan Regency with an area of 13,924.94 km², is divided by the Kampar River flow, and in this area is a meeting between the Kampar River and Kampar Kiri River. Pelalawan Regency has several relatively large islands, namely: Mendol Island, Serapung Island and Muda Island as well as small islands such as: Tugau Island, Labuh Island, Baru Island Ketam Island, and Untut Island. The area structure is low land and hills, lowlands stretching eastward with an area of 93% of the total. Physically part of this region is a conservation area with soil characteristics in certain parts are acidic and is organic soil, brackish ground water, humidity and air temperatures are rather high. This effort to protect consumers and empowerment is important because it is not easy to expect the awareness of business actors, which in essence is the economic principle of business actors is to get the maximum benefit with minimum capital. This principle is potentially detrimental to the interests of consumers, both directly and indirectly, so the need for guidance to the public in choosing the consumption of food sold by businesses.

Consumer protection focuses on efforts to increase awareness, ability and independence of consumers to protect themselves, lift the dignity of consumers by avoiding the negative excesses of the use of goods and services, increasing consumer empowerment in choosing, determining and demanding their rights as consumers. Article 5 of the Consumer Protection Act, Consumer Obligations are: Read or follow information instructions and procedures for the use or utilization of goods and/or services, for security and safety; Good intentions in conducting transactions to purchase goods and/or services; Pay according to the agreed exchange rate; Following efforts to resolve disputes in consumer protection law properly.

Alignments to consumers are intended to increase the attitude of high care towards consumers (wise consumerism). To increase consumer awareness and awareness, consumers also have the obligation to read or follow information instructions and procedures for the use or use of goods and services, for security and safety. Based on laws and regulations, supervision is a series of activities beginning with visible observations, testing, research and surveys of goods and services circulating in the market, to ensure the suitability of goods and/or services in meeting the quality standards of production of goods and/or services, label inclusion, standard clauses, how to sell, advertise and sell after goods and/or services. In order for supervision to be carried out more effectively, another step that must be taken is to increase the participation of the Government, Society and Non-Governmental Consumer Protection Institutions (LPKSM). In fact, the Government can optimize the role of the Office of Religious Affairs (KUA) representing the Department of Religion and Community Health Centers (Puskesmas) representing the Ministry of Health at the sub-district level to supervise the circulating goods regarding the 'halal' of a product or service. In addition to coaching, an important government role is supervision of the implementation of consumer protection. Article 30 of the UUPK states that the government, together with the community and non-governmental consumer protection institutions, are the parties that have been given the task of supervising.

In the provisions of Article 30 above also mentioned, if in the supervision of deviations found in the legislation, the government must take administrative action and/or legal action, as sanctions are threatened by the UUPK. This decisive action will increase consumer confidence in the consumer protection legal system established by the government, increase public participation in supervision and consumer institutions, and encourage businesses to produce quality and create a better business climate. This dedication is applied from the results of the author's research relating to the delivery of information to consumers that the need for an active role of consumers in paying attention to products to be consumed, such as product expiration, composition contained, side effects information such as drugs and cosmetics and the benefits of goods for these consumers.

B. Framework for Activities

This service is carried out by delivering information that consumers are more careful in consuming goods and services. Pelalawan Regency was formed based on Law No. 53 of 1999, which was an expansion of Kampar District and was inaugurated by the Minister of Home Affairs on October 12, 1999. While the 1999 and the Kerinci Base was established as the Capital City of Pelalawan Regency. The establishment of the Pelalawan Regency was based on mutual agreement and determination which was carried out through a large consultation of the Kampar Hilir community from 11 to 13 April 1999 at Pangkalan Kerinci. The meeting presented all components of society consisting of community leaders, youth leaders, traditional institutions, intellectuals, clever and religious scholars. Based on this great conference, Pelalawan was established, which originated from the Kingdom of

Pekantua, who broke away from the Kingdom of Johor in 1699 AD, then took full control over this area.

The things that are conveyed are like paying attention to the expiration of a product as shown below:



Fig. 1. Food product.

V. CONCLUSION, IMPLEMENTATION AND LIMITATIONS

A. Conclusion

Based on the results of devotion and discussion, the authors conclude in this article some of them are as follows: There are still many people who have not paid attention to the condition of the products consumed and the services they use. Such as the lack of public attention to the adverse effects of consuming a product, such as checking for packaging, expiration, food composition. With this service done in the future the community will be more concerned, and know the importance of paying attention to a population consumed.

B. Implementation and Limitations

Creating local regulations that regulate the responsibilities of businesses in selling products to consumers, and can be more careful in producing goods, as well as special eligibility standards for some products that are circulating in the community. The government more often socializes about consumer protection such as through public service announcements.

REFERENCES

- [1] H. Purba, Suatu Pedoman Memahami Ilmu Hukum. Medan: Cahaya Ilmu, 2006.
- [2] Law of the Republic of Indonesia Number 8 of 1999 concerning Consumer Protection.
- [3] Z. Asikin, Hukum Dagang. Jakarta: Raja Grafindo Persada, 2013.
- [4] Law of the Republic of Indonesia Number 36 Year 2009 Concerning Health.
- [5] H. Susanto, Hak-Hak Konsumen Jika Dirugikan. Jakarta: Transmedia Pustaka, 2008..
- [6] A. Anies, Penyakit Berbasis Lingkungan: Berbagai Penyakit Menular & Tidak Menular Yang Disebabkan Oleh Faktor Lingkungan. Yogyakarta: Ar-Ruzz Media, 2015.
- [7] A. Miru, Prinsip-Prinsip Perlindungan Hukum Bagi Konsumen di Indonesia. Jakarta: Raja Grafindo Persada, 2011.
- [8] A. Miru and S. Yodo, Hukum Perlindungan Konsumen. Jakarta: Rajawali Pers, 2010.
- [9] A. Sutedi, Tanggung Jawab Produk Dalam Perlindungan Konsumen. Bogor: Ghalia Indonesia, 2008.
- [10] A. Miru and S. Yodo, Hukum perlindungan konsumen. Jakarta: Raja Grafindo Persada, 2004.
- [11] M. Fuady, Teori Negara Hukum Modernn Rehtstaat. Bandung Refika Aditama, 2009.
- [12] Departemen Pendidikan Nasional, Kamus Besar Bahasa Indonesia Pusat Bahasa Cetakan Ketujuh. Jakarta: Gramedia Pustaka Utama, 2013.
- [13] T. Triwulan and S. Febrian, Perlindungan Hukum Bagi Pasien. Jakarta: Prestasi Pustaka, 2010.
- [14] A.K. Muhammad, Hukum Perusahaan Indonesia. Bandung: Citra Aditya Bakti, 2010.
- [15] J. Asshiddiqie and M.A. Safa'at, Teori Hans Kelsen Tentang Hukum. Jakarta: Konstitusi Press (Konpress), 2012.
- [16] H. Kelsen (Alih Bahasa oleh Somardi), General Theory Of Law and State,Teori Umum Hukum dan Negara, Dasar-dasar Ilmu Hukum Normatif Sebagai Ilmu Hukum Deskriptif-Empirik. Jakarta: BEE Media Indonesia, 2007.
- [17] H. Kelsen, (Alih Bahasa oleh Raisul Mutaqien), Teori Hukum Murni. Bandung: Nuansa & Nusamedia, 2006.