

Implementation of Supervision of Business Activities That Change the Expired Date of a Product (Case Study Disclosing Circulation of Expired Imported Food in Jabodetabek)

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ABSTRACT

As already stated in Law Number 8 of 1999 concerning Consumer Protection which states that "Consumer protection is all efforts that guarantee legal certainty to provide consumer protection. This consumer protection certainly involves business actors as well as consumers. This study aims to determine how the implementation of supervision of business actors who change the expiration date of a product. The theoretical framework used by the researcher in this case is the theory of legal protection, the theory of consumer protection, and the theory of supervision. In answering the problems taken, the researcher uses normative legal research methods, the types of materials that the authors use are primary, secondary, and tertiary legal materials. From the research data conducted by the author, it is revealed that there is still a lack of supervision by the government on consumer protection supervision. If this is ignored, it will have a very bad impact on consumers, because there are still many business actors who change the expiration date for profit only and do not pay attention to the impact of their actions.

Keywords: Consumer Protection, Supervision, Business actors

1. INTRODUCTION

Living things, especially humans, certainly need various kinds of needs for their survival, whether it is the need for clothing, food, shelter or other things, which can satisfy their needs with the aim of achieving prosperity. As humans, we naturally have to eat and drink. This can also be called primary needs or basic needs, which are needs that must be met for survival. It can be said that this need is the most important need for humans, therefore it must be prioritized in fulfilling it. Primary needs can also be called the most basic needs because these needs must be met first by every living thing. For example, such as food and drink, if this need is not met then we will starve and thirst which can cause death. This means it is an important need for humans.

Food safety is one of the main components of food policy. In Indonesia, the problem of food safety is a matter of concern, because the food safety issue has a major impact on human life, especially in the health sector. In this regard, according to Sri Redjeki Hartono, the State has an obligation to arrange so that opposing interests must be brought together in an ideal harmony and harmonization. For this reason, the State has the authority to regulate and

intervene in predicting possible violations that occur by providing a series of regulations that regulate as well as provide threats in the form of sanctions in the event of a violation of any economic actor.

As consumers, we really need to understand the characteristics of expired food. Foods that are almost entering their expiration period usually do not have signs or characteristics that indicate that the condition of the food is no longer fit to eat. The condition of the food tends to still look good. However, in fact, when food enters expiration, the nutrients in the food have evaporated so that the food no longer has adequate nutritional value.

The characteristics of foods that are really unfit for consumption are:

- There is a change in taste
- Smells bad
- Overgrown with fungus

The dangers of expired food to the human body can occur gradually and cannot be immediate. The body experiences health problems starting to be felt after one month if a person consumes expired food every day. Basically food that has expired is not recommended to be eaten again. These foods can cause several health complaints, including:

1. Stomach Pain
2. Diarrhea
3. Constipation
4. Poisoning

2. BACKGROUND

The right to information is one of the many rights that consumers have, as formulated in Article 4 of Law Number 8 of 1999 concerning Consumer Protection. The consumer rights include:

1. the right to comfort, security, and safety in consuming goods and/or services;
2. the right to choose goods and/or services and to obtain such goods and/or services in accordance with the exchange rate and the promised conditions and guarantees;
3. the right to correct, clear, and honest information regarding the condition and guarantee of goods and/or services;
4. the right to have their opinions and complaints heard on the goods and/or services used;

It is explained in Article 1 of Law Number 18 of 2012 concerning Food, that food is everything that comes from biological sources of agricultural, plantation, forestry, fishery, livestock, aquatic, and water products, both processed and unprocessed which are designated as food or drink for human consumption, including food additives, food raw materials, and other materials used in the process of preparing, processing, and/or making food or drinks.

For example, there was a case that occurred on 21/03/2018 where the police arrested the imported food distributor PT PRS who circulated expired food by changing the label of the food validity period and supplying it to a number of supermarkets in Indonesia.

This is still temporary as we are still investigating. PT PRS replaces the expiry date label in several ways. First, remove the label using liquid alcohol on the product. Second, unsealing product labels and producing new labels. Third, tear off the product box on the expiration date information section and stick it with a new expiration date using a piece of similar box material. They carried out the action in a warehouse on Jalan Kalianyar I, Tambora, Angke, West Jakarta since four years ago. Meanwhile, goods are checked at the warehouse in the Hayam Wuruk area and the distribution section is centered in Cengkareng.

The following are studies/journals that have been written regarding the implementation of supervision of business actors:

Journal of FH UNTAR

- Title : CONSUMER PROTECTION ON INCOMPATIBILITY OF INFORMATION REGARDING CONTENT OF NON-HALAL FOOD MATERIALS TRADED IN DECISION NUMBER: 429/PID.SUS/2019/PN.PDG
- Author : Dwi Tiara Febrina
- Origin of Faculty: Faculty of Law
- University : Universitas Tarumanagara
- Problem Formulation: 1. What are the considerations of the panel of judges (ratio decidendi) regarding the mismatch of information on the content of non-halal food ingredients traded in Decision No: 429/Pid.Sus/2019/PN.Pdg?
- 2. Is Decision Number: 429/Pid.Sus/2019/PN.Pdg in accordance with Law No.8 of 1999 concerning Consumer Protection and other related laws and regulations?

Journal of FH UNTAR

- Title : LEGAL PROTECTION TO CONSUMERS OF FOOD PRODUCT EXPIRED DATE INFORMATION BASED ON LAW NO. 8 YEAR 1999 (Study Decision NO.149/Pid.Sus/2017/PN.Ktb)
- Author : Leviana Rachel
- Origin of Faculty: Faculty of Law
- University : Universitas Tarumanagara
- Problem Formulation: 1. How is the legal protection for consumers on the expiration date of food products based on Law No. 8/1999?
- 2. Is the decision Number 149/Pid.Sus/2017/PN.Ktb in accordance with the provisions of Law Number 8 of 1999 concerning Consumer Protection?

Foreign Journal of FH UNTAR

- Title : LEGAL PROTECTION AGAINST CONSUMER ON THE CIRCULATION OF SCHOOL CHILD Snacks BASED ON LAW NUMBER 8 OF 1999 AND LAW NUMBER 18 YEAR 2012 (STUDY ON JELI STICKS IN 2018 IN KENDAL)
- Author : A.M. Tri Anggraini
- Origin of Faculty: Faculty of Law
- University : Gadjah Mada University
- Problem Formulation: 1. What is the form of supervision over the circulation of school children's snacks by the government, in this case BPOM for the case of Candy Jelly Sticks in 2018 in Kendal?
- 2. How is the legal protection for consumers over the distribution of snacks for school children?

Foreign Journal of FH UNTAR

- Title : CONSUMER PROTECTION AGAINST THE CIRCULATION OF EXPIRED FOOD PRODUCTS REVIEWING FROM LAW NUMBER 8 OF 1999 CONCERNING CONSUMER PROTECTION
- Author : Monica Resinta
- Origin of Faculty: Faculty of Law

- University : University of Indonesia
- Problem Formulation: 1. How is the legal protection for consumers related to food that has expired in terms of Law Number 8 of 1999 concerning Consumer Protection?
- 2. What is the responsibility of business actors for the distribution of expired food?
- 3. What is the role of the Food and Drug Supervisory Agency (BPOM) regarding the circulation of expired food?

It can be seen from the case above that the main factor that becomes the weakness of consumers is the level of awareness of consumers of their rights as consumers. This is what is often used by producers or business actors to gain unilateral profits. Therefore, Law Number 8 of 1999 concerning Consumer Protection is intended to be a strong legal basis for the community so that they can make efforts to empower consumers through consumer guidance and education.

3. CONCLUSION

Based on the discussion that has been carried out, several conclusions can be drawn, that the monitoring process carried out by BPOM on business actors related to expired food is supervision before the product is circulated and after the product is circulated. Before the product is circulated, the BPOM carries out supervision related to registration, checking regulations, supervising the production site, conducting tests related to the product being sampled and final testing regarding the feasibility of the product to be circulated.

After the product is circulated, BPOM will carry out routine supervision of the factory and carry out periodic checks. BPOM in carrying out its duties must be careful in checking the circulation of goods after circulating in shops or supervision regarding the expired products being sold or not. BPOM does not carry out its duties effectively because there are still many findings or complaints from some consumers who find expired products, and the lack of regular inspections on a regular basis.

The settlement effort from BPOM against business actors if they are still selling expired products is to impose sanctions and take action to destroy the product on the spot. If the sale is the next action, if it is due to the negligence of the seller or business actor, then guidance is given to pay more attention to the expiration period of the product being traded, and if it is found that there is an element of intent, it can be subject to strict sanctions.

This surveillance system in Indonesia must be improved. Good supervision will certainly affect the activities carried out by business actors and consumers.

However, there are still many people who are not responsible, and only care about their own interests in order to achieve big profits. This needs to be taken seriously by the government. Even though there is a law that regulates consumer protection, this does not rule out the possibility that the level of violations will continue to increase.

Strict steps must be taken by the government to reduce the violations that occur because if left unchecked the longer it will have a bad impact on consumers. Strict sanctions are a good thing to do, namely as stated in Article 62 Paragraph (1) Jo Article 8 Paragraph (1) and (3) Law No. 8 of 1999 concerning Consumer Protection and or Article 143 JO Article 99 of the Law. Law No. 18 of 2012 concerning Food.

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