

CONSUMER AND FOOD PROTECTION:**Study on Supervision of Food in Circulation by LOKA POM Surakarta**Wafi Imtinan Raihan Nita¹, Kelik Wardiono²¹ Muhammadiyah University of Surakarta (wafiimtinan@gmail.com)² Muhammadiyah University of Surakarta (kelik.wardiono@ums.ac.id)**ABSTRACT**

Consumers in meeting their needs are very dependent on business actors. There is a need for legal protection which is an effort to fulfill rights by providing compensation, testimonials, medical services and legal assistance. The research method uses a non-doctrinal approach, which is normative, looking for the right answer by showing the truth sought or through social facts that interpret the law as it is interpreted and are part of the context of reality that exists in society. Primary and secondary data are the results of surveillance of circulating food at LOKA POM Surakarta and literature studies. The data that has been collected will then be analyzed qualitatively using deductive logic. BPPOM Supervision of Food Circulation in Surakarta based on the way of supervision is divided into 2, namely: (a) Pre-Market, where supervision is still within the scope of its production; (b) Post Market, where supervision has been circulating in the field. Supervision of Food Product Quality and Safety, as well as Food Packaging at the POM Workshop in Surakarta City consists of several activities, including: (1) Product Sampling and Testing Activities; (2) Activities of Inspecting Food Production Facilities; (3) Food Distribution Facility Supervision Activities and based on activities carried out by LOKA POM Surakarta are appropriate and provide legal protection for consumers.

Keywords: Consumer Protection, Food, LOKA POM Surakarta

INTRODUCTION

Various goods and services are now offered to Indonesian customers in the current era of globalization and free trade. (Sianturi et al., 2023). Improving the welfare of the Indonesian people is one of the country's development goals. (Hura et al., 2016). Various kinds of goods and/or services that can be consumed have been produced as a result of sustainable economic growth, especially in the industrial sector (Sakti et al., 2015).

Food is a human need. Food is a very important necessity for life. This situation encourages producers to produce food that can be directly consumed by the public (consumers) (Budi, 2020). It's no surprise that businesses in the food industry, especially small businesses, are popping up to meet this demand. (Judge, 2020). This allows business actors to use it to fulfill human needs, namely food and by simplifying the sales distribution process by making sales through an online system. People who consume food produced and sold by business actors are called consumers.

It is possible that there will be intense competition among business owners, especially offline customers, in an economic system where market power is growing and the role of the state is decreasing (Mujiono, 2016). Business practices require a variety of strategies to outperform competitors, and because of this, some actors are often motivated to engage in dishonest or even fraudulent behavior. (Poernomo, 2020).

The aim of consumer protection is to provide legal protection to consumers (Tampubolon, 2018). Consumers in meeting their needs are very dependent on business actors who produce and sell these needs, such as the food needs mentioned previously. That consumers also need protection in the buying and selling process that they carry out, that there needs to be legal protection which is an effort to fulfill their rights and provide assistance to provide a sense of security to witnesses and victims, a form of

community protection, namely legal protection for crime victims by carrying out provision of compensation, trial, medical services and legal aid.

The wider public response to the products of domestic and international business actors in unfavorable conditions shows that these actors have not been able to produce products that are safe for their users (Moertiono, 2020).

Based on BPOM supervision from March 18 to April 6 2022, many products were found to be TMK (Do Not Meet Qualifications). That independent intensification is carried out through 73 BPOM UPTs (Technical Implementation Units) throughout Indonesia by collaborating in an integrated manner with regional apparatus. Based on the opinion expressed by Penny K Lukito who is the Head of BPOM RI at the Press Conference which was held online on Monday 25 April 2022, it was found that the total number of TMK food products was 2594 products with a total of 41,709 products having a total economic value of up to IDR 470 million, apart from that, it was found that 1899 distribution facilities were inspected, of which there were 601 (31.65%) distribution facilities that were TMK due to food products that were expired, damaged and did not have permission to circulate (Oatoppoi, 2022).

The discovery of expired packaged food in Solo City, based on Commission II of the Solo City DPRD, as well as both the Solo City Trade Service (Disdag) and the Solo City Food and Drug Supervisory Agency (POM), found a number of products that were still being sold even though they were nearing their expiration date. or expired. In addition, wet bread is known to have no IPRT and expiration date and no brand. Some canned snacks were found to be unfit because the packaging was damaged or dented or flat (Intan, 2022).

Based on data obtained in the Annual Report of the POM Workshop in Surakarta City, the Surakarta City POM Agency Workshop brought promotions for six items in 2020, including food, tobacco, traditional medicine, cosmetics, medicines and cosmetics. For food products, special media are used, such as local media (TV, radio, magazines, newspapers), print, brochures, Facebook, YouTube, Instagram, www.bukalapak.com, and www.mandjur.co.id. There were 113 food advertisements (72 MK; 41 TMK). Apart from that, supervision will be carried out in 2020 at the Surakarta City POM Agency Workshop. Supervision of marking is carried out on all routine sampling except for School Children's Snack Food (PJAS) samples plus cigarette marking. Supervision of marking includes commodity medicines, herbal medicines, diet aids, cosmetics, food and tobacco products (cigarettes). The results of food supervision were 19 labels (19 MK) (Badan POM, 2020).

RESEARCH METHODS

The research method uses a non-doctrinal approach, which is normative in nature, looking for the right answer by showing the truth sought or through social facts that interpret the law as it is interpreted and is part of the reality context that exists in society (Dimiyati, 2016). Primary and secondary data consist of the results of monitoring food circulating at LOKA POM Surakarta and literature studies. The data that has been collected will then be analyzed qualitatively using deductive logic.

RESULTS AND DISCUSSION

Supervision and Protection for Consumers by LOKA POM Surakarta

Article 8 letter g and Article 4 number 1 of Law no. 8 of 1999 Consumer Protection:

(g.) does not include an expiry date or best use/utilization period certain goods;

1. Consumer rights to comfort, security and safety in consuming goods and/or services

Article 90 Law 18/2012 concerning Food:

- (1) Every person is prohibited from distributing contaminated food.
- (2) Contaminated food as intended in paragraph (1)

in the form of Food that:

- a. contains toxic, dangerous, or potentially harmful materials to human health and life;
- b. contains contamination that exceeds the specified maximum threshold;
- c. contains ingredients that are prohibited from being used in Food Production activities or processes;
- d. contains dirty, rotten, rancid, decomposed material, or contains diseased vegetable or animal material or comes from carcasses;
- e. produced in a prohibited manner;
- f. has expired

1. Contaminated Food Category

There are several Pre-Market and Post-Market supervision of food distribution in the City of Surakarta based on the POM Agency as an Agency. The detailed explanation includes the following:

- (1) Pre-Market Supervision, where the explanation of the supervising is supervising before the food is circulated, for example when a business actor carries out a distribution permit, the food being distributed and registered must comply with quality standards and quality. After the food is circulated, further supervision is carried out, namely Post Market supervision.
- (2) Post Market Supervision is supervision after the circulation or marketing of food, where after the circulation of food is one of the responsibilities of the Surakarta City POM Workshop which is carried out outside the Surakarta City POM Workshop to oversee the distribution of basic necessities in accordance with Presidential Instruction No. 3 of 2017 but also involves various agencies, for example namely the Health Service, the Trade Service, in total the agencies involved are around 11/12 institutions and ministries.

The form of supervision carried out at the POM Workshop in Surakarta has pillars. There are 3 pillars of supervision implemented, namely:

- (1) Government, in this case the government is related to regulation, regulation and supervision.
- (2) Business actors who already have a business in the food sector must have a CPPOB. CPPOB is an abbreviation for Good Farm Food Production Methods, where it is a certificate given to business actors to be responsible and ensure that the food sold and produced is safe and of good quality and meets specified standards.
- (3) Society, in this case society must be intelligent, care about the use of the food it consumes, where people who are intelligent and care about food can check whether the food they consume is in accordance with the quality and quality standards that have been determined by using the "KLIK" check, which checks "KLIK" is often conveyed during socialization that this "KLIK" check is a check for packaging, labels, distribution permits and expiry. The public must also check the packaging to see whether it is still good or not; checking the label whether it is appropriate or not. From the label you can see information on the weight, origin of production, whether the composition is appropriate or not; Next, also check the distribution permit to ensure that the food distribution permit has a distribution permit from the POM Agency, where the information provided is that if the code is MD, it means Domestic Food, while ML is Foreign Food or imported food; The final check is the expiration check, to ensure that the food has not expired.

Product Sampling and Testing Activities, this activity is carried out at food distribution facilities and sales of food products, one example of which is in school areas. Tests are carried out to determine whether there are dangerous substances found in food products distributed and sold. Food Distribution Facilities Supervision Activities, this activity is to monitor products that have distribution permits, have expired and damaged food, by following up on orders for destruction or return to food distribution facilities that do not meet the provisions.

Based on the form of activity above, LOKA POM Surakarta based on the first category regarding contaminated food has fulfilled legal protection as regulated in Article 4 letter C and Article 8 number 3 UUPK and Article 90 Law No.18/2012 concerning Food.

2. Food Advertising/Promotion Category

Articles 9-10 of the Consumer Protection Law

Article 9

- 1) Business actors may not offer, promote, advertise goods or services incorrectly, as if:
 - a. the goods are fulfilled or owned discounts, special prices, certain quality standards, certain styles or fashions, certain characteristics, certain history or use
 - b. The item is in good condition and new
 - c. the goods or services have received or have sponsorship, approval, certain equipment, certain benefits, work characteristics or certain accessories;
 - d. the goods or services are made by companies that have sponsorship, approval or affiliation;
 - e. the goods or services are available;
 - f. the item does not contain hidden defects;
 - g. the item is a completeness of a particular item;
 - h. the goods are sourced from a certain area;
 - i. directly or indirectly denigrate other goods or services;
 - j. using excessive words, such as safe, not dangerous, does not contain risks or side effects without clear explanations
 - k. offering something that contains an uncertain promise
- 2.) Goods and services as intended in paragraph (1) are prohibited from being traded.
- 3.) Business actors who violate paragraph (1) are prohibited from continuing to offer, promote and advertise these goods or services.

Article 10

Business actors in offering goods and services intended for, trading is prohibited from offering, promoting, advertising or making invalid or misleading statements regarding:

- a. the price of a good or service;
- b. Use of a good or service
- c. conditions, guarantees, warranties, rights or compensation regarding a good or service;
- d. offer discounts or attractive prizes offered
- e. dangers of using goods or services

Article 104 Food Law

- (1) Every food advertisement that is traded must contain information about the food that is correct and not misleading.
- (2) Every person is prohibited from including false or misleading information in advertisements for traded food
- (3) The government regulates, supervises and takes necessary actions so that advertisements for traded food do not contain false or misleading information or statements

As a result of the above activities, the POM Workshop in Surakarta City also monitors advertisements and labels, monitoring in relation to food is carried out through local media, for example newspapers, magazines, TV, radio; brochure; print, YouTube, Facebook, www.bukalapak.com, Instagram, www.mandjur.co.id, etc. The results of advertisements circulating can be obtained whether they meet the criteria or do not meet the criteria. Meanwhile, in monitoring labels, supervision of markings or labels that apply to all routine sampling is excluded for samples of school children's snacks, in short PJAS. The results of this monitoring will determine which labels on labels meet the criteria or which do not meet the criteria. Apart from these 3 things, the POM Surakarta Loka carries out supervision on advertisements, monitoring advertisements whether they are circulating in online media, on the street, or circulating in the community.

Based on data and interviews conducted at the Surakarta City POM Workshop, the results

obtained from monitoring advertising and labels for the number of monitoring advertisements/promotions in the food sector were 72 that met the provisions and 41 that did not meet the provisions.

Based on these activities, supervision of advertising and food production is in accordance with Articles 9 and 10 of the UUPK and Article 104 of the Food Law.

3. Marking or Label Category

Article 8 letters b, c, d, e, f of the Consumer Protection Law

- b. does not correspond to the net weight, net or net contents, as well as the calculated quantity as stated on the label or label of the goods;
- c. not in accordance with the measurements, measures, scales and quantities calculated according to the actual measurements;
- d. does not comply with the conditions, guarantees, privileges or efficacy as stated in the label, label or description of the goods or services;
- e. does not comply with the quality, grade, composition, processing process, style, mode or specific use as stated in the label or description of the goods or services;
- f. does not comply with the promise stated in the label, label, description, advertisement or sales promotion of the goods or services;

Article 97-101 Food Law

Article 97

- (1) Every person who produces food domestically for trade is required to include a label inside and on the food packaging.
- (2) Every person who imports food for trade is required to include a label inside and on the food packaging when entering the territory of the Unitary State of the Republic of Indonesia.
- (3) The inclusion of labels inside and on Food Packaging as intended in paragraph (1), (2) is written or printed using Indonesian and contains at least information regarding: a. product name; b. list of materials used; c. net weight or net contents; d. name and address of the party producing or importing; e. halal for those required; f. production date and code; g. expiry date, month and year; h. distribution permit number for Processed Food; as well as i. the origin of certain food ingredients.
- (4) The information on the label as intended in paragraph (3) is written, printed or displayed firmly and clearly so that it is easily understood by the public.

Article 98

- (1) Provisions regarding labels apply to food that has gone through the final packaging process and is ready to be traded.
- (2) Label provisions do not apply to Food Trade that is wrapped in the presence of the buyer.
- (3) The Government and Regional Governments carry out guidance to micro and small businesses so that they are gradually able to implement the label provisions as intended in paragraph (1).

Article 99

Every person is prohibited from removing, removing, closing, changing labels, re-labeling, or changing the expiration date, month and year of food being distributed.

Article 100

- (1) Every food label that is traded must contain information about the food that is correct and not misleading.
- (2) Every person is prohibited from providing false or misleading information on labels.

Article 101

- (1) Every person who states on the label that the food being traded is halal in accordance with the requirements is responsible for the truth.
- (2) Every person who states on the label that the Food being traded conforms to a particular claim is responsible for the truth of that claim.

(3) Labels regarding certain processed foods that are traded must contain information about their intended use, method of use, or other information that needs to be known regarding the impact of the food on human health.

Forms of marking or labeling categorization activities in carrying out supervision are divided into:

- a. In accordance with the promises stated in labels, labels, information, advertisements or sales promotions for said goods and/or services
- b. Offering, promoting, advertising or making false or misleading statements regarding the price or tariff of goods and/or services; the use of goods and/or services; conditions, guarantees, guarantees, rights or compensation for goods and/or services; offers of discounts or attractive prizes offered; dangers of using goods and/or services.
- c. Must provide accurate and correct information or statements regarding food.

The results of the above activities show that in monitoring the monitoring labels, the markings or labels that apply to all routine sampling are excluded from samples of school children's snacks, abbreviated as PJAS. The results of this monitoring will determine which labels on labels meet the criteria or which do not meet the criteria. Supervision of marking or labels in the food sector was obtained from a total of 19 labels, resulting in 19 labels that met the criteria. Violations or crimes that occurred in 2020, in the initial investigation, 2 cases of food commodities were obtained.

Based on the forms of activities above, marking or labeling is in accordance with Article 8 letters b, c, d, e, f of the Consumer Protection Law and articles 97-101 of the Food Law. The results of food marking or labeling activities are in accordance with Article 8 letters b, c, d, e, f of the Consumer Protection Law and articles 97-101 of the Food Law.

Based on the data obtained and the doctrine and statutory regulations that categorize supervision of consumer protection in the implementation of supervision of food circulating in the city of Surakarta for the category of food marking or labeling, it is compliant because the conformity that meets the requirements is greater than that which does not meet the requirements, apart from that, This supervision has been carried out well by the Surakarta City POM Workshop, because monitoring advertisements and labels prevents the public from being deceived or falling for unsafe and dangerous food products.

CONCLUSION

BPPOM's supervision of food circulation in Surakarta based on the method of supervision is divided into 2, namely: (a) Pre Market, where supervision is still within the scope of the producer; (b) Post Market, where supervision is already circulating in the field. Supervision of the Quality and Safety of Food Products, as well as Food Packaging at the Surakarta City POM Location consists of several activities, including: (1) Product Sampling and Testing Activities; (2) Food Production Facilities Inspection Activities; (3) Food Distribution Facilities Supervision Activities and based on the activities carried out by LOKA POM Surakarta are appropriate and provide legal protection for consumers.

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