



Juridical Study Of Food Criminal Action Based On Law Of The Republic Of Indonesia No.18 Of 2012

I Dewa Gede Ngurah Sena Agung¹, M. Nurananta Tirta Putra², Moh. Fathoni Cholil³, Abdul Faqih Jauhari Pakro⁴

^{1,2,3,4} Master of Law, Law Faculty, Universitas Airlangga

ARTICLE INFO

Article history:

Received Oct 13, 2022
Revised Nov 1, 2022
Accepted Nov 16, 2022

Keywords:

Crime;
Food;
Juridical Studies.

ABSTRACT

This study aims to analyze the juridical study of food crimes based on the Republic of Indonesia Law no. 18 of 2012. This study uses a normative approach. The form of this research is descriptive. The method of data collection in this study is to collect secondary data. Secondary data obtained by using literature study. The results showed that the responsibility of business actors in the event of losses to food products that have been marketed to consumers is absolutely responsible for losses that have been received by consumers, ranging from health problems or death due to consuming food or beverage products that are dangerous or contain chemicals that are harmful to consumers and are not recommended for food ingredients. The compensation in question can be in the form of health care or the provision of compensation to consumers who are harmed or by agreement of the parties themselves. As a follow-up to supervision, the government is also authorized to take administrative actions as contained in Article 102 paragraph (3) of the Food Law in the form of fines, temporary cessation of activities, production, and/or distribution, withdrawal of Food from circulation by producers, compensation, and revocation of permits.

ABSTRAK

Penelitian ini bertujuan untuk menganalisis kajian yuridis tindak pidana pangan berdasarkan Undang-Undang RI no. 18 Tahun 2012. Penelitian ini menggunakan pendekatan normatif. Bentuk penelitian ini adalah deskriptif. Metode pengumpulan data dalam penelitian ini adalah dengan mengumpulkan data sekunder. Data sekunder diperoleh dengan menggunakan studi kepustakaan. Hasil penelitian menunjukkan bahwa Tanggung jawab pelaku usaha apabila terjadi kerugian pada produk pangan yang telah dipasarkan kepada konsumen secara mutlak bertanggung jawab atas kerugian yang telah diterima oleh konsumen, mulai dari gangguan kesehatan atau kematian akibat mengkonsumsi produk makanan atau minuman yang berbahaya atau mengandung bahan kimia yang berbahaya bagi konsumen dan tidak direkomendasikan untuk bahan makanan. Ganti kerugian yang dimaksud dapat berupa pemeliharaan kesehatan atau pemberian ganti kerugian kepada konsumen yang dirugikan atau kesepakatan para pihak sendiri. Sebagai tindak lanjut pengawasan, pemerintah juga berwenang melakukan tindakan administratif yang termuat dalam Pasal 102 ayat (3) UU Pangan berupa denda, penghentian sementara kegiatan, produksi, dan/atau peredaran, penarikan Pangan dari peredaran oleh produsen, ganti rugi, dan pencabutan izin.

This is an open access article under the [CC BY-NC](https://creativecommons.org/licenses/by-nc/4.0/) license.



Corresponding Author:

I Dewa Gede Ngurah Sena Agung,
Master of Law, Law Faculty,
Universitas Airlangga,
Jl. Dr. Saharjo No.161, Manggarai Selatan, Tebet, Kota Jakarta Selatan, Daerah Khusus Ibukota Jakarta 12860,
Indonesia
Email: ngurahsenaagung@gmail.com

I. INTRODUCTION

Based on the results of sampling and testing during the period from October 2021 to August 2022, a total of 41 (forty one) items of traditional medicine containing BKO, and 16 (sixteen) cosmetic items containing prohibited/dangerous materials were found by BPOM (Food and Drug Supervisory Agency).

"The total findings of illegal traditional medicines and health supplements and/or containing BKO during the period October 2021 to August 2022 are more than 658.205 pieces with an economic value of Rp27.8 billion, while the total findings of illegal cosmetics and/or containing prohibited/dangerous materials during the period the same amount, which is more than 1 million pieces with an economic value of Rp. 34.4 billion," as said by Deputy for Supervision of Traditional Medicines, Health Supplements, and Cosmetics of BPOM RI, Reri Indriani representing the Head of BPOM RI when giving a press statement regarding the Public Explanation of Traditional Medicines, Health Supplements, and Cosmetics at a press conference, Tuesday (04/10/2022).

Further, Reri Indriani also said that: *"BPOM is also following up on findings based on reports from several drug and food regulatory authorities in other countries. Based on the report, as many as 95 (ninety five) traditional medicines and health supplements contain BKO, and 46 (forty six) cosmetics were withdrawn from circulation because they contain prohibited ingredients, microbial contamination, or are fake cosmetics. All products that are reported through the mechanism of reports from the drug and food regulatory authorities of other countries are products that are not registered with BPOM, "*

In addition to the conventional supervision of the circulation of traditional medicines, health supplements, and cosmetics, BPOM continuously carries out cyber patrols. This cyber patrol is carried out on website platforms, social media, and e-commerce to track and prevent the circulation of illegal traditional medicines and health supplements containing BKO, as well as illegal cosmetics and containing prohibited/dangerous ingredients in online media.

During the period from October 2021 to August 2022, BPOM has taken down 82,995 links for selling illegal traditional medicines and health supplements and/or containing BKO with a total number of products of 25.6 million pieces and an economic value of Rp. 515.37 billion, and 83,700 links to the sale of illegal cosmetic products and containing prohibited/dangerous ingredients with a total number of products of 6.5 million pieces and an economic value of Rp. 296.9 billion.

Regarding the handling through the pro-justitia process, during the same period, BPOM has uncovered 56 criminal cases in the field of traditional medicine and health supplements, as well as 45 criminal cases in the cosmetics sector. In the last five years, the highest court decision related to criminal cases in the field of traditional medicine and health supplements was in the form of imprisonment for 2 (two) years and a fine of Rp. 250 million, subsidiary to imprisonment for 3 (three) months. Meanwhile, for cases in the field of cosmetics, in the form of imprisonment of 2 (two) years and a fine of Rp. 25 million subsidiary confinement of 2 (two) months.

The BPOM reiterates that business actors must conduct their operations in compliance with the law (Handoko, 2021). The public is also recommended to increase their vigilance and refrain from using the products specified in the attachment to this public explanation, as well as those mentioned in prior public explanations. Consistently confirm "Klik" (refers to Packaging, Label, Distribution Permit, and Expiration) prior to purchasing or utilizing traditional medicine, dietary supplements, or cosmetics. Verify that the container is in excellent condition, that the label contains accurate product information, that the product has a BPOM distribution permission, and that the expiration date has not passed.

The Food Law No. 18/2012 governs all foods and food products, which are defined as any food generated from agricultural biological sources (Putri, 2018). Agriculture, plantations, forests,

fisheries, livestock, waterways, and water are examples of biological agricultural resources. Products derived from agricultural biological sources include processed and unprocessed foods and beverages meant for human consumption, food additives, raw materials, and other materials utilized in the preparation, processing, and/or production of foods and beverages. The Food Law No. 18/2012 stipulates that food supplies must always be plentiful, safe, of good quality, diverse, and inexpensive, as well as not in conflict with religion, belief, or culture. The Indonesian government acknowledged the necessity for a Food System that will protect both food producers and consumers.

As for Food Business Actor The element of "Food Business Actor" refers to the subject of a criminal act. In the Criminal Code system, the subject of criminal acts is only humans, the consequences of which can be perpetrators of criminal acts are humans alone. According to Mahrus Ali (in (Jonaedi & Prasetijo, 2021)), this can be seen in the formulation of the offense in the Criminal Code which begins with the words "whoever ...". The word "whoever" clearly refers to a person or human, not a legal entity". However, in subsequent developments a number of laws outside the Criminal Code began to accept corporations, namely organized groups of people, as the subject of criminal acts, although in the Criminal Code system it is still valid that the subject of criminal acts is only human. In Law Number 18 of 2012 concerning Food, as the subject of a criminal act in Article 133 is the Food Business Actor.

The definition of Food Business Actor is given its definition in Article 1 number 39 of the Food Law as follows: "Food Business Actor is Everyone who is engaged in one or more Food agribusiness subsystems, namely providers of production inputs, production processes, processing, marketing, trading, and support".

Meanwhile, the regulation on consumer protection law has been regulated in Law Number 8 of 1999 concerning Consumer Protection in Article 1 Number 1 which states: "Consumer Protection is all efforts that guarantee legal certainty to provide protection to consumers. Consumer protection is a term that describes the legal protection given to consumers as a guarantee for the protection of things that have the potential to harm consumers themselves."

Consumers are every person who uses goods and/or services available in the community, both for the benefit of themselves, their families, other people, and other living creatures (Sari et al., 2022). While everyone is a subject who is referred to as a consumer, it means that every person who has the status as a user of goods and/or services The term "Person" does not limit the understanding of the consumer to an individual. However, consumers must also include Business Entities with a broader meaning than Legal Entities. Legal certainty to provide protection to consumers, such as to increase the dignity of consumers and open access to information about goods and/or services for them, and foster the attitude of honest and responsible business actors.

The government emphasizes that the Food System is built on the ideas of Food Security, Self-reliance (Saediman et al., 2021), and Food Security and is intended to address fundamental human requirements while providing fair, equal, and sustainable benefits. The Indonesian food safety control system demands comprehensive pre-market and post-market inspections (Putri, 2018). Pre-market control is analyzing the food safety of products to assure their conformance with safety and quality standards prior to sale (Lombardi et al., 2020). If a product satisfies the necessary conditions, it is granted a registration approval number and becomes retail-market-eligible. Post-market surveillance occurs after food goods have been sent to the market and/or retail outlets (Najemi et al., 2019). The Food and Drug Supervisory Agency (BPOM) claims that Indonesia must concentrate on pre-market supervision because of its extensive coverage area and narrow geographical nature.

One of the most problematic issues for exporters is the need that all imported retail packaged food goods be registered with BPOM (registration requirements also apply to locally produced food) (Santoso et al., 2021). Aside from the registration number, some imported goods also need further regulatory agency permission. For instance, when importing animal goods, both a Ministry of

Trade import permit and a recommendation from the Ministry of Agriculture are necessary. Regulations and procedures for the import of meat, poultry, dairy, and horticulture products may change over time. The approval of the BPOM is necessary for the use of food additives, and there may also be specific labeling requirements. Indonesia needs Indonesian labels, while supplementary labels (stickers) are now permitted. The following information must be included on labels: product name, ingredient list, net weight or volume, name and address of the maker or importer, halal marking (if necessary), manufacturing date or code, date of use, BPOM registration number, and particular food sources. Formulation of the problem, how is the crime of food based on the Law of the Republic of Indonesia No. 18 of 2012?

II. RESEARCH METHOD

This study uses a normative approach. The form of this research was descriptive. In this study, secondary data were gathered as a method of data collecting. Secondary data obtained by using literature study. Literature study is a study to obtain information by looking at official texts, news from both electronic and print media as well as scientific works related to this writing. The legal material obtained in this study was presented in the form of a description that was arranged logically and systematically. All legal materials obtained are related to each other and in accordance with the subject studied in order to answer the problems that have been formulated. The legal material obtained will be analyzed qualitatively, which means the analysis is carried out by compiling and understanding the data that has been obtained and compiled systematically, then conclusions are drawn.

III. RESULT AND DISCUSSION

In this discussion, it will be explained about the implementation of Law No. 18 of 2012 concerning Food to problems in the field or in the community. As explained in the background of the problem, the researcher will use Law No. 18 of 2012 concerning Food, and an explanation of the sanctions for this problem are contained in Article 91 and Article 142.

In article 91 paragraph (1), "In terms of safety, quality and nutrition control, every Processed Food made domestically or imported for trading in retail packaging, business actors must have a permit". Further, it is clarified in Article 142 concerning the punishment that can be imposed on producers who distribute food socially. In Indonesia, someone must have a permit (Ihsani & Febriyanti, 2021), because it is considered a form of guarantee to consumers for the food products they consume, and if a producer distributes packaged food products that do not have a permit, they can be punished as stipulated in Law Number 18 of 2012 concerning Food (Adinugraha et al., 2021).

A review of the law enforcement process carried out by the police, it can be seen that the police have the same rights and authorities in terms of law enforcement as the authority of the Food and Drug Supervisory Agency (BPOM). In Law Number 18 of 2012 concerning Food it has been stated in article number 132 paragraph 1 chapter on investigations that,

"In addition to police officials of several countries of the Republic of Indonesia, certain civil servant officials whose scope of duties and authority of responsibility in the food sector are given special authority as investigators to investigate criminal acts in the food sector in accordance with the provisions of laws and regulations in the field of Criminal Procedure Law."

On the other hand, the repressive efforts carried out by the apparatus in this case are the police and BPOM are regulated in article 132 paragraph 2 chapter on investigations in Law Number 18 of 2012 concerning Food, which reads

"The Civil Service Investigator as referred to in paragraph (1) has the authority to: a. examine the truth of reports or information regarding criminal acts in the food sector; b. summoning a person

to be heard and examined as a suspect or as a witness in a crime in the food sector; c. conduct searches and confiscate evidence of criminal acts in the food sector; d. request information and evidence from individuals or legal entities in connection with criminal acts in the food sector; e. Create and sign the minutes of the event; f. stop the investigation if there is insufficient evidence of a crime in the food sector; and g. Seeking expert assistance in the context of carrying out the task of investigating criminal acts in the food sector."

In article 7 letters b, c, and d of the Consumer Protection Act, which governs the responsibilities of business actors, it is stated that business actors (producers) must provide true, clear, and honest information about the conditions and guarantees of goods or services, as well as provide use, repair, and maintenance, treat or serve consumers correctly, honestly, and non-discriminatorily, and guarantee the quality of goods produced or traded based on the provisions of the provision.

Based on the foregoing, it is clear that licensed businesses have a responsibility to their customers to ensure the quality and safety of food produced and treated by consumers through the application of sound business practices and the dissemination of accurate and truthful information about the state of items to be traded or circulated. Since the consumer has a right to information and there is no licensed information, it is the producer or business actor's responsibility to offer genuine, honest, and transparent information regarding the conditions and warranties (Barkatullah, 2018). Meanwhile, producer information is one type of flawed data that will affect consumers.

In order to pursue and attain these two objectives, customers will suffer the effects, either directly or indirectly, in the long run. Consequently, attempts to ensure proper protection for the interests of consumers are crucial and time-sensitive, particularly in Indonesia (Harman et al., 2022). For this reason, every strategy is intended to have a variety of effects, including scenarios that lead to unfavorable and even undesirable actions resulting from malicious intent. Typical negative outcomes include decreased product or service quality, unclear or even deceptive information, counterfeiting, etc. (Ayunda and Kusuma 2021). The information contains the availability of goods or services required by the consumer community, as well as details about the product's quality (Ozanne et al., 2021), safety, price, various requirements and/or how to meet them (Shokouhyar et al., 2021), product warranties or guarantees (Gåvertsson et al., 2020), spare parts inventory, service accessibility, and other topics (Lakatos et al., 2021). Regulating the formulation of laws and regulations regarding such information, one of which is contained on the container or its packaging (among other labels of packaged food goods as regulated by Government regulation (PP) No. 69 of 1999 respecting Food Labels and Advertisements). In the case of other industrial items, information regarding these products can be found in the form of standards established by the government, standards established at the international level, or other standards established by the appropriate authorities.

According to Article 4 of Law Number 8 of 1999 Concerning Consumer Protection, one of the rights of customers is the right to receive accurate information. Along with the rights specified in Law No. 8 of 1999's Article 4, there are additional consumer rights outlined in later articles, particularly those outlined in Article 7 which outlines the rights and obligations of business actors. Labels and ads for food must be in place for this reason. In order to develop honest and responsible food trade, which will result in healthy competition between food business actors, consumers can make judgments based on accurate information (Bagus, 2021).

Oftentimes, widely available food products do not have complete food labels in accordance with applicable laws (Rachmaniar, 2021). The conditions for the distribution of a food product that are harmful to the community, especially the customers who eat the food product, are still disregarded by many people working in the food industry. The Food and Drug Supervisory Agency (BPOM) is the department of the federal government that is in charge of monitoring the food industry, particularly with regard to the labeling process (Ridawati & Alsuheindra, 2022). For this reason, the existence of

B POM demonstrates that the state has the power to regulate and intervene in preventing potential violations by establishing a number of rules that regulate and offer threats, namely sanctions in the event that every business actor violates the labels on food products (Ahmad, 2022).

As stipulated in Article 16 paragraph (1) of Government regulation (PP) Number 69 of 1999 concerning Food Labels and Advertising, the use of languages, numerals, and letters other than Indonesian, Arabic numerals, and Latin letters is permitted so long as there is no equivalent or one cannot be made, or in the context of international food trade. This is significant because there will not be a complication if the problem is limited to the fact that the product name does not have an equivalent in Indonesian. However, in the case of imported goods, where can one find information on the product's contents, expiration date, month and year, and proper usage? (Mustika and Suamperi 2022).

The government acts as a protector of the community, as well as as a supervisor and coach of business actors in improving the progress of industry and the country's economy (Poernomo, 2020). The form of consumer protection provided is by issuing laws, government regulations, or issuing Goods Quality Standards. In addition, what is no less important is to supervise the implementation of regulations, or existing standards. In implementing consumer protection law enforcement, especially in terms of distribution of food products produced by home industries, it is necessary to have a state instrument to implement it (Kristiyanti, 2022)

According to Article 30 paragraph (1) of the Consumer Protection Law, supervision of the implementation of consumer protection as well as the implementation of the provisions of laws and regulations are carried out by the government, the public, and non-governmental consumer protection institutions. Based on the provisions of Article 108 paragraph (1) of Law Number 18 of 2012 concerning Food, it is known that the government has the authority to carry out supervision. In practice, this guidance task is carried out by the Health Service while the supervision is carried out by the Food and Drug Supervisory Agency. To carry out this authority, every official who is given the task must be equipped with a warrant. This is to avoid the appearance of arbitrary inspections or inspections by unauthorized parties (Pratiwi, 2019).

The Law of the Republic of Indonesia Number 18 of 2012 concerning Food, regulates the Criminal Provisions of Article 133: Food Business Actor who intentionally hoards or stores exceeding the maximum amount as referred to in Article 53 with the intention of obtaining profits which causes the price of Staple Food to become expensive or soar shall be sentenced to a maximum imprisonment of 7 (seven) years or a maximum fine of Rp. 100.000.000.000,00 (one hundred billion rupiah).

Article 134: "Everyone who produces certain Processed Food for trade, who intentionally does not apply Food processing procedures that can hinder the process of decreasing or losing the Nutrient content of the Food raw materials used as intended in Article 64 paragraph (1) shall be punished with imprisonment a maximum of 1 (one) year or a maximum fine of Rp. 2.000.000.000,00 (two billion rupiah)."

Article 135: "Everyone who organizes activities or processes for the production, storage, transportation, and/or distribution of Food that does not meet the Food Sanitation Requirements as referred to in Article 71 paragraph (2) shall be sentenced to a maximum imprisonment of 2 (two) years or a maximum fine of Rp. 4.000.000.000,00 (four billion rupiah)."

Article 136 : "Everyone who produces Food for circulation who intentionally uses: (a) Food additives exceeds the maximum limit set; or (b) materials that are prohibited from being used as Food additives as referred to in Article 75 paragraph (1) shall be punished with imprisonment for a maximum of 5 (five) years or a fine of a maximum of Rp. 10.000.000.000,00 (ten billion rupiah)."

Article 137 (1): "Everyone who produces Food produced from Genetically Engineered Food that has not obtained Food Safety approval before being circulated as referred to in Article 77

paragraph (1) shall be sentenced to a maximum imprisonment of 5 (five) years or a maximum fine of Rp. 10.000.000.000,00 (ten billion rupiah). (2) Everyone who performs Food Production activities or processes using raw materials, Food additives, and/or other materials produced from Genetically Engineered Food that has not obtained Food Safety approval before being circulated as intended in Article 77 paragraph (2) shall be subject to criminal sanction with a maximum imprisonment of 5 (five) years or a maximum fine of Rp. 10.000.000.000,00 (ten billion rupiah).”

Article 138: “Everyone who produces Food for distribution, who intentionally uses any material as Food Packaging that can release contamination that endangers human health as referred to in Article 83 paragraph (1) shall be punished with imprisonment for a maximum of 2 (two) years, or a maximum fine of Rp. 4.000.000.000,00 (four billion rupiah).”

Article 139: “Everyone who intentionally opens the final packaging of Food to be repackaged and traded as referred to in Article 84 paragraph (1) shall be punished with imprisonment for a maximum of 5 (five) years or a fine of a maximum of Rp. 10.000.000.000,00 (ten billion rupiah).”

Meanwhile, Law of the Republic of Indonesia Number 18 of 2012 concerning Food, Article 1 number 35: Food Packaging is a material used to contain and/or wrap Food, whether in direct contact with Food or not.

Article 140 : “Everyone who produces and trades Food which intentionally does not meet the Food Safety standards as referred to in Article 86 paragraph (2) shall be sentenced to a maximum imprisonment of 2 (two) years or a maximum fine of Rp. 4.000.000.000,00 (four billion rupiah).”

Article 141 : “Everyone who intentionally trades Food that is not in accordance with Food Safety and Food Quality listed on the Food Packaging label as referred to in Article 89 shall be sentenced to a maximum imprisonment of 2 (two) years or a maximum fine of Rp. 4.000.000.000,00 (four billion rupiah).

Article 1 point 5: Food Safety is a condition and effort needed to prevent Food from being contaminated by biological, chemical, and other objects that can interfere, harm, and endanger human health and do not conflict with religion, belief, and community culture so that it is safe for consumption.

Article 1 point 36: Food Quality is the value determined on the basis of the criteria for safety and the content of Food Nutrients.”

When considering what to consume on a daily basis, one of the most important elements to take into account is the safety of the food. As a result, not only must there be food readily available in sufficient amounts at costs that are reasonable, but it also needs to satisfy additional requirements, such as being healthful, safe, and halal. Food must first be totally safe to eat before it can be distributed because it must satisfy standards for quality, appearance, and quality. This means that food cannot include harmful substances, such as pesticide contamination, heavy metals, or pathogenic bacteria, or be polluted with substances that can undermine public confidence or trust, such as hazardous substances (Kristiyanti, 2022).

Conforming to the Food Law, food safety is directly tied to human health, which can be affected by biological contaminants like as bacteria, viruses, parasites, and fungi; chemical pollution such as pesticides, toxins, and heavy metals; and physical pollution such as radiation (Kristiyanti, 2022)

Article 63: Against criminal sanctions as referred to in Article 62, additional penalties may be imposed, in the form of:

1. Confiscation of certain goods;
2. Announcement of Judge's Decision;

3. Payment of Compensation;
4. Orders to stop certain activities that cause consumer losses;
5. Obligation to withdraw goods from circulation; or
6. Revocation of business license.

Article 20: Advertising business actors are responsible for the advertisements produced and all the consequences caused by the advertisements. The Criminal Code, regulates criminal threats for perpetrators of criminal acts against consumers, as stated in:

1. Article 204 paragraph:
 - a. "Whoever sells, offers, delivers or distributes goods which is known to endanger people's lives or health, even though the nature; is not notified, shall be punished by a maximum imprisonment of fifteen years.
 - b. If the act results in the death of a person, the guilty person is threatened with life imprisonment or a maximum term of twenty years imprisonment."
2. Article 205 paragraph:
 - a. "Whoever by his mistake (his negligence) causes goods, which are dangerous to the lives or health of people, to be sold, delivered or distributed without being known of their harmful nature by the person who purchases or who obtains, shall be punished with imprisonment for not more than nine months or imprisonment for not more than six months or a fine of not more than four thousand five hundred rupiah.
 - b. If the act results in the death of a person, the guilty person is threatened with a maximum imprisonment of one year and four months or a maximum imprisonment of one year.
 - c. The items can be confiscated."
3. Article 359: "Whoever because of his mistake (negligence) causes another person to die, is threatened with a maximum imprisonment of five years or a maximum imprisonment of one year."
4. Article 360 paragraph:
 - a. "Goods whoever because of his mistake (negligence) causes another person to be seriously injured, is threatened with a maximum imprisonment of five years or a maximum imprisonment of one year.
 - b. Whoever by his mistake (his negligence) causes another person to be injured in such a way that a disease or obstruction of carrying out the work of office or search for a certain period of time arises, shall be punished with imprisonment for not more than nine months or imprisonment for not more than six months or a fine of not more than four thousand five hundred rupiah."
5. Article 382 bis: "Whoever to obtain, carry out or expand the proceeds of trade or a company owned by himself or others, commits a fraudulent act to mislead the general public or a certain person, is threatened, if the act may cause harm to his concurrent or concurrent-concurrent persons, due to fraudulent competition, with imprisonment for not more than one year and four months or a fine of not more than thirteen thousand five hundred rupiah."
6. Article 386 paragraph:
 - a. "Whoever sells, offers or delivers goods of food, drink or medicine which he knows to be counterfeit, and conceals it, shall be punished by a maximum imprisonment of four years.
 - b. Food, drink or medicine is counterfeited if its value or usefulness is reduced because it has been mixed with something else."
7. Article 383: By a maximum imprisonment of one year and four months, a seller who cheats on a buyer:
 - a. "Due to deliberately handing over other goods than those designated to be purchased;
 - b. Regarding the type, condition or amount of the goods submitted, using deception."

IV. CONCLUSION

The responsibility of business actors in the event of losses to food products that have been marketed to consumers is absolute for the losses that have been incurred by consumers, including health problems or death due to the consumption of food or beverage products that are hazardous or contain chemicals that are harmful to consumers and are not recommended for food ingredients. The compensation in question can be in the form of health care or the provision of compensation to consumers who are harmed or by agreement of the parties themselves. As a follow-up to supervision, the government is also authorized to take administrative actions as contained in Article 102 paragraph (3) of the Food Law in the form of fines, temporary cessation of activities, production, and/or distribution, withdrawal of Food from circulation by producers, compensation, and revocation of permits. If administrative sanctions cannot provide a deterrent effect, criminal sanctions can be imposed, as stipulated in Article 62 paragraph (1) of Law Number 8 of 1999 concerning Consumer Protection which is 5 years or a maximum fine of Rp. 2.000.000.000,00 (two billion rupiah). In connection with the enactment of Law Number 18 of 2012 concerning Food which replaces Law Number 7 of 1996 concerning Food, regarding supervision is also regulated in Chapter IX Articles 108 to 112. In the implementation of Food Administration, the Government is authorized to carry out supervision as referred to in paragraph (1) which is carried out on the fulfillment, availability, and/or adequacy of Staple Food that is safe, nutritious, and affordable by the people's purchasing power as well as the requirements for Food Safety, Food Quality, and Food Nutrition as well as the requirements for Food labels and advertisements.

Reference

- Adinugraha, H. H., Nasution, I. F. A., Faisal, F., Daulay, M., Harahap, I., Wildan, T., Takhim, M., Riyadi, A., & Purwanto, A. (2021). Halal Tourism in Indonesia: An Indonesian Council of Ulama National Sharia Board Fatwa Perspective. *The Journal of Asian Finance, Economics and Business*, 8(3), 665–673.
- Ahmad, S. (2022). Consumer Legal Protection in Food Product Brands: Analysis of Law Number 8 of 1999. *Jurnal Ekonomi*, 11(01), 83–91.
- Ayunda, R., & Kusuma, V. Z. A. (2021). Perlindungan Hukum Bagi Konsumen Muslim Terhadap Produk Kosmetik yang Memiliki Kandungan Non-Halal di Indonesia. *Maleo Law Journal*, 5(1), 123–138.
- Bagus, D. S. (2021). *Perlindungan Hukum Atas Konsumen Produk Makanan (Tanpa Pencantuman Kadaluaarsa) Di Indonesia* [Universitas Wijaya Putra]. <http://eprints.uwp.ac.id/id/eprint/3054>
- Barkatullah, A. H. (2018). Does self-regulation provide legal protection and security to e-commerce consumers? *Electronic Commerce Research and Applications*, 30, 94–101.
- Gåvertsson, I., Milios, L., & Dalhammar, C. (2020). Quality labelling for re-used ICT equipment to support consumer choice in the circular economy. *Journal of Consumer Policy*, 43(2), 353–377.
- Handoko, D. (2021). Perlindungan Hukum Terhadap Konsumen Dalam Penggunaan Obat-Obatan Kedaluarsa. *Journal of Law (Jurnal Ilmu Hukum)*, 6(2), 616–631.
- Harman, H., Deviany, O., & Famauri, A. T. (2022). Perlindungan Konsumen Melalui Kewajiban Bersertifikat Halal Pada Produk Makanan Dan Minuman: Studi Di Kota Makassar. *Jurnal Sosio Sains*, 8(2), 263–282.
- Ihsani, A. F. A., & Febriyanti, N. (2021). Consumption Behavior Patterns of Muslim Students on The Decision of Buying Halal Culinary Fast Food in Surabaya. *AFEBI Islamic Finance and Economic Review*, 3(02), 38–52.
- Jonaedi, E., & Prasetijo, R. (2021). Corporate Criminal Liability Not Fulfill the Rights of Persons with Disabilities. *Theory & Prac. Juris.*, 19, 1.
- Kristiyanti, C. T. S. (2022). *Hukum perlindungan konsumen*. Sinar Grafika.
- Lakatos, E.-S., Nan, L.-M., Bacali, L., Ciobanu, G., Ciobanu, A.-M., & Cioca, L.-I. (2021). Consumer Satisfaction towards Green Products: Empirical Insights from Romania. *Sustainability*, 13(19), 10982.
- Lombardi, C., Sharman, J. E., Padwal, R., Picone, D., Alcolea, E., Ayala, R., Gittens, A., Lawrence-Williams, P., Malcolm, T., & Neira, C. (2020). Weak and fragmented regulatory frameworks on the accuracy of blood pressure-measuring devices pose a major impediment for the implementation of HEARTS in the Americas. *The Journal of Clinical Hypertension*, 22(12), 2184–2191.

- Mustika, D., & Suamperi, S. (2022). Perlindungan Hukum Konsumen Terhadap Pelabelan Produk Pangan Kerupuk Sanjai di Kabupaten Lima Puluh Kota. *Abstract of Undergraduate Research, Faculty of Law, Bung Hatta University*, 13(1), 6.
- Najemi, A., Purwastuti, L., & Nawawi, K. (2019). The Role of the Food and Drug Supervisory Agency (Bpom) in Managing Circulation of Cosmetics and Hazardous Foods. *Berumpun: International Journal of Social, Politics, and Humanities*, 2(2), 76–92.
- Ozanne, L. K., Stornelli, J., Luchs, M. G., Mick, D. G., Bayuk, J., Birau, M., Chugani, S., Fransen, M. L., Herziger, A., & Komarova, Y. (2021). Enabling and cultivating wiser consumption: The roles of marketing and public policy. *Journal of Public Policy & Marketing*, 40(2), 226–244.
- Poernomo, S. L. (2020). Analisis Perlindungan Hukum Konsumen Produk Makanan Kemasan yang Beredar di Kota Makassar. *Gorontalo Law Review*, 3(1), 40–58.
- Pratiwi, R. (2019). Pencantuman Komposisi Bahan pada Label Makanan Kemasan sebagai Hak Hukum di Kota Pekanbaru. *Jurnal Gagasan Hukum*, 1(01), 63–87.
- Putri, S. A. (2018). Challenge to enforce food Safety law and regulation in Indonesia. *IOP Conference Series: Earth and Environmental Science*, 175(1), 12216.
- Rachmaniar, C. A. (2021). Perlindungan Konsumen Akibat Peredaran Produk Impor Tanpa Label Halal Menurut Uu Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen. *Al Qodiri: Jurnal Pendidikan, Sosial Dan Keagamaan*, 19(1), 380–396.
- Ridawati, R., & Alsehendra, A. (2022). Implementation Sanitation Standard Operational Procedure in Online Food during Covid-19 Pandemic in East Jakarta. *International Journal of Research in Community Services*, 3(1), 46–53.
- Saediman, H., Gafaruddin, A., Hidrawati, H., Salam, I., Ulimaz, A., Rianse, I. S., Sarinah, S., & Taridala, S. A. A. (2021). The contribution of home food gardening program to household food security in Indonesia: A review. *WSEAS Transactions on Environment and Development*, 17, 795–809.
- Santoso, S., Natanael, A., Griselda, A., Khoirunnisa, J., Simanjuntak, M., Bagus, A. A. R., & Merry, L. Z. (2021). Analysis of Business Process Reengineering and Export Platform in Supporting Business Exports of Creative Economy Players in the Micro, Small and Medium Business in Culinary Sub-sector. *Journal of Economics, Business, and Government Challenges*, 4(1), 32–49.
- Sari, S. Y., Juwita, J., & Huda, M. (2022). Perlindungan Hukum terhadap Nasabah Cryptocurrency Ditinjau dari Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen. *Syntax Literate; Jurnal Ilmiah Indonesia*, 7(4), 4880–4896.
- Shokouhyar, S., Ahmadi, S., & Ashrafzadeh, M. (2021). Promoting a novel method for warranty claim prediction based on social network data. *Reliability Engineering & System Safety*, 216, 108010.