



ISSN: 2722-791X (Online)

Point of View Research Management

<https://journal.accountingpointofview.id/index.php/povrema>



Legal Protection for Unlabeled and Licensed Home Industry Consumers of Food and Beverage

Retno Sari Dewi[†]

¹ Law Faculty, Universitas Tulungagung, Kimangunsarkoro Beji, Tulungagung, East Java 66233, Indonesia.

Submission Info :

Received 11 September 2020
Accepted 08 November 2020
Available online 04 December 2020

Keyword :

Consumer Protection
Business Ethics
Administrative Law
Food and Beverage Industry
SME's

Email :

sarie.soegito@gmail.com

Abstract

In the era of globalization and modern times, many food and beverage industries are growing and developing. Nowadays, more and more food business actors have large, medium, or small scale businesses, a household scale business, namely home industry food. Various innovations were created by making multiple forms of home industry creation. One of the most popular is business in the food and beverage sector; So that food safety is an essential factor that must be considered in daily consumption. Therefore, some formulations of research problems include (e.g., how is the government's responsibility towards consumers who suffer losses due to consuming unlabeled and unlicensed food and beverage products of Home Industry? And How is the implementation of supervision of Home Industry products in the form of food and beverages that are not labeled and do not have a license to protect consumers? Do the study results show that the structure of responsibility for food producers, especially household industries that do not have permission, is limited to the administrative domain? Food that has been consumed by consumers in the laboratory, so it is necessary to seek comprehensive legal protection and enforcement of regulations related to the issuance of permits on the food and beverage home industry.



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1 Introduction

Food has a comprehensive role in life because human life cannot escape the need for food. To meet these food needs, people do not fully make their own, so a sale and purchase transaction between people positioned as buyers, consumers, and groups of people who provide these food needs are called sellers (Ramlawati et al., 2019). That is what spurs entrepreneurs engaged in producing and processing foodstuffs to produce food for the public (consumers) in large quantities (Aditya, 2012; Kim & Yoo, 2015). In the era of globalization and modern times, many food and beverage industries are growing and developing. Now there are more and more food business actors with large, medium, or small scale businesses, one of which is a household scale busi-

[†] Corresponding author. Retno Sari Dewi
Email address: sarie.soegito@gmail.com

ness, namely home industry food (P-IRT) (Arfah & Aditya, 2019). According to the explanation of Article 91 paragraph (2) of the Food Law, P-IRT is a food industry with a business place in a residence with manual to semi-automatic processing equipment, which produces mainly processed food (Resdiana, 2017; Siwi, 2019). In their survival, consumers now prefer fast food products, especially P-IRT products, because the price is more affordable in the market (Shammi et al., 2020). P-IRT products, better known among the public, are the food and beverage Home Industry. Home Industry Food and beverage is one industry that has great potential and has good prospects for growth (Hayashi, 2002). This is evidenced by the large number of home industries widely spread throughout the country, even though in different types and scales of business. Various innovations have been created by making multiple forms of home industry creation, one of which is the most prevalent business in the food and beverage sector (Firman et al., 2020; Nurhilalia et al., 2019). Among others: making donuts, chocolate, until bread, packaged drinks from aloe vera, seaweed, and so on. From the beginning, it was only as an activity to fill spare time; it turns out that this Home Industry product has started to get a pretty good market response. Factors that support the growth and development of the Home Industry are that the industry uses almost 100% of the raw materials available in the country, marketed domestically, is consumed by the public, and contributes to small and medium-sized communities. Based on the Republic of Indonesia Law No. 7 of 1996 on Food regulates that the purpose of regulating, fostering, and controlling food is to provide food that meets the requirements of safety, quality, and nutrition for the benefit of human health (R. Indonesia & Indonesia, 1996). Considering the above, SP-IRT (Home Industry Production Certificate) and the Health Service's permit are needed to improve the food household industry's quality, putting food home industries in a strategic and healthy position (Saguy & Sirotinskaya, 2014). Food safety is an essential factor that must be considered in daily consumption. In fact, in addition to being available in sufficient quantities, affordable prices must also meet other requirements: healthy, safe, and halal (Yousaf & Xiucheng, 2018; Majdi et al., 2020). So before the food is distributed, it must meet the requirements for quality, appearance, and arsenic, so first, the food must be completely safe for consumption. This means that food must not contain hazardous materials

The community wants food security that is nutritious and does not interfere with one's health. Many Food Household Industries (IRTPs) or small and medium enterprises are engaged in traditional food packs or snacks. There are still many packaged snack food producers who have not included the appropriate label as stated in Article 8 paragraph (1) letter (i) of the Consumer Protection Law. In the future referred to as UUPK, namely not placing labels or making explanations of goods containing the names of goods, sizes. Net or net weight/content, composition, rules of use, date of manufacture, side effects, name and address of the business actor, and other information for the use which according to the provisions must be posted/made (R. Indonesia, 1999). This also violates Article 97 paragraph (3) of Law Number 18 the Year 2012 concerning Food (Pemerintah Republik Indonesia, 2012), This also violates Article 97 paragraph (3) of Law Number 18 the Year 2012 regarding Food (Presiden Republik Indonesia, 1999) And Decree of the Food and Drug Administration of the Republic of Indonesia Number HK. 00.05.5.1639 concerning Guidelines for Good Food Production Practices for Home Industry (CPPB-IRT), which requires business actors to include appropriate labels on their food products (Hanif, 2017).

P-IRT's products are specially packaged foods that are not accompanied by labeling that is following health standards. Indeed, these products are quite dangerous if consumed by the public as consumers because they consume food products without knowing the composition, weight/net content, rules of use, date of manufacture, side effects, and expiration date contained in the product. P-IRT products that were not labeled in this study were marketed in shops and traditional markets. Therefore, based on this background study, several formulations of research problems include (e.g., how is the government's responsibility towards consumers who experience losses due to consuming food and beverages from Home Industry products that are not labeled and do not have a license? food and beverages that are not marked and not licensed as an effort to protect consumers)

2 Research Method

Research is a scientific activity related to analysis and construction, carried out methodologically, system-

atically, and consistently. The research method used in this research is qualitative research methods. Qualitative research is a research procedure that produces descriptive data (Linos & Carlson, 2017). In this study, when viewed from the perspective of the research approach. This research uses a normative juridical system, or it can also be called a sociological juridical. The sociological juridical approach deals with a problem discussed based on the applicable regulations that are then linked to the realities that occur in society.

3 Result and Discussion

3.1. *Government Accountability for Consumers Who Experience Losses Due to Consuming Unlabeled and Unlabeled Home Industry Food and Beverages*

Providing food quality and safety assurance to consumers is the obligation of business actors in carrying out their business activities. Registration of a food product processed by the Home Industry is a guarantee of food quality and safety of a food product's suitability so that consumers can consume it (Singh et al., 2019; Saguy & Sirotinskaya, 2014). Registration for food products processed by Home Industry (Home Industry) is issued by the Health Office so that the food product can legally circulate on the market. In this case, the problem of food processed food on the market is a problem that must receive special attention in efforts to organize overall health. The food industry's massive increase in production does not mean that it does not cause consequences for the government because the product produced must be controlled and carefully monitored. Food products have quality and safety that can be accounted for (Handayani et al., 2018). In terms of how much the government is responsible for a loss resulting from consuming food and beverages from Home Industry products that are not labeled and do not have a license, it is only administrative. In that sense, government responsibility is limited to a managerial role; namely, supervision, which is regulated in Article 30 paragraph 1, states that the government's part is limited to the maintenance carried out with the community and non-governmental organizations (Kismadana, 2017).

If there is a loss by consumers caused by consuming unlabeled and unlicensed Home Industry food and beverages, the producer is responsible. The responsibility of business actors for consumer losses as stated in Law Number 8 of 1999 is regulated explicitly in chapter VI, starting from Article 19, namely:

1. Business actors are responsible for providing compensation for damage, pollution, and loss to consumers due to consumer goods and services produced or traded.
2. Compensation, as referred to in paragraph 1, can be in the form of refunds or replacement of goods and / services of a similar or equivalent value, health care, and provision of benefits under the prevailing laws regulations' requirements.
3. Compensation is provided within a 7 (seven) day deadline after the transaction date.
4. The provision of compensation as referred to in paragraph 1 and paragraph 2 does not eliminate the possibility of a criminal charge based on further evidence regarding the existence of an element of error.
5. The provisions as intended in paragraphs 1 and 2 shall not apply if the said business actor can prove that the error is the consumer's fault.

3.2. *Supervision of Home Industry products in the form of food and beverages that are not labeled and do not have a license is an effort to protect consumers.*

Article 30, paragraph 1 of the consumer protection law states that consumer protection implementation supervision is carried out by (e.g., government, society, non-governmental consumer protection organizations). Whereas for food such actors, they will always receive care from the Government based on Law Number 18 of 2012 concerning Food, to be precise, article 108, such as:

1. In carrying out food administration, the government is authorized through supervision.
2. Supervision, as referred to in paragraph 1, is carried out on the fulfillment of:

- a. Availability and sufficiency of staple food that is safe, nutritious, and affordable to the people's purchasing power.
 - b. Requirements for food safety, food quality, and food nutrition, as well as labels and advertisements.
3. Supervision of:
 - a. The availability (and) of staple food sufficiency as referred to in paragraph 2 letter (a) shall be carried out by government institutions that carry out government tasks in the food sector.
 - b. Requirements for food safety, quality of food and food nutrition, and requirements for food labels and advertisements as meant in paragraph 2 letter b, for processed food, shall be carried out by government institutions that carry out government tasks in the field of drug and food control.
 - c. Food safety, food quality, food nutrition, and the requirements for food labels and advertisements as referred to in paragraph 2 letter, (b), for fresh food, shall be carried out by government institutions that carry out government affairs in the food sector.
 - d. The government shall carry out periodic monitoring, evaluation, and supervision of food production, storage, transportation, and distribution activities or processes by food business actors.

Based on the article above, the party that can carry out food control is a government institution that carries out government food and drug control tasks. Article 29 paragraph (1) of the Consumer Protection Law states that:

"The government is responsible for fostering the implementation of consumer protection, which ensures that consumers and business actors' rights are obtained and that the obligations of consumers and business actors are carried out."

The guidance referred to in practice is carried out by the Health Service of the Republic of Indonesia. Based on the provisions of the Food Law, it is known that the authority for guidance is the Environmental Service of the Ministry of Health. At the same time, supervision is carried out by the Food and Drug Supervisory Agency.

4 Conclusions

Starting from the discussion and referring to the predetermined problem formulations, the authors conclude that:

1. The form of responsibility for food producers, especially the Home Industry, which does not have permission from the Health Office to consumers for their products, is limited to the administrative domain. The government's responsibility to consumers if someone experiences a loss due to consuming processed food products from Home Industries that do not have a permit is limited to conducting a series of investigations to find out the causes of losses and cover the costs of examining samples of food products that have been consumed by consumers in the laboratory. Conducting guidance to consumers through mass media regarding Home Industry processed food products that are safe and fit for consumption. Provide social sanctions and advice to producers whose products are proven to cause losses—mediating between producers and consumers who have felt disadvantaged. As for the more binding provision that producers must be responsible, based on Law Number 8 of 1999 concerning consumer protection, Article 19 paragraph (1); states that business actors are responsible for providing compensation for damage, pollution, and losses to consumers due to con-

sumer goods and or services produced or traded. Furthermore, based on Article 19 paragraph (2), the intended compensation is in the form of refund or replacement of goods and services of similar value and equivalent in weight, health care, and provision of payment per the losses suffered by consumers.

2. The implementation of supervision of P-IRT products in Trenggalek City to protect consumers has not been fully implemented because the Trenggalek City Government only applies "sanctions" in the form of a statement that business actors will comply with PIRT security provisions. In this case, consumer protection efforts are not going well because the government is also given the authority to take administrative actions as contained in Article 47 paragraph (2) of Government Regulation Number 28 of 2004 concerning Food Safety, Quality, and Nutrition.

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