

CONSUMER LEGAL PROTECTION IN FOOD PRODUCT BRANDS: ANALYSIS OF LAW NUMBER 8 OF 1999

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ABSTRACT

Every human being basically needs goods and/or services to fulfill their needs. Human needs are very diverse and can be distinguished into various kinds of needs. When viewed from the level, the needs of consumers can be divided into three, namely primary, secondary and tertiary needs. With the variety and various types of needs, every human being will try to meet the needs of his life in the form of goods and services. These various needs are offered by business actors so as to create a reciprocal relationship between consumers and business actors and need each other. Various kinds of goods and/or services offered by business actors to consumers as a reciprocal relationship. There is interdependence and need between consumers and business actors, so that the position of consumers and business actors should be in a balanced position. But in reality, the position of consumers and business actors is not balanced. This research is analytical descriptive, which is a research method that is carried out by describing or describing facts in the form of secondary data and primary legal materials (laws and regulations). The approach method used in this research is normative juridical, which is a method in which the law is conceptualized as responsible norms, rules, and principles. Meanwhile, the data collection technique was carried out by using a general literature study research method, examining the laws and regulations, the 1945 Constitution, Law Number 8 of 1999 concerning Consumer Protection, Law of the Republic of Indonesia Number 18 of 2012 concerning Food and Government Regulation Number 69 of 1999 concerning Food Labels and Advertisements, and the results of this study explain that, The form of legal protection carried out by the government is by making rules as regulated in Article 108 paragraph (1) of Law Number 18 of 2012 concerning Food and applying these rules effectively. consistently without discrimination, then the government supervises these rules and provides education through the socialization of regulations so that people are aware of their rights and obligations as consumers. The consumer protection law provides two kinds of space for consumer dispute resolution, namely the settlement of consumer disputes through the courts and consumer settlements out of court.

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1. INTRODUCTION

National development is a reflection of the will to increase the prosperity and welfare of the Indonesian people fairly and equitably in all aspects of life, both materially and spiritually, namely the availability of basic needs for adequate clothing, food, and housing, as a manifestation of humane development as mandated by the Pancasila and the 1945 Constitution, precisely in Article 27 paragraph (2) of the 1945 Constitution affirms that every citizen has the right to work and a decent life for humanity

and to obtain the provision of healthy, nutritious food in sufficient quantities. sufficient and good quality. Basically, in obtaining this food, humans can get it both from nature, naturally and some have to go through technological (industry) assistance, because the growth and development of the food industry, large and small, on the one hand, has positive and negative impacts on consumers (Anggusti, 2021).

This universal situation on several sides shows that there are various weaknesses in consumers so that consumers do not have a safe position. Therefore, basically consumers also need legal protection that is universal in nature in ensuring various safety. Considering the weak position of consumers in general compared to the relatively stronger position of producers in many respects, the discussion on consumer protection will always feel actual and it is always important to study more deeply. Protection of consumers is seen as materially and formally increasingly felt very important, given the increasing speed of science and technology which is the driving force for the productivity and efficiency of producers for the goods or services they produce in order to achieve business goals.

In order to pursue and achieve these two things, in the end either directly or indirectly, it is consumers who will generally feel the impact. Thus, efforts to provide adequate protection to the interests of consumers are an important matter and urgent to find a solution, especially in Indonesia. For this reason, all approaches are sought so that they have various impacts, including situations that lead to negative and even unwelcome actions that originate from bad intentions. As for the bad effects that commonly occur, among others, regarding the quality or quality of goods, information that is not clear or even misleading, forgery and so on (Ayunda & Kusuma, 2021).

The information includes, among others, the availability of goods or services needed by the consumer community, about product quality, safety, prices, various requirements and or how to obtain them, product guarantees or guarantees, spare parts inventory, service availability and others. From the point of view of drafting laws and regulations regarding this information, one of them is contained in the container or its packaging (among others the labels of packaged food products as regulated in PP No. 69 of 1999 concerning Food Labels and Advertisements). As for other industrial products, information about these products is in the form of standards set by the government, international standards, or other standards set by the competent authorities.

The right to obtain correct information is one of the rights of consumers as formulated in Article 4 of Law Number 8 of 1999 concerning Consumer Protection. In addition to the rights regulated in Article 4 of Law no. 8 of 1999, there are also consumer rights which are formulated in subsequent articles, especially those formulated in Article 7 which regulates the rights and obligations of business actors. In this regard, it is necessary to stipulate labels and advertisements regarding food. Thus, people who consume food can make decisions based on accurate information so as to create honest and responsible food trade which will lead to healthy competition among food business actors (Bagus, 2021).

Food products that are widely circulated in the community sometimes do not include complete food labels in accordance with applicable regulations. There are also many food business actors who ignore the conditions for the circulation of a food product which causes harm to the community, especially consumers who consume the food product. Supervision concerning food, especially in the process of labeling or labeling food, is carried out by a government agency, namely the Food and Drug Supervisory Agency (BPOM). For this reason, the existence of BPOM shows that the state has the authority to regulate and intervene in overcoming possible violations that occur by providing a series of regulations that regulate and provide threats, namely sanctions if there is a violation of food product labeling committed by any business actor.

As specified in Article 16 paragraph (1) PP No. 69 of 1999 concerning Food Labels and Advertisements that the use of language, numbers and letters other than Indonesian, Arabic numerals and Latin letters is permitted as long as there is no equivalent or an equivalent cannot be created, or in the context of food trade abroad. This is important, because if only the product name has no equivalent in Indonesian, it will not be a problem. But what about the list of ingredients used, expiration date, month and year, how to use the product, especially when it comes to imported products (Dina & Suampi, 2022).

The use of labels in Indonesian alone is sometimes not understood/understood by consumers, especially products other than Indonesian. The use of Indonesian on food labels has an important role in consumer protection. Many food products are fully labeled, but information messages do not reach consumers, because they use language that consumers do not understand. Moreover, recently, it is easy to find imported products with Chinese and Japanese labels circulating in the Indonesian market. In Article 16 PP No. 69 of 1999 also does not provide a clear explanation in the context of food trade abroad (export)

regarding the use of what language should be used, because basically honest and responsible food trade is solely to protect the interests of the community in the context of consuming quality food.

Indonesia has not yet implemented expiration labeling on every food or drink. As stated in Permenkes No. 180/Menkes/1985, there are 13 types of food and beverages that are required to include an expiration date, including bread, low-calorie foods, cooking oil, eggs, sauces and soy sauce, non-carbonated soft drinks, fruit juices and milk. Until now, there is no valid standard for using expired labels in Indonesian along with the calendar rules (for example, it should be used before: January 2017), and not infrequently those who still use English and the calendar rules (best before: 12.17). But there are also those that only contain numbers which for ordinary people are still a question mark (HAKIM, 2020).

According to the results of a study by BPKN (National Consumer Protection Agency) there are four main problems related to the safety of consumers against the food they consume, including, food poisoning that occurs because food is damaged and contaminated or mixed with hazardous materials, the use of prohibited materials which include, preservatives, dyes, sweeteners and other additives and the last is labeling provisions for products of the food and beverage industry that are not in accordance with the provisions of labels and food advertisements (PP 69 of 1999) along with the Minister of Health. These results indicate that the label problem has received less attention from consumers where only 6.7% of consumers pay attention to its completeness. Specifically regarding halal information as part of the label, data from the Halal Inspection Agency (LP-POM MUI) states that currently only about 15% of food products in Indonesia have halal certificates. LP POM MUI has issued 3,742 halal certificates for around 12,000 food products. Meanwhile, the food industry in Indonesia reaches more than one million, of which around 2000 are large industries and the rest are small and medium industries. So based on the description and elaboration of the background above, the researcher is interested in researching further about how the form of legal protection for consumers in violation of labeling food products in Indonesia is based on Law no. 8 of 1999.

2. METHOD

The specification of the research carried out in this research is descriptive analytical, which is a research method carried out by describing or describing facts in the form of secondary data and primary legal materials (laws and regulations). The approach method used in this research is normative juridical, which is a method in which the law is conceptualized as responsible norms, rules, and principles. In addition, the researcher tries to use a grammatical legal interpretation, namely the interpretation that is done by looking at the meaning of the word or the meaning of the article in the law, the authentic interpretation that is carried out based on the sound of the law made by the legislators who are adapted to these words. Meanwhile, the data collection technique was carried out by using a general literature study research method, examining laws and regulations, journals, textbooks as well as articles and field studies via the internet by opening sites or websites available on the internet. The sources of data in this study are primary legal materials, namely legislation, including the 1945 Constitution, Law Number 8 of 1999 concerning Consumer Protection, Law of the Republic of Indonesia Number 18 of 2012 concerning Food and Government Regulation Number 69 of 1999 concerning Food Labels and Advertising (Lisungan, 2020).

3. RESULTS AND DISCUSSION

3.1 Forms of Legal Protection Against Consumers in Violation of Labeling of Food Products in Indonesia

The form of protection for a product, whether goods/services, is very important, considering that the product/service is made with semi-automatic tools, thus allowing the safety of the product to be guaranteed. Therefore, it is necessary to control the government to get food that is safe for consumption. In order to fulfill the objective of consumer protection as referred to in Article 3 of Law Number 8 of 1999 concerning Consumer Protection, it is necessary to supervise the implementation of adequate consumer protection. The form of legal protection for consumers in violation of labeling of food products in Indonesia is through consumer protection supervision and the first is aimed at producers-business actors (Tobing, 2020).

In the language of management, supervision or control is an activity to find and correct deviations from the results achieved compared to the predetermined plan. Supervision A form of consumer protection that implies ensuring the implementation of more protection for consumers, through the compliance of producers-business actors to protect consumers in carrying out their business activities. With supervision,

it is hoped that business actors will participate in creating a healthy business climate. Next is the implementation of good production infrastructure, the creation of a healthy business climate, and the fulfillment of consumer rights, therefore it is very necessary. The supervision covers business actors, production facilities and infrastructure, overall business climate and consumers.

Based on Article 8 paragraph (1) Law Number 8 of 1999 concerning Consumer Protection regulates the prohibition of business actors, especially when they do not meet or do not follow the required standards and provisions of laws and regulations. In terms of food safety, which can be seen from the food samples tested, it shows that business actors have committed acts against the law. In addition, what needs to be considered is the awareness of the public as consumers because so far there have been no reports from the public that have been received to the City Health Office regarding losses due to consuming household industrial food containing hazardous chemicals (Mustika & Suamperi, 2022).

This is important because the rights and obligations between business actors and consumers are reciprocally related. Article 19 paragraph 1 of Law Number 8 of 1999 concerning consumer protection states that business actors are responsible for providing compensation for damage, pollution, and or consumer losses due to consuming goods and or services produced or traded. The compensation in question is a refund or replacement of goods and or services of the same kind and equivalent in value, health care, providing compensation in accordance with consumer losses. Supervision of business actors in turn ensures the fulfillment or implementation of the rights and obligations of the parties, therefore, supervision is an important element in terms of implementing consumer protection.

In this study, business producers must always be monitored so that they act in accordance with applicable regulations so that business producers actually fulfill their obligations. This supervision needs to remember that the tendency to carry out obligations is seen as belonging to everyone. Sometimes opportunities make people not fulfill their obligations, therefore, this supervision is an action to eliminate or narrow the opportunity or possibility of violating the applicable provisions. This is called preventive surveillance. By increasing the level of compliance with legal regulations. The government acts as a protector of the community, and also as a supervisor and coach of business actors in improving industrial progress and the country's economy (Poernomo, 2020).

The form of consumer protection provided is by issuing laws, government regulations, or Issuance of Goods Quality Standards. In addition, it is no less important to supervise the implementation of regulations, or existing standards. In implementing the law enforcement on consumer protection, especially in terms of the distribution of food products produced by the home industry, it is necessary to have a state instrument to implement it. According to Article 30 paragraph (1) of the Consumer Protection Act, 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 community 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 coaching task is carried out by the Health Service while the supervision is 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 emergence of arbitrary inspections or inspections by unauthorized parties. If based on the results of the examination it is suspected or reasonably suspected that a crime in the food sector has occurred, including, immediately carry out an investigative action by the investigating officer as intended by the legislation, namely the BBPOM employee who is authorized by the investigator (Pratiwi, 2021).

As a follow-up to the above supervision, the government is also authorized to take administrative actions 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 license revocation. When administrative sanctions cannot provide a deterrent effect, criminal sanctions can be imposed, which is contained in Article 62 paragraph (1) of Law Number 8 of 1999 concerning Consumer Protection. 5 years or a maximum fine of 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 as follows. In implementing Food Operations, the Government is authorized to carry out supervision as referred to in paragraph (1) carried out on the fulfillment, availability and/or adequacy of Staple Foods that are safe, nutritious, and affordable by people's purchasing power and the requirements for Food Safety, Food Quality, and Food Nutrition as well as Food label and advertising requirements.

Based on the writer's search in the field, the provisions of Article 8 paragraph (1) letter (i) of the Consumer Protection Act do not seem to be implemented by some business actors. From the results of observations in the field, researchers found several products that did not have a label or explanation containing the name of the item, size, net or net weight/content, composition, rules for use, date of manufacture, side effects, names and addresses of business actors. Administrative sanctions can be imposed on business actors who violate the above provisions as well as for the accumulation of several violations, depending on the type of violation. The provision of administrative sanctions does not prevent the investigation of the criminal aspects contained in it so that it is still possible for the perpetrators to be subject to criminal penalties (Resdiana, 2022).

In the Consumer Protection Law there are criminal sanctions that can be imposed on business actors who violate existing provisions. Violations committed by business actors indicate that Article 47 paragraph (2) of Government Regulation Number 28 of 2004 concerning Food Safety, Quality and Nutrition needs to be applied seriously so that consumers can be protected from products or services that are prohibited from being produced or traded by business actors. In addition, the application of the threat of criminal sanctions as stated in Article 62 of the Consumer Protection Act is also needed so that business actors do not carelessly produce and/or trade their products to consumers. Thus, business actors will behave appropriately in producing and distributing their products (Revin & Suradi, 2021).

The development contains an element of assistance, namely helping business actors as much as possible to fulfill their obligations through toughness in doing business so as to create a healthy business climate and the growth of healthy relationships between producers-business actors and consumers. Then, through this supervision, an adequate level of quality of human resources can be achieved as the executor of business activities. Meanwhile, consumer supervision through coaching is directed at increasing consumer resources so that they have a strong awareness of their rights, are willing to consume in a healthy and rational manner.

3.2 Accountability of Business Actors Against Food Product Labeling Violations Based on Law no. 8 of 1999

Law Number 8 of 1999 concerning Consumer Protection does not specifically regulate labeling, in particular the labeling of food products. However, this has been regulated in Government Regulation Number 69 of 1999 concerning Food Labels and Advertisements. In this case, food producers and importers are obliged to provide correct and not misleading information about food in labels. According to Article 1 point 3 PP No. 69 of 1999 what is meant by food labels are any information regarding food in the form of pictures, writings, a combination of both, or other forms attached to food, inserted into, affixed to or part of food packaging (SAFA'ATI, 2020).

The use of the word affixed to the meaning of the label creates a problem, namely there is an impression that the label can be affixed at any time, even though basically the label is an inseparable part of the packaging. The use of the word pasted also seems separate and can be faked. Apart from being counterfeitable, labels that are only in the form of patches/stickers can be easily removed, replaced and then re-labeled by fraudulent business actors. The importance of the need for labeling or labeling or standardization of product quality is felt very important, especially for food products because this is closely related to human life. In this case, there are at least 2 problems, namely, the problem of labeling to what extent a food product includes complete information about the product in labeling and how the quality of the product itself.

According to the decision of the Director General of Drug and Food Control (POM) Number: 02240/B/SK/VII/91 concerning Guidelines for Quality Requirements and Food Labels and Advertising, it is stated that the information that must be included on the label is one of the expiration dates, in line with the decision of the Director General Drug and Food Control (POM) Number: 02240/B/SK/VII/91 concerning Guidelines for Quality Requirements and Food Labels and Advertising in PP. 69 of 1999 concerning Food Labels and Advertisements, also states that which is essentially the same as the decision of the director general of drug and food control, that the label must contain information regarding the expiration date, month and year in which the provisions are contained in Article 3 paragraph (1) and (2) PP No. 69 of 1999 concerning Food Labels and Advertisements (Sari, 2022).

By focusing on the expiration date, consumer protection for food products that have expired needs to be considered, especially what happened in the case of Pizza Hut and Marugame Udon, where the expiration period that should have been unfit for consumption was then exacerbated by the extension of

the expiration date on these food products. This makes a food product more dangerous when consumed. This is not only related to human health as consumers but more than that it can endanger the safety of human life and other creatures.

The label or in this case the expiration date on the food product packaging is very important, because it is a good indicator of a food product for consumption, if a food product has expired it means that the product is no longer suitable for consumption. Apart from the decrease in the quality of these food products, it can also interfere with the health of those who consume them and can even cause death. "Expired food is one of the main causes of poisoning. In addition to making consumers feel dizzy, nauseated, diarrhea, shortness of breath, and death due to poisoning, consuming expired food for a long time can cause cancer (Susanty, 2019).

One indicator that can be used to determine the quality of a food product is the expiration time listed on the packaging label. As far as possible, consumers should choose food products that are far from the expiration date, especially for products that are likely to undergo storage before use. In addition, consumers must always pay attention to the physical characteristics of the product or packaging.

Business actors often commit fraud in their business practices by selling expired food which results in losses for consumers who consume food from the fraudulent business actor. even though it is stated in Article 8 paragraph (1) letter g of the consumer protection law that business actors are prohibited from producing and/or trading goods and/or services for which an expiration date or period of best use or utilization of certain goods is not stated. In addition, Article 12 of Law Number 36 of 2009 concerning Health explains that everyone is obliged to maintain and improve the health status of others who are their responsibility. not selling expired food (Bagiastra, 2020).

In Article 97 of Law Number 18 of 2012 concerning Food, hereinafter referred to as the Food Law, it is stated that labeling inside and/or on food packaging is written or printed using Indonesian language and contains information about expiration. Article 99 of the Food Law also states that everyone is prohibited from revoking, closing, changing labels, re-labeling, or exchanging the date, month and year of expiry of the food being circulated. Then Article 27 paragraphs (2) and (3) Government Regulation of the Republic of Indonesia Number 69 of 1999 concerning Food Labels and Advertisements regulates the way in which the expiration date is included, namely in Article 27 paragraph (2) it is stated that the inclusion of the expiration date, month and year is carried out, after the inclusion of the text. , in the case of food products whose expiration is more than 3 (three) months, it is allowed to state only the month and year of expiration.

In PP No. 69 of 1999 also stated that "business actors are prohibited from trading food that has exceeded the expiration date, month and year as stated on the label" where the provision is regulated in Article 28 PP. 69 of 1999. In addition to the prohibition on trading in food beyond the expiration date in PP No. 69 of 1999 also states "a prohibition for anyone to remove, revoke, close, change labels, re-label food that is circulated; exchange the date, month and year of expiry of the food being circulated" where the provisions are regulated in Article 29 paragraphs (a) and (b) PP No. 69 of 1999 concerning Food Labels and Advertisements (Tambunan, 2021).

In addition to the provisions contained in Law no. 8 of 1999 concerning Consumer Protection and Government Regulation No. 69 of 1999 concerning Food Labels and Advertisements, fast food restaurants Pizza Hut and Marugame Udon also violate Article 99 of Law no. 18 of 2012 concerning Food, where in this case the two fast food restaurants have extended the service life of the use of a food ingredient which incidentally has passed its expiration date. Whereas in Article 99 of the food law it has been explained "it is prohibited for anyone to revoke, close, change labels, re-label, and/or change the date, month and year of expiry of the food being circulated.

In line with the provisions in Article 29 paragraphs a and b of PP No. 69 of 1999 concerning Food Labels and Advertisements also explains about "the prohibition for everyone to remove, revoke, close, replace labels, re-label food that is circulated". Every business actor must be responsible for the products produced or traded. Product liability (responsibility) arises due to losses suffered by consumers as a result of "defective products", it can be due to lack of care in producing, not in accordance with the agreement/guarantee or mistakes made by business actors. In other words, business actors break their promises or commit acts against the law.

Business actors are required to provide compensation to consumers, when there are consumers who feel aggrieved as a result of buying, using and consuming goods and/or services that are circulated and traded. Because in this case the consumer has the right to obtain compensation. "The right to compensation is intended to restore conditions that have become damaged (unbalanced) due to the use of goods or

services that do not meet consumer expectations. This right is closely related to the use of products that have harmed consumers, both in the form of material losses, as well as those involving themselves (illness, disability, even death) consumers (Hidayah & Wardani, 2021).

Although so far there have been no victims related to the cases that befell the two fast food restaurants, Pizza Hut and Marugame Udon, in this case, restaurant business actors can still be held responsible for what they produce or trade, in the civil law itself there are 2 things that underlie a accountability, namely accountability on the basis of error and responsibility on the basis of risk. Accountability on the basis of that error can be born or occur due to a default or the emergence of an unlawful act, while accountability on the basis of risk is a responsibility that must be borne by a business actor for the business activities he carries out. Apart from being responsible for the fault, the restaurant business actor must remain responsible for what they produce because this is something that should be borne or charged by a business actor for the business activities they carry out.

Apart from that in consumer protection law itself we recognize various principles of responsibility, one of the principles of responsibility in consumer protection law is the presumption of being responsible, meaning that in this case the business actor is always considered responsible until the business actor can prove that he is not responsible. guilty. The legal basis that regulates the responsibilities of business actors other than Law Number 8 of 1999 concerning Consumer Protection is the Civil Code. The arrangements regarding the responsibilities of business actors are contained in Article 1365, Article 1366, and Article 1367. As regulated in Article 45 paragraph (2) where it is stated that the settlement of consumer disputes can be pursued through the courts or out of court based on the voluntary choice of the disputing parties. . Through these provisions, it can be seen that to resolve consumer disputes, there are 2 (two) options, namely through institutions tasked with resolving disputes between consumers and business actors and through courts within the general judiciary (Article 45 paragraph (1) (Rohman, 2022).

The institution in charge of resolving disputes between consumers and business actors here is charged to BPSK (Consumer Dispute Settlement Agency) as regulated in Article 52 letter a of the consumer protection law in 3 ways, namely through arbitration, conciliation, and mediation. However, it does not rule out the possibility that dispute resolution is carried out without the intervention of "institutions in charge of resolving disputes between consumers and business actors or through a general court but using a peaceful settlement by both parties to the dispute (consumers and business actors)" as regulated in Article 45 paragraph (1) UUPK (Yuwono, 2021).

In addition to legal remedies through litigation (general courts) and non-litigation (outside the judiciary), the government and non-governmental consumer protection institutions also play a very important role in the development and supervision that guarantees the acquisition of consumer rights. In Article 29 paragraph 1 of the UUPK it is explained that "the government is responsible for fostering the implementation of consumer protection which guarantees the acquisition of the rights of consumers and business actors as well as the implementation of the obligations of consumers and business actors". Empowerment efforts are important, because it is not easy to expect awareness of business actors who are trying to get the maximum possible profit according to economic principles. This principle has the potential to harm the interests of consumers, either directly or indirectly. In addition, the government and consumer protection institutions based on certain laws and regulations are given the authority to investigate, investigate, prosecute and prosecute any criminal acts that meet the elements of the relevant legal norms, which violate the consumer protection law, the authority to supervise and act. In the application of applicable law by government officials who are authorized to do so, it is very necessary for consumer protection.

4. CONCLUSION

The form of legal protection carried out by the government is by making rules as regulated in Article 108 paragraph (1) of Law Number 18 of 2012 concerning Food and applying these rules consistently without discrimination, then the government oversees these rules and provides education through socialization of regulations. regulations so that people are aware of their rights and obligations as consumers. With supervision, it is hoped that business actors will participate in creating a healthy business climate. Producers/business actors must always be supervised so that they act in accordance with applicable regulations so that producers-business actors truly fulfill their obligations. The responsibility for products that have been traded or that have been distributed to the public is the responsibility of the producer/business actor who produces the product (food). The consumer protection law provides two

kinds of space for consumer dispute resolution, namely the settlement of consumer disputes through the courts and consumer settlements out of court. However, it does not rule out the possibility that dispute resolution is carried out without the intervention of institutions in charge of resolving disputes between consumers and business actors or through general courts but using a peaceful settlement by both parties to the dispute as regulated in Article 45 paragraph (1) of the UUPK. The government established a new agency, namely the Consumer Dispute Settlement Agency (BPSK), to settle consumer disputes out of court.

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