Abstract. The purpose of this study was to determine the juridical review of consumer protection against expired food products. The research method used in this study is a qualitative method with a normative juridical approach. The focus of this research is the Study of Consumer Protection Law on Expired Food Products. The method of data collection in this study used the literature study method. The type of data used is secondary data. The formulated legal problems will be answered through legal research using relevant legal theories to explain the legal protection of human rights against economic, social, and cultural rights. After classifying legal materials, both primary and secondary legal materials are analyzed and then described systematically. Based on the analysis results, it can be concluded that Indonesia already has many regulations in the field of food and consumer protection. However, in the area of application of the law, it is still weak because there are still many violations committed by producers, distributors, and product sellers who have not heeded the Human Rights owned by consumers as part of the implementation of the task of supervising the implementation of consumer protection as mandated in Law No. 8 of 1999 concerning Consumer Protection, and Law no. 18 of 2012 concerning food.

Keywords: Protection, Juridical, Expired Food, Consumer.

A. INTRODUCTION

Globalization has affected many aspects; technology has quickly and widely connected the world (Widiarti, 2018). In addition, globalization can also be interpreted as a community process that is united into one entity and functions together and synergistically. It can influence each other positively or negatively, such as transitional crimes due to advances in information and communication technology, as well as the interdependence of countries. As a result of the development of science and technology, which was initially economical but eventually formed a new, multidimensional world order, including the development of human rights (Caffrey & Rotter, 2004).

The development of human rights in Indonesia itself began to see a bright spot after the fall of the New Order in 1998 in Indonesia. Improvements in the implementation of human rights have also started to appear. Indonesia already has human rights enforcement instruments, such as Law Number 39 of 1999 concerning Human Rights, which later created the National Human Rights Commission, the National Action Plan. In 2014-2019, Human Rights ratified the International Covenant on Civil and Political Rights through Law No. 12 of 2005 and the International Covenant on Economic Socio-Cultural Rights through Law No. 11 of 2005. Even in the Amendment of the 1945 Constitution, predominantly Chapter XA Human rights have also been determined, although they have not yet explained in detail about economic, social, and cultural rights.

The logical consequence of the birth of the law on human rights obliges Indonesia as a sovereign state to respect and protect the economic, social, and cultural rights of each of its citizens regardless of ethnic background, religion, race, and customs (Wryyani et al., 2017).
One area of development that is closely related to the welfare and prosperity of the community is the fulfillment of basic needs in the form of adequate food. Food must always be available in an acceptable, safe, quality, nutritious, and diverse manner at an affordable price by the people's purchasing power and does not conflict with the community's religion, belief, and culture. The importance of food is because it is the most basic human need related to survival and is part of human rights (Aldia et al., 2020).

According to Suratmono, Director of Food Inspection and Certification, Food and Drug Supervisory Agency (BPOM), on July 16, 2020, during a media gathering with the theme "Food Safety Supervision," the main problem regarding the safety of food products in developing countries including Indonesia is that it is not guaranteed. Safety, quality, and quality. Many food products circulating in the market are still unsafe for consumption because they are contaminated with microbes, chemical contamination and contain harmful chemicals such as formalin, borax, rhodamine B, methyl yellow, and others, as well as the use of excess food additives.

In addition to being mixed with hazardous materials, the Food and Drug Supervisory Agency also pays attention to expired food. The public's curiosity about food that has expired, for example, before the month of Ramadan, the supply and demand for distribution of goods, especially foodstuffs, is increasing rapidly so that consumers often forget to check the expiration date marker on the food table. Article 3 paragraph (2) of Presidential Regulation number 69 of 1999 concerning Food Labels and Advertising states that the label is a description of the name of the product, the composition used, the net weight of the product, the name and address of the production, as well as the date, month, year of expiration, and also registration number. In the second article, it is also stated that the table is done in such a way so that it is not easily separated, does not fade or is damaged, and is located on the part of the packaging that is easily visible readable by consumers.

Humans are creatures created by God who, from birth, have fundamental rights, namely the right to life, the right to be protected, the right to be free and other rights. Every human being has the right to be protected, including in the life of the state. Every citizen will receive protection from the state; therefore, the laws made by the state must defend these fundamental rights. With these human rights, humans can develop themselves personally, their roles, and their contribution to the welfare of human life (Howie, 2018).

There are four main reasons why consumers need to be protected, namely as follows: 1) Protecting consumers is the same as protecting the entire nation as mandated by the national development goals according to the 1945 Constitution of the Republic of Indonesia; 2) Protecting consumers is necessary to prevent consumers from the negative impact of using technology; 3) Protecting consumers is necessary to produce human beings who are physically and mentally healthy as development actors, which also means to maintain the continuity of national development; and 4) Protecting consumers is necessary to ensure sources of development funds are sourced from the consumer community (Sakti & Dinanti, 2020).

Concerning consumer protection, Setiawan stated that consumer protection has two aspects that lead to dishonest trading practices and the problem of attachment to general terms in an agreement (Di Matteo & Wrbka, 2018). In this view, it is expressly stated that efforts to protect consumers are caused by the actions or actions of business actors in carrying out fraudulent business activities to harm consumers. Consumer protection is a term used to describe the legal protection provided to consumers to meet their needs from things that can harm consumers (Rosadi & Tahira, 2018).

How important is consumer protection, the United Nations (UN) issued a Resolution in the decision of the General Assembly of the United Nations at the 106th session on April
affirming the interests of consumers, namely as follows: 1) Consumer protection from harm to consumers. It's health and safety; 2) Promotion and protection of the economic interests of consumers; 3) Availability of sufficient information so that it is possible to make choices as desired; 4) Consumer education; 5) Availability of effective compensation methods; and 6) Freedom to form consumer organizations and allowing them to express opinions from the time of the decision-making process related to consumer interests (Wilson & Uyo, 2021).

Based on the UN resolution, consumer empowerment activities need to be carried out in the third point, namely consumer education. Consumer empowerment activities must involve many parties so that consumer empowerment can be realized. The parties involved include the government, business actors, consumers, and the community (Kagumi et al., 2020). Meanwhile, The Economic Law and Improved Procurement System Project (ELIPS) presented nine materials for the formulation of consumer protection law, namely: 1) Inequality in bargaining power; 2) Freedom of contract versus fairness in contracts; 3) Requirements to provide information to consumers, which include general announcement law and financial announcement law; 4) Regulations on the behavior/actions of sellers, which include wrong directions/directions and cunning in trading; 5) Regulations on product quality, which include product guarantees and safety; 6) Access to credit reporting, credit, non-discrimination); 7) Limits on the right to end the guarantee period; 8) Regulations on prices, and 9) Correction.

The condition of food safety depends on a comprehensive surveillance system, not only based on the food industry that produces food but also supervision of the entire food chain, for example, supervision of the animal feed production process (Dewi, 2020). Thus, an effective food safety control system can also be used as a tool to 1) Protect public health by reducing the risk of food poisoning or food-borne diseases; 2) Protect the public from food that is unsafe, unfit for consumption, misleadingly labeled, and the result of fraud; 3) Contribute to economic development through consumer confidence in the food safety control system and the provision of a legal basis for food trade, both nationally and internationally" (Kwanga, 2017).

B. METHOD

The research method used in this study is a qualitative method with a normative juridical approach. The focus of this research is the Study of Consumer Protection Law on Expired Food Products. The method of data collection in this study used the literature study method. The type of data used is secondary data. The formulated legal problems will be answered through legal research using relevant legal theories to explain the concept of the legal protection of human rights against economic, social, and cultural rights (Kwateng & Botchway, 2018). After classifying legal materials, both primary and secondary legal materials are analyzed and then described systematically.

C. RESULT AND DISCUSSION

1. Risk Management-based Food Product Safety Monitoring System

Along with the times and technology, the security surveillance system has also developed, namely the Food Risk Management Program, supervision to ensure food safety and quality through independent risk-based supervision by the food industry (Shandler & Canetti, 2019). In this model, maintenance of food safety supervision leads to food safety independence, where the government-based supervision pattern is changed to a supervisory practice based on industrial autonomy.
The written program is designed to ensure the fulfillment of food safety, quality, and nutrition requirements, as well as compliance with applicable laws and regulations by the food industry and, is designed to encourage the food industry to consistently implement a food quality and safety assurance system, in which the sector must guarantee and ensure food safety, on products produced and sold to the market, while the Food and Drug Supervisory Agency is in charge of supervising the safety of circulating food by focusing on the post-market, not the pre-market (Greco, 2017).

Risk-based food safety supervision is directed starting from planning that is produced based on technical, economic, social, and spatial aspects (Efendi, 2020). These aspects are carried out with a risk analysis approach, namely by prioritizing supervision on matters that have a more significant risk impact so that maintenance is carried out more optimally (Shuaib, 2018). In addition, strengthening the supervision system is intended to increase protection for vulnerable groups, including toddlers, school-age children, and the poor. The estuary of food safety supervision protects consumers from the dangers of consuming unsafe food contaminated with chemical, biological, or food additives.

According to Article 30, paragraph 1 of the Consumer Protection Act, it is stated that the supervision of the implementation of consumer protection and the application of the provisions of the legislation is carried out by the Government, the Community, and Non-Governmental Consumer Protection Institutions. The implementation of supervisory duties is borne by the government and delegated to the community, either in the form of groups, individuals, or non-governmental organizations. The public can conduct research, testing, and surveying the goods circulating in the market. Aspects of supervision carried out by the community include: loading of information about the risks of using goods if required, labeling, advertising, and others required based on the provisions of laws and regulations and habits in the practice of the business world.

There must be a distinction between the community's supervisory duties and non-governmental organizations that are only carried out on goods and services circulating in the market. In contrast, the production and distribution facilities and infrastructure can only be carried out by the government. The Non-Governmental Consumer Protection Agency has a limited scope compared to the supervision scope under the government's authority.

Provisions regarding the supervision of consumer protection are technically regulated in Article 8 of Government Regulation Number 58 of 2001 concerning the Guidance and Supervision of the Implementation of Consumer Protection, which states: 1) Supervision by the government is carried out on business actors in meeting quality standards for the production of goods and services, the inclusion of standard labels and clauses, as well as after-sales services for goods and services; 2) Supervision, as referred to in paragraph (1), is carried out in the process of producing, offering, promoting, advertising, and selling goods and services; and 3) The results of the supervision as referred to in paragraph (2) can be disseminated to the public.

Based on the above provisions, it can be stated that the safety aspects of food products produced by Home Industries must also be monitored to ensure that the food products made and traded meet food safety and quality standards. This supervision is a step to protect consumers from the threat of unsafe food products. Maintenance carried out by the government on home industries is implementing consumers' rights to the safety of goods and services as referred to in Article 3 of the Consumer Protection Act.

The existence of government intervention in economic activities is strongly influenced by the development of the theory of the welfare law state, which requires the state or government to protect, safeguard the public or community interests. The basic principle of the welfare state, namely the involvement of the state for the welfare of the people, is adopted
by the Indonesian state through the Preamble and Article 33 of the Constitution of the Republic of Indonesia.

According to Wahyu Sasongko, the consumer protection system in Indonesia involves three parties, namely consumers, business actors, and the government. This is understandable because, as stipulated in the 1945 constitution of 1945 Constitution, it is emphasized that the Republic of Indonesia was established to protect its people and create a welfare state. For this reason, the state, through the government, must actively provide services to the community (social service state) in various fields and sectors, including the implementation of consumer protection because consumers are Indonesian people whose position is weak in front of business actors, so that the interests and rights of consumers can be protected.

The implementation of consumer protection needs to be monitored carefully because through supervision. It will be possible to know whether there are any deviations in the implementation of consumer protection or supervision to see the implementation of the enforcement of the provisions of the Consumer Protection Law whether it is and is running on the right track (on the right way) following consumer protection purposes or not. Supervision can simply be formulated as all efforts or activities to find out and assess the actual reality regarding the targets and objects being examined (Maisley, 2017). In general, supervision can be distinguished based on the stages and objectives, namely: 1) Supervision before implementation or still in planning, the aim is to prevent (Preventive); 2) Supervision during or while the process is ongoing, with the aim of repair and recovery (Curative); and 3) Supervision after the work or activity is completed or carried out (post-factum), the aim is to overcome and eradicate (Repressive).

The concept of supervision above, if it is related to supervision activities on the implementation of consumer protection, can be described as follows, before business actors or producers start their production businesses, they must first have a business license, at this stage, the government as the institution authorized to issue permits must examine the data and accurate and correct information that the business to be carried out is good and meets the production requirements following the applicable laws and regulations. The government may not just give a business license (Efendi, 2020).

Furthermore, at the stage of the production process by producers or business actors, the government is obliged to carry out supervision by visiting the location where the production process takes place. In this way, the level of safety of food products produced by producers will be known (Sugiono et al., 2020). At the same time, the supervision after the production process is carried out by examining food products circulating in the market, which can be carried out by laboratory tests, sampling tests to know the safety of food products.

In the supervision practice carried out by the Food and Drug Supervisory Agency of the Republic of Indonesia, the terms pre-market and post-market are known. Pre Market is the supervision carried out and the assessment and testing of the safety quality before the cosmetics are distributed. Post Market is maintenance carried out after the product has been circulated in the community, including inspection of production and distribution facilities, monitoring of side effects, sampling and laboratory tests, assessment and supervision of advertisements or promotions, and dissemination of information through public education and public warnings (Arrubia, 2019).

Legislation that explicitly regulates food is Law no. 18 of 2012 concerning Food (Food Law). In the UUP, the regulation on food includes the objectives of implementing food safety, the responsibilities of everyone involved in the food chain, quality standards, and sanctions for those who neglect the implementation of food safety. Food is everything that comes from biological sources of the agricultural, plantation, forestry, fishery, animal husbandry, water, and water products, both processed and unprocessed, which is intended as
food or drink for human consumption, including food additives, food raw materials, and other materials used in the process of preparing, processing, and making food or beverages (Pedersen, 2018). Meanwhile, the definition of Food Safety is the conditions and efforts 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.

Regarding food safety, Article 67 of the Food Law states: Food safety is held to keep food safe, hygienic, quality, nutritious, and does not conflict with the religion, beliefs, and culture of the community. Food Safety is intended to prevent the possibility of biological, chemical, and other contaminants that can interfere, harm, and endanger human health. While related to food safety guarantees regulated in Article 68, the Government and Regional Governments guarantee the realization of the implementation of Food Safety in each Food chain in an integrated manner. The government establishes norms, standards, procedures, and criteria for Food Safety. Farmers, fishers, fish raisers, and food business actors must apply norms, standards, practices, and criteria for Food Safety. The Government and Regional Governments are required to foster and supervise the implementation of Food Safety norms, standards, procedures, and measures.

There are four main problems of quality and national food safety that affect food trade both domestically and globally, namely: First, food products that do not meet the quality requirements of food safety, namely: 1) Use of food additives that are prohibited or exceed the limit in food products; 2) Hazardous chemical contaminants (pesticides, heavy metals, agricultural drugs) are found in various food products; 3) High microbial contamination and pathogenic microbial contamination in various food products; 4) Labeling and advertising of food products that do not meet the requirements; 5) The circulation of expired food products, including imported products; 6) Counterfeiting of food products; 7) Method of distribution and distribution of food products that do not meet the requirements, and 8) The quality and safety of food products have not been able to compete in the international market. Second, there are still many cases of food poisoning, most of which have not been reported, and the cause has not been identified. Third, the lack of knowledge, skills, and responsibilities of food producers (raw material producers, processors, and distributors) regarding food quality and safety, which is indicated by the discovery of food products and distribution facilities that do not meet the requirements so that they still buy food products with high quality and low security.

2. Regulation of Expired Food Products concerning Consumer Protection

One of the legal products regarding food is Law Number 7 of 1996 concerning Food. The law on food is intended as a legal basis for regulating, fostering, and supervising the activities or processes of food production, distribution, and trade (Know & Pejan, 2018). As a legal basis in the food sector, the law on food is intended to reference various statutes and regulations relating to food, both existing and those that will be formed. Before assessing and discussing expired food products, it is advisable to take an inventory of the laws and regulations relating to food products, especially regarding expired food products. The current rules governing food products are pretty adequate. However, the problem is to what extent food producers can implement or follow up on these provisions. Also, how does the government effectively and sustainably supervise every food product without any reports from members of the public, institutions, or consumer protection foundations?

National law can still be used to provide legal protection for human rights in obtaining safe food; this law is not only internal but can also be used to ward off bad influences from outside that can endanger food problems in a country. Indonesia has attempted this by
enacting Law No. 8 of 1999 concerning consumer protection and it’s implementing regulations. The law emphasizes at least four things: 1) the availability of food; 2) food safety; 3) quality and nutrition, and 4) food reserves. This regulation protects consumer rights from the actions of business actors that violate the interests of consumers in general.

From a normative juridical point of view, all regulations regarding food products have met the standard. But in enforcing the rules, it can be said that these regulations are very nominal and semantic in many cases. Written rules as favorable laws are often violated or not implemented consistently because there is a lot of evidence in society that shows the circulation of food products that endanger human life, which has implications for other creatures, such as pets. The case of poisoned biscuits and other circumstances that have occurred, although not causing many victims, proves that the quality of law enforcement by producers, distributors, and sellers is not good. Related to that, there is a lack of moral obligation to use the professional ethics of producers, distributors, and sellers. Cleanliness is part of faith or a reflection of civilization. Society has not yet reached a great point.

One of the fundamental weaknesses of the circulation and omission of expired food products lies in the inaccurate data control system. Producers do not carefully scrutinize food product data to remind the distributors. Distributors do not strictly observe data from producers, and distributors do not remind sales at the right time to immediately withdraw food products following applicable regulations. Sellers with a profit-seeking motive often allow the circulation of food products by mixing them into one expired item with items that are still fit for consumption. From the inventory of laws and regulations mentioned above, it can be seen that there are quite a several regulations regarding food products.

There is a special regulation that regulates expired food products, and the law is in the Regulation of the Minister of Health of the Republic of Indonesia Number: 180/Men.KeslPer/IV/1985 concerning Expired Food, April 10, 1985. Further regulations are contained in Law number 8 1999 concerning Consumer Protection which regulates expired food. Spoiled food, both before and after the expiration date, is declared as a hazardous material. There is also a ban on importing and distributing expired food. Violation of this prohibition is subject to imprisonment or a monetary fine as stipulated in Article 2 paragraph (1) of the Staatsblad Hazardous Materials Ordinance 1949 Number 377. Expired food which is declared damaged shall be subject to destruction or other provisions following the applicable laws and regulations.

### 3. Legal Protection for Consumers

The fulfillment of safe food in the context of realizing the right to life for every human being is very complex, and it is not easy to find an appropriate strategy to overcome this problem. One way that can be pursued is by utilizing the law to provide balanced benefits for every community in the world.

Many people think that the only one who is obliged to provide consumer protection is the consumer organization. This assumption is, of course, not valid. Consumer protection is the responsibility of all parties, namely the government, business actors, consumer organizations, and consumers themselves. Without the contribution of these four elements, according to their respective functions, it is not easy to realize consumer welfare. The government acts as a community protector and a coach for business actors in increasing industrial progress and the country’s economy. The form of consumer protection provided is by issuing laws; no less important is to supervise the implementation of regulations, government regulations, or Issuance of Goods Quality Standards. In addition to those or existing standards. The government must also carry out the function of supervision of food products.
A fair and impartial attitude in viewing the interests of consumers and producers is expected to protect consumers. Protection of consumers does not have to side with the interests of consumers that are detrimental to the interests of business actors. So there must be a balance. Currently, there are many regulations issued by the government intending to protect consumers, such as Regulations on Food Coloring Substances, Regulations on the Use of Artificial Sweeteners, Regulations on the Distribution of Pesticides, and Regulations on Drug Pricing. Meanwhile, there are hundreds of quality standards for goods, including Cable Standards, Milk Standards, Tomato Sauce Standards, Battery Standards, and others. However, the regulation has not been felt to provide complete protection to consumers because the readiness to supervise its implementation is still very lacking.

For business actors or producers, they need to realize that the survival of their business is highly dependent on the consultants. For this reason, they should produce goods and services as good and safe as possible and strive to provide satisfaction to consumers. They are providing correct information regarding issues related to safety, health, and consumer safety. The period of consumption of food production becomes fundamental. The 5th Congress on "Crime Prevention and Development of Lawbreakers" held by the United Nations Agency in September 1975 in Geneva provided recommendations by broadening the definition of crime with acts of illegal abuse of economic power such as violations of labor regulations, consumer fraud, pollution, tax manipulation, as well as from the illicit abuse of public administration, such as violations of human rights, abuse of authority by the tools of the rules, such as arrests and detentions that violate the law.

Therefore, business ethics can be seen as an attempt to formulate and apply the basic principles of ethics in economic relations between people. It can also be said that business ethics highlights the moral aspects of the relationship between the various parties involved in business activities. One of the information on the label that is most popular and often noticed is the product's expiration date. The expiration period must be stated in food product packaging, except for fresh fruits or vegetables, bread, cakes, and snacks estimated to run out within 24 hours. Also, for vinegar, table salt, granulated sugar, confectionery, chewing gum, and cheese products made to be cooked in their packaging. Information about product origin identification and others can be stated in a bar code. Under the vertical lines that can be read with optical technology, there are generally 13 numbers. The first two digits indicate the country of origin. The following five digits are the manufacturer and distributor, the following five digits identify the product itself, and the last digit is the control number.

With a variety of information on food product packaging labels, it is hoped that consumers will not be mistaken in determining and get a guarantee of product quality and quantity. You as a consumer should also always remember messages that seem clichéd, but until Kim is still considered valuable, that is, be careful before buying. Suitable to use before". "Good to use before" means that a food product should be consumed before the stated date because that date is the optimal limit for producers to guarantee the product's suitability for consumption.

The phrase "Good to use before" is generally used in products that have a high shelf life, such as confectionery products (candy, chocolate, chocolate bars) and alcoholic beverages. "Use before" means that the food product must be consumed up to the date listed. The date listed is the maximum limit the manufacturer can guarantee that the product has not been damaged and is still fit for consumption. After that date, it is suspected that consumers cannot accept the quality of the product. The phrase "Use it before" generally applies to perishable products and has a short shelf life, such as dairy products (fresh milk and liquid milk), meat, and vegetables.
Indonesia will only become a dumping ground for inferior goods and services without protection and legal certainty for consumers. What is more worrying is that the people's welfare aspired to becoming more challenging to realize. The importance of consumer protection law is also recognized because every consumer always needs food products (goods and or services) that are safe for safety and health and the human soul. To guarantee these things, it is necessary to have legal rules that ensure the safe conditions of every consumer product for human consumption, which must be equipped with correct, honest, and responsible information. The regulation of consumer protection issues is not only the concern and responsibility of every country but has also been the concern of international organizations, such as the United Nations. According to United Nations Resolution No. 39 or 248 of 1995 concerning Guidelines for Consumer Protection, it is stated that the nature of consumer protection implies the interests of consumers.

As a form of power, rights must be balanced with obligations, namely everything that someone must do. There is a close relationship between rights and responsibilities. Rights always reflect commitments—Vice versa. August Comte stated that the owner's right is not to be used by the owner absolutely but also in its social role, which includes the obligation to use the request for the benefit of society in general. Given the close relationship between rights and responsibilities, those who have rights are often burdened with obligations. This also applies to consumers and business actors in carrying out their respective roles.

D. CONCLUSION

Based on the analysis results, it can be concluded that Indonesia already has many regulations in the field of food and consumer protection. However, in the area of application of the law, it is still weak because there are still many violations committed by producers, distributors, and product sellers who have not heeded the Human Rights owned by consumers as part of the implementation of the task of supervising the implementation of consumer protection as mandated in Law No. 8 of 1999 concerning Consumer Protection, and Law no. 18 of 2012 concerning food. The handling of consumer complaints related to the circulation of expired food products is carried out by the Food and Drug Administration (Badan Pengawas Obat dan Makanan) by opening a service unit that accommodates all consumer complaints. This unit is called the Consumer Complaints Service Unit. It is hoped that through this Consumer Complaints Service Unit, the consumer community can get information and complain about various cases related to expired food products circulating in the market.

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