

Consumer Protection in Expired Food Cases

Sumito, Rio Saputra, Didit Darmawan, Agung Satryo Wibowo, Rommy Hardyansah

Universitas Sunan Giri Surabaya

Email: dr.diditdarmawan@gmail.com

ABSTRACT – Expired food is a serious problem that threatens public health and violates consumer rights. This research explores the challenges in implementing consumer protection regulations against the circulation of expired food in Indonesia. Using a normative juridical approach, this study analyzes existing regulations, barriers to their implementation, and factors that influence the effectiveness of legal protection. The results show that weak supervision, low consumer literacy, and lack of coordination across sectors are the main obstacles. Strategic recommendations include strengthening regulations, increasing the capacity of supervisory institutions, consumer education, utilizing technology, applying strict sanctions, and cross-sector collaboration. These strategies are expected to improve consumer legal protection in a sustainable manner, creating a safer and fairer market.

Keywords: expired food, consumer protection, regulation, supervision, literacy, technology, sanctions.

A. INTRODUCTION

Food is a fundamental human need that serves as a source of energy, and affects health, productivity and quality of life. However, along with the rapid development of the food industry, serious challenges arise, especially regarding product safety and quality. One of the most worrying issues is the circulation of expired food, which violates consumer rights and has the potential to endanger public health at large.

In consumer protection efforts, Law Number 8 Year 1999 on Consumer Protection has provided a clear legal framework to protect consumers from various forms of violations, including the circulation of products that are unfit for consumption. However, the implementation of this law often faces obstacles, such as weak supervision and law enforcement. The persistence of expired food cases indicates gaps in the supervision system and the low awareness of business actors of their legal responsibilities.

Presidential Regulation Number 49 Year 2004 on the National Strategy for Consumer Protection and Minister of Industry and Trade Decree Number 350/MPP/Kep/12/2001 were actually designed to strengthen consumer protection. However, the effectiveness of these regulations is still questionable, mainly due to the lack of synergy between the institutions involved, limited human resources, and the lack of sanctions that provide a deterrent effect to violators. This emphasizes the importance of evaluating and improving the existing system.

The problem of expired food circulation also reflects consumers' low awareness of their rights (Aprinelita, 2021). Many consumers do not realize that they have the right to obtain clear and honest information about the products they consume (Zahra, 2019). This ignorance is often exploited by business actors to circulate products that do not meet safety standards.

From a health perspective, consumption of expired food can cause serious impacts, such as food poisoning, gastrointestinal infections, and even long-term health complications (Rolucky, 2019). This endangers the individuals who consume the food, and potentially increases the overall public health burden (Hasibuan, 2019). Therefore, it is important to strengthen legal protection to ensure that food on the market is safe for consumption (Sondakh, 2014).

The lack of public awareness of the dangers of expired food is a serious problem in food safety supervision. Many consumers do not understand the health risks associated with consuming products that are past their expiration date, so they tend to overlook the importance of checking labels and expiration dates before purchasing or consuming food. The lack of education and information on the negative impact of unfit for consumption food makes the public passive and does not take the initiative to report violations that occur. Stigma or uncertainty about the reporting process also inhibits people from playing an active role in maintaining food safety.

As a result, this low awareness jeopardizes individual health, and exacerbates the circulation of unsafe food in the market, creating greater risks to public safety. Collective awareness to report violations or provide information on products that are unfit for consumption is still very limited. In fact, community involvement can be one of the important elements to prevent the circulation of unsafe food.

Weak law enforcement against business actors who violate food safety regulations is one of the main reasons why cases of expired food circulation continue to recur, even though existing regulations are quite comprehensive. Suboptimal implementation of the established regulations creates a loophole for violations, where business actors feel unthreatened to violate existing provisions. Without strict and consistent sanctions, violations of regulations become commonplace and do not receive serious attention. Adequate infrastructure support and training for law enforcement officers is still lacking, so the capacity of supervisory institutions to enforce the law is limited. This situation creates an environment that is not conducive to food safety, where irresponsible businesses can continue to operate without fear of legal consequences, thereby threatening overall public health.

The challenge of raising consumer awareness and business responsibility is one of the key issues to be addressed. The government needs to develop educational programs that increase consumers' knowledge of their rights, and build awareness of the importance of choosing safe and quality products.

The purpose of this study is to explore the challenges in implementing consumer protection regulations on expired food, identify factors that affect the effectiveness of these regulations, and recommend strategic measures to improve legal protection for consumers. This study is expected to contribute to creating a more effective and sustainable consumer protection system.

B. METHOD

This research method uses a normative juridical approach which aims to analyze the legal protection of consumers in cases of expired food circulation. This normative juridical approach focuses on the study of applicable laws and regulations, legal documents, and relevant legal principles to understand how existing regulations are applied and the extent to which these regulations are able to answer the problems that arise.

Data sources in this research include primary and secondary data. Primary data is obtained from the analysis of laws and regulations directly related to consumer protection, such as Law Number 8 Year 1999 on Consumer Protection, Presidential Regulation Number 49 Year 2004 on the National Strategy for Consumer Protection, and Decree of the Minister of Industry and Trade Number 350/MPP/Kep/12/2001. Secondary data took the form of relevant literature, including textbooks, scientific journals, research reports and legal articles discussing consumer protection and food safety. Source searches were conducted through various credible legal and scientific databases to gain an in-depth perspective.

Data collection was conducted using the documentation study method. This approach involves collecting and analyzing relevant legal documents, whether in the form of laws, government regulations, or ministerial decrees. In addition, a literature review was also conducted to enrich the analysis with theoretical and empirical perspectives on consumer protection issues related to expired food.

Data analysis was carried out descriptively qualitatively with the stages of regulation identification, legal principles analysis, and implementation evaluation. The collected data were analyzed to identify the strengths and weaknesses of the applicable regulations, evaluate the effectiveness of their implementation, and understand the obstacles that arise in implementation. This analysis also compares regulations in Indonesia with other countries to find a more effective approach to protecting consumers.

This research pays special attention to the effectiveness of consumer protection regulations on expired food, the obstacles faced in the implementation of regulations, and the roles of various parties such as supervisory institutions, communities, and businesses. With this normative juridical approach, the research is expected to be able to provide strategic recommendations that can improve consumer legal protection as a whole.

C. RESULTS AND DISCUSSION

Consumer protection in Indonesia is expressly regulated in Law Number 8 Year 1999 on Consumer Protection. In this law, consumers have the right to correct, clear, and honest information about the condition of the goods and/or services they consume. Statute 4 of the

Consumer Protection Law states that consumers have the right to comfort, security, and safety in consuming goods. This regulation is the legal basis that protects consumers from the risk of expired food.

Expired food is often circulating in the market due to the negligence of business actors or weak supervision. The Consumer Protection Law stipulates that businesses are obliged to provide accurate information about the goods they sell, including expiration dates. Business actors who are proven to violate this provision may be subject to administrative and criminal sanctions, as stipulated in Statute 62. These sanctions are designed to provide a deterrent effect to business actors who neglect or deliberately distribute goods that do not meet standards.

The Consumer Protection Law, particularly in Statute 7, stipulates that businesses have an obligation to provide true, clear and honest information about the condition and warranty of the goods or services offered. Such information covers all important aspects, including expiration dates for food products. The expiration date is a crucial element because it is directly related to the safety and quality of the products consumed by the public.

Labeling the expiration date reflects the commitment of businesses to protect consumer health. Products past their expiration date have the potential to contain harmful microorganisms, which can cause food poisoning or other serious health complications. Therefore, this obligation is normative, and based on the principle of public health protection.

Statute 62 of Consumer Protection Law explicitly regulates sanctions against business actors who violate these obligations. Sanctions that can be given include administrative sanctions and criminal sanctions. Administrative fines, revocation of business licenses, or orders to cease business activities. These sanctions aim to stop ongoing violations and prevent future violations. Violations that have a direct impact on consumers, such as the distribution of expired food that endangers health, can be subject to criminal penalties with a maximum fine of IDR 2 billion or imprisonment of up to 5 years. These criminal penalties aim to provide a deterrent effect and ensure that businesses understand the legal consequences of their actions.

The main cause of the circulation of expired food is often the negligence of businesses, for example to monitor inventory or relabel products without permission (Pulungan, 2019). In some cases, these actions are taken intentionally to reduce financial losses (Tampubolon, 2020). These actions violate legal provisions, and violate business ethics principles that prioritize consumer safety (Resinta, 2018).

In addition to the negligence of business actors, weak supervision by government agencies such as the Food and Drug Supervisory Agency is also a major contributing factor. Normatively, food supervision is regulated in various supporting regulations, including Presidential Regulation Number 49 Year 2024 on the National Strategy for Consumer Protection. However, facts on the ground show that limited resources and supervisory reach often result in expired food escaping inspection.

Although the Consumer Protection Law provides a strong legal framework, the application of sanctions is often ineffective due to inconsistencies in law enforcement and weak coordination between relevant agencies. In fact, many violators only receive administrative warnings without any follow-up in the form of strict sanctions. As a result, the deterrent effect expected from this regulation is not optimally achieved.

In normative juridical terms, Law Number 8 Year 1999 regulates the obligation of business actors to provide accurate information, including expiration dates, as a form of consumer protection. Violations of this obligation may be subject to administrative and criminal sanctions under Statute 62. However, in practice, weak supervision and inconsistent law enforcement are the main obstacles to achieving effective consumer protection. It is necessary to strengthen supervisory capacity and apply stricter sanctions to ensure a deterrent effect for business actors who violate the provisions.

Despite clear regulations, implementation on the ground still faces challenges. One of the main problems is the lack of effective supervision from the government, especially in remote areas. Weak supervision means that expired food can circulate freely, threatening public health. People often lack understanding of their rights as consumers and are less likely to report cases of violations.

Businesses also face obstacles to complying with this regulation. Some small and medium enterprises complain of a lack of understanding of the regulations and the additional costs required to ensure their merchandise meets the standards (Sondakh, 2014). This suggests that a more inclusive approach is needed, including training and mentoring to small businesses (Rolucky, 2019).

The role of regulatory agencies such as the Food and Drug Administration is crucial to ensure consumer protection. The Food and Drug Administration is tasked with supervising food products on the market, including physical and administrative checks on suspect products. However, the effectiveness of Food and Drug Administration supervision is often hampered by limited human resources and technology, especially to cover large areas.

In addition to government supervision, community participation is also a key factor. Public awareness about the importance of checking information on food labels, including expiration dates, can prevent the consumption of hazardous foods. Consumer education campaigns conducted by the government and non-governmental organizations need to be enhanced to encourage public participation in food supervision.

By strengthening regulations, improving supervision, and involving the public, consumer protection against expired food can be more effective. Law Number 8 Year 1999 provides a strong legal framework, but implementation on the ground requires better cross-sector coordination. This strategy is important to create a safe and healthy environment for consumers, while providing justice for businesses that comply with regulations.

Challenges in Implementing Consumer Protection Regulations

The challenges in implementing consumer protection regulations on expired food are complex and multidimensional. One of the main challenges is weak supervision from the authorities, especially in remote areas. The limited human resources, facilities and technology owned by supervisory agencies such as the Food and Drug Supervisory Agency mean that supervision of the circulation of expired food cannot be carried out optimally. This opens up opportunities for irresponsible business actors to circulate products that do not meet standards.

The second factor is low public awareness of their rights as consumers. Many consumers, especially among the lower middle class, do not understand the importance of checking information on food labels, such as expiration dates and product composition. This lack of consumer literacy makes them more vulnerable to the risks of consuming expired food. Some people do not know the procedures for reporting violations, so these cases often go undetected by the relevant authorities.

On the business side, the main challenge lies in the lack of understanding of the applicable regulations. Many Micro, Small and Medium Enterprises (MSMEs) do not have access to adequate information on their legal obligations to provide safe products to consumers. This is exacerbated by the lack of training and mentoring provided by the government or relevant agencies to improve their capacity to comply with regulations.

Another significant challenge is the lack of harmonization and coordination between agencies involved in consumer protection. For example, coordination between the Food and Drug Administration, the Ministry of Trade, and local governments is often ineffective. This leads to overlapping policies or even lacunae in law enforcement, which ultimately results in a lack of protection for consumers.

Legal uncertainty is also an obstacle in the implementation of regulations. In some cases, business actors who violate regulations often do not receive strict sanctions or consistent law enforcement (Sucitra, 2017). This uncertainty can weaken consumer confidence in the effectiveness of existing regulations and legal protection systems. Business actors who comply with the rules also feel disadvantaged due to unhealthy competition with parties who do not comply with regulations (Putra, 2021).

In the digital era, challenges also arise from the rise of food sales through online platforms. Supervision of products sold online has become more difficult due to the limited regulations governing digital trade. Consumers often do not have sufficient access to verify the authenticity or safety of the products they buy online. This phenomenon indicates the need for specific regulatory updates to accommodate the development of digital trade.

To address these challenges, a more strategic approach is needed. The government needs to strengthen supervision by utilizing modern technology, such as digital-based product

tracking systems. Consumer education campaigns should be enhanced to raise public awareness about the importance of consumer protection. With these measures, challenges in the implementation of consumer protection regulations can be overcome gradually, creating a fairer and more effective system.

Factors Affecting the Effectiveness of Consumer Protection Regulations

The effectiveness of consumer protection regulations on expired food is influenced by various interrelated factors. The first factor is the quality of the regulation itself. Regulations that are unclear or too general often become obstacles to implementation in the field (Khayru, 2022). Regulations that are not specific to define the responsibilities of business actors and law enforcement procedures can open loopholes for violations (Wahyudi et al., 2023). Overlapping regulations between central and local governments add to the complexity of implementation (Alfiyah et al., 2023).

Resource availability is the second crucial factor. Supervisory agencies such as BPOM often face budget and manpower limitations, which impact their capacity to conduct thorough inspections and enforcement. The imbalance between the number of supervisory personnel and the size of the supervision area creates a situation where only a small proportion of violations can be detected.

The commitment and integrity of the parties involved are also crucial. Officials in charge of regulatory enforcement need to have a high commitment to protecting consumers. However, cases of corruption or abuse of authority in the supervision process often hamper the effectiveness of regulations. This situation exacerbates public distrust of the consumer protection system.

Consumer literacy is another important factor. Consumers who have a good understanding of their rights and obligations tend to be more active in reporting violations and choosing products that comply with safety standards. Unfortunately, in many regions, the level of consumer literacy is still low. Many consumers do not realize that they have the right to safe and quality products, and do not know how to report products that do not meet standards.

Technology is also playing an increasing role. Technological advancements, such as digital-based tracking systems, can increase transparency in food distribution. However, the implementation

of this technology requires significant investment and cooperation between the government and businesses. Without technological support, it becomes more difficult to monitor the circulation of expired food efficiently.

The culture of legal compliance among businesses also affects the effectiveness of regulations. In some cases, business actors tend to ignore regulations in order to reduce production costs or increase profit margins (Disemadi & Nadia, 2021). The lack of strict sanctions against these violations creates perverse incentives that weaken consumer protection efforts (Karisma, 2020). The interaction between the government, community, and private sector is the last significant factor. Weak collaboration between these parties means that consumer protection efforts are often partial and uncoordinated (Fadliansyah, 2019). In contrast, strong collaboration can create synergies in supervision, consumer education, and law enforcement, ultimately increasing the effectiveness of consumer protection regulations (Tampubolon, 2020).

These factors suggest that improving regulatory effectiveness requires an integrated approach, involving improvements to regulatory aspects, increased resources, and active participation from all stakeholders. By understanding these factors, efforts to protect consumers can be more targeted and sustainable.

Strategic Recommendations to Improve Consumer Protection

Improving consumer protection against expired food requires a comprehensive and sustainability-oriented strategy. One of the most fundamental strategic steps is to strengthen existing regulations. The government needs to revise unclear or overlapping regulations to create a more solid and easily implemented legal framework. The regulations must include a clear definition of the responsibilities of business actors, mechanisms for reporting violations, and strict sanctions to provide a deterrent effect.

In addition to strengthening regulations, capacity building of supervisory institutions is a priority. Institutions such as the Food and Drug Administration need additional resources, both in terms of budget and manpower, to be able to increase the frequency and scope of supervision. Intensive training for supervisors is also necessary to ensure that they have sufficient competence to detect violations and enforce the law.

Improving consumer literacy is the next strategic step. The government, together with educational institutions and civil society organizations, can initiate a massive and sustainable consumer literacy campaign. This campaign can focus on educating consumers about their rights, the importance of checking expiration dates, and how to report violations. With better literacy, consumers can become active partners in monitoring the circulation of food products.

The use of technology should also be an integral part of this strategy. Blockchain-based digital tracking systems, for example, can be used to ensure transparency in food distribution from producers to consumers. The government can encourage the adoption of this technology through incentives to businesses, such as tax deductions or technology subsidies. The development of online reporting applications can make it easier for consumers to report violations in real-time.

The application of stricter sanctions is also an important element in this strategy. Regulatory violations, especially those that endanger consumer health, must be prosecuted without compromise. The judicial system needs to support this effort by ensuring that violations are processed quickly and transparently. The publication of sanctions against violators can be a tool to raise awareness and provide a warning to other businesses.

Cross-sector collaboration between government, businesses and communities is key to the success of this strategy. The government can build partnerships with the private sector to improve regulatory compliance through certification programs or rewards for businesses committed to consumer protection. On the other hand, communities can be empowered to be part of supervision through participatory mechanisms.

Finally, systematic monitoring and evaluation should be implemented to ensure that the strategies implemented are on track. Data obtained from the monitoring process can be used to improve existing policies and programs, as well as identify areas that require more attention. With this approach, consumer protection efforts can be continuously adapted to the dynamics of community needs.

These strategic steps are expected to provide better legal protection for consumers, and create a safer and fairer market environment. With the collaboration of all parties, the goal of improving consumer protection against expired food can be achieved in a sustainable manner.

D. CONCLUSIONS

The circulation of expired food in Indonesia reflects the weak implementation of consumer protection regulations. While Law Number 8 Year 1999 provides a strong legal basis, its implementation is constrained by weak supervision, limited resources, and low consumer literacy. Business actors often neglect their responsibilities due to lack of sanctions that provide a deterrent effect. Meanwhile, the public has a minimal role in supervision due to a lack of understanding of consumer rights. Legal uncertainty and lack of harmonization between central and local governments exacerbate the situation. These challenges demand the right approach to create a more effective consumer protection system.

To improve consumer protection against expired food, strengthening regulations that are specific and easy to implement is needed. Revision of overlapping regulations and expansion of regulations to govern digital trade are essential. The government also needs to increase the capacity of regulatory agencies through additional resources and intensive training for relevant officials. Consumer education campaigns should be conducted in a massive and sustainable manner to increase public literacy and awareness. The use of technology, such as digital-based tracking systems and online reporting applications, can accelerate the process of supervision and law enforcement. The application of strict sanctions against violations is an important element to create a deterrent effect. Cross-sector collaboration between the government, business actors, and the community must be improved to create synergy in consumer supervision and protection. Systematic monitoring and evaluation are needed to ensure that the policies and programs implemented are on track to create sustainable consumer protection.

REFERENCES

Alfiyah, S., R. Mardikaningsih, & F. Issalillah. 2023. Juridical Analysis of the Responsibility of Cosmetic Manufacturers for the Halal Needs of Muslim Consumers. *Bulletin of Science, Technology and Society*, 2(2), 44-50.

Aprinelita, A. 2021. Perlindungan Hukum Konsumen dari Produk Pangan Kadaluarsa Ditinjau dari Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen. *Kodifikasi*, 3(2), 24-36.

Disemadi, H. S. & P. A. Nadia. 2021. Produk Bahan Pangan Kadaluarsa yang Diperjualbelikan di Supermarket: Suatu Kajian Hukum Perlindungan Konsumen. *Maleo Law Journal*, 5(2), 13-25.

Fadliansyah, M. R. 2019. Perlindungan Hukum terhadap Konsumen atas Penipuan yang dilakukan oleh Pelaku Usaha Terkait Penjualan Makanan yang Telah Kadaluwarsa Ditinjau dari Hukum Islam dan Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen. *Prosiding Ilmu Hukum*, 5(2), 1142-1146.

Hasibuan, S. 2019. Tinjauan Yuridis Perlindungan Hukum bagi Konsumen Akibat Beredarnya Makanan dan Minuman Kadaluwarsa Berdasarkan Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen. *PETITA*, 1(2), 319-339.

Karisma, L. 2020. Perlindungan Konsumen dari Produk Pangan Kadaluwarsa Ditinjau dari Undang-Undang No. 08 Tahun 1999. *Disertasi*, IAIN Metro.

Kemenperin RI. 2001. Keputusan Menteri Perindustrian dan Perdagangan Republik Indonesia Nomor 350/MPP/Kep/12/2001. Jakarta.

Khayru, R. K. 2022. Transforming Healthcare: The Power of Artificial Intelligence. *Bulletin of Science, Technology and Society*, 1(3), 15-19.

Pemerintah Indonesia. 2024. Peraturan Presiden Nomor 49 Tahun 2024 tentang Strategi Perlindungan Konsumen. Lembaran Negara Tahun 2024 Nomor 66. Sekretariat Negara, Jakarta.

Pulungan, H. J. 2019. Peran UD Rumah Adat Minang dalam Perlindungan Hukum Terhadap Konsumen. *Juncto*, 1(1), 45-59.

Putra, G. 2021. Perlindungan Konsumen Terhadap Peredaran Makanan Kemasan yang Kadaluarsa Ditinjau dari Undang Undang No. 8 Tahun 1999 tentang Perlindungan Konsumen (Studi Kasus Kota Singaraja Kabupaten Buleleng). *Disertasi*, Universitas Pendidikan Ganesha.

Republik Indonesia. 1999. Undang-undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen. Lembaran Negara Republik Indonesia Tahun 1999 Nomor 22. Sekretariat Negara, Jakarta.

Resinta, M. 2018. Perlindungan Konsumen Terhadap Peredaran Produk Makanan yang Telah Kadaluwarsa Ditinjau dari Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen. *Jurnal Paradigma Hukum Pembangunan*, 3(1), 30-46.

Rolucky, V. 2019. Makanan Kadaluarsa dan Hak-Hak Konsumen Menurut Undang-Undang No 8 Tahun 1999 tentang Perlindungan Konsumen. *Lex Et Societatis*, 7(10), 14-23.

Sondakh, S. 2014. Perlindungan Hukum bagi Konsumen Terhadap Klausula Baku yang Merugikan Ditinjau dari Undang-Undang Nomor 8 Tahun 1999. *Lex Privatum*, 2(2), 79-86.

Sucitra, I. 2017. Perlindungan Konsumen Terhadap Produk Makanan Kadaluarsa Menurut Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen. *Lex Privatum*, 5(8), 102-108.

Tampubolon, W. S. 2020. Perlindungan Konsumen Terhadap Peredaran Makanan Kadaluwarsa di Labuhanbatu (Ditinjau dari Undang Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen). *Jurnal Ilmiah Advokasi*, 8(1), 29-35.

Wahyudi, E., D. Darmawan, & R. Hardyansah. 2023. Legal Protection for Online Ojek Drivers Who are Victims of Fictitious Order. *Bulletin of Science, Technology and Society*, 2(2), 37-43.

Zahra, N. S. 2019. Perlindungan Konsumen Terhadap Makanan Kadaluwarsa dalam Kaleng di Kota Semarang (Ditinjau dari Undang-Undang No. 8 Tahun 1999 tentang Perlindungan Konsumen). *Disertasi*, Universitas Islam Sultan Agung.