

EFFECTIVENESS OF LAWS IN THE IMPLEMENTATION OF FOOD DISTRIBUTION PERMIT SANCTIONS FOR FOOD SECURITY

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ABSTRACT

In Indonesia, many food products are still circulating that are hazardous to consumer health and do not meet the criteria and requirements set out in the law regarding products that may be distributed.

The purpose of this study is to determine the effectiveness of the Food Law and the Consumer Protection Law in their application to food products in circulation.

The methodology used was normative sociological and normative legal juridical research, which was descriptive and analytical in nature, using primary and secondary data sources analyzed qualitatively by the researcher.

The summary of the research findings is that the existence of distribution permits and supervision of distributed products is crucial for maintaining food safety. However, this still conflicts with the reality, as many products are still distributed without distribution permits. The government must be more selective in granting distribution permits and prioritize consumer protection, namely by monitoring and preventing the distribution of food products that endanger consumer health and safety. Action against violations must also be taken through sanctions in the form of business permit closures, fines, or other administrative sanctions to prevent the distribution of unlicensed products.

Keywords: *Effectiveness Of Laws; Food Distribution Permit Sanctions; Food Security.*

INTRODUCTION

The background to this research is that every community is inseparable from the need for food in daily life. Some people clear land for farming and gardening because they want access to sufficient, safe, and nutritious food to meet their consumption needs and meet their food preferences, leading to an active and healthy life.¹ Meeting this need for food is crucial because it is a primary need. If not met, it will lead to instability in a person's life, as defined by the Food Law, namely access to fulfill the basic needs of a family, thereby ensuring its survival.² Land plays a crucial role in food supply because, by its nature, it is the only asset that, despite

¹Muhamad Muslih, Ferina Ardhi C, "Prospects for the Development of Halal, Thoyib, and Hygienic Food Production During the New Normal Covid-19 Period as Supporting Pillars of National Food Security", *Jurnal Unram Law Review*, Vol. 5, Issue 2, October 2021, p. 239-261.

²Heri Suharyanto, Ketahanan Pangan, *Jurnal Sosial Humaniora*, Vol. 4, No. 2, November 2011, p. 186-187.

any circumstances, remains in its original state. After a forest fire, the land becomes fertile again and is ready to be planted with trees.³

Continuing from the above, not meeting a person's food needs means experiencing food insecurity, which contradicts the government's goal of maintaining community food security. The government has made every effort through various means, including regulating food distribution permits. The regulation of food distribution permits is aimed at ensuring food safety for the public in consuming food, thus avoiding food containing high levels of chemicals and other foods that are harmful to health.⁴

High consumer demand for food and cosmetics benefits producers, but on the other hand, unscrupulous producers exploit loopholes and shortcuts in selling their products. Many sellers without distribution permits market and sell their products to consumers to meet high demand. Not having a distribution permit means that distribution cannot be guaranteed because the requirements and conditions have not been met. It's possible that a distribution permit has been obtained but has not been registered, but this is very rare. The use of hazardous chemicals, for example, in food, will have negative impacts on future health. Furthermore, the use of chemicals in cosmetics will have adverse effects on the skin and face. The negative effects of these cosmetics can even be felt instantly, as evidenced by the many consumers who complain to producers on social media. The use of fake distribution permits is also widespread by some individuals simply to generate substantial profits without considering the negative impacts and harms that will be experienced by consumers.⁵

The production, distribution permits, and distribution of food, cosmetics, and medicines involve several parties. In some cases, negligence lies with the pharmaceutical industry as the wholesale producer, and even with the BPOM (Indonesian Food and Drug Authority) as the drug regulator. This has resulted in several parties being harmed, namely consumers who consume these drugs. All parties must obey the law, including large agencies or institutions. Sanctions and criminal liability must be complied with, as regulated by the Health Law, Law Number 36 of 2009, and also regulated in several articles of the Criminal Code (KUHP). All must cooperate in overseeing food, cosmetics, and medicines to ensure the safety of food in circulation and consumption, so that everyone can feel calm and food security can be achieved.⁶

Food is a basic human need, therefore the food industry is one that will always grow, at least in line with population growth. It's not surprising that food industries, especially small-scale ones, are emerging to meet this demand. Food processing generally doesn't require complex technology or scientific knowledge. Therefore, almost anyone can start a food business or industry. According to Statistics Indonesia (BPS) records (2004), the number of household-scale food industries in 2003 reached 950,872. This number is significantly larger than the number of large- and medium-scale food industries, which numbered only 4,597 (BPS, 2004). Household Food Industries (IRTP) are typically characterized by businesses operating in the same location as residences and using manual to semi-automatic food processing equipment.⁷

The growth of the food and beverage industry in 2017 reached 9.23 percent, higher than the growth of the non-oil and gas industry, which reached 4.84 percent. This demonstrates the significant role the food and beverage sector plays in Indonesia's economic growth. According to the Ministry of Industry, the food and beverage industry's growth rate in the third quarter

³Jarkasi Anwar, Muhamad Muslih, "Protection of the Customary Land of the Baduy Indigenous Peoples as One of the Supporting Factors for Local Food Security in the Banten region", *Pena Justisia: Media Komunikasi Dan Kajian Hukum*, Vol. 22, No. 02, June 2023, p. 229-242.

⁴Rita Hanafie, "Penyediaan Pangan Yang Aman dan Berkelanjutan Guna Mendukung Tercapainya Ketahanan Pangan", dalam *J-SEP Vol. 4, No. 3, November 2010*.

⁵Haqkiki Bintang Pratama, "Akibat Hukum Penyalahgunaan Pemakaian Kosmetik Perbahan Kimia yang Tidak Mencantumkan Nomor Badan Pengawas Obat dan Makanan (BPOM) Dengan Edar Palsu (Pusat Studi Di Pasar Simpung Bandar Lampung)", *Jurnal Hukum, Politik Dan Ilmu Sosial (JHPIS)*, Vol. 2, No. 2, Juni 2023, p. 211-223.

⁶Desak Ayu Made Sintya Satvika Putri, "Pertanggungjawaban Pidana Industri Farmasi Dan Bpom Terkait Pencemaran Obat Cair Dalam Hukum Kesehatan", *Jurnal Yustita*, Vol. 17, No. 1, Mei 2023, p. 82-92.

⁷Hariyadi, P. & Hariyadi, R. D. Petunjuk Sederhana Memproduksi Pangan Yang Aman. Available from: <https://repository.ipb.ac.id/handle/123456789/58556?show=full>

of 2017 reached 9.46 percent, exceeding the national economic growth of approximately 5.06 percent for the same period.⁸

Food has become a primary human need, and its fulfillment is a fundamental human right and a fundamental component in realizing quality human resources. The state also has an obligation to ensure the availability, affordability, and fulfillment of sufficient, safe, high-quality, and nutritionally balanced food consumption. Monitoring by the Food and Drug Monitoring Agency (BPOM) in 2016 showed that approximately 14.9 percent of 26,537 food samples did not meet standards due to the misuse of hazardous materials, microbial contamination, or food additives exceeding the maximum permitted limit. BPOM noted that in Indonesia, between 2011 and 2015, food products that did not meet established standards increased by approximately 35 percent. These include the use of hazardous substances as food additives and microbial contamination.

Recent data shows that food poisoning cases in Indonesia remain a serious concern for the government. Based on an analysis of drug and food poisoning data by the Indonesian Food and Drug Monitoring Agency (BPOM), national monitoring of poisoning incidents caused by drugs, health supplements, cosmetics, and food will be conducted in 2024. This analysis aims to provide a snapshot of the poisoning situation in Indonesia as a basis for policymaking to prevent and control food poisoning cases.⁹

In addition, in 2025, the Food and Drug Authority (BPOM) reported 17 extraordinary incidents (KLB) of food poisoning that occurred in 10 provinces in Indonesia from January to May 2025. These cases were mostly caused by contamination of raw food ingredients and inadequate sanitation conditions during food processing.¹⁰

Furthermore, food safety monitoring results indicate that the implementation of food hygiene and sanitation principles still needs to be improved, especially in new food processing facilities that do not yet have a hygiene and sanitation certificate. Monitoring data from 2025 showed that 18 of the 19 food service facilities that experienced food poisoning incidents did not have adequate hygiene and sanitation certificates, increasing the risk of food contamination.¹¹

These findings indicate that while food oversight in Indonesia continues to improve, the implementation of good food production practices, such as Good Processed Food Production Practices (CPPOB) and hygiene and sanitation standards, still needs to be strengthened, particularly at the production and distribution levels. This situation highlights the importance of improving the food industry's compliance with food safety standards to prevent future food poisoning cases.¹²

Food poisoning incidents in schools remain a public health problem in Indonesia. According to the official report on food safety monitoring by the Food and Drug Monitoring Agency (BPOM), the Extraordinary Event (KLB) reporting system for food poisoning is implemented nationally through the SPIMKer KLB Kerotikan Makanan (Food Poisoning Outbreak) application, which is used by all BPOM technical implementation units in Indonesia.¹³

⁸Edy Nurcahyo, Pengaturan dan Pengawasan Produk Pangan Olahan Kemasan, *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)*, Vol. 7 No. 3 September 2018, p. 402-417

⁹Badan Pengawas Obat dan Makanan Republik Indonesia. Analisis Data Kasus Keracunan Obat dan Makanan Tahun 2024. Jakarta: BPOM RI, 2025.

¹⁰Safitri, Kiki & Ramadhan, Ardito. "BPOM Temukan 17 Kasus Keracunan MBG di 10 Provinsi." Kompas.com, 21 Mei 2025.

¹¹Warta Kota Production. "BPOM Ungkap Penyebab Keracunan Massal MBG di Sejumlah Daerah." Laporan Pengawasan BPOM, 2025.

¹²BPOM. (2017). Laporan Tahunan BPOM Tahun 2017. 132-133 Retrieved from <https://www.pom.go.id/new/admin/dat/20180710/Laporan%20Tahunan%20BPOM%202017.pdf>

¹³Badan Pengawas Obat dan Makanan Republik Indonesia. (2025). Laporan tahunan Badan Pengawas Obat dan Makanan tahun 2024. Jakarta: BPOM RI. bagian sistem pelaporan KLB Keracunan Pangan melalui aplikasi SPIMKer.

The latest data shows that food poisoning cases continue to occur consistently every year. Based on BPOM's analysis of national data, in the most recent reporting period, 1,164 cases of drug and food poisoning met the analysis criteria, with 806 of these cases being caused by food and beverages, the highest cause compared to other commodities. Furthermore, BPOM also projected the trend of national food poisoning cases. The analysis results indicate that the number of poisoning cases is expected to continue to occur continuously, with an estimated 492 cases in 2025 and 157 cases in 2026, thus indicating that the risk of food poisoning remains a significant issue in the national food safety system.¹⁴

These findings indicate that food poisoning incidents, including those occurring in school environments, remain a problem that requires strengthened supervision and increased implementation of food safety standards, particularly for school children's snacks (PJAS). This data indicates a problem in improving production quality that must be monitored and addressed seriously to prevent harm to food consumers.¹⁵

The safety of packaged processed food is also crucial to protect consumers from all forms of food products that are harmful and endanger their health. Therefore, every packaged processed food product in circulation must be guaranteed to meet specific standards and requirements as stipulated in applicable laws and regulations. Food safety standards are regulated in Article 140 of Government Regulation Number 28 of 2004 concerning Food Safety, Quality and Nutrition: Any person who produces and trades Food that intentionally does not meet food safety standards, shall be punished with a maximum imprisonment of 2 years or a maximum fine of Rp. 4,000,000,000.00 (four billion rupiah). Food safety requirements are a serious concern in order to prevent food from potential dangers, whether due to biological, chemical, or other contamination that can disrupt, harm, and endanger human health. For Muslim consumers, safe food is not only free from physical, chemical, or microbiological hazards, but also has a very essential element, namely safety from the dangers of prohibited and questionable goods. Economic motives to seek profit from the production and trade of packaged food often ignore the safety requirements of the traded food. Moral hazard from packaged food and beverage business actors often harms consumers, starting with the quality of food and beverage products that are of poor quality, unclear packaging information, and lack of distribution permits. All of these moral hazard actions have been frequently discovered by the Food and Drug Monitoring Agency (BPOM), generally these cases include not having a distribution permit, no SNI logo, and no halal label, and food containing dangerous preservatives. As one example of the above case, the discovery of violations by the maker of the modern vermicelli snack. In 2016, BPOM discovered violations committed by the maker of the modern vermicelli snack (bikini). The packaged food product was declared to have violated 4 regulations. First, it violated the Republic of Indonesia Law Number 18 of 2012 concerning Food; Second, it violated Government Regulation Number 69 of 1999 concerning Food Labels and Advertisements; Third, it violated Law Number 8 of 1999 concerning Consumer Protection; Fourth, it violated Law Number 44 of 2008 concerning pornography.¹⁶

Therefore, to maintain food safety, the existence of a distribution permit for packaged processed food products is very important, because to obtain a distribution permit, a series of laboratory tests and document verification must be carried out before being declared eligible and obtaining a distribution permit. In addition to distribution permits, supervision of food

¹⁴Badan Pengawas Obat dan Makanan Republik Indonesia. (2025). Analisis data kasus keracunan obat dan makanan tahun 2024. Jakarta: Pusat Analisis Kebijakan Obat dan Makanan BPOM RI. Bagian hasil analisis jumlah kasus keracunan pangan dan proyeksi tahun 2025–2026.

¹⁵Selinaswati, S. (2018). Peran Sekolah Dalam Antisipasi Keracunan Pangan Jajanan Anak Sekolah-PJAS. *SOCIUS*, 4(2), p. 127-134.

¹⁶Michico, N. R. (2016 Agustus 8). Pembuat Snack Bikini Langgar Empat Peraturan. *Detik News*. Retrieved from http://news.detik.com/berita/3270781/bpom-pembuat-snack-bikini_langgar-4-peraturan. p. 1

products is also very important to protect consumers and prevent violations committed by food business actors. The low awareness of producers and consumers and the low quality of human resources are serious challenges in facing free competition in the era of globalization, when technology is increasingly advanced, without good human resources, the management of natural resources will not be optimal. Based on this description, this study aims to discuss the Effectiveness of Law Number 18 of 2012 concerning Food and Law Number 8 of 1999 concerning Consumer Protection in the Implementation of Food Distribution Permit Sanctions in Supporting National Food Security.

Novelty????

Several researchers have previously conducted research on the effectiveness of laws in food supervision and distribution permits, but there are still aspects that have not been comprehensively analyzed, particularly regarding the effectiveness of legal sanctions in supporting food security.

The first study was conducted by Putri and Imanullah (2023) in a study entitled **“Perlindungan Konsumen Terhadap Produk Kosmetik Tanpa Izin Edar Dari Badan Pengawas Obat dan Makanan (BPOM).”** This study discussed legal protection for consumers against products without distribution permits, focusing on the responsibilities of business actors and the role of regulatory agencies in protecting consumers. The results showed that legal protection for consumers has been regulated in various laws and regulations, but implementation in the field still faces various obstacles, particularly in the supervision of products circulating in the community.¹⁷

The second study was conducted by Tirtawati, Fanani, and Jumiono (2024) in a study entitled **“Pengawasan Keamanan Pangan pada Penerbitan Izin Edar P-IRT di Dinas Kesehatan Kabupaten Tangerang,”** published in the **Jurnal Ilmiah Pangan Halal (SINTA)**. This study focused on the implementation of food safety supervision in the P-IRT distribution permit issuance process. The research results indicate that administrative supervision has been carried out in accordance with procedures, but obstacles remain in business compliance with food safety standards and the completeness of distribution permits.¹⁸

The third study was conducted by Sutrisno and Rahman (2023) in an article published in the UNRAM Law Review entitled **“Law Enforcement Against the Distribution of Food Products Without Distribution Permits from a Consumer Protection Perspective.”** This study discusses the law enforcement mechanism against business actors distributing food products without distribution permits. The results indicate that law enforcement against violations of food distribution permits is still suboptimal, primarily due to weak coordination between supervisory agencies and limited oversight at the distribution level.¹⁹

While these three studies make important contributions to the study of food law and supervision, several aspects have not been analyzed in depth. Previous research has tended to focus on consumer protection and administrative oversight mechanisms, but has not specifically examined the effectiveness of implementing legal sanctions within the food distribution licensing system as an instrument to support national food security.

¹⁷L. Putri dan Mochammad Najib Imanullah, “Perlindungan Konsumen Terhadap Produk Kosmetik Tanpa Izin Edar Dari Badan Pengawas Obat dan Makanan (BPOM),” *Proceeding of Conference on Law and Social Studies*, 2023.

¹⁸D. Tirtawati, M. Z. Fanani, dan A. Jumiono, “Pelaksanaan Pengawasan Keamanan Pangan pada Penerbitan Izin Edar P-IRT di Dinas Kesehatan Kabupaten Tangerang,” *Jurnal Ilmiah Pangan Halal*, Vol. 6, No. 1, 2024.

¹⁹Sutrisno dan Rahman, “Penegakan Hukum Terhadap Peredaran Produk Pangan Tanpa Izin Edar dalam Perspektif Perlindungan Konsumen,” *UNRAM Law Review*, Vol. 7, No. 2, 2023, Fakultas Hukum Universitas Mataram.

Therefore, the novelty of this research lies in its analysis of the effectiveness of the law in implementing sanctions for violations of food distribution permits, using a normative sociological and juridical-normative approach that examines not only regulatory aspects but also the implementation of legal sanctions in practice and their impact on food security. This research also integrates a food security perspective as an important variable that has not been widely discussed in previous research that has focused solely on consumer protection.

Therefore, this research is expected to provide new contributions to the development of legal science, particularly in the field of food law and consumer protection, as well as provide more effective policy recommendations for improving compliance with food distribution permits in Indonesia.

METHOD

This research employs normative juridical and sociological normative legal research methods. This research is descriptive and analytical, utilizing primary and secondary data sources. The descriptive approach in this study describes situations, conditions, circumstances, and realities within society. The problems are then analyzed to find solutions. The data sources used in this study were obtained from library research. Normative juridical research in this study involves a discussion of several existing regulations. Normative sociological research on law constructs law as a system of existing regulations that are then constructed within societal behavior.²⁰ Analytical descriptive approaches in this study attempt to systematically describe the situation so that the data can be presented effectively and appropriately.²¹

This research aims to obtain an overview of the effectiveness of the Food Law and Consumer Protection Law in preventing the distribution of unauthorized food products and the government's efforts to monitor and sanction producers who distribute unauthorized products that threaten food safety for consumers.

This research also utilizes primary and secondary data sources, analyzed using qualitative methods, using literature and field study data collection techniques. Observations were conducted to obtain the necessary data. The data obtained through field research and literature study were analyzed using qualitative normative methods to clarify the issues being discussed.

ANALYSIS AND DISCUSSION

Regulation and Importance of Food Product Distribution Permits in Indonesia

The large number of food and beverage products circulating without regard to labeling regulations is certainly worrying. Expired food and beverage products, and the use of colorings and preservatives not intended for food, can pose health risks and even lead to death. Consumers need factual, clear, and complete information about the food and beverage products they consume. Furthermore, consumer protection must receive increased attention, especially now that foreign investment has become an integral part of Indonesia's economic development, which will create trade competition and potentially have negative implications for consumer protection.

Regulations governing distribution permits for packaged processed food products can be found in various laws and regulations, including the following:

²⁰Mukti Fajar dan Yulianto Achmad, *Dualisme Penelitian Hukum Normatif dan Empiris*, Pustaka Pelajar, Yogyakarta, 2010, p. 48.

²¹Soerjono Soekanto, *Metodologi Research*, Andi Offset, Yogyakarta, 1998, p. 3.

- a) Law Number 36 of 2009 concerning Health. Article 111 paragraph (2): Food and beverages may only be distributed after obtaining a distribution permit in accordance with statutory provisions.
- b) Law Number 18 of 2012 concerning Food. Article 83 paragraph (1): Any person producing food for distribution is prohibited from using any material as food packaging that can release contaminants that are harmful to human health.
- c) Food and Drug Monitoring Agency Regulation Number 27 of 2017 concerning Processed Food Registration. Article 2 paragraph (1): Any processed food produced domestically or imported for sale in retail packaging must have a distribution permit.
- d) Government Regulation Number 69 of 1999 concerning Food Labels and Advertising. Article 2 paragraph (1): Any person producing or importing packaged food into Indonesian territory for sale must include a label on, in, and/or on the food packaging.
- e) Government Regulation Number 28 of 2004 concerning Food Safety, Quality, and Nutrition. Article 16 paragraph (1): Any person producing food for distribution is prohibited from using any material as food packaging that is declared prohibited and/or that can release contaminants that are harmful or dangerous to human health.
- f) Law Number 33 of 2014 concerning Halal Product Assurance. Article 38: Businesses that have obtained a Halal Certificate are required to include a Halal Label on: (1) Product Packaging; (2) Certain Parts of the Product; and/or (3) Specific Locations of the Product. Regulations governing distribution permits for packaged food and beverages consist of several laws and regulations and their implementing regulations.

This is certainly not easy to understand for laypeople who are just starting out in the packaged food and beverage industry. Ignorance of these regulations leads many business actors to distribute packaged processed food products without following the provisions, conditions, and standards stipulated in these laws and regulations. Business actors who violate these regulations may be due to their ignorance of a series of mandatory provisions, such as the requirement to obtain a distribution permit. Business actors' ignorance of these regulations leads them to neglect their obligations as business actors to ensure food safety for consumers of the products they distribute. On the other hand, for consumers, these regulations are crucial in protecting them from all forms of hazardous food and beverages, as food safety is a consumer right that must be fulfilled by food entrepreneurs.²²

The government is responsible for fostering and implementing consumer protection (Article 29 paragraph (1) of Law Number 8 of 1999), namely:

- a) Creating a business and fostering healthy relationships between businesses and consumers;
- b) Developing independent consumer protection organizations;
- c) Improving the quality of human resources and increasing research and development activities in the field of consumer protection (Article 29 paragraph (4) of Law Number 8 of 1999).

According to Article 8 paragraph (1) of Law Number 8 of 1999 concerning Consumer Protection, "Business actors are prohibited from producing and trading products and services that: 1) do not include an expiration date or the optimal period for use and utilization of a particular product. 2) intentionally failing to include a label or provide a product description containing the product name, size, net weight and contents, composition, instructions for use, date of manufacture, side effects, the name and address of the business actor, and other information for use that must be included according to regulations."

²²Edy Nurcahyo, Pengaturan dan Pengawasan Produk Pangan Olahan Kemasan, *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)*, Vol. 7 No. 3 September 2018, p. 402-417

Businesses are required to comply with labeling regulations when developing their products to ensure consumer protection and legal certainty. Article 6 of Law Number 8 of 1999 outlines the rights of business actors:

- a. To receive payment in accordance with the agreement regarding the conditions and exchange value of the products and services traded;
- b. To receive legal protection against consumer misconduct;
- c. To defend themselves appropriately in the legal settlement of consumer disputes;
- d. To receive rehabilitation and restoration of their good name if legally proven that the consumer's loss was not caused by the products and services traded.

As a consequence of these rights, business actors are burdened with the following obligations, as stipulated in Article 7 of Law Number 8 of 1999:

- a. To conduct themselves properly in production;
- b. To conduct themselves properly in production; to provide factual, clear, and honest information regarding the condition and guarantee of products and services, and to provide explanations regarding use, repair, and maintenance;
- c. To treat or serve consumers in a factual, honest, and non-discriminatory manner;
- d. Will guarantee the quality of products and services produced and traded based on applicable product and service quality standards;
- e. Provide consumers with the opportunity to test and try certain products and services and provide guarantees and warranties for manufactured and traded products;
- f. Provide compensation, restitution, and reimbursement for losses resulting from the use, utilization, and utilization of traded products and services;
- g. Provide compensation, restitution, and reimbursement if the products and services received or utilized do not comply with the agreement.

Following the above, in reality, many food products are found in the local market packaged in plastic, boxes, and other packaging for consumer consumption, some of which are packaged with labels that do not include the production permit number from the issuing party or the expiration date. Business actors consider this to be insufficient or even unimportant. Therefore, factual, clear, and complete information is necessary, and the inclusion of this label provides businesses with legal protection and certainty.²³

In addition to serving as instruments for controlling food quality and safety, distribution permits and labeling obligations also serve as legal accountability mechanisms for businesses and as social control tools for consumers. The existence of a distribution permit issued by a competent authority, such as the Food and Drug Authority (BPOM), indicates that a food product has undergone a safety, quality, and nutritional evaluation process in accordance with established standards. This aligns with academic views that emphasize that the food regulatory system is not solely oriented toward administrative aspects but also aims to guarantee consumers' rights to health and safety as part of human rights.²⁴ Globally, distribution permits and food labeling regulations are positioned as crucial instruments in maintaining public trust (consumer trust) in food products circulating in the market.²⁵

²³Aulia Rahman Hakim, Perlindungan Konsumen Terhadap Peredaran Produk Makanan dan Minuman Tanpa Label, *Jurnal Fakultas Hukum Universitas Tulungagung*, p. 98-110.

²⁴Sudarsono, "Perlindungan Konsumen terhadap Keamanan Pangan Olahan di Indonesia," *Jurnal Hukum IUS QUIA IUSTUM*, Vol. 25 No. 3, 2018.

²⁵Henson, S. & Caswell, J., "Food Safety Regulation: An Overview of Contemporary Issues," *Food Policy*, Vol. 24 No. 6, 1999.

Furthermore, the effectiveness of distribution permit and food labeling regulations depends heavily on the level of compliance of business actors and the consistency of government oversight. Research shows that low compliance by small and medium enterprises (SMEs) with distribution permit and food labeling obligations is often due to limited legal literacy and inadequate regulatory outreach.²⁶ Therefore, strengthening the government's role is necessary not only in law enforcement but also in coaching, education, and mentoring food business actors.²⁷ This way, consumer protection can be achieved sustainably and creates a healthy, fair, and food safety-oriented business climate as recommended in various international studies related to food safety governance.

Effectiveness of Law Enforcement Regarding Consumer Protection in the Implementation of Food Distribution Permit Sanctions in Indonesia

Criminal law enforcement is an effort to realize the aims of criminal law. According to Van Hammel, criminal law is the entire foundation and rules adopted by a state in its obligation to enforce the law, namely by prohibiting what is contrary to the law and enforcing penalties for those who violate these prohibitions.²⁸ Criminal law enforcement is formal; its procedures must be carried out by four interrelated components: investigation by the police, prosecution by the prosecutor, trial by the judge, and criminal law enforcement by the correctional institution.²⁹

Regarding the issue of legal effectiveness, law is identified not only with the element of external coercion but also with the judicial process. The threat of coercion is an absolute element for a rule to be categorized as law, so this element of coercion is closely related to the effectiveness of a legal provision or rule. If a legal rule is ineffective, one question that may arise is what happens to the threat of coercion. Perhaps the law's ineffectiveness is due to the threat of coercion being insufficiently severe; or perhaps because the threat of coercion is not adequately communicated to the public.³⁰

Theories of legal effectiveness

This study uses the theory of legal effectiveness proposed by Soerjono Soekanto as the basis for analysis in assessing the effectiveness of sanctions for food distribution permit violations. According to Soekanto, legal effectiveness is influenced by five main factors: legal substance, law enforcement, means or facilities, society, and legal culture. This theory is used to assess whether the provisions regarding food distribution permits in the Food Law and the Consumer Protection Law have been effectively implemented in practice.

Furthermore, this study is supported by Lawrence M. Friedman's legal system theory, which states that the effectiveness of law enforcement is influenced by three main elements: legal structure, legal substance, and legal culture. This theory is used to analyze the relationship between regulations, supervisory institutions, and business compliance with food distribution permit obligations in order to support food security.³¹

Legal effectiveness refers to the law's effectiveness in regulating and/or encouraging public compliance. Laws are effective when the factors influencing them function optimally. The

²⁶Nurhayati, E., "Kepatuhan Pelaku Usaha Pangan terhadap Kewajiban Labelisasi Produk," *Jurnal Ilmu Hukum Fakultas Hukum Universitas Riau*, Vol. 10 No. 2, 2020.

²⁷Sari, D. P. & Ramadhan, A., "Peran Pemerintah dalam Pengawasan Pangan Olahan bagi Perlindungan Konsumen," *Jurnal Legislasi Indonesia*, Vol. 17 No. 4, 2020.

²⁸Satjipto Rahardjo, *Ilmu Hukum*. (Bandung: Citra Aditya Bakti, 2012), p. 120.

²⁹Nita Dkk, *Penegakan Hukum Pidana Terhadap Produsen Pangan Yang Mengandung Zat Berbahaya*, *Journal Fakultas Hukum*, 2017, p. 3.

³⁰Achmad Ali, *Menjelajahi Kajian Empiris Terhadap Hukum* (Jakarta: Yarsif Watampone, 1998), p.186.

³¹Soekanto, S. (2019). *Faktor-faktor yang mempengaruhi penegakan hukum*. Jakarta: Rajawali Pers. Dan Friedman, L. M. (1975). *The legal system: A social science perspective*. New York: Russell Sage Foundation.

effectiveness of applicable laws and regulations can be assessed through public behavior. A law or regulation is effective if citizens behave as expected or desired, or if the law achieves its intended purpose. Effectiveness is achieved. .³²

In enforcing food and drug laws, the Food and Drug Supervisory Agency of the Republic of Indonesia is the primary institution. This is stipulated in Article 67 of Presidential Decree Number 103 of 2001, which mandates the Food and Drug Supervisory Agency to carry out government duties in the field of drug and food supervision in accordance with applicable laws and regulations. As an institution tasked with overseeing drugs and food, the Food and Drug Supervisory Agency of the Republic of Indonesia will follow up on any violations in the drug and food sector by imposing administrative sanctions, pro-justitia sanctions, or investigations. If the violation is suspected of a criminal act, pro-justitia sanctions will be imposed. As a legal basis for the implementation of investigations by the Food and Drug Supervisory Agency of the Republic of Indonesia, namely: Law Number 8 of 1981 concerning Criminal Procedure Law, Law Number 36 of 2009 concerning Health, Law Number 18 of 2012 concerning Food, Law Number 5 of 1997 concerning Psychotropics, Law Number 35 of 2009 concerning Narcotics, Government Regulation Number 72 of 1998 concerning Security of Pharmaceutical Preparations and Medical Devices, Government Regulation Number 69 of 1999 concerning Food Labels and Advertisements, Government Regulation Number 28 of 2004 concerning Food Safety, Quality and Nutrition, Government Regulation Number 51 of 2009 concerning Pharmaceutical Work, and Government Regulation Number 44 of 2010 concerning Precursors. Specifically for criminal acts in the field of drugs and food, there are three articles that regulate it. First, Product Criminal Responsibility Based on Law Number 36 of 2009 concerning Health. Based on the existing legal system, the position of consumers is very weak compared to producers. One effort to protect and improve the position of consumers is by applying the principle of responsibility (strict liability) in the law on producer responsibility. Anyone who intentionally:

- Distributes food and or drinks that do not meet the standards and or requirements and or endanger health as referred to in Article 196 paragraph (2) and paragraph (3) shall be punished with a maximum imprisonment of 10 (ten) years and a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah).
- Any person who intentionally produces or distributes pharmaceutical preparations and medical devices that do not have a distribution permit as referred to in Article 106 paragraph (1) shall be punished with a maximum imprisonment of 15 (fifteen) years and a maximum fine of Rp. 1,500,000,000.00 (one billion five hundred million rupiah).

The future state of Indonesian society or the vision to be achieved through health development is formulated as: "Healthy Indonesia 2025". In Healthy Indonesia 2025, the strategic environment for health development that is expected is an environment that is conducive to the realization of a state of physical, mental, and social health, including an environment free from socio-cultural vulnerability and pollution, the availability of adequate drinking water and sanitation facilities, healthy housing and settlements, health-oriented regional planning, and the realization of a community life imbued with social solidarity by upholding the nation's cultural values. The expected community behavior in Healthy Indonesia 2025 is proactive behavior to maintain and improve health; prevent the risk of disease; protect oneself from the threat of disease and other health problems; be legally aware; and actively participate in public health movements, including the creation of a healthy and safe community.³³

Toward Healthy Indonesia 2025, it is hoped that the community will have the ability to access quality health services and also obtain health insurance, meaning that the community

³²Soerjono Soekanto, *Efektivitas Hukum dan Penerapan Sanksi* (Bandung: Ramadja Karya, 1988), p. 80

³³Departemen Kesehatan Republik Indonesia Jakarta, *Rencana Pembangunan Jangka Panjang Bidang Kesehatan*, 2009, p. 15.

receives protection to meet their basic health needs. Quality health services, in question, include health services during emergencies and disasters, health services that meet community needs and are implemented in accordance with professional standards and ethics.³⁴

The effectiveness of law enforcement against producers of hazardous food products, as part of the Healthy Indonesia 2025 program, is based on the principle that if a business actor produces and trades food products containing chemicals that endanger the health and safety of consumers, the business actor is violating Law Number 36 of 2009 concerning Health, Law Number 18 of 2012 concerning Food, and Law Number 8 of 1999 concerning Consumer Protection.

Factors influencing the effectiveness of law enforcement against producers of hazardous food products, as part of the Healthy Indonesia 2025 program, include legal factors, namely weak sanctions against violators, convoluted problem-solving processes, a lack of professionalism among law enforcement officials, and a lack of coordination between law enforcement agencies, such as the Food and Drug Monitoring Agency (BPOM) and the police, who prioritize civil and administrative sanctions.

This statement does not imply that the sanctions norms in the law are still weak, but rather that law enforcement is suboptimal. Normatively, criminal provisions against producers of hazardous food are firmly regulated in the law, but in practice, law enforcement often emphasizes administrative sanctions rather than criminal ones. This condition is reflected in several monitoring findings by the Food and Drug Monitoring Agency (BPOM), which show that food products are still found to contain hazardous substances such as formalin and borax, but some violations only result in administrative guidance or warnings without maximum criminal proceedings. This indicates that the main problem lies in law enforcement factors, such as inter-agency coordination, the professionalism of officers, and the effectiveness of the application of sanctions, as stated in the theory of legal effectiveness which emphasizes the importance of factors of law enforcement officers and facilities in determining the success of a legal norm being implemented in society.³⁵

Legal facilities and community development, which place consumers in a weaker position than producers, are the main challenges facing community development. The criminal liability of producers for losses suffered by consumers due to hazardous food produced, marketed, offered and traded, legally, in the concept of the Consumer Protection Law and other related laws and regulations, is realized based on the principle of product liability through a reverse burden of proof system by business actors as subjects of criminal law. However, it is implemented without eliminating the consumer's obligation to prove whether there is an element of violation of the law, loss and causal relationship between the product consumed and the loss suffered. For producers, it is better to be given more in-depth socialization and direction regarding the importance of law enforcement against producers of hazardous food towards a healthy Indonesia 2025 so that business actors are aware of safety and health, and do not harm consumers, because producers will also suffer losses if there are indications of the use of hazardous substances in food. Meanwhile, for the community, as consumers, they must be smart in consuming food, always pay attention to the packaging whether there is a label or sign that states that the food is safe to consume.³⁶

³⁴Departemen Kesehatan Republik Indonesia Jakarta, Rencana Pembangunan Jangka Panjang Bidang Kesehatan, 2009, p. 24.

³⁵Soerjono Soekanto. (2007). Faktor-faktor yang mempengaruhi penegakan hukum. Jakarta: RajaGrafindo Persada. Lihat juga Badan Pengawas Obat dan Makanan (BPOM). (2023). Laporan Tahunan BPOM 2023: Pengawasan Obat dan Makanan di Indonesia. Jakarta: BPOM Republik Indonesia.

³⁶Departemen Kesehatan Republik Indonesia Jakarta, Rencana Pembangunan Jangka Panjang Bidang Kesehatan, 2009, p. 24.

Problems faced by Business Actors in the Process of Fulfilling Food Registration Commitments

Humans are inherently active beings, and such activity necessitates the fulfillment of basic needs, foremost among them being food intake. Without adequate food, individuals cannot function effectively and are at risk of illness or even death.³⁷ Food is one of the most important basic human needs, alongside clothing and shelter. This has led to the growth of micro, small, medium, and large-scale food industry players as a result of rapid population growth. The government has made numerous efforts to address land conversion as a priority for sustainable food security. The government places high hopes on the enactment of Law No. 41 of 2009 to preserve food land for the Indonesian people and open land for various types of plantations and agriculture, supporting national food security.³⁸

Indonesia, a Southeast Asian country with abundant natural resources, must adhere to Article 33 of the 1945 Constitution, which outlines the legal and political basis for natural resource and food management.³⁹

Continuing from the above, to obtain a Business Supporting Business Permit (PB-UMKU), processed food must be registered to ensure it meets the safety, quality, nutritional, and labeling criteria applicable to food distributed to the public. A distribution permit for processed food is required to protect consumers from unhealthy or hazardous food and to prevent criminal acts by food businesses. The Food and Drug Monitoring Agency (BPOM), a non-ministerial government organization authorized to oversee drug and food regulations, can issue distribution permits for processed food products. According to Law Number 6 of 2023 concerning Job Creation and Regulation Number 5 of 2021, processed food registration is based on risk levels, including medium-low, medium, and high. Processed food with medium-low risk (MR) is registered with BPOM RI through the OSS-RBA system to obtain a PB-UMKU (Commitment Fulfillment Certificate) in the form of a commitment fulfillment certificate issued no later than one business day after payment is received. Businesses are obliged to fulfill these commitments within 12 months of the PB-UMKU issuance (BPOM RI, 2023). Based on data obtained through November 2023, the Indonesian Food and Drug Authority (BPOM RI) has issued 57,350 decisions and 54,586 distribution permit approvals from 70,015 processed food registration applications, 30% of which are dominated by medium-low risk processed foods. This data also shows that processed food with a high risk of MR is one of the most frequently registered food products, generally by MSMEs, whose level of understanding and compliance with food regulations is still relatively low, thus requiring extensive guidance from the government, particularly the BPOM RI, regarding the registration of processed food products.

One of the routine guidance activities conducted by the BPOM RI Directorate of Processed Food Registration (RPO) is technical guidance on fulfilling the registration requirements for processed food with a high risk of MR. Based on the results of this technical guidance activity from September 2023 to March 2024, various challenges were identified among business actors in the process of fulfilling commitments. These challenges indicate a lack of knowledge among processed food business actors with a high risk of MR regarding the process

³⁷Dede Agus, Nuryati Solapari, Muhamad Muslih, Milk Satisfied as An Alternative for Food Diversification for Banten Food Security, *UNRAM Law Review*, Volume 9, Issue 1, April 2025. DOI: <https://doi.org/10.29303/ulrev.v9i1.362>

³⁸Palmawati Tahir, Muhamad Muslih, Rani Sri Agustina, "Mui Halal Certification On Milkfish Satay As An Effort To Support National Food Security", *Legal Standing Jurnal Ilmu Hukum*, Vol. 4, No. 1, March 2020, p. 233-246.

³⁹Thoat Hamim, Muhamad Muslih, Eki Furqon, Transboundary Haze Pollution in Indonesia and Malaysia in the Perspective of Islamic Law and International Environmental Law, *Unifikasi: Jurnal Ilmu Hukum*, Volume 10, No. 2 (2023), p. 88-105.

of fulfilling commitments. Therefore, this article is designed to provide information on what to consider when fulfilling the registration commitment for processed food at risk of MR and offers solutions to various problems often encountered by food businesses when fulfilling their commitments. This is expected to reduce the number of revoked certificates of fulfillment and increase the number of safe and high-quality food products in circulation. Processed food is food or beverages that have undergone specific processing and added additives.

If a food product is to be sold in retail packaging, it must have a distribution permit to ensure public food safety (Ulilalbab et al., 2023). Distribution permits are determined based on the processed food registration method, which includes target consumers, claims, specific production processes, use of food additives (BTP), use of certain raw materials, and product hazards (foodborne disease, non-compliance, misleading information). One level of processed food risk is medium-low, with criteria including processed food without claims, without a designated use, not organic or genetically engineered, with or without frozen storage followed by the use of Food Additives (BTP) without a maximum limit (Directorate of RPO, 2023). Currently, Government Regulation Number 5 of 2021 concerning the Implementation of Risk-Based Business Licensing serves as the reference for all processed food registration procedures, which are carried out using the OSS-RBA (Online Single Submission - Risk-Based Approach) system (Government Regulation, 2021). OSS is An integrated licensing agency that simplifies licensing application procedures through a single portal, allowing businesses to expedite the acquisition of the necessary legal documents (Jamrianti, 2021). Businesses must fulfill their commitment to register medium-low risk processed food within 12 months of the issuance of the PB-UMKU Processed Food Commitment Fulfillment Certificate. Three critical points need to be considered by businesses in the commitment fulfillment process: product data compliance, composition compliance, and label design compliance. The analysis of the most common problems encountered by businesses in the commitment fulfillment process is errors that result in commitment cancellation, including selecting the wrong type of packaging, failing to upload Health Certificate or Free Sale documents, and selecting the wrong food category.

Implementation of the Policy of the Food and Drug Monitoring Agency (BPOM) in Supervising the Distribution of Traditional Medicines and Food Without a Distribution Permit

The Indonesian traditional medicine and food industry is undergoing rapid transformation as a result of technological developments and advancements. These products are produced on a large scale, and advances in transportation technology enable rapid delivery to various regions in Indonesia and abroad. This growing technology also influences lifestyles, including increased consumer consumption; however, this influence has not been matched by appropriate product selection and use. By selecting and using inappropriate medicines and food, unscrupulous businesses can deceive consumers about manufacturing safety, packaging, contents, and registered distribution permits (not actual or fake distribution permits) to gain profit.

Both the distribution of medicines and food without a distribution permit and the distribution of drugs and food with a fictitious permit or registration are carried out without official permits or registration from the BPOM (Indonesian Food and Drug Authority). What distinguishes the distribution of drugs and food without a marketing authorization from the distribution of drugs and food with a fictitious permit or registration is that the packaging of drugs and food without a marketing authorization does not have a registration number, while drugs and food with a permit or registration do. Furthermore, if checked on the official BPOM website, the product is not listed in the database.

To reduce costs associated with drug and food product registration, some unscrupulous businesses are willing to provide fake marketing authorizations or fail to register their products

with BPOM for personal gain. Therefore, to protect the safety, security, and health of consumers both domestically and internationally, an effective drug and food supervision system (SISPOM) is needed in Indonesia. The Drug and Food Supervisory Agency was established to enforce the law and build national and international relationships.

Indonesia has many large cities with large populations and high economic needs, creating opportunities for unscrupulous drug and food manufacturers without distribution permits to sell their products to the public at lower prices, especially to consumers, particularly those in the lower-middle class. To reduce the risk of consumer losses due to a lack of knowledge or careful purchasing, Indonesia has for the first time a comprehensive consumer protection system through Law Number 8 of 1999 concerning Consumer Protection. Prior to this, consumer rights were not systematically covered by positive law, either substantive or formal, due to the numerous laws and regulations governing consumers.

As an integral part of the Indonesian Food and Drug Monitoring Agency (BPOM), the City POM Center is fully responsible for the supervision and control of drugs, food, and health products in the city. Operating with international standards and adhering to applicable laws and regulations, this institution is at the forefront of ensuring that drugs, food, and health products distributed in the city are safe, high-quality, and beneficial to the public.

According to Starling in Indradi (2006:116), public administration is defined as all government achievements carried out in accordance with policy choices as promised during election campaigns. According to Hogwood and Gunn (1990), Edi Suharto stated that public policy is a set of government actions designed to achieve certain results. This does not mean that the term “policy” belongs solely to or is dominated by the government. Non-governmental organizations, such as Non-Governmental Organizations (NGOs), Social Organizations (e.g., Karangi Tarunai, Family Welfare Education/PKK), and other voluntary organizations also have policies. According to Van Meter and Van Horn’s theory, policy implementation is defined as actions undertaken by individuals, officials, or groups in the government or the private sector aimed at achieving the goals outlined in policy decisions.

Related to the above, there is the theory of Van Meter and Van Horn. This theory has six indicators:

1. Standards and Policy Targets

According to interviews with BPOM employees, the implemented policy standards are quite strict, covering the safety, quality, and benefits of traditional medicines and food products. BPOM also strictly adheres to statutory guidelines. Furthermore, interviews with other informants indicate that the standard elements and policy targets tend to have positive results. Education and outreach conducted by BPOM to business actors and the wider public quite effective in raising awareness of the importance of complying with established standards.

2. Resources

Interviews with several informants, including internal BBPOM staff, business actors, and the public, indicate that the BPOM’s resources are considered adequate. However, limited personnel pose a challenge in addressing the increasing number of products requiring supervision. Interviews with several relevant informants indicate that the resource aspect has yielded relatively good results.

3. Inter-Organizational Relations

BPOM stated that collaborating with other institutions, such as the police and the Health Office, is a key aspect in enforcing regulations and ensuring the safety of products circulating in the community. Other informants stated that the implementers are quite responsive and provide technical assistance. However, improvements in information dissemination and education to the public are still needed.

4. Characteristics of the Implementing Agent

Supervision by the implementers is quite good. Furthermore, the implementers possess high competence, integrity, and professionalism in carrying out their supervisory duties.

5. Economic, Social, and Political Conditions

Socioeconomic and political conditions have significant impacts. Fluctuating economic conditions and the burden of distribution permit costs present challenges for business actors. Public awareness and support from the surrounding community are crucial for effective supervision. A stable political climate supports supervisory policies.

6. Implementer Disposition

Implementers are dedicated and highly committed to implementing the policy of monitoring drugs and food without distribution permits. The implementers' serious efforts to ensure compliance with established standards are quite good.

In efforts to realize effective monitoring of the distribution of drugs and food without distribution permits in the City, several inhibiting and supporting factors need to be analyzed to ensure the successful implementation of the policy. Analysis of these factors is crucial for providing recommendations for improvement and evaluation for relevant stakeholders. The following is an explanation of the inhibiting and supporting factors.

7. Inhibiting Factors

The lack of human resources is not commensurate with the number of products available on the market, and many business actors do not understand or ignore the importance of distribution permits. The lengthy and complicated licensing process makes it difficult for businesses to obtain distribution permits. Lack of public awareness of the importance of distribution permits leads to a lack of consideration when purchasing products, both medicines and food.

8. Supporting Factors

Collaboration with other agencies assists the BPOM in monitoring and prosecuting illegal products. The use of information systems and technology assists in real-time product oversight and monitoring. Education provided by BPOM helps businesses understand the importance of obtaining distribution permits. The internet and social media also facilitate public access to information about safe and nutritious products, especially medicines and food.

From the overall research results conducted on the implementation of the BPOM Supervision policy on the Distribution of Drugs and Food Without Marketing Authorization using the Van Meter and Van Horn theory which has six variables measuring the success of policy implementation: policy standards and targets, resources, inter-organizational relationships, characteristics of implementing agents, economic, social and political conditions, and the disposition of implementers, the researchers concluded that the implementation of policy supervision at the BPOM has been running quite well, but still requires several improvements for more optimal results. Inhibiting factors include a lack of human resources, a lack of understanding of business actors and limited information in the community causing less than optimal supervision. While supporting factors are collaborating with other agencies, the use of technology such as information systems, and the community getting information about safe products through the internet and social media as well as providing education from implementers to business actors.

In line with the findings of this study, various recent studies confirm that the effectiveness of monitoring the distribution of traditional medicines and food is largely determined by the integration of regulatory policies, the capacity of supervisory institutions, and the level of compliance of business actors. Research in the Indonesian Legislation Journal indicates that weak compliance with distribution permits and labeling is not only driven by economic factors,

but also by business actors' lack of legal understanding of BPOM regulations.⁴⁰ Furthermore, a study in the *RechtsVinding Journal* confirms that distribution permits are a preventive legal instrument that plays a strategic role in preventing the circulation of high-risk drug and food products in the community.⁴¹ This emphasizes that supervision cannot rely solely on enforcement but must be accompanied by ongoing development.

Internationally, the drug and food supervision system is viewed as part of public health governance, requiring cross-sector coordination and the use of information technology. Research in the *Food Control Journal* concluded that strengthening risk-based supervision systems has proven effective in suppressing the circulation of illegal products and increasing consumer protection.⁴² Similar findings were also reported in the *Journal of Consumer Policy*, which emphasized the importance of product information transparency and public access to official regulatory databases to increase consumer awareness.⁴³ Thus, strengthening SISPO in Indonesia through optimizing the role of BPOM, technological support, and increasing legal literacy among business actors and consumers is a strategic step that is in line with international best practices.⁴⁴

CONCLUSION

Law No. 18 of 2012 concerning Food and Law No. 8 of 1999 concerning Consumer Protection in the Implementation of Food Distribution Permit Sanctions to Support National Food Security are still not effectively enforced. This condition is caused by weak coordination between law enforcement agencies, limited oversight of food businesses, low legal awareness among business actors, and a tendency to apply administrative sanctions more than criminal sanctions, thus not having an optimal deterrent effect on violators.⁴⁵

The large number of food products circulating in Indonesia that do not meet the requirements and standards stipulated in the law can be problematic and endanger human safety. Therefore, the existence of distribution permits and supervision of food products is crucial to maintaining food safety. The effectiveness of law enforcement against food producers is based on the fact that if a business actor produces and trades food products containing chemicals and endangers the health and safety of consumers, then the business actor/producer is in violation of Law No. 36 of 2009 concerning Health, Law No. 18 of 2012 concerning Food, and Law No. 8 of 1999 concerning Consumer Protection.

In accordance with the above conclusions, the author can suggest that before distributing food and beverage products, all food and beverage products must obtain a distribution permit. Failure to do so will result in criminal and administrative sanctions. The purpose of supervision is to provide consumer protection and prevent the circulation of food that is harmful to consumers. Supervision is carried out in a preventive and repressive manner. Therefore, it is crucial for officers to be oversight and assertive in monitoring the distribution of unlabeled

⁴⁰Rahayu, D. P., "Penegakan Hukum Izin Edar Produk Pangan Olahan dalam Perspektif Perlindungan Konsumen," *Jurnal Legislasi Indonesia*, Vol. 18 No. 3, 2021.

⁴¹Putra, A. A., "Izin Edar sebagai Instrumen Pengawasan Preventif Produk Obat dan Makanan," *Jurnal RechtsVinding: Media Pembinaan Hukum Nasional*, Vol. 11 No. 2, 2022.

⁴²Manning, L. & Soon, J. M., "Food Safety, Risk-Based Regulation and Consumer Protection," *Food Control Journal*, Vol. 127, 2021.

⁴³Micklitz, H. W. & Saumier, G., "Consumer Protection and Regulatory Transparency in Food and Drug Control," *Journal of Consumer Policy*, Vol. 44 No. 3, 2021.

⁴⁴Nugroho, R. & Prasetyo, A., "Penguatan Sistem Pengawasan Obat dan Makanan dalam Perspektif Tata Kelola Kesehatan," *Jurnal Kebijakan Kesehatan Indonesia*, Vol. 12 No. 1, 2023.

⁴⁵Soerjono Soekanto. (2007). *Faktor-faktor yang mempengaruhi penegakan hukum*. Jakarta: RajaGrafindo Persada. Lihat juga Badan Pengawas Obat dan Makanan (BPOM). (2023). *Laporan Tahunan BPOM 2023: Pengawasan Obat dan Makanan di Indonesia*. Jakarta: BPOM Republik Indonesia.

food and beverage products. This ensures that consumers are more informed about the food and beverage products they consume.

All parties must strive to ensure that policymakers and government authorities can anticipate several factors, including weak sanctions against violators, complicated problem-solving processes, the lack of professionalism of law enforcement officials, and a lack of coordination between law enforcement agencies.

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BIBLIOGRAPHY

- Achmad Ali, *Menjelajahi Kajian Empiris Terhadap Hukum*, Jakarta: Yarsif Watampone, 1998.
- Andjar Astuti, Sri Mulyati, dan Ratna Mega Sari, “Hubungan Sikap dan Kepuasan Konsumen Terhadap Sate Bandeng Sebagai Salah Satu Bentuk Diversifikasi Pangan Lokal Banten”, dalam *Prosiding Seminar Nasional Pertanian Peternakan Terpadu 2*, ISBN 976-602-60782-1-6.
- Aulia Rahman Hakim, “Perlindungan Konsumen Terhadap Peredaran Produk Makanan dan Minuman Tanpa Label”, *Jurnal Fakultas Hukum Universitas Tulungagung*, 98- 110.
- Badan Pengawas Obat dan Makanan Republik Indonesia. Analisis Data Kasus Keracunan Obat dan Makanan Tahun 2024. Jakarta: BPOM RI, 2025.
- Badan Pengawas Obat dan Makanan Republik Indonesia. (2025). Analisis data kasus keracunan obat dan makanan tahun 2024. Jakarta: Pusat Analisis Kebijakan Obat dan Makanan BPOM RI.
- Baliwati, Yayuk, *Pengantar Pangan dan Gizi*, Jakarta: Penebar Swadaya, 2006.
- BBPOM, S. (2024). Statistik Produk yang Mendapat Persetujuan Izin Edar. <https://cekbpom.pom.go.id/>
- BPOM. (2017). Laporan Tahunan BPOM Tahun 2017. 132-133 Retrieved from <https://www.pom.go.id/new/admin/dat/20180710/Laporan%20Tahunan%20BPOM%202017.pdf>
- D. Tirtawati, M. Z. Fanani, dan A. Jumiono, “Pelaksanaan Pengawasan Keamanan Pangan pada Penerbitan Izin Edar P-IRT di Dinas Kesehatan Kabupaten Tangerang,” *Jurnal Ilmiah Pangan Halal*, Vol. 6, No. 1, 2024.
- Dede Agus, Nuryati Solapari, Muhamad Muslih, Milk Satisfied as An Alternative for Food Diversification for Banten Food Security, *UNRAM Law Review*, Volume 9, Issue 1, April 2025. DOI: <https://doi.org/10.29303/ulrev.v9i1.362>
- Departemen Kesehatan Republik Indonesia Jakarta, Rencana Pembangunan Jangka Panjang Bidang Kesehatan, 2009.
- Desak Ayu Made Sintya Satvika Putri, “Pertanggungjawaban Pidana Industri Farmasi Dan Bpom Terkait Pencemaran Obat Cair Dalam Hukum Kesehatan”, *Jurnal Yustita*, Vol. 17, No. 1, Mei 2023, 82-92.

- Dr. Vladimir, V. F. (2017). Ruang Lingkup Administrasi Negara. *Gastronomía Ecuatoriana y Turismo Local*, 1(69), 5–24.
- Edy Nurcahyo, “Pengaturan dan Pengawasan Produk Pangan Olahan Kemasan, *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)*, Vol. 7 No. 3 September 2018, 402-417.
- Erika Aprilia Puspitasari, Implementasi Kebijakan Balai Besar Pengawas Obat Dan Makanan (Bbpom) Dalam Pengawasan Peredaran Obat Tradisional Dan Makanan Tanpa Izin Edar Di Kota Surabaya, *Praja Observer: Jurnal Penelitian Administrasi Publik*, Vol. 4 No. 04 Juli, 2024.
- FAO & WHO, “Strengthening National Food Control Systems,” *International Food Safety Journal*, 2019.
- Friedman, L. M. (1975). *The legal system: A social science perspective*. New York: Russell Sage Foundation
- Haqkiki Bintang Pratama, “Akibat Hukum Penyalahgunaan Pemakaian Kosmetik Perbahan Kimia yang Tidak Mencantumkan Nomor Badan Pengawas Obat dan Makanan (BPOM) Dengan Edar Palsu (Pusat Studi Di Pasar Simpur Bandar Lampung)”, *Jurnal Hukum, Politik Dan Ilmu Sosial (JHPIS)*, Vol. 2, No. 2, Juni 2023, 211-223.
- Hariyadi, P. & Hariyadi, R. D. Petunjuk Sederhana Memproduksi Pangan Yang Amanah. Available from. <https://repository.ipb.ac.id/handle/123456789/58556?show=full>
- Hariyadi, Purwiyatno, *Peranan Industri untuk Penguatan Ketahanan Pangan Mandiri dan berdaulat*, Jakarta: Simposium Pangan Nasional Indofood, 2013.
- Henson, S. & Caswell, J., “Food Safety Regulation: An Overview of Contemporary Issues,” *Food Policy*, Vol. 24 No. 6, 1999.
- Heri Suharyanto, Ketahanan Pangan, *Jurnal Sosial Humaniora*, Vol. 4, No. 2, November 2011, 186-187.
- Ira Novianty Lestari, Raden Bayu Indradi, Nurul Wahyu Wadarsih, “Analisis Permasalahan Pelaku Usaha dalam Proses Pemenuhan Komitmen Registrasi Pangan Olahan Risiko Menengah Rendah”, *OBAT: Jurnal Riset Ilmu Farmasi dan Kesehatan*, Vol. 2 No. 3 Mei 2024. 172-185.
- Jarkasi Anwar, Muhamad Muslih, “Protection of the Customary Land of the Baduy Indigenous Peoples as One of the Supporting Factors for Local Food Security in the Banten region”, *Pena Justisia: Media Komunikasi Dan Kajian Hukum*, Vol. 22, No. 02, June 2023, 229-242.
- Kantor Menteri Negara Pangan RI, *Undang-Undang Negara Republik Indonesia Nomor 7 Tahun 1996 tentang Pangan*.
- L. Putri dan Mochammad Najib Imanullah, “Perlindungan Konsumen Terhadap Produk Kosmetik Tanpa Izin Edar Dari Badan Pengawas Obat dan Makanan (BPOM),” *Proceeding of Conference on Law and Social Studies*, 2023.
- Manning, L. & Soon, J. M., “Food Safety, Risk-Based Regulation and Consumer Protection,” *Food Control Journal*, Vol. 127, 2021.
- Meni Apriani, “Upaya Pemerintah Dalam Penanggulangan Tindak Pidana Peredaran Kosmetika Palsu”, *Lex Stricta: Jurnal Ilmu Hukum*, Vol. 2, No. 1, Agustus 2023, 1 – 10.

- Michico, N. R. (2016 Agustus 8). Pembuat Snack Bikini Langgar Empat Peraturan. Detik News. Retrieved from <http://news.detik.com/berita/3270781/bpom-pembuat-snack-bikinilanggar-4-peraturan>.
- Micklitz, H. W. & Saumier, G., "Consumer Protection and Regulatory Transparency in Food and Drug Control," *Journal of Consumer Policy*, Vol. 44 No. 3, 2021.
- Muhamad Muslih, 2020, *Ketahanan Pangan Dan Halal Food Dalam Hukum Islam*, Tangerang: Media Edukasi Indonesia.
- Muhamad Muslih, Ferina Ardhi C, "Prospects for the Development of Halal, Thoyib, and Hygienic Food Production During the New Normal Covid-19 Period as Supporting Pillars of National Food Security", *Jurnal Unram Law Review*, Vol. 5, Issue 2, October 2021, 239-261.
- Mukti Fajar dan Yulianto Achmad, *Dualisme Penelitian Hukum Normatif dan Empiris*, Yogyakarta: Pustaka Pelajar, 2010.
- Nita Dkk, Penegakan Hukum Pidana Terhadap Produsen Pangan Yang Mengandung Zat Berbahaya, *Journal Fakultas Hukum*, 2017.
- Nugroho, R. & Prasetyo, A., "Penguatan Sistem Pengawasan Obat dan Makanan dalam Perspektif Tata Kelola Kesehatan," *Jurnal Kebijakan Kesehatan Indonesia*, Vol. 12 No. 1, 2023.
- Nurhayati, E., "Kepatuhan Pelaku Usaha Pangan terhadap Kewajiban Labelisasi Produk," *Jurnal Ilmu Hukum*, Vol. 10 No. 2, 2020.
- Palmawati Tahir, Muhamad Muslih, Rani Sri Agustina, "Mui Halal Certification On Milkfish Satay As An Effort To Support National Food Security", *Legal Standing Jurnal Ilmu Hukum*, Vol. 4, No. 1, March 2020, 233-246.
- Pemerintah Republik Indonesia, *Undang-undang No. 18 tahun 2012 Tentang Pangan*, 2012.
- Putra, A. A., "Izin Edar sebagai Instrumen Pengawasan Preventif Produk Obat dan Makanan," *Jurnal RechtsVinding: Media Pembinaan Hukum Nasional*, Vol. 11 No. 2, 2022.
- Rachmawati Wahjoedi, *Berjuang di Jalan Sunyi Studi Etnografi Gerakan Pangan Lokal Anak Muda Di Yogyakarta*, Yogyakarta: Universitas Gadjah Mada, 2017, diakses dari <http://etd.repository.ugm.ac.id>
- Rahayu, D. P., "Penegakan Hukum Izin Edar Produk Pangan Olahan dalam Perspektif Perlindungan Konsumen," *Jurnal Legislasi Indonesia*, Vol. 18 No. 3, 2021.
- Rita Hanafie, "Penyediaan Pangan Yang Aman dan Berkelanjutan Guna Mendukung Tercapainya Ketahanan Pangan", dalam *J-SEP Vol. 4, No. 3, November 2010*.
- Ruli Purnamasari, Solihan, Viyola Azzahra, "Efektivitas Penegakan Hukum Terhadap Produsen Makanan Di Indonesia", *Jurnal Gagasan Hukum* Vol. 01, No. 2, Desember 2019, 146 – 161.
- Safitri, Kiki & Ramadhan, Ardito. "BPOM Temukan 17 Kasus Keracunan MBG di 10 Provinsi." Kompas.com, 21 Mei 2025.
- Sari, D. P. & Ramadhan, A., "Peran Pemerintah dalam Pengawasan Pangan Olahan bagi Perlindungan Konsumen," *Jurnal Legislasi Indonesia*, Vol. 17 No. 4, 2020.
- Satjipto Rahardjo, *Ilmu Hukum*, Bandung: Citra Aditya Bakti, 2012.

- Selinaswati, S. (2018). “Peran Sekolah Dalam Antisipasi Keracunan Pangan Jajanan Anak Sekolah- PJAS”. *Jurnal SOCIUS*, 4(2), 127-134.
- Soerjono Soekanto, *Efektivitas Hukum dan Penerapan Sanksi*, Bandung: Ramadja Karya, 1988.
- Soerjono Soekanto, *Metodologi Research*, Yogyakarta: Andi Offset, 1998.
- Soekanto, S. (2019). Faktor-faktor yang mempengaruhi penegakan hukum. Jakarta: Rajawali Pers.
- Sudarsono, “Perlindungan Konsumen terhadap Keamanan Pangan Olahan di Indonesia,” *Jurnal Hukum IUS QUIA IUSTUM*, Vol. 25 No. 3, 2018.
- Sutrisno dan Rahman, “Penegakan Hukum Terhadap Peredaran Produk Pangan Tanpa Izin Edar dalam Perspektif Perlindungan Konsumen,” *UNRAM Law Review*, Vol. 7, No. 2, 2023, Fakultas Hukum Universitas Mataram.
- Thoat Hamim, Muhamad Muslih, Eki Furqon, Transboundary Haze Pollution in Indonesia and Malaysia in the Perspective of Islamic Law and International Environmental Law, *Unifikasi: Jurnal Ilmu Hukum*, Volume 10, No. 2(2023): 88-105
- Undang-Undang Nomor 8 Tahun 1999, Pub. L. No. 8 (1999). https://gatrik.esdm.go.id/assets/uploads/download_index/files/e39ab-uu-nomor-8-tahun-1999.pdf
- Warta Kota Production. “BPOM Ungkap Penyebab Keracunan Massal MBG di Sejumlah Daerah.” Laporan Pengawasan BPOM, 2025.