

Food Safety and Legal Protection in Indonesia

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Abstract

Indonesia's MSMEs are growing rapidly in line with the reduced job opportunities due to the Covid-19 pandemic. However, food products made by the home industry are still unable to compete with various manufactured products in the modern market and traditional markets. Circulation permit constraints need to receive serious attention and be addressed immediately. This study uses a survey to find out whether food safety is the main concern of people who want to stay healthy during the Pandemic. The results of the study indicate that the public pays attention to the existence of a distribution permit as a guarantee of food safety. Regarding the problem of obtaining distribution permits for MSMEs, the government facilitates by providing a budget for testing and mentoring on how to properly process food products. In addition, BPOM periodically conducts sampling tests on products on the market to maintain composition, labels and ingredients to ensure food safety for the community.

Keyword : Food Safety, Legal Protection, Indonesia

A. Introduction

The pandemic has changed people's lifestyles. The threat of disease, its transmission and the death rate which has become a trending topic for the past 2 years has raised awareness on matters related to health, food products are one of them. Hygiene and food safety are the main considerations in choosing food products today.

On the one hand, the Covid-19 pandemic and the layoffs made MSMEs in the food and beverage sector appear. However, the increase in the number of MSME actors is not in line with the knowledge of beginner MSMEs who only focus on production and sales without paying attention to the legality of the safety of the products being marketed. Some MSME actors think that their products are safe because they do not use hazardous materials, but it turns out that the use of prohibited materials was found on the market and eventually confiscated by the authorities.

On the other hand, MSMEs are an important point in saving the economic situation of the Indonesian people. Micro, Small and Medium Enterprises as contributors to the National Gross Domestic Product (GDP) have an important role for Indonesia's economic recovery. Based on data from the Ministry of Cooperatives and Small and Medium Enterprises (Kemenkop UKM) in March 2021, the number of MSMEs reached 64.2 million with a contribution to Gross Domestic Product of 61.07 percent or Rp. 8,573.89 trillion. MSMEs are able to absorb 97 percent of the total workforce, and can collect up to 60.42 percent of the total investment in Indonesia.¹

B. Discussion

1. Food Safety and Legal Protection for Citizens

MSMEs that already have a BPOM permit will make the public believe in the quality of the products sold because they have passed the test and contain safe ingredients to use.² It is hoped that it will increase sales turnover and expand the marketing area and can even continue to international markets.

The obligation for distribution permits is enshrined in Law Number 18 of 2012 concerning Food and Government Regulation Number 86 of 2019 concerning Food Safety. In PP No. 86 of 2019 what is meant by food is everything that comes from biological sources of agricultural, plantation, forestry, fishery, animal husbandry, water and water products, both processed and unprocessed which are intended as food or drinks for human consumption, including raw materials. Food additives, Food raw materials and even others used in the process of preparing, processing and/or making food or beverages.

Based on data that has been summarized regarding public knowledge about food distribution licensing, out of 43 respondents 83.3% know that the food consumed must have a distribution permit even though some people are also familiar with several food permits in Indonesia such as MUI halal permits, BPOM, PIRT (Home Industry Food

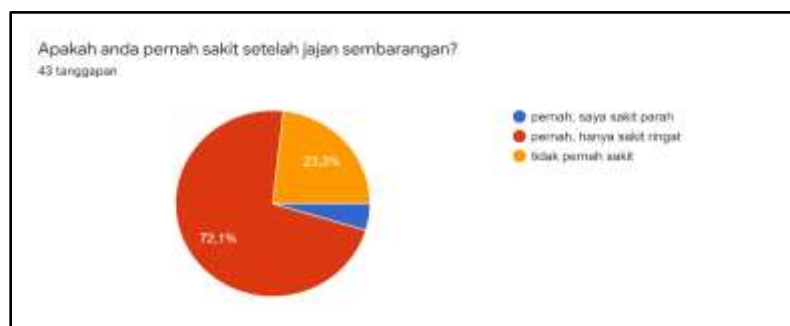
¹ <https://www.kemenkeu.go.id/publikasi/berita/pemerintah-perkuat-umkm-melalui-berbagai-bentuk-bantuan>

² <https://smesco.go.id/berita/acara-memilki-nomor-izin-edar-bpom>

Production Licensing), and SIUP (Trade Business Permit). However, some people do not understand and do not know that the circulating food should have a distribution permit first. Because with a distribution permit on every food consumed, it will have a good impact on the community. This is certainly an important challenge for the government in overseeing the legality and food safety of food in circulation.

The survey proves that the community really needs the legality and feasibility of food in the food that people consume. Food is the right of every living human being. This right relates to everything that is good and safe to eat. That the government's role is very influential on food security for the community. don't let the community have to struggle alone to choose food that is suitable for consumption, with the implementation of rules regarding food safety and legal protection, people no longer need to worry about the food to be eaten. 7.) information regarding halal, expiration date, month, and year.³

The government plays an important role for the welfare of the community, so the government needs to strictly enforce all kinds of rules that have been stated in the law, but on the other hand many business actors are doing various ways to get as much profit as possible by committing fraud. These frauds include using hazardous chemicals, not paying attention to the cleanliness of the production site, using materials that are no longer suitable for use, using kitchen utensils and various other types of fraud.



Gambar 1.4 Food hazards are not of standardized

³ Wiku Adisasmito, "Analisis Kebijakan Nasional MUI dan BPOM dalam Labeling Obat dan Makanan," *Case Study: Analisis Kebijakan Kesehatan*, 2008, 1–25 <<https://staff.blog.ui.ac.id/wiku-a/files/2013/04/kebijakan-nasional-mui-dan-bpom-dalam-labeling-obat-dan-makanan.pdf>>.

The impact of cheating business actors to get a lot of profits makes many people experience pain after consuming these foods. Public complaints about unhealthy food have an impact on health after consuming food which results in stomach pain, diarrhea, cough, inflammation, fever, itchy throat, and digestive system disorders. the circulation of food products currently has circulated to all corners of the country. The welfare of the people in obtaining proper food is a constitutional right that is closely held. The community has a constitutional right to obtain legal protection for food and other products to ensure their health. Therefore they need to be given legal protection in the form of guarantees for licensing from BPOM to get proper food after going through research at BPOM.

To follow on food that does not have a distribution permit and has a dangerous impact on the community, BPOM can play a role in investigating the fraud by (a) stopping the production and marketing of food products until the permit is issued (b) conducting inspections and withdrawing the circulating products. in the market (c) registering the product with the Indonesian Food and Drug Supervisory Agency to obtain a distribution permit (d) re-marketing of food products that meet the licensing standards that have obtained distribution permits from the Food and Drug Supervisory Agency of the Republic of Indonesia.⁴

Cases of fraud that occur in the community can no longer be handled, to minimize the losses caused when buying the wrong food, the public can check the official website that has been provided by the Food and Drug Administration.



Gambar 1.5 food legality.

⁴ Regita Lestari Cahyani dan Universitas Sriwijaya, “PENEGAKAN HUKUM OLEH BADAN PENGAWAS OBAT DAN MAKANAN TERHADAP MAKANAN DAN OBAT TANPA IZIN EDAR - Regita Lestari Cahyani,” October, 2019.

Many people are worried about the food they eat. To find a solution whether the food in circulation is suitable for consumption, BPOM has provided a forum for people who want to check the suitability of the food they eat by visiting the official BPOM website. That way people no longer need to worry about the food they will eat and can be even more careful.

2. Distribution permit as a form of food safety guarantee

Food Act No. 18 of 2012 states that the government has the authority to supervise the circulating food. The supervision includes the fulfillment of food requirements, food quality, and food nutrition, as well as food label and advertisement requirements for processed food(BPOM)⁵

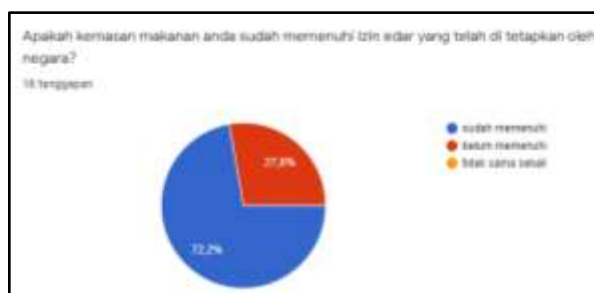


In order to ensure the safety of the food to be distributed, business actors need to pay attention to the food distribution permit. Based on a survey conducted by business actors, they already understand food licensing so that food is safe for distribution to the public. The interests of consumers are the main thing that must be considered by business actors.

According to Ali Mansyur there are four interests that are the main things to pay attention to, namely: physical interests relating to the body or body relating to the security and safety of the body and soul in the use of goods and/or services, besides that it is necessary to pay attention to the health and safety of the soul. These are things that

⁵ Adhi S Lukman dan Feri Kusnandar, “Keamanan Pangan untuk Semua Food Safety for All,” *Jurnal Mutu Pangan*, 2.2 (2015), 152–56.

must be considered by entrepreneurs. Social and environmental interests are the realization of consumers' desire to obtain optimal results from the use of their economic resources in obtaining goods and services which are necessities of life, so that consumers get concrete and correct information about the products to be consumed, because if business actors do not Paying attention to food safety before being circulated can cause social turmoil if consumers consume these unsafe products.⁶



Gambar 1.7 legality of food products for business Men

About 72.2% of the 18 respondents stated that the food being distributed already has an official permit. The food permits obtained are in the form of SIUP, NIB (Business Permit Number), PIRT, Halal, IUMK, MUI, HAKI, Lab Tests for Nutritional Value. But there are still business actors who have not fulfilled the food licenses that are circulated, so it is very necessary to educate business actors so that the processed food products have official permits.

For MSME actors, the government through BPOM has prepared various efforts to provide convenience in obtaining EDA permits. Based on the information from the Head of BPOM of Yogyakarta Province that the relevant agencies, namely the Department of Industry and Trade, the Department of Cooperatives and SMEs, the Department of Agriculture and Food Security and LIPI facilitated the distribution permit assistance. MSMEs that register will be selected by the relevant agencies and assisted in applying for marketing permits. The facilities obtained are material testing in

⁶ Ahmad Zazili, “Urgensi Pengawasan Keamanan Pangan Berbasis Sistem Manajemen Risiko Bagi Perlindungan Konsumen,” *Supremasi Hukum: Jurnal Penelitian Hukum*, 28.1 (2019), 57–70 <<https://doi.org/10.33369/jsh.28.1.57-70>>.

the BPOM laboratory free of charge, the financing has been budgeted by the relevant agency. Besides that, MSMEs can apply for assistance in good food production processes.

In the process of applying for a distribution permit, there are things that business actors need to pay attention to, namely:

- a. The place of production is not integrated with the household kitchen. It is feared that quality safety and benefits are not guaranteed. Associated with washing, processing and packaging. Can be done under the same roof with the house but must be provided a separate place for the production process.
- b. Fulfillment of aspects that include water supply, the production site should not be adjacent to a garbage disposal site and adequate waste disposal
- c. Special guidance for CPPOB (Good Processed Food Processing) can be carried out by BPOM even online. So that when the product is tested, it has complied with the provisions of the distribution permit.

In an effort to maintain food safety on an ongoing basis, BPOM will periodically conduct a sampling of products that have obtained a distribution permit from BPOM. If it is later found that a product has used a different material when applying for a distribution permit and this has an impact on food safety, the government in this case BPOM will ask to withdraw all these products and destroy them.

C. Conclusion

Food safety which is manifested in the distribution permit of BPOM and PIRT for MSMEs is not an obstacle. The government through BPOM and related agencies has a budget to support the ability of MSMEs to expand their product marketing. However, access to these facilities needs to be socialized so that assistance and good processing methods of processed food can be carried out and distribution permits can be obtained so as to raise the Micro Business class to the small and medium business class.

Biography

Adhi S Lukman dan Feri Kusnandar, “Keamanan Pangan untuk Semua Food Safety for All,” *Jurnal Mutu Pangan*, 2.2 (2015), 152–56.

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