

Conference Paper

Juridical Assessment of Food Safety in Packaged Processed Food Product

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Food safety is one of WHO's primary concerns during a pandemic. The current Covid-19 pandemic requires us to boost our immune system by eating a healthy and balanced diet. Food consumed by the masses must be free of chemical and biological substances that can be harmful for the body. Nowadays, food products have developed to be more innovative, such as packaged processed food products that can be stored for a long time, generally using Food Additives. The safety of packaged processed food products must be guaranteed by the manufacturers in order to guarantee consumer protection. To ensure this, the government has established the Consumer Protection Law; the Government Regulation on Food Safety, Quality and Nutrition; and the Food and Drug Administration Division. Through the BPOM, the government supervises food products circulating in the community. The supervision carried out by BPOM are preventive and repressive. One form of supervision carried out by BPOM is granting distribution permits for packaged processed food products before they are distributed to the public.

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1. Introduction

Food is one of the primary basic human need, beside the two others, cloth and shelter. The increasing food demand followed with competition among food producers. Nowadays many food producers offer the food with simple packaging and more durable. Packaged food often contains food additives for durability reason. Usage of food additives and other factor such as biological substance, chemical substance, and any other substance must be monitored. Thus, the food safety become important for protecting the costumer from any food hazard that could harm or risk consumer health [1].

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Indonesia has the regulation for customer protection in nation law number 8, 1999. Stated in the law that consumer has the rights that must fulfilled by producer. One of them is right of comfort, security, and safety in consuming goods and/or services [2]. In order consumer right fulfilment, food safety must be guaranteed by producer. In this case government regulated the law about food safety. The law regulated to ensure every packaged food comply standard and certain requisition that regulated at government regulation law number 28, 2004 that contain safety, quality, and nutrition of the food [3].

Beside the regulation law number 28, 2004 that contain safety, quality, and nutrition of the food, the government establish *Badan Pengawas Obat dan Makanan* (BPOM). BPOM is governance institution that supervise medicine and food. BPOM is an extension of the government that do actively effort for protecting the consumer. One of the protecting consumer activity is giving distribution permit for product that meet the standard. The producer need distribution permit before they product sold and distributed publicly, so the product will have guaranteed safe for use. BPOM role in supervising medicine and packaged processed food don't stop at giving distributing permit to producer, but it has more complex right in order food safety guarantee. it's need further assessment for the BPOM role in supervising packaged processed food [4]

2. Material and Method

Method used in this paper is normative juridical law research, which is reference research by researching the references that used for assessment the object. This paper uses laws approach to assess and analyse the laws related to the object. Supervising packaged processed food. This paper uses quantitative analysis that provide description of answer about problem statement that assessed [5]

3. Results and Discussion

Packaged processed food that produced and sold by the producer must have the distribution permit. In case the product doesn't have distribution permit will categorized as violation of the law. It's can assure that product does not meet the standard quality that regulated in the laws.

The government also regulate the consumer obligation in the consumer protection law, No. 8, 1999 clause 5 that consumer must follow the direction or term and information from the producer that contain instruction on how to use the product. Both services and foods for security and safety reason [2].

Customer and producer must pay attention about the balance between right and obligation for themselves. Both side must follow the right an obligation stated in the law for protecting themselves from possible losses that may occur and cost losses.

For that reason, and the privacy for both side, they should protect themselves and 3rd party protection. In this case, the state provides the protection through government law about consumer protection.

BPOM as governance institution has authority to supervise packaged processed food can be seen in presidential decree No. 103, 2011. The presidential decree contains about position, duty, function, authority, organizational structure, and work procedure non-department government institution. BPOM duty specifically mentioned at clause No. 67 namely, doing governance duty on supervising medicine and food in accordance the law [6].

BPOM has several policies in supervising medicine and food, such as planning the supervising medicine and food program, inspecting testing laboratory and assessment product quality, and the other policy needed by BPOM according to their respective areas of duty.

BPOM supervise the distribution permit for packaged processed food in two ways. First is direct supervising, which BPOM do personal observation, researching, and inspecting. Second is indirect supervising, which BPOM read and follow up report from the public. Preventive supervision will guide the producers that has product but not sold to public yet for submit the permit for distributing. Repressive supervision will check and inspect the packaged processed food that already sold and distributed in the mall or store.

Clause 111th, 2nd verse of Law No. 36, 2009 about health states every packaged processed food that sold publicly must have the distribution permit according to the regulated law for that permit [7]. The producers who have the packaged processed food and already sold publicly must ask to BPOM for guidance about submitting the permit for distributing the product, but if the producers know the rules and consciously don't submit the distribution permit, they will be punished by the government in accordance with the Law No. 18, 2002 clause 142. The governance will punish the offender with two (2) years in prison, or fine four (4) billion rupiah [8].

To obtain the distribution permit for packaged processed product must guarantee the quality of their product. Both food and drink. If BPOM found the hazardous substances and doesn't meet the standard quality in packaged processed product when inspecting the product, they don't issue the distribution permit for the product. Even the producer

can be subjected with five (5) years in prison, or fine two (2) billion rupiah according the clause 62nd in Law No. 8, 1999 [2].

To obtain distribution permit, every producer must have the packaging and label that meet the governance standard in his product. This term accordance to the clause 141st of Law No. 18, 2012. The clause stated if the producer sold the product that doesn't match with the information on the label, they will be subjected with two (2) years in prison, or fine with maximum possibility four (4) billion rupiah [8].

The government also regulated the product with halal guarantee. In 25th article point b, law No. 33, 2014 stated the producer that has halal certification must maintain they product in halal condition as long as they hold the halal certification. The producer that not keep their product halal will be subjected by maximum possibility five (5) years in prison, or fine with maximum possibility two (2) billion rupiah [9].

4. Conclusion

Packaged processes food that sold and distributed publicly in Indonesia must have distribution permit issued by BPOM. Distribution permit obtained by following the process that regulated by government in governance law. If the distribution permit ignored by producer in distributing packaged processed food products, they will be subject to prison and administrative sanctions. Supervision of products that don't have the distribution permit will be handled by the non-department institution. In this case the BPOM. Supervision purpose is to protect the customer and prevent hazardous food distributed and consumed by costumer. The supervision held preventively and repressively. When customer protection viewed by exchange of private approach, every customer can protect they own interest by carefully selecting the right product at the mall and store. Such as seeing the packaging, label, distribution permit number, and expiration date. The government protects the customer from the packaged processed food that do not have the distribution permit by preventive and repressive protection law.

Acknowledgement

None

Conflict of Interest

The authors declare that there is no conflict of interest.

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