

LAW ENFORCEMENT IN CONSUMER PROTECTION AGAINST FOOD INCOMPATIBLE WITH FOOD SAFETY (Study of Padang District Court Decision No.429/Pid.Sus/2019/PN.Pdg)

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Abstract: Law enforcement is an effort to implement the law as it should, supervise its implementation so that there is no violation and if there is a violation, restore the law that has been violated so that it can be enforced again. Law enforcement efforts consist of repressive and preventive law enforcement, repressive law enforcement, namely all actions taken by law enforcement after a crime has occurred and preventive law enforcement, namely providing information, instructions and supervision. In relation to law enforcement in consumer protection for food that is not in accordance with food safety (Study Decision Number 429/Pid.Sus/2019/PM Pdg) it is deemed inappropriate if the enforcement only focuses on repressive law enforcement.

Key Words: Law Enforcement, Consumer Protection, Food Safety.

1. INTRODUCTION:

Legal protection for consumers is very important in Islamic law, because Islam sees that consumer protection is not only a civil relationship, but involves public law in general, so the protection of Muslim consumers based on Islamic law is a state obligation, which refers to the concept of halal and illegal.

Therefore, consumer protection must get more attention, because consumer protection is not only for goods of low quality but also for goods that endanger people's lives.

2. THEORITICAL FRAMEWORK:

a. Law Enforcement Theory

Plato's theory, Hagel, Hobbes and Harold J. Laski said that law enforcement is the highest state law than other laws, and the state is obliged to fulfill the law and the community is obliged to obey it, sociologically the law has fulfilled a sense of justice.[1]

b. Theory of Legal Protection

According to Satjipto Raharjo, legal protection is to provide protection for rights that are harmed by others and that protection is given to the community so that they can enjoy all the rights granted by law.[2]

c. Judges' Consideration Theory

Judges are the mouthpiece of the law. Among the most dominant law enforcement officers in implementing law enforcement are judges.

3. LITERATURE REVIEW:

The definition of law enforcement is a process to make legal wishes come true. Legal desires are the thoughts of the legislature that are formulated in legal regulations. The process of law enforcement also reaches out to the formulation of the idea of making laws as outlined in legal regulations, which will also determine how law enforcement is carried out.[3]

According to Laura J Harper, food is a substance that is eaten to meet the body's needs for growth, work and tissue repair.[4]

5. METHOD:

The method used in this research is an empirical juridical approach or in other words is a type of sociological legal research and is also known as field research, namely examining the applicable legal provisions and what is happening in reality in society.[5]

6. DISCUSSION:

Indonesia is a country with the largest Muslim population in the world, as according to data reported by *The Pew Forum on Religion & Public Life*, Muslims in Indonesia are 205 million people or 88% of the total population of Indonesia, this number is 13% of the total population of Indonesia. The entire number of Muslims in the world is in Indonesia.

The state's obligation to provide protection also includes food protection. Food safety itself is all conditions and efforts needed to prevent food from being contaminated by biological, chemical and other objects that can interfere, harm and endanger human health and do not conflict with religion, belief and culture of the community so that it is safe for consumption.[6]

Consumer protection covers the use of substances, production processes, distribution, production purposes and the consequences of consuming these goods and/or services. Goods or services whose substances are lawful can become unlawful if the method of production and the purpose of consumption violate the provisions. Food products that are not halal and halal must be given clear labels or information, this aims to avoid doubts, discomfort and losses in consuming these food products, because unclear information on the condition or condition of guaranteed food will damage the safety of faith, spirituality and physical consumers, especially Muslim consumers. This is also what requires food products to have labels in order to determine whether the product is halal or non-halal for consumption by Muslims. In Islam between halal and haram it must be clear, therefore food products must also have legal certainty whether the product is halal or haram for consumption by Muslim consumers.

7. ANALYSIS:

A. Law Enforcement in Consumer Protection Against KMSB Sate Sellers Who Are Not In Accordance With Food Safety In Padang City

The trade office is an agency in charge of supervising the movement of domestic goods and services. The trade office is included in one of the law enforcement agencies against halal food or not in accordance with food safety (not contrary to belief) because the trade office is an agency that supervises business actors including what business is being carried out and where is the place of business This makes the trade office part of the Padang City food safety team that assists in law enforcement in the case of pork satay which is non-halal food that is not in accordance with food safety (not contrary to belief).

B. Constraints and Efforts in Law Enforcement in Consumer Protection Against KMSB Satay Sellers That Are Not in Accordance with Food Safety in Padang City

Related to a recent problem, namely pork satay there, BPOM does not have the authority because the pork satay is a ready-to-eat food or ready-to-eat processed food. Food supervision is the duty of the health department. However, in this case BPOM has a role in being an expert witness in court.

Law enforcement can be formulated as an effort to implement the law as it should, supervise its implementation so that there is no violation, and if there is a violation, restore the law that has been violated so that it is enforced again Not infrequently in law enforcement, obstacles are often found, but these obstacles are not an excuse for the law not to be enforced.

8. CONCLUSION :

From the discussion as explained earlier, several conclusions can be drawn, including:

- 1) Implementation of law enforcement in consumer protection against KMSB satay sellers who are not in accordance with food safety in the city of Padang. Law enforcement carried out, namely repressive law enforcement, repressive law enforcement has been going well, this is proven by the confiscation of food that is not in accordance with food safety and the punishment of business actors based on applicable legal provisions.
- 2) Constraints faced in law enforcement in the protection of KMSB satay sellers who are not in accordance with food safety in the city of Padang, namely, lack of resources owned by the health office, unsupported facilities or facilities, low community legal targets, and changes society's legal culture.

9. SUGGESTIONS:

The suggestions given by researchers are as follows:

- 1) Constraints faced in law enforcement in the protection of KMSB satay sellers that are not in accordance with food safety in the city of Padang, namely, lack of resources owned by the health department, unsupported facilities or facilities, low community legal targets, and changes society's legal culture.

- 2) It is necessary to revise Law Number 33 of 2014 concerning Halal Product Guarantee, because in Law Number 33 of 2014 concerning Halal Product Guarantee there is no criminal sanction that regulates business actors who do not register a halal certificate, criminal sanctions are only given to business actors who abuse halal certification, so that many business actors do not register their product halal certificates.

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