

## Juridical Review of the Sale of Expired Food in Modern Markets in Medan City

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**Abstract.** *This study aims to analyze the legal efforts made by the Food and Drug Supervisory Agency (BPOM) in handling the circulation of expired food in modern markets in Medan City. The research method used is a descriptive-contextual qualitative approach, focusing on the study of the legal framework, enforcement actions, and preventive measures taken by BPOM. The novelty of this research lies in its emphasis on evaluating the synergy between the authority of BPOM and other supporting institutions in the context of expired food supervision at the local level, particularly in Medan. Food is a basic human need, and food safety is a consumer right guaranteed by law. The circulation of expired food in modern markets is a serious problem because of its impact on public health. BPOM as a supervisory authority has a central role in monitoring and controlling food safety. Business actors who sell expired food can be subject to sanctions in the form of administrative and criminal sanctions. BPOM carries out preventive and repressive efforts. Preventive efforts include education to the public and routine supervision, while repressive efforts include confiscation of expired products, administrative sanctions, and legal action through cooperation with the police. Based on the results of the study, it is concluded that the role of BPOM is very important in protecting consumers from the dangers of expired food. However, to increase the effectiveness of consumer protection, stronger synergy between law enforcement officials, guidance to business actors, and increased consumer awareness are needed.*

**Keywords:** BPOM; Expired; Market.

### 1. Introduction

Food is a basic human need that cannot be delayed in its fulfillment. In supporting survival, humans need food that is safe and suitable for consumption every day. Food that is suitable for consumption is food that contains good nutrients for the body's needs and is not contaminated

from harm. Conversely, food that has passed its expiration date generally undergoes physical and chemical changes that can endanger health (Nandiva, 2023: 128-134.) Safe food consumption is a consumer right protected by Law No. 8/1999 on Consumer Protection, which emphasizes that every consumer is entitled to comfort, security and safety in using goods and/or services (Nasution, 1995: 87).

Legal protection for consumers faces various challenges related to the circulation of expired food in the market. In traditional markets there are often foods that are not suitable for consumption, but not only in traditional markets, modern markets are very much found in large quantities. One example of a case occurred in late 2020 to early 2021 at Lotte Mart Center Point on Jalan Jawa, Medan. The Medan City Food Safety Task Force Team and the Police found various food products such as chicken nuggets, sausages, and packaged cashew nuts that had expired and were discolored and moldy. The products were confiscated and handed over to the police for further processing. (Adnan, et.al., 2023 : 396–400)

The incident indicates that food supervision of circulation, especially expiration dates, has not been optimal. This incident has created irresponsible business offenders. So that it becomes a serious problem because food that has expired can cause health problems such as stomach pain, diarrhea, and food poisoning. This condition reinforces the urgency of stronger and more effective legal protection for consumers (Shidarta, 2004: 23).

In addition, BPOM itself has a very important role as an institution authorized to oversee the circulation of food products. BPOM is expected not only to carry out routine supervisory functions, but also to be able to act quickly in responding to violations found. Early prevention and integration of supervision programs are two main strategies that can increase the effectiveness of consumer protection. However, in practice, BPOM still faces various obstacles, ranging from limited resources to weak coordination between agencies.

Although various regulations are in place, such as Law No. 18/2012 on Food and the GCPL, implementation in the field is often not in line with the original objectives of consumer protection. This is the gap in legal studies, especially regarding the effectiveness of the implementation of supervision by BPOM of expired food. Previous studies have mostly discussed the normative aspects of consumer protection, but not many have specifically examined the actions and strategies implemented by BPOM in the regions, including Medan City.

Based on this description, this research is present to fill the research gap by analyzing the legal efforts made by BPOM in overcoming the sale of expired food in modern markets in Medan City. This research also aims to provide a comprehensive picture of the synergy between regulation, supervision, and consumer awareness, in order to create an effective consumer protection system.

## **2. Research Methods**

The research aims to analyze the legal efforts made by BPOM in handling the circulation of expired food in modern markets in Medan City. This research uses a combination of normative juridical and empirical juridical methods to explore positive legal norms related to food safety and evaluate their implementation in practice. This research is descriptive-analytical in nature, with the aim of providing a comprehensive overview of the role of BPOM in consumer protection. Data were collected through a desk study that examined relevant regulations such as Law No. 18/2012 on Food and Law No. 8/1999 on Consumer Protection, as well as interviews conducted with BPOM officials. The legal materials used include primary sources (laws and regulations), secondary sources (books, journals, scientific articles), and tertiary sources (legal dictionaries and indexes). All data collected is systematically analyzed through cross-case comparison and meta-analysis to produce accurate conclusions and offer legal solutions related to the problem of circulation of expired food in Medan modern markets.

## **3. Results and Discussion**

### **3.1 Legal Regulations Related to Expired Goods in Modern Markets by BPOM**

The supervision of food products by BPOM is based on a number of important regulations. Based on BPOM Head Regulation No. 27/2017, the expiration date is an indicator of the safe limit of consumption with guaranteed quality. Products that are labeled illegible or have physical, chemical, or microbiological changes such as changes in color, odor, or growth of microorganisms are categorized as products that are unfit for distribution. Businesses themselves are required to routinely monitor the product circulation period and withdraw goods that have passed the expiration date. The expiration date label must be clearly listed and easy to read, and is one of the focuses of BPOM supervision in determining sanctions for violations.

In practice, BPOM carries out its supervisory function through two main stages: pre-market and post-market stages. In the pre-market stage, BPOM evaluates the distribution permit, labeling, and composition of the product before it hits the market. In the post-market stage, BPOM conducts field inspections, sampling, and product recalls if violations are found. With the high volume of circulation in modern markets, this supervision is strengthened by the involvement of BPOM Technical Implementation Units in the regions. This supervisory function includes food safety, issuance of distribution permits, education to the public, and law enforcement against violating business actors.

Strategically, BPOM prioritizes a promotive and preventive approach in preventing the circulation of expired goods. Education and socialization to business actors about the importance of managing product distribution periods are carried out intensively, supported by a public complaint system and digital applications such as BPOM Mobile that allow consumers to independently verify the legality and distribution period of products (Shahrullah & Hindra,

2023: 2541-3139). In addition, BPOM regularly publishes a list of products that are withdrawn from circulation because they do not meet safety and quality standards. Action against violations is carried out strictly, including revocation of distribution licenses, product recalls, and administrative sanctions. In carrying out its duties, BPOM also cooperates with other agencies such as the Health Office, the Police, and the Local Government in order to improve the quality and safety of products (Nugroho & Ratnawati, 2023: 1630-1640).

### **3.2 Legal Consequences for Business Actors Selling Expired Food in Modern Markets in Medan City**

The sale of expired food in modern markets is a serious offense that has far-reaching legal implications. Based on Law Number 8 Year 1999 and Law Number 18 Year 2012, business actors have a legal obligation to ensure that the products sold are safe for consumption and not past the expiration date. Violations of these provisions may be subject to administrative, criminal, and civil sanctions, which apply to the entire distribution chain, from manufacturers, distributors, to retail store owners.

Administrative sanctions that can be given by BPOM include revocation of distribution licenses, withdrawal of products from circulation, giving written warnings, and administrative fines. If the violation is considered to endanger public health, then criminal sanctions can be applied. Article 62 paragraph (1) of the GCPL provides for imprisonment of up to five years and a maximum fine of two billion rupiah. The Food Law also regulates criminal sanctions against business actors who trade dangerous food products. Meanwhile, from a civil aspect, aggrieved consumers have the right to file a lawsuit for compensation for material and immaterial losses suffered from consuming expired products (Vinola, et.al., 2021: 569-582)

Several findings in Medan City show that expired food is still rampant in modern markets. BPOM together with consumer protection organizations have documented the sale of cooking oil, milk, and packaged foods that have passed the expiration date. The reasons given by businesses are generally the limited rotation system of goods and lack of manpower for routine checks. As a follow-up, BPOM Medan conducted inspections, summoned store managers, and provided administrative guidance. However, firmer handling is needed so that similar violations do not recur and endanger consumers (Sitepu, 2024: 464 – 474)

In addition to directly harming consumers, the sale of expired products also adversely affects public trust in modern markets. Products that have passed the distribution period can cause health problems, especially in vulnerable groups such as children and the elderly. Consumers who feel aggrieved lose their sense of security and tend to switch to traditional markets or other stores that are considered more concerned about product quality. In a broader context, this case tarnishes the image of modern markets as a symbol of advanced urban food distribution. Therefore, the role of business actors and supervisory agencies such as BPOM is very important in maintaining the integrity of supervision, protection of consumer rights, and public trust (Santoso, et.al., 2018: 133-144).

Strict supervision by BPOM also helps reduce health risks due to unfit for consumption products and encourages business actors to be more compliant in order to maintain their reputation and avoid financial losses. Educating consumers through campaigns and information is an important part of increasing public vigilance in choosing products. From an economic perspective, consumer confidence in safe products can boost market demand and support food distribution stability. Conversely, problematic products can reduce buying interest and damage the market image. Therefore, the role of the government and BPOM is vital in safeguarding consumer health, increasing business compliance, strengthening public trust, and supporting sustainable economic growth through the circulation of safe and compliant products.

### **3.3 Legal Steps Taken by BPOM Against Perpetrators of Expired Food Sales in Modern Markets in Medan City**

Based on Presidential Regulation No. 80/2017, BPOM has the mandate to conduct food supervision at the pre-market and post-market stages. This authority includes unannounced inspections, sampling for laboratory tests, audits of business actors, as well as the withdrawal of products that violate the provisions, including in the case of expired products. In serious violations, BPOM also has administrative authority in the form of giving written warnings, revoking distribution licenses, and administrative fines, to continue the criminal law process such as investigations, investigations, and confiscation of evidence.

BPOM supervision in modern markets in Medan City is conducted periodically and risk-based. This process starts from mapping the area, identifying business actors, to random product sampling. The tested products are then examined in the laboratory to ensure safety and feasibility of consumption. In the pre-circulation stage, BPOM checks distribution licenses, labels, packaging, and production facilities. After the product is in circulation, BPOM continues with market surveys and periodic label evaluations (Sunarto, et.al., 2023: 876-887)

If an expired product is found, the agency can immediately order a product recall and supervise the implementation of the recall. For serious violations, BPOM will proceed with the legal process through investigation and submission of cases to the police and prosecutors (Siahaan, et.al., : 2020: 252-259)

In Medan City, BPOM cooperates with the police, prosecutor's office, health office, and trade office. The police assist in the investigation process, the prosecutor's office carries out prosecution of business actors, and the local government supports through the issuance of stricter business licenses and education of business actors. This collaboration allows supervision and enforcement to be carried out more effectively, efficiently, and thoroughly (Yuseva, 2024: 26-32).

#### 4. Conclusion

The regulation of expired food products in modern markets by BPOM is firmly grounded in Law No. 18 of 2012 on Food, Law No. 8 of 1999 on Consumer Protection, and Presidential Regulation No. 80 of 2017, which collectively empower BPOM to prohibit and take action against the circulation of expired food. These regulations mandate product withdrawals and uphold consumer safety. Violations by business actors can lead to administrative, criminal, and civil sanctions, including license revocation, fines, imprisonment, and compensation. BPOM exercises extensive supervisory authority through inspections, laboratory testing, and market monitoring, supported by coordination with law enforcement and local authorities. Despite this framework, persistent issues such as limited awareness among business actors, inadequate resources, and weak enforcement outcomes continue to undermine effectiveness. Therefore, it is essential to strengthen sanctions, enhance public and business education, and ensure consistent, risk-based supervision to uphold consumer protection and public health in modern market environments.

#### 5. References

- Adnan, M.A., Sunarto, A., Parhusip., D., & Khair, A. (2023). Perlindungan Hukum Terhadap Lingkungan Dalam Pembangunan Ibukota Nusantara. *Jurnal Preferensi Hukum*, Vol. 4, No. 3: p.396–400. Doi: <https://doi.Org/10.22225/Jph.4.3.7552.396-400> accessed from <https://ejournal.warmadewa.ac.id/index.php/juprehum/article/view/7552>
- Nandiva, F. (2023). Peranan BPOM Dalam Melakukan Pengawasan Terhadap Produk Makanan Kadaluarsa. *Jurnal Ilmiah Wahana Pendidikan*, Vol.9 No.1: p.128-134. Doi: <https://doi.org/10.5281/zenodo.7519159> accessed from <https://jurnal.peneliti.net/index.php/JIWP/article/view/3443>
- Nasution, A. (1995). *Konsumen Dan Hukum: Tinjauan Sosial Ekonomi dan Hukum Pada Perlindungan Konsumen*. Jakarta : Pustaka Sinar Harapan.
- Shidarta. (2004). *Hukum Perlindungan Konsumen Indonesia*. Jakarta : Grasindo
- Purba, I.H.P., Ompusunggu, M., Manullang. W.W., & Manullang, M.M. (2024). Tinjauan Yuridis Terhadap Pelaku Usaha Penjualan Kosmetik Ilegal Di Indonesia (Putusan Nomor : 1743/Pid.Sus/2021/Pn Mdn). *UNES Law Review*, Vol. 6 No. 2: p.7581-7595. Doi: <https://doi.org/10.31933/unesrev.v6i2.1654> accessed from <https://review-unes.com/index.php/law/article/view/1654>
- Nugroho, A., & Ratnawati, E. (2023). Perlindungan hukum konsumen terhadap produk pangan kadaluarsa. *UNES Law Review*, Vol. 5 No. 4: p.1630-1640. Doi: <https://doi.org/10.31933/unesrev.v5i4.482> accessed from <https://review-unes.com/index.php/law/article/view/482>



- Shahrullah, R.S. & Hindra. (2023). Perlindungan Konsumen Terhadap Produk Makanan Kadaluarasa Di Kota Batam. *Journal of Law and Policy Transformation*, Vol. 5, No. 1: p. 2541-3139. Doi: <https://dx.doi.org/10.37253/jlpt.v5i1.813>. accessed from <https://review-unes.com/index.php/law/article/view/482>
- Vinola, V., Nawi, S., Yunus, A. (2021). Perlindungan Hukum Bagi Konsumen Terhadap Beredarnya Makanan Kadaluarasa. *Journal Of Lex Generalis (JLG)*, Vol. 2 No. 2: p.569-582. Doi: <https://doi.org/10.52103/jlg.v2i2.351> accessed from <https://pasca-umi.ac.id/index.php/jlg/article/view/351>
- Sitepu, D., Manurung, A., Zulkifli, S., & Noor, T. (2024). Analisis Hukum Tanggung Jawab Penyedia Platform Market Place Terhadap Produk Palsu Dalam Transaksi Jual Beli Online. *Jurnal Hukum Agung*, Vol. 32 No. 6: p. 464 – 474. Doi: <https://dx.doi.org/10.46930/ojsuda.v32i6.5095>. accessed from <https://jurnal.darmaagung.ac.id/index.php/jurnaluda/article/view/5095>
- Santosol., MustanirahS. A., & Pranowo, D. (2018). Keakraban Produk dan Minat Beli Frozen Food: Peran Pengetahuan Produk, Kemasan, dan Lingkungan Sosial. *Jurnal Ilmu Keluarga Dan Konsumen*, Vol. 11 No.2: p.133-144. <https://doi.org/10.24156/jikk.2018.11.2.133> accessed from <https://journal.ipb.ac.id/index.php/jikk/article/view/14785>
- Sunarto, A., Natal, I. P., Adnan, M. & Noor, T. (2023). Perlindungan Konsumen Dalam Industri “Peer To Peer Lending” Di Indonesia. *Jurnal Darma Agung*, Vol. 31, No. 4: p. 876-887, Doi: <https://dx.doi.org/10.46930/ojsuda.v31i4.3558>. accessed from <https://jurnal.darmaagung.ac.id/index.php/jurnaluda/article/view/3558>
- Siahaan, S., Batubara, S., Yoga, N., Sinulingga, A., & Gea, C. (2020). Tindak Pidana Peredaran Pemalsuan Obat Berdasarkan Undang-Undang Nomor 36 Tahun 2009 tentang Kesehatan. *Journal of Education Humaniora and Social Scances*, Vol.3, No.1: p. 252-259. Doi: <https://doi.org/10.34007/jehss.v3i1.221> accessed from <https://mahesainstitute.web.id/ojs2/index.php/jehss/article/view/221>
- Yoseva, W. (2024). Upaya Penegakan Hukum Melalui Sidak BPOM Padang Guna Mewujudkan Perlindungan Konsumen Terhadap Peredaran Produk Makanan Kadaluarasa. *Journal of Global Legal Review*, Vol. 2 No.1: p.26–32. Doi: <https://doi.org/10.59963/jglegar.v2i1.325> accessed from <https://ojs.unisbar.ac.id/index.php/jglegar/article/view/325>