

Legal Protection for Consumers Against Online Sales of Frozen Food That Do Not Have A Distribution Permit from The Food & Drug Supervisory Agency

Rosa Desi Natalisma Manurung¹⁾, Jinner Sidauruk²⁾ & Meli Hertati Gultom³⁾

¹⁾Faculty of Law, Universitas HKBP Nommensen Medan-Indonesia, E-mail: rosadesinatalisma.manurung@student.uhn.ac.id

²⁾Faculty of Law, Universitas HKBP Nommensen Medan-Indonesia, E-mail: jinner.sidauruk@uhn.ac.id

³⁾Faculty of Law, Universitas HKBP Nommensen Medan-Indonesia, E-mail: meli.gultom@uhn.ac.id

Abstract. *With so many frozen foods sold online, they must meet various requirements and procedures before they can be marketed and disseminated to the public, one of which is by including a distribution permit number. The provisions of a distribution permit are intended to protect the public from unsafe, low-quality and non-nutritious food products. However, some consumers still do not pay attention to the distribution permit. The problem that arises in this research is how legal efforts are made by consumers for processed frozen food that does not have a distribution permit that is traded online in terms of Legal Protection for Consumers in the Distribution of Unlicensed Frozen Food by BPOM in terms of Law No. 8 of 1999 concerning Consumer Protection, Law No. 18 of 2012 concerning Food, Food and Drug Monitoring Agency Regulation Number 8 of 2020 concerning the Supervision of Drugs and Food Circulated Online, Law No. 36 of 2009 concerning Health and how the responsibility of the Center for Food and Drug Control (BBPOM) for the circulation of frozen food products that do not have a distribution permit. To answer the problem, it is handled through the application of a normative legal research approach, which is a method that refers to legal norms carried out by literature study. The results of this study show that consumers are protected under several laws. Basically, consumers know about the importance of the distribution permit for cold processed food products, but they do not fully understand consumer protection. And shows that the Food and Drug Supervisory Agency Regulation Number 8 of 2020 concerning the Supervision of Drugs and Foods circulated online requires processed food products sold online to have a distribution permit and ensure the safety and quality of processed food products. To supervise the circulation of processed food, BPOM builds and assists businesses and cooperates with the Health Office. And the attitude of responsibility of business actors is in accordance with Article 19 of the UUPK.*

Keyword: *Consumer; Distribution; Frozen Food; Health; Permits.*

1. Introduction

The rapid development of digital technology has transformed consumer consumption patterns, including food purchasing. The advancement of technology, increased knowledge, ease of internet access, and the rise of online shopping platforms have driven a surge in demand for ready-to-eat food products, one of which is frozen food. Frozen food is a processed food product that is instant and frozen, has a relatively long shelf life, and is easy to prepare and serve (Santoso, I., Mustanirroh, SA, & Pranowo, D, (2018). Frozen food uses special technology to extend shelf life or preserve food products. The preservation technology used is to lower the storage temperature to freezing point to reduce the rate of spoilage (Christopher Richie Rahardjo, 2016). So that the nutritional content of the food is maintained. Although freezing can make food products more durable and long-lasting, storing them for too long will actually cause damage to the food. Generally, frozen food products are packaged with a shelf life of approximately 3 months at an optimum storage temperature of -18 degrees Celsius. Products stored at higher or lower temperatures will increase the possibility of product damage. The existence of frozen food can be beneficial for consumers and also detrimental to consumers because it can be harmful to health. Various types of frozen food are categorized as follows, including ready-to-eat, baked first, must be fried, steamed, boiled, and doused with warm water. Frozen food is beneficial because it makes it easier for consumers to consume food, besides frozen food is also classified as fast food.

The presence of frozen food today helps people meet their food needs in a more practical way, so that there are various innovations in food products that are made to provide efficient results, one of which is frozen food (Kadek Surya Tamanbali, 2013). This frozen food business is currently popular because of its practical presentation and ease of storage, so consumers are interested in buying this processed food product.

Nowadays, there are more and more frozen food variants that are sold or easily found through online platforms such as Shopee, traditional markets and specialty stores that sell various processed frozen foods such as nuggets, suki mix, french fries, meatballs, sausages, *siomay*, *pempek*, chicken *sempolan*, *otak-otak*, frozen beef, chicken, fish and seafood, risol, donuts and others that are packaged practically in packaging form (<https://kasirpintar.co.id>). The wide variety of frozen food variants offers increasingly varied choices to frozen food-loving consumers. Some of the frozen food types sold already have distribution permits from the BPOM. However, not all frozen food sold has a valid distribution permit from the Food and Drug Monitoring Agency (BPOM). The absence of this distribution permit indicates that the product does not meet established food safety standards, thus potentially endangering consumer health. Consumers who purchase frozen food products without a distribution permit are at risk of consuming products containing hazardous materials, contaminated with bacteria, or not in accordance with the label listed, which can endanger the health of consumers who consume frozen food that does not have a distribution permit from the BPOM. This is a crucial problem that is often overlooked: the distribution of frozen food that does not have a distribution permit from the Food and Drug Monitoring Agency (BPOM).

In terms of safety, quality and nutritional supervision, for every food product that is processed locally or imported for retail packaging, food business actors must have a permit to distribute. For processed frozen food produced domestically, namely where BPOM issues two (2) types of distribution permits, namely MD (domestic food) distribution permits, namely food produced or sold domestically and ML (external food) namely food produced abroad that is traded or imported into Indonesia. Distribution permits are given to food products that have met the standards of safety and quality, nutrition, and food labels. Therefore, food business actors are required to have a distribution permit before selling their products to the market. One of the foods that must be registered is processed food. In Law No. 18 of 2012 concerning Food, hereinafter referred to as the Food Law, it is regulated in article 91 of the Food Law that in terms of supervision of safety, quality, and nutrition, every processed food made domestically or imported to be traded in retail packaging, food business actors are required to have a distribution permit. In addition to the Food Law, it is also regulated by the Food and Drug Monitoring Agency Regulation No. 13 of 2022 and Law No. 17 of 2023 concerning Health. A distribution permit is an approval of the results of a processed food assessment issued by the head of the agency for the distribution of processed food. Law No. 17 of 2023 concerning Health stipulates that food and beverages may only be distributed after obtaining a distribution permit in accordance with applicable laws and regulations. This applies to processed frozen foods that do not have an MD permit from the BPOM.

Provisions regarding distribution permits for business actors are established to protect the public from the risk of unsafe, unbeneficial, and low-quality food products, so that consumers do not suffer losses. Furthermore, every individual, whether individually or in a group, has undoubtedly been a consumer of certain goods or services. This common situation highlights the various weaknesses experienced by consumers, making them unsafe or vulnerable. Therefore, Law No. 8 of 1999 concerning Consumer Protection (UUPK) was passed, which regulates the protection of food consumer rights. The government also needs to be involved in the process of developing standards, monitoring, and issuing various distribution permit numbers for packaged foods. In this regard, the government receives support from a non-governmental organization tasked with overseeing the distribution of drugs and food in the community, namely the Food and Drug Monitoring Agency (BPOM).

Lack of understanding, minimal information about legal regulations, limited socialization, guidance, and control from the government towards business actors and lack of awareness about consumer safety from business actors when selling their goods makes them only focus on gaining profits (Eni Suriati, et al., 2018). Therefore, the importance of distribution permits for processed foods is significant for both businesses and consumers. Placing a distribution permit from the BPOM on processed frozen food products offers several benefits: the product can be legally marketed in accordance with existing regulations in Indonesia, the food product meets safety, quality, and nutritional value standards, increases competitiveness for food products, increases trust, expands market access for food products domestically and internationally, and adds value to food products. Not all entrepreneurs realize the significance of distribution

permits, as evidenced by the continued presence of several processed food products sold without distribution permits. Furthermore, consumers also lack a guarantee of safety when consuming frozen food products without distribution permits, as these products have not undergone proper feasibility testing from the BPOM, and the BPOM needs to consider various aspects, including cleanliness and ingredients used, among other things. This is certainly a crucial issue in protecting consumers regarding the misalignment of rights and responsibilities between consumers and businesses. Consumer protection is an integral part of healthy business activities. In healthy business activities, there is a balance of legal protection between consumers and businesses. The problems consumers face extend beyond simply choosing products. They are far more complex, involving health concerns and the lack of awareness among all parties, including businesses, the government, and consumers, about the importance of consumer protection. Various regulations on consumer protection, particularly those related to losses arising from errors or negligence on the part of businesses, do not guarantee adequate protection of consumer rights and interests. More effective and reliable oversight is also needed to protect consumers from the circulation of unsafe food.

2. Research Methods

This research is a scientific activity related to analysis and construction which is carried out methodologically, systematically and consistently (Soekanto, S., 1984). The research conducted in this paper falls into the category or type of normative legal research, where this normative legal research is library research or legal research based on secondary data. The need for this normative legal research stems from the absence of legal norms related to the research problem, thus prioritizing secondary data sources in its study. Meanwhile, the problem approach or data collection technique focuses on legislation, books, physical and electronic documents/records, and statutory regulations (M. Iqbal Hasan, 2002).

3. Results and Discussion

3.1. What legal action can consumers take against processed frozen food that does not have a distribution permit?

In the process of selling a product, business actors must provide complete and honest information about the product to be marketed, including the contents of the product, the distribution permit held, the type of product, the benefits, and the side effects of the product (Yusriono, BA, Berampu, LT, & Yetti, Y., 2022). Legal protection for consumers regarding frozen food products sold online without a distribution permit, as seen from Law No. 8 of 1999 concerning Consumer Protection, Law No. 18 of 2012 concerning Food, Regulation of the Food and Drug Supervisory Agency Number 8 of 2020 concerning Supervision of Drugs and Food Distributed Online, and Law No. 36 of 2009 concerning Health (Saripa Hannum Nasution, 2020). Legal protection can be provided to buyers who have fulfilled their responsibilities (with good intentions) in sales transactions in accordance with the Consumer Protection Law (Suherman, & Enggraini, SD, 2022).

a. Legal protection for consumers regarding frozen food products without distribution permits sold online is reviewed from Law No. 8 of 1999 concerning Consumer Protection.

One aspect of legal protection that is important to pay attention to in efforts to protect consumers is related to distribution permits for frozen food products. This is because this legislation explicitly stipulates that obtaining food distribution permits is an obligation for businesses, as stipulated in Article 7 of the Consumer Protection Law. This article states that businesses must act in good faith when conducting their business, provide accurate, clear, and honest information about the product, and guarantee the quality of the goods and/or services they produce and/or sell in accordance with applicable quality standards. Furthermore, businesses are also responsible for providing compensation to consumers if they violate these obligations.

Regarding frozen food products sold online without a distribution permit, this indicates that the goods do not meet food safety standards, so product safety cannot be guaranteed. This means that information regarding the product cannot be accounted for, which can be detrimental to consumers. Consumers are protected by their rights in accordance with the Consumer Protection Law, as stated in Article 4 Letter a, which states that every consumer has the right to obtain comfort, security, and safety when consuming goods and/or services. Therefore, it is important to protect consumers from various risks that can endanger their health, safety, and assets due to the use or consumption of goods. Therefore, all products, both in terms of the materials used, manufacturing methods, and standards, must be designed to increase comfort, security, and safety for consumers (Janus Sidabalok, 2014).

Furthermore, consumer rights protection is regulated in Article 4 Letter c of the Consumer Protection Law, which states that every consumer has the right to receive accurate, clear and honest information about the condition and guarantee of goods and/or services. This aligns with the responsibilities of business actors in selling goods and/or services to consumers, as outlined in Article 7, Letter b, of the Consumer Protection Law. The information received or conveyed must be accurate, particularly regarding the selection of raw materials and additives. This information must also be conveyed transparently, not misleadingly, in Indonesian, and honestly to avoid harming consumers (Siswanto, CA, et.al., 2022). Furthermore, consumer rights are also regulated in Article 4 Letter e of the Consumer Protection Law, which provides the right to receive advocacy, protection, and fair dispute resolution related to consumer protection. If, after using a product, a consumer feels disadvantaged or disappointed because the product does not match the information provided (for example, the quality is not appropriate), then the producer is expected to listen to the consumer's complaint and provide a satisfactory solution. Producers need to demonstrate good faith by acknowledging shortcomings and continuously improving their services to consumers. Consumers have the right to express their complaints or opinions. This includes their right to receive compensation for losses they experience after using the product or if the product is not appropriate.

The protection provided by law to consumers is not only contained in the Consumer Protection Law, but is also stated in various other laws that regulate consumer rights. Article 4 Letter i of the Consumer Protection Act (UUPK) states that these rights are regulated by other legal provisions. In the context of the author's research on consumer legal protection for frozen food products without distribution permits, several relevant laws, such as Law No. 18 of 2012 concerning Food, Regulation of the Food and Drug Supervisory Agency Number 8 of 2020 concerning Supervision of Drugs and Food Sold Online, and Law No. 36 of 2009 concerning Health, need to be considered. Consumers have other rights in accordance with their status as consumers based on applicable regulations. This provision allows for the emergence of new thinking related to consumer rights in the future, along with developments in the times. The sale of frozen food products without distribution permits in the market ignores food safety aspects, as there are still several e-commerce sites that sell frozen food without labels or product information, so the quality of the frozen food can be questioned. Regarding the absence of labels on frozen food packaging sold online, entrepreneurs certainly violate the provisions of the UUPK regarding prohibitions for business actors, which are stated in Article 8 paragraph (1) letter i of the UUPK, where entrepreneurs are prohibited from selling goods and/or services that do not include labels or information that includes the name of the goods, size, net weight/content, composition, how to use, production date, side effects, name and address of the business actor and other information that must be provided or uploaded in accordance with applicable provisions. In Article 8 paragraph (1) letter j of the UUPK it is stated that business actors are prohibited from making and/or selling products and/or services that do not include information and instructions for use in Indonesian, in accordance with applicable law. Furthermore, Article 8 paragraph (2) of the UUPK explains that business actors are not permitted to sell goods that are damaged, defective, or used, as well as contaminated without providing complete and accurate information about the goods. Business actors are also prohibited from deceiving consumers in selling goods and/or services, as regulated in Article 9 paragraph (1) Letter b of the UUPK which states that the goods must be in good condition and/or new. In addition, Article 10 Letter c states that business actors offering goods and/or services for sale are prohibited from offering, promoting, advertising, or providing inaccurate or misleading information regarding the conditions, responsibilities, guarantees, or compensation related to the goods and/or services. Finally, Article 11 Letter a of the Consumer Protection Law states that the goods and/or services are deemed to have met certain quality standards.

If a business actor violates the prohibition and fails to fulfill his obligations, the business actor must bear responsibility in accordance with the provisions of Article 19 of the UUPK. Where, a business actor who sells goods and/or services to consumers is legally required to provide compensation to consumers in the form of a refund, replacement of goods and/or services of the same type or equivalent value, or for health care and/or compensation. The process of providing compensation by the business actor to the injured consumer must be carried out within 7 (seven) days after the transaction took place.

b. Legal protection for consumers regarding frozen food products without distribution permits sold online is reviewed from Law No. 18 of 2012 concerning Food.

One of the human needs to survive is through consuming food. Currently, one type of food needs that people need is processed food, namely frozen food. Therefore, companies engaged in food processing are competing to create various processed frozen food products, such as processed meat and other foods that can be used to meet consumer food needs. However, in the process of distributing frozen food products, many still ignore the distribution permit aspect, even though food safety is very important to comply with as stated in Article 67 paragraph (1) of Law No. 18 of 2012 concerning Food which states that food safety must be maintained to remain safe, clean, quality, nutritious, and does not violate religion, beliefs, and community culture. Business actors have been prohibited from making food that contains substances that are harmful to humans, in accordance with Article 75 paragraph (1) of Law No. 18 of 2012 concerning Food. The law states that every individual who produces food for sale is prohibited from using: food additives that exceed the maximum limit that has been determined; and / or materials that are prohibited as food additives. If business actors violate these provisions, they will be subject to administrative sanctions in accordance with Article 76 paragraph (2) of Law No. 18 of 2012 concerning Food, which take the form of:

- 1) Fine:
- 2) Temporary suspension of activity, manufacture and/or distribution
- 3) Takeback of food from the market by producers:
- 4) Composition: and/or
- 5) Revocation or cancellation of permit.

Then, in Article 86 paragraph (2) of Law No. 18 of 2012 concerning Food, it is stated that every individual involved in food production and trade must comply with provisions regarding food safety and quality. Furthermore, Article 91 paragraph (1) of the same Law stipulates that in order to supervise the safety, quality, and nutritional content of every processed food produced domestically or imported for sale in retail packaging, food business actors must have a distribution permit. In addition, regarding frozen food products sold by business actors, they apparently use packaging that does not include a label, which results in clear information for consumers not being available. This action violates Article 97 paragraph (1) of Law No. 18 of 2012 concerning Food, which states that every person who produces food domestically for sale must include a label in and/or on the packaging of the product. This shows that every business actor operating in Indonesia when selling goods and/or services to consumers is required to include a label on the packaging of the food products they distribute. The importance of labels on food packaging is regulated in Law No. 18 of 2012 concerning Food. Article 96 paragraph (1) explains that the purpose of labeling is

to provide accurate and clear information to the public regarding each packaged food product before they buy or consume it. Labels on food packaging must be written or printed in Indonesian and must contain at least information in accordance with the provisions stipulated in Law No. 18 of 2012 concerning Food Article 97 paragraph (3), which states:

- 1) Product name.
- 2) List of ingredients used.
- 3) Net weight or net volume.
- 4) Name and address of the producing or importing party.
- 5) Halal for those who are required.
- 6) Production date and code.
- 7) Expiration date, month and year.
- 8) Distribution permit number for Processed Food.
- 9) The origin of certain food ingredients.

In addition, in Law No. 18 of 2012 concerning Food, Article 101 paragraph (3) states that labels for certain processed food products that are marketed or traded must include information about the purpose of use, method of use, and/or other information that is important to understand regarding the effect of food on human health.

c. Legal protection for consumers regarding frozen food products without distribution permits sold online is reviewed from the Regulation of the Food and Drug Monitoring Agency Number 8 of 2020 concerning the Supervision of Drugs and Food Distributed Online.

Frozen food is a type of processed food, so that every business actor involved is required to have a distribution permit issued by BPOM in accordance with the Regulation of the Food and Drug Supervisory Agency Number 8 of 2020. This regulation regulates the Supervision of Drugs and Food Sold Online, specifically in Article 16 paragraph (1), which emphasizes that all processed foods sold online must have a distribution permit and follow good production standards based on applicable regulations. Furthermore, Article 17 paragraph (2) in the same regulation explains that business actors who sell processed foods online must ensure the safety and quality of the products sold. Thus, the existence of a distribution permit is very important to maintain the safety and quality of food products, especially for types of processed foods such as frozen food, so that consumers do not experience losses due to products sold by frozen food business actors. Business actors in distributing processed foods online can go through:

- a. Owned Electronic Systems: and/or

- b. Electronic systems provided by PSE (Electronic System Providers)
- c. Business Actors and PSE as referred to in paragraph (1) must ensure that the Electronic System used meets the following requirements
- d. Include information regarding the name and address of the business actor selling processed food products
- e. Completely include the information and/or complete descriptions listed on the processed food label in accordance with applicable regulations.

d. Legal protection for consumers regarding frozen food products without distribution permits sold online as reviewed from Law No. 36 of 2009 concerning Health.

Health is one aspect that every individual needs to fulfill. There are four dimensions of health: physical (body), mental (mind), social, and economic, which interact to determine the health level of an individual, group, or community. For people to live well, consuming quality, nutritious food is essential (Eliana, and Sri Sumiati, 2017). One type of food that's currently widely discussed is frozen food. There are clear differences between frozen food products with distribution permits and those without, particularly in terms of health. Therefore, businesses are required to obtain distribution permits, which are the standard for food product manufacturing.

The obligations of business actors in producing food are regulated in Article 109 of Law No. 36 of 2009 concerning Health. This article states that every individual and/or legal entity engaged in the production, processing, and distribution of food and beverages, including those derived from genetic engineering technology, is obliged to ensure that its products are safe for consumption by humans, animals consumed by humans, and also safe for the environment. Furthermore, Article 110 of the same Law explains that every individual and/or legal entity that produces and markets food and beverage products, including those processed with technology, is prohibited from using misleading terms and/or including claims that cannot be proven true. It can be concluded that entrepreneurs who make or promote processed food products are obliged to use appropriate and clear language so that information about the product can be understood by consumers. Furthermore, there is an obligation to have a distribution permit for entrepreneurs as regulated in Article 111 paragraph (1) and paragraph (2) of Law No. 36 of 2009 concerning Health. Paragraph (1) states that food and beverages consumed by the public must meet health standards and/or requirements. Meanwhile, paragraph (2) states that food and drinks may only be distributed after obtaining a distribution permit based on the applicable regulations.

The existence of unlicensed frozen food that does not include labels to provide clear information to buyers about food products sold online certainly makes consumers feel worried. This is because the obligation to include labels on food product packaging has been

regulated in Article 111 paragraph (3) of Law No. 36 of 2009 concerning Health, which states that every packaged food and drink must be equipped with a sign or label that contains:

- 1) Product name;
- 2) List of materials used
- 3) Net weight or net volume
- 4) Name and address of the party producing or importing food and beverages into Indonesian territory.
- 5) Expiration date, month and year.

However, if the business actor does not fulfill its obligations as regulated in Law No. 36 of 2009 concerning Health Article 109, Article 110, and Article 111 paragraphs (1), (2), and (3), then Article 111 paragraph (6) states that food and beverages that do not comply with standards, health requirements, and/or can endanger health are prohibited from being marketed, must be withdrawn from circulation, distribution permits must be revoked, and the product must be confiscated and then destroyed in accordance with applicable regulations. In this context, in accordance with the objectives of Law No. 36 of 2009 concerning Health is to increase the awareness, will, and ability of each individual to live a healthy life as an investment to advance productive human resources in social and economic aspects. From the discussion regarding consumer legal protection for frozen food that does not have a distribution permit and is sold online, it can be concluded that the public already understands that their rights are protected by law. The circulation of frozen food without a distribution permit clearly violates consumers' rights to safety, comfort, and security, as well as their right to receive accurate, clear, and honest information. However, there appears to be a lack of consumer awareness in defending their rights when businesses violate them, resulting in inadequate legal protection for consumers regarding the circulation of frozen food without a distribution permit.

3.2. What is the responsibility of the Food and Drug Monitoring Agency (BPOM) regarding the distribution of frozen food products that do not have a distribution permit?

Based on the explanation above, many frozen food products are still being sold through e-commerce sites. This has left many consumers feeling disadvantaged. Therefore, legal protection for consumers regarding the free sale of frozen food products is needed, both in terms of preventative legal protection and repressive law enforcement (Ady, ENS, Nisrina, FB, et.al., 2022). As the agency responsible for overseeing drug distribution, the BPOM must take preventative and enforcement measures to ensure the safety and quality of drugs circulating in the community. This includes efforts to prevent smuggling and illegal distribution of drugs, as well as taking action against businesses that violate existing regulations (A, H., & Marilag, M., 2020). The Food and Drug Monitoring Agency (BPOM) is responsible for monitoring the distribution of food products,

including frozen foods, in accordance with Law No. 18 of 2012 concerning Food and Government Regulation No. 86 of 2019 concerning Food Safety. BPOM's responsibilities include:

- Conduct pre-market and post-market supervision of frozen food products circulating on the market
- Providing education to business actors about the importance of distribution permits and registration procedures
- Taking law enforcement action, such as withdrawing products from circulation and imposing administrative or criminal sanctions on business actors who violate the law.

BPOM's responsibilities extend to both pre-market and post-market products. Pre-market food registration refers to registration before the food is sold to the public. Products are required to be registered first, a process known as registration. Once registered, the food must be evaluated to ensure it meets quality and safety standards, and is tested by the POM. If the requirements are met, a registration number is issued, and once the registration number is issued, the product can be sold. This responsibility spans the pre-market and post-market stages. Once the product is available in the market, BPOM conducts inspections at various locations such as shops, markets, supermarkets, pharmacies, information centers, community health centers, and hospitals. These inspections aim to ensure the safety of food products, including inspections of both the product and the facilities. Products can be sampled, tested, purchased, and then analyzed in a laboratory to ensure compliance with registration requirements. It's possible for a product registered during the pre-market stage to appear fine, but during distribution, ingredients or modifications may be added to attract market attention or reduce production costs. Therefore, BPOM continuously monitors these products to ensure they comply with all established standards, a process known as post-market surveillance (Sudewi, NKAPA, et.al., 2020). After a food product is distributed, pre-market supervision is required to ensure it has the correct registration number before obtaining a distribution permit. For medicines, there are codes such as DKL, DKI, and DKN. Cosmetics, however, have a nine-digit number. Food products must also have a registration number that aligns with pre-market and post-market supervision. However, the Food and Drug Monitoring Agency (BPOM) emphasizes that distribution permits for frozen food do not solely depend on their shelf life. The following are the complete regulations regarding frozen food distribution permits:

1. Processed food is food or drink that is processed in a certain way or method with or without additional ingredients.
2. Based on Law No. 18 of 2012 concerning Food and Government Regulation Number 86 of 2019 concerning Food Safety, it is stated that every processed food produced domestically or imported for sale in retail packaging must have a distribution permit.

3. Types of processed foods that do not need to obtain a distribution permit from the POM Agency include those that meet the following criteria.:
 - a. Has a shelf life/expiry date of less than 7 (seven) days (proven by including the production date and expiry date on the packaging/label);
 - b. Further used as food raw materials and not sold directly to end consumers;
 - c. Sold and packaged directly in front of the buyer in small quantities according to consumer demand; and processed food that is ready to serve.
4. In addition to processed foods that have obtained distribution permits from the POM Agency, there are also Home Industry Processed Food products (P-IRT) that comply with POM Agency Regulation Number 22 of 2018 concerning Guidelines for Granting Home Industry Food Production Certificates, where permits are issued by the district/city government.
5. Frozen processed foods are products produced through freezing techniques and kept frozen at -18°C during the distribution and storage process.
6. Ready-to-eat processed foods that are temporarily stored at frozen temperatures and have a shelf life of less than seven days and are produced to order do not need to have a distribution permit, either from the POM Agency or the district/city government. However, frozen and ready-to-eat processed foods that are stored at freezing temperatures with a shelf life of seven days or more and are mass-produced must obtain a Distribution Permit from the POM Agency, not from the district/city government.
7. The process of storing processed food at frozen temperatures (minimum -18°C) is one way to extend the shelf life of products by inhibiting the growth of microorganisms, enzyme reactions, and chemical reactions so that the product remains safe and of high quality. To maintain the cold chain, both frozen and ready-to-eat processed foods must comply with Good Processed Food Distribution Practices (CPerPOB).

The role of BPOM in providing legal protection to consumers who suffer losses due to the circulation of illegal drug and food products on the market is:

1. Preventive legal protection

Preventive legal protection is protection provided by the government with the aim of preventing violations before they occur. This is contained in statutory regulations with the aim of preventing violations and provide guidelines or limits in carrying out an obligation (Haabiburrahman, M., 2020). Under this preventive legal protection, individuals or legal

entities are given the opportunity to voice their objections or opinions before the government makes a final decision. The goal is to avoid future disputes. Preventive legal protection is crucial for government actions based on freedom of action, as it allows the government to be more cautious in making discretionary decisions. In Indonesia, there are currently no specific regulations regarding preventive legal protection. In addition, as part of preventative efforts, frozen food distribution is monitored through online patrols conducted by the Enforcement Substance. This online patrol monitoring aims to track and prevent the circulation of illegal drugs sold through electronic platforms such as e-commerce, websites, marketplaces, and social media. In carrying out these online patrols, the Food and Drug Monitoring Agency (BBPOM) collaborates with the Ministry of Communication and Information Technology and the Indonesian E-commerce Association (idEA) (Qonaah, SQ, & Afianto, H., 2020). The Ministry of Communication and Informatics and the Indonesian E-commerce Association (idEA) have significant responsibility for overseeing and enforcing the distribution of frozen food products sold online through e-commerce platforms, where they are tasked with regulating internet usage. One form of legal protection for consumers is by blocking (taking down) all accounts or websites of e-commerce platforms selling frozen food products that do not meet established standards (Pambudi, DB & Raharjo, D., 2020).

2. Repressive legal protection

Repressive legal protection is the final form of protection in the form of sanctions, such as imprisonment, fines and additional penalties, which are imposed after a dispute or violation occurs (Sulastri, R, Ahmadi, A., & Ar Razak, ANQ, 2023). Repressive legal protection aims to resolve conflicts. The administration of legal protection by the General Courts and Administrative Courts in Indonesia falls into this category. The principle of legal protection against government actions is based on the idea of recognizing and protecting human rights, which historically originated in the West, where these concepts emerged to limit and define the obligations of society and the government. The second principle underlying legal protection in the context of government actions is the principle of a state based on law. Regarding the recognition and protection of human rights, this is a primary concern and is closely related to the objectives of a state based on the rule of law.

As for the form BBPOM's responsibilities in handling cases of illegal food circulating in the market are as follows (Nofi Cahyaningtiyas, et.al, 2022):

1. Conducting initial investigation activities based on public reports and the results of drug and food quality monitoring.
2. Conducting law enforcement operations with the police.
3. Conducting investigations into drug and food crimes.

4. Submitting suspects and evidence of criminal acts to the public prosecutor through the PPNS Supervisory Committee

If a case arises that falls under BPOM's responsibility, the steps taken are to investigate the case to determine the origin of the illegal drug and food purchases. If the intellectual perpetrator has not been identified, the illegal products found will be destroyed. Consumers also have various options.

legal options if they are harmed due to food safety violations in the sale of frozen food, they can take legal action through litigation channels, which include the courts at the Consumer Dispute Resolution Agency (BPSK).

4. Conclusion

The Food and Drug Monitoring Agency (BPOM) is responsible for overseeing the distribution of food products, including frozen foods, in accordance with Law No. 18 of 2012 concerning Food and Government Regulation No. 86 of 2019 concerning Food Safety. BPOM's responsibilities include: Conduct pre-market and post-market supervision of frozen food products circulating in the market. Providing education to business actors about the importance of distribution permits and registration procedures. Taking law enforcement action, such as withdrawing products from circulation and imposing administrative or criminal sanctions on business actors who violate the law. BPOM's responsibility and the form of BPOM's responsibility pre-market and post-market pre-market is registration before the food is circulated in the community/market. The product must be registered first and that is called registration. Finally, the food product is first evaluated whether it meets the quality requirements, is safe and is tested first by the POM agency. If it meets the requirements, it will be given a registration number, registration number, when the registration number has been issued, it can be circulated, namely the realm starting from pre-market before being marketed to post-market, namely when in the field the POM Agency conducts inspections to shops, markets, supermarkets, pharmacies, information service facilities, health centers, and hospitals.

5. References

- A, H., & Marilang, M. (2020) Perlindungan Konsumen Terhadap Peredaran Obat Tradisioanal Ollegal. *Alauddin Law Develoment Journal*, Vol.2, No.1. <https://doi.org/10.24252/aldev.v2i1.13266>
- Ady, E.N. S, Nisrina, F. B., Ramadhani, D., & Irawan, F. (2022). Urgensi KUHD Dalam Menangani Resiko Kejahatan Siber Pada Transaksi E-Commerce. *Journal of Law, Administration, and Social Science*, Vol. 2, No.1, <https://doi.org/10.5495/jolas.v2i1.166>
- Cahyaningtiyas, Nofi, Laily Rozani Amaniyah, & Heri S Widodo. (2022), Analisis Yuridis Terhadap Pengawasan Sediaan Obat yang tidak Memiliki Izin Edar pada Saat Pandemi Covid-19 di Indonesia. *Jurnal Kolaboratif Sains*, Vol. 5, No. 8 <https://doi.org/10.56338/jks.v5i8.2736>
- Eliana, dan Sri Sumiati. (2017). "Kesehatan Masyarakat", Modul bahan ajar kebidanan
- Hasan, M. Iqbal. (2002). *Pokok-pokok Materi dan Metodologi Penelitian*, Jakarta: PT. Ghalia Indonesia.

<https://kasirpintar.co.id/solusi/detail/15-macam-frozen-food-yang-bisa-kamu-jual-dijamin-laris-manis>

Law No. 18 of 2012 concerning Food.

M, Haabiburrahman. (2020). Peran Balai Besar Pengawas Obat dan Makanan (BBPOM) dalam Memberikan Perlindungan Hukum Bagi Konsumen Akibat Peredaran Produk Pangan Olahan yang Tidak Memenuhi Standar Mutu (Studi BBPOM Kota Mataram). *Jurnal Ilmiah Fakultas Hukum Universitas Mataram*.

Pambudi, D. B. & Raharjo, D. (2020) Perlindungan Hukum Bagi Konsumen Terhadap Obat Tradisional Tanpa Izin Edar Di Media Online. *In Proceeding of The 11th University Research Colloquium 2020: Bidang MIPA dan Kesehatan*. Yogyakarta.

Qonaah, S. Q., & Afianto, H. (2020). Strategi BPOM dalam Upaya Mengatasi Pemberantasan dan Penyalahgunaan Obat Illegal melalui Gerakan “Waspada Obat Illegal” *Jurnal Khatulistiwa Informatika*, Vol. 11, No. <https://doi.org/10.31294/jkom.v11i1.7483>.

Rahardjo, Christopher Richie. (2016). “Faktor Yang Preferensi Konsumen Dalam Membeli Produk Frozen Food”, *Jurnal Manajemen dan Start-up Bisnis*, Fakultas Manajemen Bisnis Universitas Ciputra, Vol. 1, No. 1.

Regulation of Food Agency No. 6 of 2024 on Label on Food Product.

Sadabalok, Janus. (2014). *Hukum Perlindungan Konsumen di Indonesia*, Bandung: PT Citra Aditya Bakti.

Santoso,, I., Mustanirroh, S.A., & Pranowo, D. (2018). “Keakraban Produk Dan Minat Beli Frozen Food: Peran Pengetahuan Produk, Kemansan, dan Lingkungan Sosial”. *Jurnal Ilmu Keluarga & Konsumen*, Vol. 11 No. 2.

Saripa Hannum Nasution. (2020). Perlindungan Hukum Terhadap Konsumen Terkait Produk Frozen Food Tanpa Izin Edar Yang Dijual Secara Online, *Jurnal Legal Reasining*, Vol. 3, No. 1.

Siswanto, C.A., Indradewi, A. A., Emmanuella Pallo, K. X., & Purba, A. Z. (2022). Perlindungan Konsumen Terhadap Pembelian Obat Mengandung Psikotropika Pada Online Marketplace. *Jurnal USM Law Review*, Vol.5, No.2. <https://doi.org/10.26623/julr.v5i2.5337>

Soekanto, S. (1984). *Pengantar Penelitian Hukum*. UI Prees

Sudewi, N. K. A. P. A., Budiarta, I. N. P., Ujianti, N. M. P. (2020). Perlindungan Hukum Badan Pengawas Obat Dan Makanan (BPOM) Terhadap Peredaran Produk Jamu Yang Mengandung Bahan Kimia Obat Berbahaya. *Jurnal Analogi Hukum*, Vol. 2, No.2, <https://doi.org/10.22225/ah.2.2.1928.246-251>

Suherman, & Enggraini, S.D. (2022). Efektivitas Penyelesaian Sengketa Oleh Badan Penyelesaian Sengketa Konsumen (BPSK) Jakarta Melalui Proses Konsiliasi, *Reformasi Hukum*, Vol. 26, No.1 <https://doi.org/10.46257/jrh.v26i1.393>

Sulastri, R, Ahmadi, A., & Ar Razak, A. N. Q. (2023). Implementasi Pepres No. 80 Tahun 2017 Tentang BPOM (Studi Sistem Penanggulangan Peredaran Obat-Obatan Illegal di Balai POM Kendari. *FAWAID: Sharia Economic Law Review*, Vol. 4, No. 2. <https://doi.org/10.31332/flr.v4i2.5010>

Surianti, Eni, dkk. (2018). “Perlindungan Konsumen Jajanan Bahan Berbahaya di Lingkungan



- Sekolah”, *Jurnal Ilmu Hukum* Vol. 20, No.3.
- Tamanbali, Kadek Surya. (2013). “Hak-Hak Konsumen Dalam Peredaran Produk Makanan dan Minuman dalam Rangka Perlindungan Konsumen”, *Jurnal Kertha Semaya* Falkultas Hukum Universitas Udayana Vol. 1, No.08.
- Yusriono, B.A., Berampu, L.T., &Yetti, Y. (2022). Tanggung Jawab Hukum Pelaku Usaha Penjualan Obat-Obatan Golongan Obat Keras Secara Online. *Journal Of Science and Social Research*, Vol. 5, No.3 <https://doi.org/10.54314/jssr.v5i3.1036>

Regulation:

Law Number 8 of 1999 concerning Consumer Protection

Law Number 36 of 2009 concerning Health

Regulation of the Food and Drug Supervisory Agency Number 8 of 2020 concerning Drug and Food Supervision