

## **Legal Protection of Consumer in the Circulation of Food Products Containing Hazardous Ingredients**

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**Abstract.** *This research aims to analyze the form of legal protection for consumer rights in the circulation of hazardous food products, using the case study of sodium dehydroacetate preservative use in Roti Okko products manufactured by PT Abadi Rasa Food. The entry of food products containing prohibited chemical substances has become a serious concern because it poses potential threats to public health and directly violates consumers' rights to safety and security as stipulated in Article 4 of Law No. 8 of 1999 concerning Consumer Protection. This study employs a normative juridical method by examining relevant legislation, legal doctrines, literature, and official BPOM (Indonesian Food and Drug Authority) documents as primary data sources. The findings reveal that national regulations such as Law No. 18 of 2012 on Food, Law No. 36 of 2009 on Health, BPOM Regulation No. 22 of 2013, and Government Regulation No. 28 of 2004 provide a solid legal foundation for ensuring food safety, including the prohibition of hazardous food additives. However, recurring violations indicate weak enforcement and low compliance among business actors. The study also finds that BPOM holds the authority to withdraw products, revoke distribution licenses, and impose administrative sanctions. Therefore, the research concludes that the implementation of legal protection for consumers has not yet been optimal due to gaps in supervision mechanisms and the low awareness of business actors regarding food safety standards. The study recommends strengthening regulatory oversight, enhancing inter-agency coordination, and promoting continuous education for both business actors and consumers to achieve effective legal protection against the circulation of hazardous food products in Indonesia.*

**Keywords:** *Consumer; Food; Hazardous; Protection.*

### **1. Introduction**

Under the general provisions of Law No. 18 of 2012 concerning Food, *food* is defined as everything derived from biological sources of agricultural, plantation, forestry, fishery, livestock, aquatic, and water products, whether processed or unprocessed, that is intended as food or beverages for human consumption. This definition includes food additives, raw food materials, and other substances used in the preparation, processing, and/or production of food and beverages. Food safety is one of the key factors that must be ensured in daily consumption.

Every individual has the right to safe and healthy food, and this right must be protected by the government. Consequently, business actors are obligated not to sell food that is unfit for consumption.

Every citizen is entitled to legal protection provided by the State. One such protection is consumer protection, which ensures that the public does not consume or use goods and/or services (including food) that may endanger their health or safety. Consumer protection represents a growing field of law in Indonesia. The issue of consumer protection, which is now explicitly regulated and addressed, has only recently developed in Indonesia and has not yet been fully internalized across all social and community groups.

Consumers must be protected because they are often considered to occupy an unequal position in comparison to business actors. Frequently, consumers are powerless when facing the dominant position of producers or sellers. Nevertheless, it must also be acknowledged that many consumers still lack awareness of their rights. This can be seen in everyday life, where many consumers who have suffered losses due to business actors show little to no intention of filing complaints or lawsuits.

In fact, consumer protection in Indonesia can be considered fairly comprehensive, as reflected in the existence of a legal framework, namely Law No. 8 of 1999 concerning Consumer Protection. Moreover, the role of the government and local authorities has become increasingly evident through the establishment of competent institutions such as:

1. The National Agency of Drug and Food Control (BPOM);
2. The Department of Industry and Trade, both at the provincial and regency/city levels; and
3. The Indonesian Consumers Foundation (YLKI).

These institutions play a significant role in supervising product safety, ensuring fair business practices, and realizing the government's obligation to protect consumers' rights in the context of food safety and public health.

## **2. Research Methods**

This research employs a normative legal approach (doctrinal legal research) aimed at analyzing the regulatory framework and legal principles governing the protection of consumer rights in Indonesia. The sources used in this study consist of: primary sources, including the Constitution, laws, government regulations, presidential regulations, and related legal provisions; secondary sources, such as scholarly books, academic articles, and policy documents; and tertiary sources, which assist in understanding legal terminology and the hierarchy of legal norms. Data were collected through a systematic literature review and document analysis, with careful recording of metadata information for citation purposes.

### 3. Result and Discussion

The term “perlindungan hukum” in English is known as *legal protection*, while in Dutch it is referred to as *Rechts Bescherming*. In the Great Dictionary of the Indonesian Language (KBBI), *protection* is defined as:

1. a place of refuge,
2. an act or deed of protecting, and
3. a process, method, or action of providing protection.

Meanwhile, *law* functions as a means to protect human interests; to ensure those interests are protected, the law must be implemented professionally. In other words, protection refers to actions or measures carried out through certain procedures in accordance with applicable laws and regulations.

Legal protection is the right of every individual, and at the same time, it is the responsibility of the state. Therefore, the state is obliged to provide legal protection for its citizens. In principle, legal protection for society is rooted in the concept of recognizing and safeguarding human dignity and worth. Accordingly, the recognition and protection of the rights of individuals—such as the rights of the accused, victims, or consumers—as part of human rights must be carried out without discrimination. Legal protection encompasses all efforts to fulfill rights and provide support to create a sense of security for witnesses and/or victims, which can be realized through restitution, compensation, medical services, and legal assistance.

Legal protection serves as an effort to shield the public from arbitrary actions by authorities or private entities that contradict the rule of law, with the goal of ensuring order, peace, and the enjoyment of human dignity. However, it cannot be denied that Indonesia’s increasingly complex economic conditions have influenced food production. Many business actors mix their products with inappropriate preservatives, such as sodium dehydroacetate, which is commonly used as a preservative in cosmetics. One example of such a product is *Roti Okko*. The use of this harmful chemical in food products is strictly prohibited because it can cause adverse health effects, including digestive problems, organ damage, and an increased risk of cancer.

Therefore, legal protection for consumers must encompass various aspects, from regulations governing the use of food additives, to supervision of circulating food products, and enforcement against business actors who violate these provisions. Food safety is a vital factor that must be ensured in daily consumption. Hence, food producers must guarantee that any food product distributed to consumers is safe, healthy, and meets established quality standards.

Article 4(1) of Law No. 8 of 1999 on Consumer Protection stipulates consumers’ rights as: “*the right to comfort, security, and safety in consuming goods and/or services.*”

Food products containing hazardous chemicals clearly violate this right. Therefore, it becomes the obligation of the state to ensure consumer protection through strict supervision and firm

law enforcement against business actors who breach the rules. Every business entity engaged in the production and distribution of processed food must ensure that its products are safe and comply with quality standards set by the National Agency of Drug and Food Control (BPOM).

The primary objective of legal protection is to safeguard human rights, particularly for those who suffer losses, to ensure that they receive their entitlements under the law. Business actors are thus required to provide products that do not endanger consumers' safety and health. However, in reality, many consumers still encounter unsafe products, placing them in a weak position and often causing harm in the circulation of processed food.

Legal protection can be realized through various measures, including restitution, compensation, medical treatment, and legal aid. This protection allows aggrieved parties to undergo legal processes without coercion and ensures that they receive adequate support as citizens. Fundamentally, legal protection is grounded in the principle of respecting and upholding human dignity and worth.

Legal protection is essential to ensure that processed food products on the market meet safety standards and do not pose health risks. It serves both a preventive and repressive function—preventing violations and responding decisively when they occur. Preventive protection may take the form of internal and external legal safeguards.

The case involving the circulation of hazardous processed food by PT Abadi Rasa Food, which used the chemical sodium dehydroacetate in *Roti Okko*, demonstrates a disregard for consumer health and negligence in ingredient oversight. Before any food product is distributed, it must undergo preservative testing by BPOM to ensure its safety for consumption. Legal protection is therefore vital, as consumers often occupy a weaker bargaining position. The government, through its regulations, must protect these vulnerable parties by ensuring that laws are fair, balanced, and equally protective for all stakeholders.

Article 109 of Law No. 36 of 2009 on Health provides that: *“Every person and/or legal entity producing, processing, and distributing food and beverages—especially those resulting from genetically modified technology—must ensure their safety for humans, animals consumed by humans, and the environment.”*

In relation to the *Roti Okko* case, the business actor failed to guarantee the product's safety for consumers, thereby violating consumer rights. Furthermore, Article 111(6) of the same law states that food products that fail to meet safety and health standards must be withdrawn from circulation, have their licenses revoked, and be confiscated for destruction. Hence, BPOM should withdraw *Roti Okko* from the market and revoke its distribution permit.

Article 2(1) of BPOM Regulation No. 22 of 2013 on Prohibited Raw Materials and Additives in Processed Food states:

*“Any person who produces or imports processed food is prohibited from using:  
a. raw materials banned in processed food; and*

*b. substances prohibited as food additives (BTP)."*

Thus, the use of sodium dehydroacetate as a preservative constitutes a violation, as it is not listed by BPOM as an approved food additive (BTP). Additionally, Article 90(1)–(2) of Law No. 18 of 2012 on Food stipulates that no person may distribute contaminated food containing hazardous materials or substances that endanger human health, are produced unlawfully, or contain prohibited ingredients.

These provisions explicitly highlight the importance of ensuring legal protection for consumers whose rights have been violated by irresponsible business actors. They also illustrate the regulatory framework established by the government to ensure public safety, comfort, and welfare. Anyone who violates these provisions is subject to sanctions in accordance with applicable laws. A firm and consistent legal system is essential to protect consumers, foster public trust, and create a fair and safe marketplace.

BPOM, as the government agency responsible for food and drug control, plays a critical role in monitoring and taking enforcement action against hazardous processed foods. It must ensure national food safety and exercise its authority to inspect circulating food products and act against violators.

Article 3(1)(d) of Presidential Regulation No. 80 of 2017 on BPOM states that BPOM is tasked with *"conducting pre-market and post-market supervision of food products in Indonesia."*

At the legal level regarding processed ingredients, this has been expressly stated in a regulation, but in the community we still find food ingredients that contain dangerous preservatives, such as sodium dehydroacetate in Roti Okko. BPOM has issued Regulation No. 22 of 2023, prohibiting the use of dangerous food additives. Safe food products may obtain a distribution permit after registration under BPOM Regulation No. 27 of 2017 on Processed Food Registration. Conversely, if a product fails to meet safety standards, Article 47 of Government Regulation No. 28 of 2004 on Food Safety, Quality, and Nutrition allows the competent authority to impose administrative measures, including suspension of production, revocation of licenses, and cancellation of registration certificates.

Under Article 4 of Presidential Regulation No. 80 of 2017, BPOM is vested with powers to conduct food and drug oversight, product testing, issuance of distribution permits, investigations, and administrative sanctions.

The *Roti Okko* case illustrates the need for tighter and more responsive supervision. To address this issue, BPOM needs to increase business actors' awareness, and engage multiple stakeholders in monitoring efforts. These actions are crucial to ensure that all food products in circulation are genuinely safe and compliant with standards, thereby safeguarding consumer rights and promoting a fair, healthy, and accountable food market in Indonesia.

#### 4. Conclusion

Legal protection for consumer rights in the circulation of hazardous food products in Indonesia has not yet been implemented optimally, despite the existence of a clear and comprehensive regulatory framework. Various regulations, such as Law No. 8 of 1999 on Consumer Protection, Law No. 18 of 2012 on Food, Law No. 36 of 2009 on Health, and BPOM Regulation No. 22 of 2013, along with its derivative rules, explicitly prohibit the circulation of food containing hazardous substances and obligate business actors to ensure the safety of their products. However, the discovery of Roti Okko containing sodium dehydroacetate indicates the presence of gaps in the supervisory system, which leave consumers in a vulnerable position and easily harmed. From the perspective of legal protection, consumers' structurally weaker position requires the state's active role in guaranteeing safety, security, and comfort regarding circulating products. This obligation has not yet been fully realized, as some business actors continue to disregard food safety standards for economic gain, and public awareness of consumer rights remains low. The study also emphasizes that BPOM's supervisory authority serves as a crucial legal instrument that must be strengthened, including its powers to withdraw products, revoke distribution permits, conduct laboratory testing, and impose administrative sanctions in accordance with the law. The Roti Okko case demonstrates that current supervisory mechanisms are not yet effective in preventing the distribution of hazardous food products. Therefore, stricter supervision is needed, harmonization of regulations with advances in food technology, capacity-building for business actors in complying with food safety standards, and public education to increase consumer awareness of their rights. Overall, this research concludes that while the legal framework is sufficient, its implementation requires significant improvement. Effective legal protection can only be achieved through synergy between strong law enforcement, consistent oversight, business compliance, and consumer assertiveness in exercising their rights—ensuring that food circulation in Indonesia is genuinely safe and does not endanger public health.

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