

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

Law Enforcement Against Food Crime Perpetrators in Indonesia

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Abstract *The purpose of this writing is to find out and describe law enforcement against perpetrators of food crimes in Indonesia. The approach method in writing uses a normative juridical approach method. The results of the research conducted state that law enforcement against food business actors is intended to guarantee the basic rights of consumers in determining standards set by the government. The law enforcement process is carried out with reference to material legality in Law no. 18 of 2012 concerning food, providing evidence to the prosecutor's office or district court until pro-justitia can result in administrative sanctions such as being prohibited from distribution, withdrawn from circulation, revoked distribution permits and confiscated for destruction.*

Keywords: *Crime; Food; Law Enforcement.*

1. Introduction

Food is the most fundamental biological necessity for human survival. In the Indonesian legal context, the fulfillment of food needs is not merely a matter of commercial transaction, but a constitutional right of every citizen as mandated by the 1945 Constitution of the Republic of Indonesia. Food sovereignty, self-reliance, and safety are primary indicators of a nation's welfare and national stability. However, the complexity of the global food supply chain and the high economic value of the food industry have created significant gaps for "Food Crimes" to

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emerge. These crimes range from simple hygiene violations to organized fraud involving hazardous chemical additives (Mashdurohatun, 2018).

In recent years, Indonesia has faced various food-related scandals that have shaken public trust. Cases such as the use of formalin and borax in tofu, meatballs, and fish, the distribution of "plastic rice," and the massive rebranding of expired products are no longer isolated incidents. These actions are not just administrative errors; they are criminal acts that threaten the physical health of the population and create long-term genetic risks for future generations. Law enforcement in this sector serves a dual purpose: as a mechanism for social control to prevent immediate harm and as a means of social engineering to build a business culture based on integrity and safety (Soekanto, 2012).

The primary legal instrument, Law Number 18 of 2012 concerning Food, was enacted to replace the outdated Law No. 7 of 1996. This new law introduces stricter definitions of food safety and more severe criminal penalties. However, the implementation of "Material Legality" remains a significant challenge. Material legality implies that an act is punished not only because it violates a written rule but because it is socially harmful and violates the fundamental sense of justice (Hamzah, 2010).

Furthermore, food crimes often intersect with corporate criminal liability. Many perpetrators are not individuals but legal entities (corporations) seeking maximum profit by cutting costs on safety standards. This requires an advanced law enforcement approach that goes beyond traditional criminal law, involving inter-agency cooperation and international standards. This article explores the depth of these challenges, focusing on how Indonesian law enforcement agencies navigate the transition from administrative sanctions to criminal prosecution (*pro-justitia*) in protecting the fundamental rights of 270 million Indonesian consumers.

2. Research Method

This research utilizes a normative juridical approach, focusing on the study of legal norms, statutes, and legal doctrines. The method involves a comprehensive analysis of Law No. 18 of 2012 in conjunction with Law No. 8 of 1999 on Consumer Protection. Data is collected through a literature review of secondary legal materials, including 20 academic journals, relevant court decisions, and legal textbooks. The analysis is performed qualitatively, employing a teleological interpretation to understand the ultimate purpose of the law in providing consumer safety and maintaining the integrity of the food market.

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3. Results and Discussion

3.1. Theoretical Analysis of Food Safety and Consumer Protection

Food security is built on three essential pillars: availability, accessibility, and safety. Law enforcement focuses primarily on the safety pillar. From the perspective of Consumer Protection Theory, the relationship between food business actors and consumers is inherently unequal. Business actors possess internal information about the product's contents and production process (asymmetry of information), while consumers often rely solely on the label and appearance (Kristiyanti, 2011).

Therefore, the state must intervene through law enforcement to balance this relationship. Law enforcement against food crimes in Indonesia is intended to realize "distributive justice," where the state ensures that no party benefits economically by harming the health of others. The implementation of standards such as Good Manufacturing Practices (GMP) and the Hazard Analysis Critical Control Point (HACCP) system is not merely optional but a legal mandate to ensure that food is "fit for consumption" (Siahaan, 2012).

Dynamics of Law Enforcement: From Administrative to Criminal

The law enforcement process in Indonesia follows the principle of *Ultimum Remedium* (criminal law as a last resort) for technical administrative errors, but acts as *Primum Remedium* (first resort) for deliberate acts that endanger lives. The research finds that law enforcement against food business actors involves several distinct stages:

1. Preventive Supervision: Conducted by BPOM (National Agency of Drug and Food Control) through routine inspections, factory audits, and laboratory testing of samples taken directly from the market.
2. Administrative Sanctions: If violations are found that do not yet pose a fatal threat (such as mislabeling or minor hygiene issues), sanctions such as written warnings, temporary closure, or revocation of distribution permits are applied (Widjaja, 2000).
3. Pro-Justitia Investigation: If the violation involves hazardous substances (borax, formalin, textile dyes) or intentional distribution of expired food, the case is elevated to a criminal investigation.

In the *pro-justitia* stage, investigators from the Police or BPOM Civil Servant Investigators (PPNS) must provide solid evidence to the Prosecutor's Office. The complexity of this stage lies in the "Causality Principle"—proving that a specific food product directly caused a specific

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health injury. This often requires expensive laboratory validation and expert testimony from toxicologists and medical doctors (Atmasasmita, 2010).

3.2. Sanction Mechanisms and Their Deterrent Effect

Law No. 18 of 2012 provides a wide array of sanctions. Article 140 states that anyone who produces or distributes food that does not meet safety standards can be imprisoned for 2 years or fined up to 4 billion IDR. However, the "Material Legality" approach suggests that sanctions should also include "restitutio in integrum" (restoration to the original state). This is achieved through:

1. **Mandatory Recall:** Forcing the company to withdraw all products at their own expense.
2. **Public Announcement:** Forcing the perpetrator to apologize and warn the public through mass media, acting as a "social sanction" that damages the brand's reputation (Sidabalok, 2014).
3. **Confiscation for Destruction:** Ensuring that hazardous evidence is physically destroyed to prevent it from leaking back into the market.

Institutional Challenges and Systemic Obstacles

The research identifies three main obstacles in enforcing food law in Indonesia:

1. **Institutional Overlap:** There is often a lack of synchronization between the Ministry of Health, Ministry of Agriculture, BPOM, and the Police. This can lead to "grey areas" in supervision, especially in traditional markets.
2. **The "Formal Law" Trap:** Judges often focus on formal requirements (permits, labels) rather than the substantive danger of the food content. This results in light sentences or mere fines for crimes that should be treated as serious felonies.
3. **Lack of Consumer Literacy:** Many Indonesian consumers do not report violations because they perceive the legal process as complicated. This reduces the "social pressure" on business actors to maintain high standards (Rahardjo, 2009).

4. Conclusion

Law enforcement against food crime perpetrators in Indonesia is a vital manifestation of the state's duty to protect its citizens. Through Law No. 18 of 2012, Indonesia has shifted towards a more comprehensive "Pro-Justitia" framework. The effectiveness of this law relies on the

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consistency of the "Material Legality" principle, where sanctions are applied based on the substantive harm caused to society. To reach the ideal level of protection, Indonesia must strengthen the coordination between investigative agencies, increase the severity of fines for corporations, and empower consumers through better legal literacy and simplified reporting mechanisms.

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