

## **The Effectiveness of Non-Criminal Law Enforcement Approaches to Food Product Labeling Violations**

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**Abstract.** *This study aims to analyze the implementation of non-criminal law enforcement by the Salatiga City Trade Office in handling food product labeling violations. This study uses a juridical-empirical method with a qualitative approach, analyzing primary data in the field and secondary data. The analysis of the findings is framed by three theoretical pillars: Consumer Protection Theory, Progressive Legal Theory, and Legal Effectiveness Theory. The results show that the Salatiga City Trade Office applies a progressive and development-oriented non-criminal approach, prioritizing socialization and persuasive warnings before administrative sanctions. This approach is considered quite effective in consumer protection due to its rapid response and corrective actions, and creates a significant deterrent effect through reputational losses due to the publication of violations. Recommendations for optimization include: increasing capacity and cross-sector collaboration, implementing a tiered and progressive sanction system, and utilizing technology for real-time reporting and consumer education centers.*

**Keywords:** *Criminal; Law; Labeling; Protection.*

### **1. Introduction**

Consumer protection is a fundamental element in creating a fair and civilized economic system. In the context of food product transactions, consumers' right to receive accurate and transparent information through labels is crucial. Labels are not merely decorative items, but legal instruments that ensure consumers can make informed purchasing decisions.<sup>1</sup>

Food product labeling regulations in Indonesia are comprehensively regulated through Law No. 8 of 1999 concerning Consumer Protection, reinforced by Government Regulation No. 69 of 1999 concerning Food Labels and Advertising.

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1Setiono. (2004). \*Principles of Consumer Protection Law. Jakarta: Tatanan Publishing. Pp. 30-35

However, in practice, numerous violations persist, ranging from failing to include mandatory information, providing misleading information, to falsifying expiration dates.<sup>2</sup>

Salatiga City, a developing region in Central Java, has an active trade dynamic. Based on field monitoring by the Salatiga City Trade Office in August 2025, labeling violations were still found: 5 brands of cooking oil with a net weight that did not match the packaging, 2 rice products without distribution permits, 1 expired bread product, 4 expired frozen food products, and 4 products with damaged packaging.<sup>3</sup>

In dealing with these violations, a non-criminal law enforcement approach is a strategic option. This approach aims to avoid the imposition of excessive criminal sanctions that could have negative effects.<sup>4</sup> The non-criminal approach prioritizes coaching, education, and administrative sanctions, with the hope of building synergistic relationships with business actors, especially MSMEs.<sup>5</sup>

Previous research shows the importance of transparency of product halal status for consumers as a form of consumer rights protection.<sup>6</sup> Other research reveals that labeling violations are often caused by less careful consumer habits and business actors who do not care about production standards.<sup>7</sup> This study aims to analyze the application of a non-criminal law enforcement approach in handling food product labeling violations in Salatiga City.

## **2. Research Methods**

This study uses a juridical-empirical approach with a qualitative approach. The research specification is descriptive analytical, aiming to provide an in-depth overview of the phenomenon of non-criminal law enforcement. Data collection methods were carried out through in-depth interviews with the Salatiga City Trade Office and analysis of official documents. Secondary data were obtained from primary legal materials (statutory regulations), secondary legal materials (journals, expert opinions), and tertiary legal materials (legal dictionaries). The data analysis

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<sup>2</sup>Sri Kusriyah. "Spatial Synchronization and Territorial Planning Policies between Regions and National Spatial Planning". *Journal of Legal Sovereignty* Vol 4, No 2 (2021). p. 110, url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/15714>

<sup>3</sup>Data from the Salatiga City Trade Office, August 2025

<sup>4</sup>Barda Nawawi Arief. (1996). *Anthology of Criminal Law Policy*. Bandung: Citra Aditya Bakti. Pp. 45-50

<sup>5</sup>Mujibur Rohman, Siti Rodhiyah Dwi Istinah and Widayati Widayati. "The Role of Leaders and Community Empowerment in Village Autonomy", *Law Development Journal* Vol 3, No 4 (2021), p. 301 url: <http://jurnal.unissula.ac.id/index.php/ldj/article/view/18368>

<sup>6</sup>Josafat Hamonangan & Muthia Sakti. "The Consumer Protection Efforts through the Inclusion of Non-Halal Information on Food Products". *Law Development Journal*, Volume 6 No. 2, June 2024, (252-265)

<sup>7</sup>Noviska. "Consumer Legal Protection On Food Products That Do Not Include Expired Labels". *Awang Long Law Review*, 31 May 2022

method uses a qualitative approach through the stages of data reduction, data presentation, and drawing conclusions by linking empirical data with conceptual and theoretical frameworks.

### 3. Results and Discussion

The results of this study are presented in accordance with the established research problem formulation and objectives. The discussion is conducted in an integrated manner using the analytical tools of Progressive Legal Theory and Legal Effectiveness Theory.

#### 1) Implementation of a Non-Criminal Approach in Handling Labeling Violations

The Salatiga City Trade Office implements a progressive, non-criminal, development-oriented approach through three main pillars. First, a preventive and educational pillar, which involves regular outreach to MSMEs and technical assistance in meeting labeling standards.<sup>8</sup>Second, the corrective and restorative pillars by implementing a gradual warning system (verbal, written I, and written II) which provides opportunities for improvement.<sup>9</sup>Third, the administrative repressive pillar through sanctions in the form of product withdrawal from circulation or light fines as a last resort.<sup>10</sup>

The main factors to consider in decision-making include: the severity of the violation, the economic impact on business actors (especially MSMEs), the efficiency and effectiveness of law enforcement, and the business actor's compliance history.<sup>11</sup>This approach reflects the spirit of Progressive Legal Theory which emphasizes that law should work for humans, not the other way around.<sup>12</sup>

#### 2) The Effectiveness of Non-Criminal Approaches in Consumer Protection and the Deterrent Effect

The non-criminal approach has proven quite effective in protecting consumers because it provides a quick response in stopping the circulation of problematic products.<sup>13</sup>Corrective action such as a product recall can immediately prevent potential consumer harm, much more quickly than a protracted criminal

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<sup>8</sup>Soekanto (1983) *Factors Influencing Law Enforcement*. Jakarta: Rajawali Pers, pp. 15-28

<sup>9</sup>Wiyono, H. (2018). "Principles of Just Enforcement of Administrative Law." *Journal of Administrative Law*, Vol. 10, No. 1, pp. 45-60

<sup>10</sup>Marzuki, S. (2019). *Non-Litigation Aspects in Consumer Dispute Resolution*. Yogyakarta: Kreasi Total Media, pp. 140-155

<sup>11</sup>Syafruddin, A. (2021). "Public Official Discretion in Administrative Law Enforcement." *Journal of Public Administrative Law*, Vol. 14, No. 1, pp. 25-40

<sup>12</sup>Rahardjo, Satjipto. (2009). *\*Progressive Law: A Synthesis\**. Yogyakarta: Genta Publishing, pp. 40-55

<sup>13</sup>Indriani, D. (2021). *\*Legal Protection for Consumers in Online Trading\**. Master of Laws Thesis, Gadjah Mada University, pp. 70-85

process.<sup>14</sup>

To create a deterrent effect, this approach relies on a combination of financial and reputational losses. Product recall sanctions cause immediate financial losses for businesses, while publicizing violations in the media creates significant and long-term reputational damage.<sup>15</sup> For MSMEs, reputational damage is often a stronger deterrent than financial penalties because they rely heavily on consumer trust.<sup>16</sup>

However, there are several challenges in implementation, namely limited resources for supervisory officers, limited budget for sample testing, and the scope of enforcement which is still limited to the local scale.<sup>17</sup>

### 3) The Most Appropriate Policy Recommendations for Sustainable Non-Criminal Law Enforcement

To overcome the limitations of individual discretion and ensure the sustainability of non-criminal approaches, three key policy recommendations were found based on strengthening the Theory of Legal Effectiveness (institutional/apparatus and substance factors):

#### a. Implementation of a Multi-Level and Continuous Sanctions System:

a) Although discretion is already progressive, the sanction system must be legalized and institutionalized in the Mayor's Regulation (Perwali) as a Standard Operating Procedure (SOP) for public law.

b) This system should include a clear sanction ladder (Verbal Warning → Written Warning → Mandatory Training/Education → Progressive Recall → License Revocation) to control discretion and ensure consistency. This aligns with Puspowardoyo's (2020) findings on the effectiveness of tiered sanctions in fostering compliance.

#### b. Capacity Building and Cross-Sector Collaboration:

a) Problem: Labeling enforcement often overlaps between the Trade Service (trade/general aspects), the Health Service (P-IRT), and the POM Center (quality aspects).

b) Solution: Establish a formal Synergy Task Force involving all relevant entities to share data, resources, and expertise, so that the response to the breach is

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<sup>14</sup>Ali, S. (2019). "Implementation of Administrative Sanctions in Food Law Enforcement". *\*Journal of Indonesian Legislation\**, Vol. 16, No. 1, pp. 60-75

<sup>15</sup>Sutanto, B. (2019). *\*Principles of Criminal Law Enforcement\**. Pustaka Nusantara, pp. 90-105

<sup>16</sup>Sudirman. (2021). *\*The Effectiveness of Administrative Law Enforcement in Consumer Protection\**. Master of Law Thesis, Gadjah Mada University, pp. 90-105

<sup>17</sup>Wahyudi, S. (2022). "Improving the Effectiveness of Food Product Supervision." Master of Law Thesis, Sebelas Maret University, p. 95

holistic and not fragmented.

c. Utilization of Technology for Supervision and Education:

a) Developing a simple platform for real-time reporting of breach data and accessibility of regulatory information.

b) This technology has a dual function: as a transparent monitoring tool for the authorities, and as an educational tool that is easily accessible to MSMEs, thereby increasing the public compliance factor in the Theory of Legal Effectiveness.

#### 4. Conclusion

The Salatiga City Trade Office's non-criminal law enforcement approach to food product labeling violations represents an ideal, progressive, and development-oriented model, prioritizing outreach and persuasive warnings before imposing administrative sanctions, considering the severity of the violation, the economic impact on MSMEs, and the effectiveness of law enforcement. This approach is quite effective in protecting consumers through rapid response and corrective action, and creates a significant long-term deterrent effect through reputational damage resulting from publicizing violations. For future optimization, capacity building and cross-sector collaboration are needed, the implementation of a tiered and progressive sanction system, and the use of technology for real-time reporting and education centers, to realize laws that work for people by maintaining a balance between enforcing regulations and the survival of small businesses.

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