

# CONSUMER PROTECTION IN FOCUS: A LEGAL REVIEW OF EXPIRED FOOD CIRCULATION

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**Abstract** - *The availability of packaged food without adequate expiration information raises concerns about the safety and quality of products consumed by the public. This research focuses its attention on the problems that arise around packaged foods without clear expiration dates which are a concern in the consumer market. Thus, this research aims to increase awareness and provide a basis for improving regulations to protect consumer rights regarding food and beverage expiration information. By taking a normative legal approach, this research analyzes the definitions and regulations governing packaged foods without expiration dates. In addition, this research discusses potential problems that could arise due to unclear information. The research results provide an important contribution to the understanding of consumer protection for packaged foods without expiration dates, and consist of strategies that can be implemented by governments, producers and consumers to ensure the safety and quality of products on the market. This research contributes to consumer protection for packaged foods and supports improved regulations to protect consumer rights.*

**Keywords:** *consumer protection, expired packaged food, packaged food, expiration date, product quality.*

## INTRODUCTION

The increasingly open national market as a result of the process of economic globalization demands better protection of consumer interests. Increasing community welfare and certainty regarding the quality, quantity and safety of goods and services are important in efforts to safeguard consumer rights. Consumers, as parties who are very dependent on business actors to fulfill their daily needs, demand that the products produced by business actors are efficient, of high value and of high quality. However, in an effort to achieve business targets that are oriented towards maximum profits, deviations often occur that violate consumer rights. For this reason, there needs to be concrete efforts to provide adequate protection for consumer interests, considering the complexity of problems related to consumer protection, especially in facing the upcoming era of free trade.

Humans as social creatures have the human right to obtain safe, nutritious, quality and affordable food as part of their basic needs (Nuraini et al., 2022). This right is the main foundation in ensuring the survival and welfare of the Indonesian people. However, to realize these rights, effective regulations are needed to protect consumers and provide guidance for business actors or producers. The reality of people's lives shows that the food and beverage market is growing rapidly, with producers competing to attract consumer interest through a variety of new products (Guiné et al., 2020).

In the business world, there are various problems that arise, and competition is an inseparable part of these activities. However, one of the business irregularities that often arises is the irresponsible behavior of some entrepreneurs who produce, distribute and offer products that are dangerous to consumers' health. This action is carried out to gain profit without considering the impact on consumers. These practices have resulted in victims, because entrepreneurs who only focus on profits tend to ignore consumer welfare. Global competition is increasingly encouraging producers to take all measures, even by selling goods or food products in expired packaging, in an effort to gain maximum profits. This situation demands better consumer protection and strict enforcement of regulations to maintain public safety and health.

While manufacturers' competition to create new products can spur innovation and more diverse choices for consumers, this phenomenon can also pose risks. In fierce competition, some manufacturers sacrifice product quality to gain more profits. One of the negative impacts that arises is the proliferation of expired food products on the market. The existence of expired food poses a serious threat to the health and safety of consumers, which in turn harms the people whose human rights should be protected to obtain safe food. The importance of adequate regulations in consumer protection has become very clear amidst continuously developing market dynamics. Effective regulations can maintain a balance between producers' freedom of business and consumers' rights to obtain quality products. For this reason, consumer protection is not only the government's responsibility, but is also an important part of developing a just society (Eleanora, 2018).

Ignorance of expired marks or expiry dates on products is a common phenomenon in today's society. Many people do not pay attention to this information when buying or consuming products, whether primary or secondary products. In fact, awareness of expiration dates has a big impact on health and safety. Ignoring this information can result in material and mental losses, such as getting food poisoning which can reduce the body's immune system. For this reason, it is

important for each individual to better understand and pay attention to expired signs as a step to avoid health risks and ensure safe product consumption (Tsiros & Heilman, 2005).

The inclusion of expiration dates on food products has a very essential role in providing information to consumers regarding safe usage time limits. Food that has passed its expiration date may experience a decrease in quality, such as changes in taste, texture and nutritional composition. Not only that, expired food can be a potential source of disease due to the growth of bacteria, fungi or other dangerous microorganisms that can develop in it. For this reason, consumer awareness of the importance of checking expiration dates is key in maintaining their health.

Including expiration dates on product labels, especially on drinks, requires proper understanding to avoid misinterpretation. The expiration date on the label is actually the manufacturer's estimate based on the results of studies or observations, and is not an absolute benchmark that a product cannot be used after that date. In fact, many products are still safe to consume after the expiration date, as long as they are kept in proper storage conditions. On the other hand, there are products that can become damaged or dangerous before reaching the listed expiration date. This is done so that consumers do not receive indications that could be detrimental, while also understanding that product safety and quality is not only determined by the expiration date, but also by storage conditions and other factors.

The government's role is very important in providing strict supervision over the circulation of expired food. The government has the responsibility to issue clear regulations and supervise their implementation by entrepreneurs. This can be done through regular inspections, quality testing, and law enforcement against violations related to expiration dates. These government actions not only involve consumer welfare, but also contribute to the positive image of the food industry. Thus, the government's active role in supervising and regulating food expiration dates is important in maintaining public safety and health (Disemadi & Nadia, 2021).

According to Budianto and Wulandari (2020), consumer protection is an important part of buying and selling or business activities, with the aim of achieving a balance between the rights and obligations of business actors or producers and consumer rights. The focus on consumer protection in Indonesia has received great attention from various levels of society, because it is considered an important aspect in creating prosperity. Maintaining a balance between business actors and consumers not only involves consumer rights, but also involves the ethical and legal obligations of business actors. Consumer protection is not just about regulating buying and selling transactions, but also creates the basis for a prosperous and prosperous society.

Law Number 8 of 1999 concerning Consumer Protection in Indonesia provides a strong legal basis for protecting consumer rights. One of the recognized rights is the consumer's right to comfort, safety and convenience in consuming goods and services. This shows that consumers have the right to obtain products or services that are safe, non-harmful, and in accordance with promised quality standards. In this case, legal protection becomes an important instrument to provide guarantees to consumers, protecting them from fraudulent or abusive actions that could cause harm. With effective consumer protection, people can carry out buying and selling activities with confidence and without worrying about potential unwanted losses.

Issues in consumer protection, especially regarding expired food, give rise to the need for firm legislation, such as the Consumer Protection Law. Even though the law is supposed to function as a bulwark to protect consumer rights, in reality it is not fully optimal. Many cases of violations related to expiration of products that do not include a date still often occur in the field. This factor can be caused by a lack of effective supervision from the government and related legal institutions, such as the Police, Food and Drug Monitoring Agency, Industry and Trade Service, and Health Service. Synergy is needed between the government and related institutions to increase supervision and law enforcement to ensure business actors comply with regulations, so that consumer rights can be guaranteed more effectively.

The Food and Drug Monitoring Agency has a very important role in ensuring food safety on the market. The ban on the sale of expired food by Food and Drug Monitoring Agency reflects the government's firm efforts to protect consumers from potential dangers that could arise from consuming products that are no longer fit for consumption. In this case, the expiration date is a critical indicator that indicates the safe time limit for consumption of a product. The existence of Food and Drug Monitoring Agency as a supervisory authority ensures that food business actors comply with established safety and quality standards, so that consumers can trust the products on the market. However, on the other hand, it is also important to ensure that consumers receive adequate, correct and not misleading information about the products they buy. Consumers have the right to know details about the products they will consume, including expiration dates, so that they can make informed decisions regarding food consumption. Thus, the inclusion of accurate information on labels and advertisements is key in supporting consumers' rights to obtain products that are safe and meet their expectations (Djazilan & Darmawan, 2023). This effort not only protects consumers but also creates a healthy and responsible trading climate in the food sector, where business actors are expected to operate with integrity and comply with applicable regulations.

Consumer rights are often ignored in the business world, and this problem existed long before the Consumer Protection Law was born. Many people do not fully understand the impact of consumer rights violations, because often these violations occur in a hidden and structured manner, without giving rise to open disputes. Although some consumers may feel the negative impact, many are reluctant to report such violations due to low trust due to legal uncertainty in Indonesia.

Consumer rights arise when consumers realize and understand the rights they have. American President J.F. Kennedy, has voiced several fundamental consumer rights, such as the right to obtain safe products, the right to obtain clear information about products, the right to choose products, and the right to be recognized and heard regarding consumer interests. Through this understanding, consumers can take an active role in ensuring their rights are respected and force producers to take responsibility for the quality of the goods and services produced. Consumer rights are not only limited to legal norms, but are also the basis for society to demand protection and justice in transactions, creating equality between producers and consumers (Ukwueze, 2016).

The condition of consumers in Indonesia is experiencing uncertainty and is vulnerable to rights violations, placing them in a position of fundamental disadvantage. In order to level the situation of vulnerable consumers, the existence of the Consumer Protection Law is very important. This law aims not only to protect consumer rights but also to encourage the creation of a healthy business environment, especially in the food industry sector, so that it can develop and improve its quality. In the case of distribution of food without an expiry date, this study observes the urgency of consumer protection through legal aspects in order to enforce the terms and conditions of the laws governing the distribution of food. For this reason, the aim of this study is to investigate juridically consumer protection against the distribution of food without an expiration date, with the hope of making a contribution to improving and enhancing protection of consumer rights in Indonesia.

## **RESEARCH METHODS**

In dealing with the complexity of the issue of expiration dates on packaged food, this research involves a literature review approach. Literature involving various sources, including books and journal articles from both national and international levels. Law Number 8 of 1999 concerning Consumer Protection and Government Regulation Number 69 of 1999 concerning Food Labels and Advertisements are the main basis for this juridical study. Analysis was carried out on various existing legal provisions to explore problems and challenges in consumer protection regarding packaged foods that face expiration date problems. The literature review provides an overview of the legal basis governing consumer protection and presents significant conclusions and findings. It is hoped that the contribution of a deeper understanding regarding consumer protection, especially in packaged food, can become a strong basis for formulating more effective policies and sustainable solutions in overcoming the problem of expiration dates.

## **RESULTS AND DISCUSSIONS**

### **Legal Protection Policy for Consumers Against Expired Food and Drinks**

The imbalance between consumers and entrepreneurs, especially in terms of economics, education and bargaining power, has become a reality recognized by various research and expert views. Consumers, both individually and in organizations, tend to be in a weaker position compared to entrepreneurs. This creates an urgent need for consumer protection to create balance and fairness in economic relations. Although some laws and regulations contain material related to consumer rights, often the main purpose of their publication is more focused on other aspects. For this reason, there needs to be concrete steps focused on consumer protection, especially in the distribution of expired drinks which is increasingly widespread and has the potential to harm society.

Nowadays, the problem of distributing expired drinks has become an urgent issue. The practice of increasingly free sales of expired drinks in society has had a significant negative impact. Consumers often lack awareness of their rights, such as the rights to security, information, choice and compensation. For this reason, consumer protection is an urgent need to protect public safety from the detrimental effects that can be caused by expired drinks. According to Salamah and Dewi (2023), efforts to protect consumers are not only the government's responsibility, but also a moral requirement in creating a safe and fair consumer environment. Thus, there is a need for stricter regulations and high public awareness so that consumers can live their daily lives without unnecessary risks from consuming expired drinks.

Minister of Health Regulation Number 180/Men.Kes/Per/IV/85 strictly regulates the definition and criteria regarding expired food. Article 1 paragraph a state that food is goods that are containerized and labeled, used as human food or drink, but are not medicine. Furthermore, paragraph b defines a label as a sign in the form of writing, an image, or other form of statement that is included on a food container or wrapper as information or explanation. Article 1 paragraph c states that expired food is food that has passed its expiry date, and paragraph d explains that the expiry date is the deadline for a food whose quality is guaranteed as long as its storage follows the instructions given by the manufacturer.

Furthermore, Article 2 paragraph 1 emphasizes the obligation to clearly state the expiration date on the labels of food produced, imported and distributed. This provision is an important basis for providing information to consumers regarding the time limit for consuming the product. However, violations of Article 2, as regulated in Article 5 paragraph 1, will be subject to administrative sanctions and/or other legal sanctions in accordance with the provisions of applicable laws and regulations. This shows the government's policy to ensure the safety and health of consumers by strictly regulating expiration dates on food products, as well as providing consequences for violations of these regulations.

Including labels on expired food and drinks is a very important aspect, and this has been further regulated through Government Regulation no. 69 of 1999 concerning Food Labels and Advertisements. Article 2 paragraph 2 of the regulation stipulates that labeling must be done carefully, so that it does not fade or become damaged easily, and be placed on a part of the food packaging that is easy to see or read. This provision shows the government's commitment to ensuring that information on labels, including expiration dates, can be easily accessed by consumers. In this way, consumers can obtain clear and accurate information about the food and drinks they consume, while ensuring that the labels remain readable during the product's storage period. This effort is in line with the aim of protecting consumers from the risk of consuming food products that do not meet standards and have potential health hazards.

Including labels on food, especially drinks, is very important considering the increasing number of food products circulating in society without complying with labeling provisions. This condition is considered disturbing, considering the increasingly widespread trade in expired drinks which can endanger public health and safety. The existence of food products that do not meet labeling standards not only harms consumers by reducing access to accurate information, but also has the potential to pose serious risks to health (Derr, 2006). In expired drinks, consumers are at risk of consuming products that may have passed their expiration date, which can cause poisoning or other health impacts. For this reason, strict implementation of labeling is important to ensure consumers have adequate information, while protecting them from risks that can arise from trading in food that does not comply with safety and health standards.

The role of labels on beverage products is absolute, especially at the pre-transaction stage or before purchase (Mardikaningsih, 2012; Darmawan & Arifin, 2021). Labels have an important role in providing necessary information to potential consumers. This is in line with Dimara and Skuras (2006), where with a label consumers can get a complete picture of the quality and characteristics of the beverage product they want to buy. Information such as product origin, composition, and uses can help potential consumers make informational and knowledge-based decisions. In addition, labels also provide insight into product weaknesses, enabling consumers to make conscious decisions in line with their preferences (D'souza et al., 2006; Pedersen & Neergaard, 2006).

Not only that, the label also provides information regarding the legal status of the product. This is important to ensure that the product complies with applicable regulations and safety standards, so that consumers can feel confident that their purchases are safe and in accordance with legal provisions (Darmawan, 2017). Thus, the role of labels is not only limited to providing product information, but also as a tool for potential consumers to make wise decisions before purchasing drinks (Irfan & Putra, 2020). Along with the absolute role of labels, the government and producers also have a responsibility to ensure that the information conveyed through labels is accurate, clear and in accordance with applicable laws and regulations. This aims to protect consumers and create a fair and transparent business environment (Mueller & Szolnoki, 2010).

Decree of the Head of Food and Drug Monitoring Agency No.HK.00.05.23.0131 dated 13 January 2003, which regulates the inclusion of the origin of certain ingredients, alcohol content, and expiration limit on the marking or label of medicines, traditional medicines, food supplements and food, provides a clear basis regarding safety. food. In Chapter IV, there are Articles 5 and 6 which emphasize that traditional medicines, food supplements and food must include an expiration date on their labels. Especially for drinks, the expiration date must be located in a section that is easily visible and legible. The importance of including the expiration limit is to ensure that consumers can consume products in conditions that are still safe and comply with health standards.

In food consumption, especially drinks, the labels on the packaging have a very significant role. Consumers, when they want to buy a food product, first interact with the packaging and label. Packaging with various shapes and materials is the first attraction, but product safety is more guaranteed through the information contained in the label (Retnowati et al., 2021). By paying attention to labels, consumers can find out the origin of the ingredients, alcohol content, and more importantly, the product's expiration date. This information helps consumers make smart decisions regarding consumption, considering that food safety is a top priority. For this reason, understanding and paying attention to labels on beverage packaging is very important for consumers to ensure that the products they consume meet the food safety standards set by health authorities.

### **Responsibility of Business Actors for Products Without Expiration Labels**

Civil liability in consumer protection is based on the principle of liability for errors, which can consist of negligence or unlawful acts, whether accidental or intentional. This reflects the entrepreneur's responsibility for business risks that may cause harm to consumers. This responsibility is the basis for maintaining security and fairness in transactions between business actors and consumers, considering that consumers are often in a weaker position.

In the Consumer Protection Law no. 8 of 1999, the principle of responsibility for errors is modified in accordance with Article 19 (1). According to this article, business actors must be responsible for damage, pollution and losses resulting from their negligence. However, Article 19 (4) still provides a clause that providing compensation does not exclude the possibility of criminal prosecution based on additional evidence of fault. This creates a balance between civil and criminal liability, highlighting the complexity of upholding justice and consumer safety.

Article 28 Consumer Protection Law involves aspects of proof in the accountability of business actors. Business actors are required to prove that they are innocent of claims for compensation. This shows the existence of a mixture of the principles of responsibility for negligence, presumption of negligence, and presumption of responsibility, especially with reverse proof. For this reason, the consumer protection law presents a legal system that provides protection while establishing a balanced evidentiary mechanism to handle situations where consumers experience losses due to the behavior of business actors.

The Consumer Protection Law recognizes that it is not only individual consumers who have the right to demand compensation from business actors if they feel they have been harmed. Article 46 paragraph (1) Consumer Protection Law expands this scope to other parties who may be affected, such as consumer groups with the same interests, consumer NGOs that are legal entities, or foundations. The aim of this provision is to strengthen consumer protection, providing a forum for groups or institutions with similar interests to act as steadfast holders of consumer rights. Involving legal entity consumer NGOs or foundations in this legal process not only expands access to justice, but also supports the goal of strengthening consumer protection. Article 46 paragraph (1) creates encouragement for the state or related agencies to take part in suing if the product consumed causes greater harm, showing the government's commitment to consumer protection and food safety.

Losses experienced by consumers after consuming expired products can threaten their health and safety (Maruchek et al., 2011; Farr-Wharton et al., 2014). This condition creates significant inconvenience and risk to consumers' rights to enjoy food products that are safe and suitable for consumption (Rossi et al., 2017). The negligence of entrepreneurs who violate the law by selling products without expired labels creates grounds for consumers to demand compensation. Consumers' rights to comfort and safety in consuming products are compromised as a result of irresponsible actions on the part of entrepreneurs. In facing these conditions, consumers have the right to request compensation either through judicial or extrajudicial channels. Consumers can choose to take the court route if they feel that a lawsuit through a formal legal process is the right way to get justice and appropriate compensation. However, consumers also have the option to reach an agreement extrajudicially, that is, a settlement outside of court. This approach can consist of direct negotiations between consumers and business actors, mediation, or efforts to resolve disputes without involving the judicial process. Thus, consumers have various legal means to ensure their rights are protected and receive compensation for the losses they experience due to consumption of expired products (Yanti & Mahadewi, 2023).

Entrepreneurs who sell packaged food without expiration labels may be deemed to be violating the provisions of Article 8 (1) of the Consumer Protection Law. This article emphasizes that every business actor who sells products must provide clear information regarding the product's expiration date. By not including an expired label, entrepreneurs do not fulfill their obligations according to the law, and this causes the business actor to be held accountable for his mistakes based on Article 19 (1) Consumer Protection Law. This responsibility consists of the risk of loss and potential health impacts that consumers may incur due to consumption of products that are no longer fit for consumption.

Consumers who are protected by Consumer Protection Law, have the right to demand compensation as a result of these violations. This compensation can be in the form of compensation for losses, replacement of non-conforming goods or services, health care, or other compensation in accordance with applicable laws and regulations. This right provides consumers with the means to obtain restitution for the losses they experience and to ensure that business actors are held accountable for their legal violations. Thus, the Consumer Protection Law provides concrete protection for consumers to enforce their rights against business actors who do not comply with the provisions regarding expired labels and the company's responsibility in providing accurate information to consumers.

#### **Settlement of Consumer Disputes Who Have Been Disadvantaged by Food and Drinks Without Expired Labels**

The absence of an expiration date on packaged food creates the potential for consumer disputes that can be detrimental. According to the Regulation of the Minister of Industry and Trade of the Republic of Indonesia No. 350 of 2001 concerning the implementation of the duties and authority of the Consumer Dispute Resolution Agency, consumer disputes are defined as disputes between business actors and consumers seeking compensation, consisting of environmental pollution, and/or human losses resulting from the consumption of goods and/or services (Article 1 number 8). Food without an expiration date, this dispute arises because consumers can consume products that are no longer suitable for consumption, potentially resulting in health and safety losses for consumers. Furthermore, this regulation provides a legal basis for consumers to demand compensation for consumer disputes arising from food without expired labels. Consumers have the right to seek compensation for losses they experience due to consumption of products that do not meet safety and health standards. By not having an expiry date, businesses can be accused of breaching their legal obligations to provide accurate information and protect consumers from avoidable risks.

In resolving consumer disputes, the Consumer Dispute Resolution Agency plays an important role in providing fair and effective solutions. This dispute resolution process consists of mediation, negotiation, or other steps that can help reach an agreement between business actors and consumers. For this reason, involving the Consumer Dispute Resolution Agency can be an effective step to resolve consumer disputes that arise due to packaged food without an expiration date. Thus, the Consumer Dispute Resolution Agency acts as an independent and competent dispute resolution entity in handling such disputes.

Based on the opinion of Saputra (2021), consumers who experience losses due to products produced by business actors have the right to submit complaints to business actors. According to the Consumer Protection Law, consumers have the right to receive compensation and/or compensation for the consumption of products produced by business actors if it is proven that there is a loss or negative impact due to such consumption. Business actors have an obligation to listen to complaints from consumers and are responsible for paying compensation and/or compensation in accordance with the losses experienced by consumers as a result of the products they produce. However, if consumer complaints do not receive attention from business actors, or business actors are reluctant to fulfill their obligations in accordance with Article 45 (1) Consumer Protection Law, consumers have the right to take further legal steps. This article gives consumers the option to sue business actors through institutions tasked with resolving disputes between consumers and business actors, or through courts within the general judiciary. Thus, Consumer Protection Law provides legal protection to consumers who feel disadvantaged and provides a clear mechanism for resolving disputes between consumers and business actors who do not fulfill their obligations.

Consumer disputes, as regulated by Article 45 Consumer Protection Law, can be resolved through court or outside court, depending on the policies of the parties to the dispute. This choice reflects the principle of flexibility in dispute resolution, where consumers and business actors have the freedom to determine the resolution method that is considered to best suit their needs and preferences. For this reason, out-of-court settlement mechanisms are a significant alternative for resolving consumer disputes without involving formal legal processes.

The Consumer Dispute Resolution Agency plays an important role in resolving consumer disputes outside of court. Within the scope of its duties, Consumer Dispute Resolution Agency is responsible for providing a fair and effective platform for consumers and business actors to reach agreements. The dispute resolution process through Consumer Dispute Resolution Agency consists of mediation, negotiation, and various other mechanisms that can help reach an agreement that satisfies both parties. Thus, Consumer Dispute Resolution Agency functions as an independent institution that supports constructive dispute resolution and ensures consumer rights are protected and avoids the hassle and costs associated with formal judicial processes.

## CONCLUSIONS

In conclusion, the determination of expiration dates on packaged food in Indonesia is subject to the rules and regulations set by the Food and Drug Supervisory Agency and the Ministry of Health of the Republic of Indonesia. Consumers have rights guaranteed by Article 4 of the Consumer Protection Law, where comfort, safety and security in consuming products are priorities. The importance of expiration dates is reflected in consumers' need for correct, clear and honest information about the condition of the goods they consume, as well as regulations that prohibit the sale of food without an expiration date to protect consumer health.

It is important for food producers and importers to comply with applicable regulations and follow the instructions of Food and Drug Monitoring Agency and other relevant authorities. This is not only a legal responsibility, but also an important step to protect consumers from the health risks that can arise from consuming expired food. Other parties, such as consumer groups, consumer NGOs, and the state, also have the right to sue if the product consumed causes greater harm. This emphasizes that compliance with regulations and consumer protection is not just an individual matter, but is also an important element in ensuring the welfare of society. Apart from that, consumers who feel disadvantaged have the right to submit complaints to business actors, either through formal legal channels or through out-of-court settlements. This shows that there is a mechanism that allows consumers to obtain compensation and/or compensation for losses they may experience due to products produced by business actors.

For this reason, the suggestion of this study is that it is necessary to evaluate and improve the regulations governing the inclusion of expiration dates on packaging. Regulations that are more effective and responsive to developments in the food industry can provide better protection for consumers. The active involvement of authorities in monitoring and evaluating regulatory implementation is also key to ensuring producer compliance. Apart from that, consumer protection institutions need to increase their role in protecting consumer rights regarding expiration dates. This involves further efforts in market monitoring, handling consumer complaints, and advocating for needed regulatory changes or improvements. Active involvement of consumer protection agencies will provide assurance that consumers have channels to report violations and obtain assistance if their rights are violated.

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