

Criminal Responsibility of Business Actors for The Distribution of Food Containing Dangerous Substances

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ABSTRACT; The distribution of food containing hazardous chemicals remains a serious issue in consumer protection in Indonesia. Although the Consumer Protection Law, the Food Law, and various derivative regulations have provided a clear legal basis, practices in the field show that law enforcement is still weak. This study aims to analyze the criminal liability of business actors for the distribution of hazardous food by examining the applicable legal norms and their implementation in the field. The method used is empirical legal research with a normative juridical approach and field studies, through analysis of regulations, court decisions, and data from the Food and Drug Supervisory Agency (BPOM). The results of the study show that the forms of business operator liability can be civil, administrative, and criminal; however, obstacles such as limited resources, weak coordination between agencies, low legal awareness, and inconsistent court decisions mean that criminal sanctions are rarely applied to the fullest extent. This study emphasizes the importance of strengthening coordination among law enforcement agencies, harmonizing regulations, and applying consistent criminal sanctions to realize consumer protection. Theoretically, this study enriches the study of economic criminal law and consumer protection, while practically providing policy recommendations for improving the hazardous food control system in Indonesia.

Keywords: *criminal liability, business actors, hazardous food, consumer protection, BPOM*

INTRODUCTION

Food is a basic human need that functions not only as a source of energy, but also as a determinant of quality of life, productivity, and national development. The availability of safe food is part of fulfilling the constitutional rights of citizens as regulated in Article 28H paragraph (1) of the 1945 Constitution which guarantees the right of every person to a prosperous life both physically and mentally, including healthy food.¹ Unsafe food not only poses individual health risks, but can also cause high socio-economic burdens, such as increased health costs and decreased labor productivity.

Indonesia, as a country with diverse biological resources, should be strategically positioned to provide healthy food for its people. However, with technological advancements and the dynamics of free trade, the Indonesian food sector is undergoing significant transformations in terms of production, distribution, and consumption. This situation opens up opportunities for food diversification, but also increases the risk of circulating unsafe products, particularly processed foods containing hazardous substances such as formaldehyde, borax, rhodamine B, and methanyl yellow.²

Various reports indicate that hazardous food products are still rampant in Indonesia. Data from the Food and Drug Monitoring Agency (BPOM) in 2023 recorded thousands of products containing hazardous chemicals circulating in both traditional and modern markets.³ This reflects weak oversight effectiveness and low business compliance with regulations. A 2022 BPOM survey even found that around 30% of school snacks still contain hazardous substances, demonstrating a direct impact on vulnerable groups.⁴

Low consumer critical thinking, coupled with economic reasons for businesses prioritizing low production costs, exacerbates the situation. Criminologically, food crime is categorized as white-collar crime because it is committed under the guidance of legal business practices, yet its impact can threaten public health.⁵ However, unlike conventional crimes, food crimes are often seen as minor so that it is not uncommon for only administrative sanctions to be imposed without criminal proceedings.⁶

Normatively, regulations related to food safety are quite comprehensive. Law No. 18 of 2012 concerning Food affirms the obligation of business actors to ensure the safety of distributed food, even regulating criminal penalties through Article 136 for violators.⁷ Likewise, Law No. 8 of 1999 concerning Consumer Protection provides explicit protection for consumers' rights to obtain safe, comfortable and healthy food.⁸

However, the facts show that criminal law enforcement remains weak, as

¹ UUD NRI 1945, Pasal 28H ayat (1)

² BPOM RI, *Daftar Bahan Berbahaya dalam Pangan*, Jakarta: BPOM, 2018.

³ BPOM RI, *Laporan Tahunan Pengawasan Pangan Berbahaya 2023*, Jakarta: BPOM, 2023.

⁴ BPOM RI, *Laporan Tahunan Pengawasan Obat dan Makanan 2022*, Jakarta: BPOM, 2022.

⁵ Anshori, A., "Pengawasan Pasar Tradisional di Jawa Timur," *Jurnal Hukum dan Pangan*, 2021.

⁶ Hidayat, R., "Efektivitas Penegakan Hukum Pidana terhadap Kasus Pangan Berbahaya di Jawa Barat," *Jurnal Ilmu Hukum*, 2022.

⁷ Undang-Undang No. 18 Tahun 2012 tentang Pangan, Pasal 136.

⁸ Undang-Undang No. 8 Tahun 1999 tentang Perlindungan Konsumen, Pasal 4

many violations are resolved only through administrative sanctions without creating a deterrent effect. Hidayat's (2022) research found that most cases of hazardous food in West Java resulted only in administrative sanctions, such as warnings or permit revocation, without criminal action.⁹ In fact, in judicial practice, judges frequently hand down light sentences, often just minimal fines, even though the law stipulates quite severe penalties. This, in turn, has led to legal uncertainty and a decline in public trust in criminal law as a social protection instrument.¹⁰

The urgency of this research is further strengthened by the existence of international standards that Indonesia should adopt. Codex Alimentarius, a global food safety standard developed by the FAO and WHO, emphasizes the importance of harmonizing national regulations with international standards.¹¹ However, Indonesia still faces regulatory disharmony, for example differences in the threshold for the use of food additives between national provisions and Codex, which causes confusion in implementation in the field.¹² This discrepancy weakens Indonesia's position in the face of free trade and can exacerbate the risk of the influx of hazardous food products from abroad. Therefore, food crimes must be classified as serious crimes requiring consistent and proportionate law enforcement.

This study aims to analyze the criminal liability of business actors for the distribution of hazardous food by comparing applicable legal norms with the reality of their implementation in the field. Furthermore, this study also identifies the obstacles faced by law enforcement officials in imposing criminal sanctions on business actors. Using an empirical approach, this study is expected to uncover the gap between normative and practical aspects and provide applicable recommendations for strengthening the legal system in the food sector.

Theoretically, this study enriches the study of criminal law and consumer protection law by emphasizing the relevance of the doctrine of criminal liability, the principle of strict liability, and the concept of corporate criminal liability in the context of food crimes. Practically, the study's findings can serve as evaluation material for regulators, argumentative guidance for legal practitioners, and advocacy for civil society organizations in championing consumer rights. Thus, this research is expected to provide not only academic contributions but also provide concrete solutions to achieve social justice through safe food protection in Indonesia.

PROBLEM

What is Indonesia's position in the face of free trade and the risk of the influx of hazardous food products from abroad?

What is the criminal liability of businesses involved in the distribution of hazardous food, comparing existing legal norms with the reality of their implementation in the field?

RESEARCH METHODS

⁹ Hidayat, R., "Efektivitas Penegakan Hukum Pidana terhadap Kasus Pangan Berbahaya di Jawa Barat," *Jurnal Ilmu Hukum*, 2022.

¹⁰ Siregar, M., "Pertanggungjawaban Pidana Pelaku Usaha dalam Kejahatan Pangan," *Jurnal Hukum Pidana*, 2024

¹¹ FAO & WHO, *Codex Alimentarius: General Standard for Food Additives*, Rome: FAO/WHO, 2020

¹² Hartono, R., *Pengawasan Pangan di Indonesia*, Jakarta: Kencana, 2021.

The research method used in this study is a normative juridical method with an empirical juridical approach. This normative juridical research method is a legal literature study conducted by examining literature. This research aims to obtain materials in the form of theories, concepts, and legal regulations related to the subject matter. The scope of this research will be conducted by interpreting laws and regulations related to the criminal liability of business actors for the distribution of food containing hazardous substances.

The specifics of this research are descriptive and analytical. This research seeks to describe legal issues, legal systems, and laws and regulations and examine or analyze them in accordance with reality. The legal events in force at a given time are highly dependent on the situation and dynamics of developing society.

DISCUSSION

Criminal Liability of Business Actors for the Distribution of Food Containing Hazardous Substances Reviewed from Applicable Legal Norms and Their Implementation in the Field

a) Regulation of the Law on the Use of Hazardous Ingredients in Food in Circulation

Legal regulations regarding the use of hazardous materials in food in Indonesia have been formulated through various complementary legal instruments. Law Number 8 of 1999 concerning Consumer Protection serves as one of the main foundations. Article 8 paragraph (1) prohibits businesses from trading goods and/or services that do not meet quality standards, do not include composition information, and use misleading labels. Article 8 paragraph (3) explicitly prohibits the sale of damaged, defective, or contaminated food, which implicitly includes food containing hazardous materials. This provision constitutes a form of normative protection to ensure consumers' right to safety and security when consuming food products.

Furthermore, Law Number 18 of 2012 concerning Food provides more specific regulations. Article 1 paragraph (5) defines food safety as efforts to protect food from biological, chemical, or other contaminants that endanger health or conflict with social, cultural, and religious values. This norm emphasizes that food should be viewed not only from a public health perspective, but also from the moral and cultural perspectives of consumers. Furthermore, Article 136 of the Food Law stipulates severe criminal sanctions for businesses that intentionally distribute hazardous food, with the threat of a maximum prison sentence of two years or a fine of up to four billion rupiah. This demonstrates that legislators have classified food-related crimes as serious crimes because they concern the public interest.

Similar regulations are strengthened through Law Number 11 of 2020 concerning Job Creation. Article 111 paragraph (1), a revised version of the Health Law, requires clear labeling on every food product, including the product name, list of ingredients, net weight, producer identity, and expiration date. This regulation aims to increase transparency while providing a preventive protection instrument for consumers. Consumers with adequate information can assess product safety, thus fully

protecting the right to information principle under consumer protection law.¹³

Furthermore, Government Regulation Number 86 of 2019 concerning Food Safety emphasizes the prohibition on the distribution of contaminated food or food containing hazardous substances. Article 28 paragraphs (1) and (2) stipulate that food must not contain toxic substances, exceed the contamination threshold, or originate from sick or dead animals. This regulation demonstrates the state's strict restrictions on food quality, whether for commercial sale or for grants, government assistance, or research purposes. With its broad scope, this regulation ensures there is no room for justifying the use of hazardous substances on the grounds of specific distribution methods.

From a positive legal perspective, regulations related to food safety in Indonesia are relatively comprehensive. However, implementation in the field still faces serious challenges. Data from the Food and Drug Authority (BPOM) in 2021 shows that more than a thousand cases of hazardous food distribution have been identified in various regions.¹⁴ This indicates a gap between clear legal norms and current practices. Weak oversight, low public legal awareness, and the lack of firm criminal sanctions against businesses mean that consumer protection remains largely formalistic. Therefore, in addition to strengthening regulations, synergy between law enforcement, BPOM supervision, and public participation is needed to ensure legal norms are truly effective in protecting consumers from food hazards.

b) The Role of the Food and Drug Monitoring Agency (BPOM) in the Distribution of Foods Containing Hazardous Chemicals.

The Food and Drug Monitoring Agency (BPOM) is at the forefront of ensuring food safety in Indonesia. Under Presidential Regulation No. 80 of 2017, BPOM has broad authority to oversee all food products, from production and distribution to consumption. This authority is exercised through pre-market supervision mechanisms, including product registration and evaluation, and post-market supervision, which involves direct inspection and laboratory testing of products on the market.¹⁵ This multi-layered oversight model is normatively designed to minimize the entry of food containing hazardous chemicals into the public.

In addition to its administrative functions, the Food and Drug Monitoring Agency (BPOM) is also authorized to investigate food crimes. BPOM Civil Servant Investigators (PPNS) are authorized to follow up on findings of hazardous food and then refer cases to the public prosecutor. Thus, BPOM plays not only a preventive role but also a repressive one. However, the effectiveness of this function is still hampered by limited supervisory personnel and laboratory facilities in the regions. Research by Anshori (2021) shows that only around 40% of traditional markets in East Java are routinely monitored annually, leaving numerous loopholes that allow unscrupulous businesses to continue operating.¹⁶

In addition to structural constraints, cultural factors also weaken the effectiveness of the BPOM. Many small businesses use hazardous materials such as formalin or borax because they are considered cheaper and more readily available than

¹³ Adrian Sutedi, *Tanggung Jawab Produk dalam Hukum Perlindungan Konsumen*, Jakarta: Ghalia Indonesia, 2008.

¹⁴ BPOM RI, *Laporan Tahunan Badan POM 2021*, Jakarta: BPOM, 2021.

¹⁵ BPOM RI, *Pedoman Pengawasan Pangan Olahan*, Jakarta: BPOM, 2020.

¹⁶ Anshori, 2021, logcit

legal preservatives.¹⁷ Furthermore, most consumers prioritize price and availability over food safety, which leads to the continued sale of hazardous products. This low level of legal awareness makes the state's oversight function ineffective without public participation. Therefore, the BPOM routinely conducts outreach programs, public campaigns, and publishes lists of hazardous products, while also collaborating with local governments and the police to conduct joint operations.¹⁸

Despite various efforts, BPOM data from 2021 still recorded more than 1,200 food products containing hazardous substances found in various regions.¹⁹ This situation indicates systemic gaps in oversight, both at the production and distribution stages. To strengthen oversight, BPOM has begun developing technology-based innovations, such as e-registration to expedite licensing and digitizing the public reporting system for hazardous products. These initiatives are expected to increase transparency and expedite responses to hazardous food findings in the field.²⁰

From a legal perspective, the role of BPOM is the embodiment of the principle of consumer protection as regulated in Law Number 8 of 1999. However, the weak consistency of criminal law enforcement means that BPOM's function often stops at the administrative stage, while food crimes are not always continued to the judicial process.²¹ Hidayat's (2022) research even found that most hazardous food cases in West Java ended only with administrative sanctions or warnings, without any criminal sanctions that would have a deterrent effect.²² This confirms that despite the BPOM's strong authority, its implementation in the field still faces serious challenges.

Thus, the role of the Food and Drug Authority (BPOM) cannot be separated from the comprehensive integration of the criminal law enforcement system. Coordination between BPOM, the police, the prosecutor's office, and the courts must be strengthened so that every violation can be processed according to criminal provisions. Without effective coordination, BPOM's efforts to suppress the circulation of hazardous food will be partial. Therefore, institutional strengthening, regulatory harmonization, and increasing public legal awareness are crucial factors in ensuring that business actors are held criminally accountable and consumer protection is truly realized.²³

c) Forms of Business Actors' Responsibility for Hazardous Food Products from the Perspective of Consumer Protection Law in Indonesia

The liability of business actors for the distribution of hazardous food products from the perspective of consumer protection law in Indonesia can be analyzed in three main forms: civil, administrative, and criminal liability. Normatively, Law Number 8 of 1999 concerning Consumer Protection affirms the obligation of business actors to provide compensation if the goods or services traded cause harm to consumers. Article 19 paragraph (1) states that business actors are required to provide compensation or replacement for damage, contamination, and/or loss resulting from consuming the traded product. Therefore, civil liability in the form of restitution is the primary instrument for protecting the interests of individual consumers.

¹⁷ BPOM RI, *Daftar Bahan Berbahaya dalam Pangan*, Jakarta: BPOM, 2018.

¹⁸ BPOM RI, *Kerja Sama Lintas Sektor dalam Pengawasan Pangan*, Jakarta: BPOM, 2021.

¹⁹ BPOM RI, *Laporan Tahunan Badan POM*, Jakarta: BPOM, 2021.

²⁰ BPOM RI, *Laporan Pengawasan Obat dan Makanan 2022*, Jakarta: BPOM, 2022.

²¹ Simanjuntak, R. (2020). *Hukum pidana dalam praktik peredaran makanan berbahaya*. Yogyakarta: FH UGM Press.

²² Hidayat, 2022, logcit

²³ Rawls, J., *A Theory of Justice*, Harvard University Press, 1971

In addition to civil liability, consumer protection law also recognizes administrative sanctions. Article 60 of the Consumer Protection Law authorizes the government to impose sanctions in the form of recalling goods from circulation, ordering the cessation of business activities, revoking business licenses, and/or requiring administrative compensation. The application of these sanctions is preventive in nature, namely, stopping the potential circulation of hazardous food products quickly without having to wait for the criminal justice process. The Food and Drug Monitoring Agency (BPOM), along with local governments, often utilizes this instrument, for example by sealing factories or withdrawing food products found to contain formaldehyde, borax, or rhodamin B from the market.²⁴

However, the strictest form of accountability is criminal liability. Article 62 of the Consumer Protection Law states that business actors who violate the provisions of Article 8 can be punished with a maximum of 5 years' imprisonment or a maximum fine of IDR 2 billion.²⁵ Similarly, Article 136 of Law Number 18 of 2012 concerning Food stipulates a maximum prison sentence of 2 years or a maximum fine of IDR 4 billion for anyone who distributes hazardous food. These criminal sanctions indicate that the use of hazardous materials in food is classified as a serious crime with broad implications for public health. In the context of criminal law theory, business actors who use hazardous materials can be categorized as committing a formal crime, because the crime is considered complete when the hazardous food is distributed, even though concrete consequences (health losses) have not yet occurred.²⁶

Despite seemingly comprehensive regulatory provisions, the implementation of criminal liability still faces challenges in practice. Court decisions often show inconsistencies; some cases result in only light fines, despite the law mandating heavy sanctions.²⁷ This is due, among other things, to limited evidence, a lack of food forensic laboratories, and a lack of coordination between the Food and Drug Monitoring Agency (BPOM), the police, and the prosecutor's office. Simanjuntak (2020) assessed that weaknesses in the evidentiary system have led judges to prefer imposing administrative sanctions or minimal fines, rather than imprisonment.²⁸ This situation has a weak deterrent effect on business actors, resulting in the recurrence of dangerous food distribution practices.

Therefore, business actors' accountability for the distribution of hazardous food cannot be viewed solely from a normative perspective; it also needs to be strengthened in its implementation. Regulatory harmonization, capacity building of the Food and Drug Authority (BPOM), and consistent law enforcement are essential to ensure consumer protection is truly realized. Therefore, consumer protection law in Indonesia is not merely declaratory but also has real coercive power against violating business actors.

d) Forms of Business Actors' Responsibility for Dangerous Food Products from the Perspective of Criminal Law in Indonesia

From a criminal law perspective, the distribution of food containing hazardous substances is categorized as a crime that threatens public health and can cause mass

²⁴ BPOM RI, *Pedoman Pengawasan Pangan Olahan*, Jakarta: BPOM, 2020.

²⁵ Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen, Pasal 62.

²⁶ Moeljatno, *Asas-Asas Hukum Pidana*, Jakarta: Rineka Cipta, 2008.

²⁷ Putusan PN Medan Nomor 123/Pid.Sus/2019/PN.Mdn.

²⁸ Simanjuntak, 2020, op.cit.

harm. Law Number 18 of 2012 concerning Food, through Article 136, stipulates that anyone producing or distributing hazardous food can be subject to a maximum prison sentence of two years or a fine of up to IDR 4 billion. This provision aligns with Article 62 of Law Number 8 of 1999 concerning Consumer Protection, which carries a maximum prison sentence of five years or a maximum fine of IDR 2 billion for businesses violating Article 8 concerning the prohibition on the distribution of hazardous goods. This norm demonstrates that the state considers food crimes a serious crime because they affect the fundamental aspect of the public's right to health.

Criminal liability can be classified into two main categories: intentional offenses (*dolus*) and negligent offenses (*culpa*). In practice, many businesses intentionally use hazardous chemicals such as formaldehyde, borax, or rhodamin B for economic gain. This constitutes an intentional offense, as the perpetrators knew the risks but still committed the act. Conversely, in the crime of negligence, the business actor fails to supervise the production process, allowing food to be contaminated with hazardous substances.²⁹ Therefore, both forms of negligence still give rise to criminal liability because they violate the duty of care principle in criminal law.

Criminal liability applies not only to individuals but also to corporations. Court Regulation Number 13 of 2016 confirms that corporations can be subject to criminal law if the crime is committed for the benefit of the corporation or to benefit the corporation. This is relevant to the phenomenon of food crimes frequently committed by producers or distributors. In some cases, judges have imposed fines on corporations and imprisonment on their directors, applying the doctrines of strict liability and vicarious liability in economic criminal law.³⁰

Despite a fairly comprehensive regulatory framework, the implementation of criminal liability in the field has not been optimal. A 2021 BPOM report showed that of the thousands of hazardous food cases discovered, only a small fraction were prosecuted.³¹ The main inhibiting factors are the limited number of food forensic laboratories, weak coordination between the Food and Drug Monitoring Agency (BPOM), the police, and the prosecutor's office, and the tendency of authorities to take an administrative approach rather than a criminal one. In many cases, judges also impose light sanctions, such as minimal fines, which do not act as a deterrent to businesses.³²

This situation raises the issue of legal certainty. Yet, one of the primary functions of criminal law is to provide both general deterrence and special deterrence for business actors.³³

Simanjuntak (2020) emphasized that the weak application of criminal sanctions in hazardous food cases results in the ineffectiveness of criminal law as a consumer protection instrument.³⁴ Therefore, corrective measures are needed, such as increasing the investigative capacity of the Food and Drug Authority (BPOM), accelerating laboratory testing processes, ensuring judges' consistency in imposing maximum sanctions, and integrating regulations to ensure more effective law enforcement. Thus, criminal law can truly fulfill its role as the *ultimum remedium* to prosecute business

²⁹ Moeljatno, *Asas-Asas Hukum Pidana*, Jakarta: Rineka Cipta, 2008.

³⁰ Yahya Harahap, *Pembahasan Permasalahan dan Penerapan KUHAP: Penyidikan dan Penuntutan*, Jakarta: Sinar Grafika, 2016.

³¹ BPOM RI, *Laporan Tahunan Badan POM 2021*, Jakarta: BPOM, 2021.

³² Putusan PN Medan Nomor 123/Pid.Sus/2019/PN.Mdn.

³³ Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana*, Jakarta: Kencana, 2010.

³⁴ Simanjuntak, 2020.

actors who endanger the public.

Obstacles Faced by Law Enforcement Officials in Imposing Criminal Sanctions on Business Actors

Although legal norms prohibiting the use of hazardous materials in food are expressly stipulated in Law Number 8 of 1999 concerning Consumer Protection and Law Number 18 of 2012 concerning Food, implementation in the field still faces significant obstacles. These obstacles are not only technical but also relate to structural, cultural, and legal aspects.

First, structural obstacles arise from limited facilities and infrastructure supporting law enforcement. Hazardous materials testing laboratories are not evenly distributed throughout Indonesia, so food samples must be sent to specific central laboratories. This slows down the evidentiary process and often reduces the value of evidence in court.³⁵ Furthermore, the limited number of investigators at the Food and Drug Monitoring Agency (BPOM) and the police force narrows the scope of supervision, particularly in traditional markets prone to the circulation of hazardous food.

Second, cultural barriers are related to low legal awareness among the public and business actors. Many small-scale businesses still use hazardous substances such as formaldehyde, borax, and rhodamin B to reduce production costs.³⁶ On the other hand, consumers often ignore food safety aspects and prefer lower prices. This reflects a weak legal culture in society, as explained by Lawrence M. Friedman, who argues that the success of law enforcement is largely determined by the prevailing legal culture within society.³⁷

Third, legal obstacles arise from suboptimal coordination between law enforcement agencies. The Food and Drug Monitoring Agency (BPOM), as the supervisory agency, often only imposes administrative sanctions in the form of product withdrawals, while the police and prosecutors tend not to pursue cases to the criminal level.³⁸ Violations of hazardous food products often result in mere warnings or business terminations without a judicial process. This indicates that the criminal law's function as an *ultimum remedium* is not being optimally implemented.

Fourth, obstacles also arise from court decisions that tend to impose lenient sanctions. Many judges prefer to impose minimal fines even though the law stipulates the threat of severe penalties. This situation results in a lack of deterrent effect on business actors.³⁹ Simanjuntak (2020) noted that judges' weakness in imposing maximum penalties creates legal uncertainty and increases the likelihood of business actors repeating similar actions.⁴⁰

Furthermore, there are normative barriers in the form of overlapping regulations and unclear standards of proof in hazardous food cases. Several provisions in the Food Law, the Consumer Protection Law, and the Health Law still give rise to multiple interpretations, leading to uncertainty among authorities in determining the appropriate articles to prosecute businesses.⁴¹ Consequently, criminal law enforcement

³⁵ BPOM RI, *Laporan Tahunan Badan POM 2021*, Jakarta: BPOM, 2021.

³⁶ BPOM RI, *Daftar Bahan Berbahaya dalam Pangan*, Jakarta: BPOM, 2018.

³⁷ Lawrence M. Friedman, *The Legal System: A Social Science Perspective*, New York: Russell Sage Foundation, 1975.

³⁸ BPOM RI, *Kerja Sama Lintas Sektor dalam Pengawasan Pangan*, Jakarta: BPOM, 2021.

³⁹ Putusan PN Medan Nomor 123/Pid.Sus/2019/PN.Mdn

⁴⁰ Simanjuntak, 2020, op,cit

⁴¹ Nurdin, 2020, op,cit.

is inconsistent and creates legal loopholes for businesses to avoid accountability.

Thus, the obstacles facing law enforcement officials in prosecuting hazardous food businesses include facilities, legal culture, institutional coordination, court decisions, and regulatory substance. For criminal law to function effectively, it is necessary to strengthen supervisory capacity, harmonize regulations, ensure consistent judicial sanctions, and increase public legal awareness. Without these improvements, consumer protection will remain at a normative level without adequate implementation.

CONCLUSION

Based on the research results and discussion outlined above, the following conclusions can be drawn: Legal regulations regarding the prohibition of the use of hazardous substances in food are quite comprehensive through the Consumer Protection Law, the Food Law, and their derivative regulations. However, implementation in the field has not been effective, as evidenced by the continued widespread circulation of hazardous food. The main obstacles lie in limited oversight facilities, weak coordination between law enforcement agencies, low public legal awareness, and inconsistent court decisions, which tend to impose light sanctions on business actors. This research has important implications for criminal law theory and consumer protection. From a theoretical perspective, hazardous food cases can be understood as a form of white-collar crime that requires the application of the principle of criminal liability to both individuals and corporations. From a practical perspective, the weak enforcement of criminal sanctions demonstrates a gap between legal norms and reality, thus the effectiveness of criminal law as a consumer protection instrument is still far from optimal. Scientifically, this research contributes to enriching studies on the effectiveness of criminal law in the context of food crimes, while also emphasizing the position of the Food and Drug Authority (BPOM) as the vanguard of consumer protection. This analysis is expected to serve as a basis for strengthening regulations and law enforcement that are more consistent and fair. For further research, further exploration of the effectiveness of corporate criminal liability in hazardous food cases, an evaluation of the implementation of Supreme Court Regulation No. 13 of 2016, and a comparative study with other countries' legal systems are needed. A multidisciplinary approach involving public health and economic perspectives is also important to provide a more holistic picture of hazardous food management strategies in Indonesia.

The author's suggestions are as follows: For legal practitioners and law enforcement officials, technical competency improvement is needed through food forensics training and the use of laboratory technology, along with strengthening coordination between the Food and Drug Authority (BPOM), the police, and the prosecutor's office through a joint task force mechanism. Law enforcement must be more consistent by imposing maximum criminal charges to create a deterrent effect and increase public trust. For policymakers, regulations in the food sector need to be reviewed to clarify articles that are open to interpretation, adjust the magnitude of criminal sanctions to ensure proportion, and harmonize the Food Law, the Consumer Protection Law, and their implementing regulations. The government should also strengthen an integrated early warning system for hazardous food from the central to the regional levels.

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