



Legal Utility of Consumer Protection Law For Bread Containing Hazardous Substances

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Article	Abstract
<p>DOI : 10.71087/ajlr.v1i2.12</p> <p>How to Cite : Asharin Sindy Safirah, "Legal Utility of Consumer Protection Law For Bread Containing Hazardous Substances", <i>Acten Journal Law Review</i> 1, No. 2, (2024): 103-118</p>	<p><i>Food is a basic need of society which is included in primary needs. Food needs are one of the human rights that must be fulfilled, both processed and unprocessed food. Processed food such as bread is also a public choice. The distribution of bread from producers as business actors to the hands of consumers certainly goes through a series of processes to detect the presence or absence of hazardous ingredients in the bread. The role of BPOM is very important in monitoring food circulating in the community. However, there are still many business actors who use hazardous materials to produce their products. The process of registering products with BPOM does not guarantee that business actors will continue to use ingredients that are safe for consumption. In practice, business actors use ingredients that are not in accordance with the composition at the time of product registration. Although BPOM has carried out its duties in monitoring the circulation of food in the community, the product has been circulating for a certain period of time which will certainly cause harm to consumers. This raises questions related to the expediency of the Consumer Protection Law as a consumer protector where the law should make people feel happiness and pleasure in consuming products, not sadness due to losses, as the theory of expediency put forward by Jeremy Bentham. Normative juridical research type as well as statutory and conceptual approaches will be used to find the benefits of consumer protection law for consumers of bread containing hazardous ingredients and ways to achieve these benefits. The benefits of consumer protection law will be achieved if supervision, enforcement of consumer protection law and BPSK empowerment are maximized in litigation dispute resolution to increase consumer satisfaction.</i></p> <p>Keywords : <i>Legal Utility, Jeremy Bentham, Consumer</i></p>



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I. INTRODUCTION

The Buying and selling is a business activity that can be found in everyday life. Buying and selling is known as an exchange between sellers and buyers who trade merchandise with significant product value.¹ This activity requires the existence of parties who provide goods/services and parties who will use/utilize these goods/services, which in everyday life are commonly called business actors and consumers. Business actors can be interpreted as producers of goods and services including manufacturers, wholesalers, leveransir, and professional retailers who participate in the provision of goods and services to consumers.² Business actors have the aim of making a profit from providing goods/services to consumers. Meanwhile, consumers can be interpreted as the last users of the products handed over to them by entrepreneurs, namely everyone who gets goods for use and is not traded or traded again.³ Consumers have the right to obtain and obtain the benefits of the goods/services they buy.

Goods/services offered by business actors to consumers are unlimited in scope except for those that are prohibited by law. Goods are any objects, whether tangible or intangible, movable or immovable, that can be traded, used, utilized, or utilized by customers. Processed food is one of the goods that can be traded. One of the processed foods in question is bread. Bread is a product made from wheat flour dough which is leavened with baker's yeast and then baked, with or without the addition of other food ingredients and permitted food additives.⁴

Bread is one of the foods that is quite popular with the public. Bread can be used as a substitute for carbohydrates other than rice and can be obtained easily at grocery stores or supermarkets. So that consumers can enjoy it instantly without the need to take the trouble to make it. However, BPOM in 2024 found bread containing Sodium Dehydroacetate on the market. The bread in question is Okko brand bread. This certainly caused anxiety for consumers of the bread. BPOM through Public

¹ Hade Chandra Batubara, Marliyah, and Tuti Anggraini, "Penerapan Kontrak Jual Beli," *Jurnal Ekonomi Dan Manajemen Teknologi (EMT)* Vol. 7, No. 1 (2023): 1.

² Janus Sidabalok, *Hukum Perlindungan Konsumen Di Indonesia* (Bandung: Citra Aditya Bakti, 2010), p. 16.

³ Sidabalok, 17.

⁴ Rahmat Kusnedi, "Pengaruh Penambahan Pengembang Roti Terhadap Parameter Organoleptik Pada Pembuatan Roti Manis," *Jurnal British* Vol. 1 No. 2 (Mei 2021).



Explanation Number HM.01.1.2.07.24.51 dated July 23, 2024 regarding the Test Results of Sodium Dehydroacetate Content in Bread Products explained that testing of Okko bread samples from production and circulation facilities showed the presence of sodium dehydroacetate (as dehydroacetic acid) which did not match the composition at the time of product registration and did not include Food Additives permitted under BPOM Regulation Number 11 of 2019 concerning Food Additives. Based on these findings, BPOM ordered the manufacturer of Okko bread to withdraw the product from circulation, destroy it, and report the results to BPOM. BPOM through its technical implementation units (UPT) in the regions oversees the withdrawal and destruction of Okko bread products.⁵ Acting Deputy for Processed Food Supervision, explained that the ingredient sodium dehydroacetate can cause allergic reactions and gastrointestinal discomfort in hypersensitive people.

A similar case found in 2023 was food containing dyes in Central Java,⁶ food containing borax and textile dyes in Bali,⁷ wet noodles containing formaldehyde in South Sumatra,⁸ and there are still many cases of food products containing hazardous materials. During 2023, the Food and Drug Monitoring Agency (BPOM) identified 266 cases of crimes related to processed food products, of which 13.9% were related to products containing hazardous materials.⁹ This fact shows that the community as consumers is still not fully protected from irresponsible business actors.

⁵ Biro Kerja Sama dan Hubungan Masyarakat BPOM, "Penjelasan Publik Nomor HM.01.1.2.07.24.51 Tanggal 23 Juli 2024 Tentang Hasil Uji Kandungan Natrium Dehidroasetat Pada Produk Roti," accessed August 21, 2024, <https://www.pom.go.id/penjelasan-publik/penjelasan-publik-nomor-hm-01-1-2-07-24-51-tanggal-23-juli-2024-tentang-hasil-uji-kandungan-natrium-dehidroasetat-pada-produk-roti-2>.

⁶ Portal Berita Pemerintah Provinsi Jawa Tengah, "MAKANAN MENGANDUNG ZAT PEWARNA PAKAIAN KEMBALI DITEMUKAN," accessed September 5, 2024, <https://jatengprov.go.id/beritadaerah/makanan-mengandung-zat-pewarna-pakaian-kembali-ditemukan/>.

⁷ Ahmad Viqi, "Makanan Mengandung Boraks-Pewarna Tekstil Ditemukan Di Pasar Mandalika," accessed September 5, 2024, <https://www.detik.com/bali/nusra/d-7242153/makanan-mengandung-boraks-pewarna-tekstil-ditemukan-di-pasar-mandalika>.

⁸ Okukab, "BPOM Temukan Mie Basah Mengandung Formalin Di Pasaran Baturaja," accessed September 5, 2024, <https://web.okukab.go.id/blog/2023/03/31/bpom-temukan-mie-basah-mengandung-formalin-di-pasaran-baturaja/>.

⁹ "Kasus Kejahatan Pangan Di Indonesia, Mayoritas Tanpa Izin Edar," accessed September 5, 2024, <https://databoks.katadata.co.id/datapublish/2024/07/22/kasus-kejahatan-pangan-di-indonesia-mayoritas-tanpa-izin-edar>.



The case of hazardous content in bread is closely related to the enforcement of consumer protection in Indonesia. The government is responsible for regulating, supervising and controlling interconnected systems to achieve the common goal of public welfare.¹⁰ The Indonesian government has regulated consumer protection as outlined in Law Number 8 Year 1999 on Consumer Protection, hereinafter referred to as UUPK (Undang-Undang Perlindungan Konsumen). All efforts that ensure legal certainty to protect consumers are known as consumer protection. Article 2 of the UUPK explains that consumer protection efforts are based on five principles, one of which is the principle of benefit. The principle of benefit means that all efforts in the implementation of consumer protection must provide maximum benefits for the interests of consumers and business actors as a whole. The case of bread containing harmful substances raises questions about the condition of consumer protection enforcement in Indonesia.

The UUPK has regulated in such a way, but the benefits intended in the UUPK still cannot be maximally felt by the community. The existence of regulations relating to sanctions against irresponsible business actors has not reduced the number of food discoveries containing hazardous substances. The circulation of bread containing hazardous ingredients does not reflect the intended benefits of the UUPK. Several actions have been taken, such as BPJBH revoking the halal certificate of Okko bread, BPOM withdrawing Okko bread products and providing recommendations for consumers who have consumed the bread. However, consumers as the party who suffered losses from consuming the dangerous bread cannot benefit from the existence of the UUPK. The effectiveness of class action lawsuits as an effort that can be pursued by consumers is also not always successful because it must consider many things, in terms of cases, the possibility of winning cases, the number of people harmed, the amount of loss caused and the evidence needed. When examined with Jeremy Bentham's theory of expediency, the expediency must provide happiness and reduce one's sorrow and expediency is one of the legal objectives that must be achieved in addition to certainty and justice. So there needs to be research to find the benefits referred to in the UUPK Law and how to create these benefits.

¹⁰ Celina Tri Siwi Kristiyanti, *Hukum Perlindungan Konsumen* (Jakarta: Sinar Grafika, 2008), 1.



II. METHODOLOGY

According to Peter Mahmud Marzuki, legal research is the process of finding legal principles, rules, and theories to deal with legal problems. The legal research used in this research is doctrinal legal research.¹¹ Doctrinal research, aims to provide an in-depth and systematic explanation of the rules governing a particular area of law, analyze how the rules relate to each other, and explain elusive aspects of the rules. Doctrinal research may also include predictions about how certain legal rules will develop in the future.¹² The approaches used in this research are statutory approach and conceptual approach. The statutory approach, or Law Approach, is carried out by examining all laws and regulations relating to the legal issues discussed.¹³ This method is not only used to study the form of legislation but also its substance; researchers must study the ontological basis of the birth of the law, its philosophical basis, and the ratio legis of the provisions of the law.¹⁴ In situations where there are no clear legal rules for the issue at hand, a conceptual approach also needs to be used. This approach should refer to the ideas of legal scholars or legal doctrines.¹⁵

III. LEGAL UTILITY OF CONSUMER PROTECTION LAW FOR BREAD CONTAINING HAZARDOUS SUBSTANCES

Consumer protection in the UUPK is defined as all efforts that ensure legal certainty to provide protection to consumers. Az. Nasution stated that consumer protection law is consumer law that contains principles that are regulative in nature and also have properties that protect consumers. Meanwhile, consumer law is defined as all legal principles and rules that regulate relationships and problems between various parties with each other related to consumer goods and / or services in the association of life.¹⁶

Consumer protection is a form of preventive legal protection implemented by the government to protect the rights and obligations of business actors and

¹¹ Dyah Ochtorina Susanti and A'an Efendi, *Penelitian Hukum (Legal Research)* (Jakarta: Sinar Grafika, 2014), 1.

¹² *Ibid*, 11.

¹³ *Ibid*, 136.

¹⁴ Peter Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi* (Jakarta: Kencana Prenada Media Grup, 2005), 142.

¹⁵ Susanti and Efendi, *Penelitian Hukum (Legal Research)*, 115.

¹⁶ Shidarta, *Hukum Perlindungan Konsumen* (Jakarta: Grasindo, 2000), 9.



consumers. According to Philipus M. Hadjon, preventive legal protection is a protection given to legal subjects to have the opportunity to submit objections or opinions before a government decision takes a definitive form. This means that preventive legal protection is applied to prevent disputes from occurring. In addition, consumer protection is also included in the form of repressive legal protection which aims to resolve disputes.¹⁷ UUPK provides regulations related to the settlement of consumer disputes that can be pursued through the court or out of court based on the decision of the parties.

Consumer protection law is said to contain principles to protect consumers. The principles of consumer protection contained in the UUPK include the following:

- a. Principle of Benefit
- b. Principle of fairness
- c. Principle of Balance
- d. Principle of Security
- e. Principle of Legal Certainty

The first principle of consumer protection is the principle of benefit, which mandates that all efforts in the implementation of consumer protection must provide maximum benefits for the interests of consumers and business actors as a whole. This can be interpreted that the fulfillment of rights and obligations between consumers and business actors must both provide benefits to both parties. Consumer rights related to this discussion are the right to comfort, security, and safety in consuming goods and/or services, the right to correct, clear, and honest information regarding the conditions and guarantees of goods and/or services, the right to obtain advocacy, protection, and efforts to resolve consumer protection disputes properly, and the right to obtain compensation, compensation and/or replacement as well as the rights stipulated in the provisions of other laws and regulations.

The case of bread containing hazardous ingredients is not only related to the fulfillment of regulations in the UUPK, but also the fulfillment of the Food Law, hereinafter referred to as UUP. Food is everything that comes from biological sources of agricultural products, plantations, forestry, fisheries, livestock, waters, and water, both processed and unprocessed which are intended as food or drinks for human

¹⁷ Purwito Edy, "Konsep Perlindungan Hukum Konsumen Dan Tanggung Jawab Hukum Pelaku Usaha Terhadap Produk Gula Pasir Kadalua Di Kota Surabaya," *DEKRIT (Jurnal Magister Hukum)* Vol. 13 No. 1 (2023).



consumption, including food additives, food raw materials, and other materials used in the process of preparing, processing, and/or making food or drinks. Meanwhile, food in the Encyclopaedia Britannica is defined as material used by the body to maintain growth, repair and vital processes and a source of energy.¹⁸

Bread is a processed food that is intended as human food because it is the result of processing in a certain way or method with or without additional ingredients. Bread is also a source of energy because it can replace carbohydrates which are usually obtained from rice or other staples. The implementation of food is of course carried out based on the principles, one of which is the principle of benefits as the UUP regulates it. The principle of benefits turns out to be the basis not only in the implementation of consumer protection but also in the implementation of food. Both physical and mental benefits must be provided for humanity and public welfare in the implementation of food. These benefits must also be enjoyed by the entire community in a fair and equitable manner.

The UUP regulates the prohibition related to adulterated food, i.e. food that contains toxic, hazardous materials, or that may endanger human health or life as well as containing materials that are prohibited to be used in food production activities or processes. If any party violates these provisions, the UUP provides administrative sanctions in the form of fines, temporary suspension of production and/or circulation activities, withdrawal of food from circulation, compensation and/or revocation of licenses. This emphasizes that the law only provides preventive legal protection to food consumers. Meanwhile, legal remedies or forms of repressive legal protection that can be carried out by consumers are not regulated in this law.

Both laws prioritize benefits for the community when viewed from the principle of benefits in the implementation of consumer and food protection. However, the two regulations do not provide a definition or further explanation regarding the measure of benefits referred to in the law. Whereas one of the objectives of the law is expediency. Jeremy Bentham's utilitarianism theory will be a reference when discussing the benefits of law.

¹⁸ Dwi Wahyuniarti Prabowo, "Pengelompokan Komoditi Bahan Pangan Pokok Dengan Metode Analytical Hierarchy Process," *Buletin Ilmiah (Litbang Perdagangan)* Vol. 8 No. 2 (2014).



Jeremy Bentham is an English philosopher and jurist who became the first figure in the development of the theory of expediency which is also commonly referred to as the theory of utilitarianism. This theory was put forward by Jeremy Bentham as a reaction to the concept of natural law because it considers natural law to be vague and unfixed. The terms known in this theory are "The greatest happiness of the greatest number" which means that happiness is measured by the number of people who feel that happiness. According to Jeremy Bentham, freedom from suffering in enjoying life is the meaning of happiness. Whether an action is good or bad can be measured by the happiness it can bring.¹⁹

Utilitarianism in the eighteenth century was based on two beliefs. First, humanitarian institutions should promote the welfare of society. Second, the well-being of all citizens (from the lowest to the highest level) must be taken into account in the assessment of these institutions. These two criteria determine whether the social and political order created by humans is just.²⁰ In Jeremy Bentham's time, there was a class division in society, namely the upper class, middle class and labor class. When the Industrial Revolution began, the condition of the lower class in society was very poor. The lower class at that time did not get their rights because they did not have the ability, there was no regulation regarding child labor and also one's legal rights could be bought in court. This prompted Bentham to redesign the existing system so that it would create justice, i.e. good is pleasant and bad is painful.²¹ Therefore, the Calculus of Satisfaction (the hedonic calculus) was developed by Jeremy Bentham.

The amount of satisfaction and pain arising from an action is caused by the following factors:

1. Factor in the intensity and duration of satisfaction or sadness caused by an action. That is, the time span a person feels satisfaction and pain.

¹⁹ Inggal Ayu Noorsanti and Ristina Yudhanti, "Kemanfaatan Hukum Jeremy Bentham Relevansinya Dengan Kebijakan Pemerintah Melalui Bantuan Langsung Tunai Dana Desa," *Sultan Jurisprudence: Jurnal Riset Ilmu Hukum* Vol. 3 No. 2 (December 2023): 183–93.

²⁰ Indra Rahmatullah, "Filsafat Hukum Utilitarianisme: Konsep Dan Aktualisasinya Dalam Hukum Di Indonesia," *Adalah: Buletin Hukum Dan Keadilan* Vol. 5 No. 4 (2021): 4.

²¹ Rahmatullah, 5.



2. The certainty and immediacy of the satisfaction or sadness of the action. For example, the more certain one is that one will be promoted, the more satisfied one will be thinking about it, and the closer one is to the promotion, the higher one's satisfaction will be.
3. The factor of fertility or other satisfactions and the purity of a feeling will arise if it begins with satisfaction. Satisfaction will not cause pain, and vice versa.
4. The emotional range factor, which is defined as the calculation one can make about how much satisfaction and pain can affect others. For example, parents feel satisfied if their children graduate from school and feel sad if their children fall ill..²²

Satisfaction and pain can come from several sources, namely physical, political, moral, and religious. Political sanctions can be defined as pleasure or pain that comes from certain individuals or groups of individuals in society who have been chosen by the ruler or the highest power holder in the country for certain purposes with certain goals.²³ The satisfaction and pain that come from politics are related to the policy-making implemented by the government to govern its people. Thus, expediency, when summed up, is a good policy or action that produces the greatest possible benefit for the greatest number of people, or, conversely, minimizes potentially harmful consequences for the fewest number of people when viewed from an ethical perspective. Thus, the purpose of law as in this utilitarianism theory is to achieve the highest possible happiness, emphasize equality and certainty, and manage abundance.²⁴ Beneficence is also the foundation for finding justice. The criteria for whether a rule or action is right or wrong, just or not, depends on the direct consequences of the rule or action. As long as a rule or action has good results, then the rule or action itself is good and just. Conversely, a rule or action is considered bad and unjust if it produces bad results.²⁵

²² Andi Darma Taufik, Fitri Wahyuni, and Hendra Gunawan, "Analisis Sejarah Dan Perkembangan Teori Utilitarianisme Terhadap Hukum Indonesia," *Yurisprudencia: Jurnal Hukum Ekonomi* Vol. 10 No. 1 (June 2024): 99.

²³ Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation.*, Jonathan Bennett 2017, 1789.

²⁴ Taufik, Wahyuni, and Gunawan, "Analisis Sejarah Dan Perkembangan Teori Utilitarianisme Terhadap Hukum Indonesia," 99–100.

²⁵ Raju Moh. Hazmi, "Konstruksi Keadilan, Kepastian Dan Kemanfaatan Hukum Dalam Putusan Mahkamah Agung Nomor 46P/HUM/2018," *Res Judicata* Vol. 4 No. 1 (2021).



The happiness of individuals and society can be realized by legislation and must achieve four goals: (1) to provide subsistence; (2) to Provide abundance; (3) to provide security; dan (4) to attain equity. In addition, the usefulness of an action or regulation must be maximized so that people can enjoy benefits, happiness, enjoyment and advantages and avoid things that cause unhappiness.²⁶ The happiness of this society is also related to the welfare of the people. The four goals of subsistence, abundance, security, and equity are matters that require the intervention and role of the state. The welfare of the people is the primary responsibility of the state. To achieve this goal, the state must perform various functions, from creating jobs and formulating pro-people economic policies, to providing social protection and enforcing fair laws. By doing so, the state can ensure that all citizens can live a decent and prosperous life.²⁷ In addition, the state also has an obligation to make legislation that provides benefits to the people. Bentham argued that legislators have a moral obligation to formulate utility-oriented laws. In this context, legislators must identify acts that are considered crimes and design effective policies to prevent them.²⁸ This means that the state as a party that has the authority to make policies must pay attention that the regulations made can be implemented and can prevent various kinds of actions that cause harm to the community. The losses experienced by the community due to the non-implementation of regulations will certainly lead to community welfare which does not reflect the benefits of the law itself.

The case of bread containing harmful ingredients is related to the usefulness of existing regulations and policies in Indonesia. As mentioned above, the happiness of society can be realized by legislation that must achieve one of its goals, namely to obtain protection. The actions of bread business actors who add hazardous ingredients, namely sodium dehydroacetate, are actions that cause harm and pain to the people who consume them. Thus, the UUPK and UUP are present as a form of legislative efforts to provide protection for the rights of consumers of bread, such as

²⁶ Nurwidya Kusma Wardhani, Tulus M. Lumban Gaol, and Taufiqurrohman Syahuri, "Penerapan Konsep Teori Utilitarianisme Dalam Penegakan Hukum Di Indonesia," *JRP: Jurnal Relasi Publik* Vol. 2 No.1 (n.d.): Februari 2024.

²⁷ Indra Rahmatullah, "Filsafat Hukum Utilitarianisme: Konsep Dan Aktualisasinya Dalam Hukum Di Indonesia," *Adalah: Buletin Hukum Dan Keadilan* Vol. 5 No. 4 (2021): 11.

²⁸ Zainal B. Septiansyah and Muhammad Ghalib, "Konsepsi Utilitarianisme Dalam Filsafat Hukum Dan Implementasinya Di Indonesia," *Ijtihad: Jurnal Hukum Islam Dan Pranata Sosial* Vol. 34 No. 1 (2018): 30.



regulating the prohibition for business actors to distribute food containing toxic, dangerous ingredients, or which can endanger human health or life; regulating administrative sanctions if these rules are violated; or empowering the Consumer Dispute Resolution Agency (BPSK) to accommodate complaints about consumer protection cases to then assist consumers in class action lawsuits and so on. The UUP has also obliged the Government (through BPOM) to check the safety of materials to be used as food additives whose effects on human health are not yet known in the food production activities or processes for distribution.

The calculation between pleasure and pain can occur when there is an action/event/phenomenon that is considered morally important by the community, so that if no solution is found to the problem, there will be confusion in the community.²⁹ If the Indonesian state does not have regulations related to consumer protection, then when legal problems occur such as the dangerous bread case, of course, it will not only cause losses in the form of material but immaterial. Immaterial loss is closely related to a person's hurt feelings towards an event that he experienced. Consumers as users of these goods give full trust that business actors will not produce goods that are harmful, especially to the human body. The trust that is abused by business actors will certainly cause a sense of disappointment in the community as humans who have feelings. The absence of these rules does not provide benefits for humans. But in fact, even the existence of laws and regulations does not guarantee the achievement of benefits. Consumer rights to goods that do not endanger consumers and the sanctions that can be given by the UUPK and UUP do not have a deterrent effect on irresponsible business actors so that cases of dangerous food continue to occur.

Consumer protection involves laws that provide protection to consumers when they purchase goods and services to protect them from losses that may arise from their use. Consumer protection laws regulate the rights of consumers to fulfill their needs as buyers.³⁰ The point of protecting from losses is a facet of the benefits that should be achieved by the existence of UUPK considering that losses are a source of

²⁹ Endang Pratiwi, Theo Nugroho, and Hassanain Haykal, "Teori Utilitarianisme Jeremy Bentham: Tujuan Hukum Atau Metode Pengujian Produk Hukum?," *Jurnal Konstitusi* Vol. 19 No. 2 (June 2022).

³⁰ Putu Rido Widiya Widnyana, Anak Agung Istri Agung, and Ni Gusti Ketut Sri Astiti, "Tinjauan Yuridis Pertanggungjawaban Mutlak (Strict Liability) Dalam Hukum Perlindungan Konsumen," *Jurnal Konstruksi Hukum* Vol. 2 No. 2 (May 2021).



public grief. However, this is not the case. Efforts that can be made by consumers are to demand compensation as the UUPK obliges business actors to provide compensation if the loss is due to consuming goods traded to consumers. Enforcement of this rule is also not easy because this is also not spared because law enforcement in consumer protection has not applied strict liability purely because it still has to be carried out by reverse proof by the business actor so that this makes that the element of fault still has to be proven first.³¹

Other obstacles in the implementation of the UUPK that also cause the benefits of the UUPK to not be achieved are the low awareness of consumer rights, low consumer education, no one guarantees how to prepare Indonesian consumers to face the free market, weak supervision in the field of product quality standardization, weak legislative measures, lack of understanding of economic actors towards consumer protection, resulting in losses.³² Although the majority of obstacles in enforcing the Consumer Protection Law come from the community itself, this does not release the burden on the state to create regulations that better accommodate the needs of the community.

Efforts to protect consumers so that no more consumers consume these goods. However, in the case of Okko bread, consumers cannot claim damages because the effects caused by consuming bread containing hazardous ingredients cannot be detected with certainty because the reaction occurs immediately when consuming, especially for people who have hypersensitivity. Even though this bread has been in circulation for some time. So that when consumers file a class action lawsuit, the proof in the trial will find difficulties. Consumers will not be able to prove the negative effects caused by consuming the bread. Whereas sodium dehydroacetate is clearly included as a prohibited food additive because it is usually used to preserve cosmetics, not for consumption.

The pain experienced by consumers when calculated using The Hedonic Calculus is as follows: First, the more often and the longer consumers consume the

³¹ Aryani Sinduningrum and Henny Marlyna, "Penerapan Strict Liability Dalam Hukum Pelindungan Konsumen Di Indonesia: Perbandingan Negara Lain," *Unes Law Review* Vol. 6 No. 2 (December 2023).

³² Niru Anita Sinaga and Nunuk Sulisrudatin, "Pelaksanaan Perlindungan Konsumen Di Indonesia," *Jurnal Ilmiah Hukum Dirgantara* Vol. 5 No. 2 (March 2015).



dangerous bread, the greater the harm to their health. These large losses will also cause pain for consumers, not only because of the losses that affect health but also because the government does not carry out its obligations quickly to protect consumers. Secondly, when consumers already consume the dangerous bread and the government is late to detect this, the possibility of consumers to feel satisfaction will be smaller and to create satisfaction in consuming any goods will not be formed quickly because of the slow government in handling consumer protection cases. Third, consumers who feel harmed will have an impact on other communities where people will doubt the consumer protection system in Indonesia and will be skeptical when similar cases occur in the future. Thus, consumer protection for consumers who consume bread containing harmful substances cannot achieve expediency as its legal purpose because the existence of the UUPK does not guarantee satisfaction, happiness and pleasure in consuming goods.

Benefit in consumer protection can be created if the government in establishing a regulation and in enforcing the regulation is also based on The Hedonic Calculus: First, the government can amend the UUPK or form a Government Regulation to provide rules related to the implementation of consumer protection enforcement, in terms of dispute resolution and stricter sanctions for irresponsible business actors. This needs to be done so that cases of food containing hazardous substances do not recur because business actors feel the deterrent effect of applying more complex and clear rules. Second, the government can strengthen the role of BPSK as a body that can assist consumers when consumers need protection, not only assisting but also taking an active role in dispute resolution in court. So that consumers do not have difficulties when they are in the proof stage of the trial which uses the reverse proof system. The real active role of BPSK will certainly create public trust in the government in handling consumer protection cases. Supervision of food also needs to be tightened so that the negative effects of dangerous food that is already in circulation do not increase. Third, the government needs to actively provide education and understanding to the public to be able to exercise their rights when a consumer protection case occurs so that consumers can feel satisfaction because they have been given maximum facilities by the government in dealing with consumer protection cases.



V. CONCLUSION

The benefits of consumer protection law for consumers of bread containing hazardous ingredients have not been felt by the public because other food incidents containing hazardous ingredients continue to occur from year to year. The government only revokes product distribution licenses, conducts product recalls, and only provides recommendations for consumers who have already consumed the bread to immediately check themselves at a health facility. People will also face difficulties in providing evidence at trial if they file a class action lawsuit because the side effects of bread containing harmful ingredients can only be felt immediately after consuming it. This is certainly not a valid reason because if the bread is circulated in the community for too long, the long-term effects will automatically become more apparent. This indicates that the regulations made by the government do not provide a deterrent effect for irresponsible business actors so that consumers as parties who use/consume goods will continue to be harmed.

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