

THE CONSTRAINTS IN REALIZING LEGAL PROTECTION TO CONSUMER FOOD PRODUCTS IMPORTS NOT EMBEDDING LABEL BAHASA INDONESIA AND NOT HAVE PERMISSION TO CIRCULARIZE IN THE BORDER AREA MALAYSIA INDONESIA PROVINCE NORTH KALIMANTAN.

Wiwin Dwi Ratna F

Nur Zamzam

ABSTRACT

Consumer protection in the food imports was something must be done by government, arrangement have clearly stated that importer charged accountability in the food are imported in line with the law. In general patronage given to consumers in its status of the Indonesian citizens as outlined in line with the act No.8 1999 on consumer protection as (the umbrella act) to consumer protection. But there were several problems facing the efforts by the district government nunukan in providing protection on the community about border a large to use the food imports derived of Malaysia that courses not in line with the law. This is because there are several ports small are used as port out the entry of imported goods, the need for food faster obtained from Tawau, and the price of were even cheaper compared food supplies from Indonesia.

Key word: **The constraints, the marketing authorization, Indonesian Language**

The relationship between producer and consumer based be a relationship private reference to the III BW namely engagement. As the nature of the third book BW, that the subject of law can make engagement based on agreement of the parties. When we wed, the consumer protection arise because the deal done by the producer and the consumer within the scope of trade.

Trade is an inseparable part of the social life, beyond the boundaries of the state and even the status of citizenship someone. Trade is the most important part of the development of the social life. Go out for consumers is never stop from time to time, even feels more complex. The various changes social, economic, knowledge, technology, also political; clear effect change in a pattern, a kind of problems and weights and a customer complaint.

Research Design

The research is the first to provide a legal basis for a major study, therefore we used the historical research, besides approach and conceptual of the will. To support the results of the study, the research also uses the sociological to give nothing to strengthen against the results of the study.

Review of related literature

Consumer protection

Law consumer protection according to az.Nasution is law consumers containing asas-asas or norms that is set, which also contains the trait of being protect the interests of consumers. As for law consumers are defined as a whole principles and norms law governing the relations and problems between the different each other pertaining to goods and or services consumers in among.

The Marketing Authorization

The form of legal protection to consumer, one of them is a native of the provision of licenses path towards products which for consumption by consumers. The Indonesian government has issues several provisions on permission path of products to be good and pass region of Indonesia. The provision of licenses he intended to give confidence to the government that products will be distributed is in accordance with the regulation permitted by the will.

The marketing authorization is the form of food and drug registration approval given by the head of an agency to can there shall be passed around in Indonesia as set forth in the article 1 paragraph 14 PERKA BPOM Indonesian NO. 4 2017 about controlling food and drug revenue into the territories of Indonesia.

Further delivered in article 3 PERKA BPOM INDONESIAN no 4 2017 that an obligation will be have permission path of appl

y to food and drug imports will be distributed in the area of Indonesia.

Analysis

The constraints faced in order to realize the legal protection to consumer food products imported in Indonesian language has no label and did not have the permit Malaysia northern Indonesia Province Northern Kalimantan.

Food and beverage distribution in the border area north Borneo, especially is bordered by Malaysia Sabah area, most are the food and beverage was from Malaysia. There are in the form of food and drink products have packed. The distribution of food and drink has been circulating for years ago. The Indonesian geographical that takes time in the distribution of food to the border areas .

Food and drink circulating in the border area use the border trade agreement (smear) 1970 that is agreement / agreement cross-border trade between Indonesia to Malaysia, in set on August 24 1970. In smear the allowed to transport goods with the rm600 every time the way.

From the trade, smear 1970 be used as reference to food and beverage distribution but from the consumer protection, food and drink circulating in the border area was not in accordance with the provisions Indonesian legal, of them are no business entity which legally your importers that can be include permission from the importer outside packaging food products. In addition, food and beverage products nor determinate not speak in Indonesia as the provisions of act food.

When viewed from ratio legs regulation that regulate about must use Indonesia language, namely in order for any consumers can and understanding the womb foodstuff is in in the product packaging, in addition and that consumers understand procedures consumed the food even procedures storage products .

That to implement consumer protection as the provisions of contained in UUPK, so some regulations relating to consumer protection also read relationship, one of which may be seen from Act No 12 2012 on food, article 91 states that controlling security, the quality of, and nutrition every processed food made in the country or in imports in order to trade in retail packaging, business players must have permission path. Further in explained in article 93 that every man who import food to trade obliged to security standards food and the quality of food. This is a form protection to consumers through responsibility / duty to importer to responsible for what in imported into region of Indonesia. For importer who do not heed the article 93 so against him are liable to as article 94 paragraph 2 of sanctions administrative.

KEPPRES No.166 year 2000 as modified by decision of the president No. 103 year 2001, about position, duty, function, the authority, organizational hierarchy and work procedure government agencies department station non agency has a duty namely to do the government in the field of food and drug monitoring in accordance with the provisions of the will guests apply. The execution of a task agency this station coordinated by the ministry of health and social welfare minister. More specifically, there are SKB the minister of health and MEN-PAN No. 264A / MENKES / SKB / VII / 2003 and No 02 / SKB / M.Pan / 7 / 2003 issued fourth of July 2003, governing job , functions and authority in the field of food and drug monitoring. As for duty and authority BPOM of them are as follows:

- a. study and the formulation of national policy in the field of food and drug monitoring;
- b. the implementation of the particular policy in the field of food and drug monitoring;
- c. coordination activities functional to the performance of duties agency; station
- d. monitoring, the provision of guidance and flanking of the government agencies in the field of food and drug monitoring;
- e. the guidance and administration services common in the field general planning, administrative, organization and governance, human resources, financial, chancery, decoding, equipment and households. Supervision what is done by BPOM consisting of two forms, namely pre market control is that supervision before drug allowed to produced or imported and passed around in Indonesia in order registration must first to the assessment to judge security, quality and significance and label / information that product. The form of supervision is supervision directly to producers one of them is the marketing Authorized.

Second, post market is related to the after he authorized products ml and passed around in the community .The circulation of technical supervision processed food products import is the same as domestic food products .To the supervision of, BPOM routinely done supervision to food and beverage distribution circulating in Indonesian territory. In monitoring, BPOM also related agencies such local controlled the office for industry, department of health and by other relevant agencies that is in accordance with programs supervision BPOM.

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The district Nunukan areas that is one which is directly adjacent to the neighboring country Malaysia, the circulation product of

food imports from the East Asian derived from a region of Malaysia is actually based the conditions cross-border who sanctioned the activities are inability of trade in this case both countries could perform the activities of the buying and selling of goods including food products in both of these areas but with the provisions that the goods in may only be of circulating within territories Nunukan district not in other areas .The Indonesian citizens who makes a purchase controlled goods Malaysia it is limited by the number of certain nominal maximum.

According to the head subsection domestic and foreign trade the ministry of trade and industry of Nunukan district, agreement the cross over into one of problems we face in terms of consumer protection or citizen we in Indonesia for the influx of them were not through standard operating provisions out an influx of goods from outside the country or relating to product food imports. It is only check periodically on the expired date the food products. In addition the fulfillment of the need for product food imports is in high value every year remember the quality of goods from the land of Malaysia is better and cheaper than our country.

According to the head of North Sebatik other obstacles faced by us in terms of distribution product imported food in Indonesia particularly in the area of Nunukan district, North Kalimantan, is the absence of the door official open by Indonesia to the distribution of goods from neighboring countries .When there a door appointed by a government official, so control in the issuance of the goods of a region of the others can in monitoring including in the control of such acts. He added if the government chose point or door official then officials may perform the whether repressive and preventive against a citizen doing activities trade product food imports to the region Indonesia. In fact what happens is besides because have been going on decades, the high demand for consumers from our country be a problem that by which the officers did not can do the act of this.



Fig.: Port people in doing import food products from Malaysia to Indonesia
Besides the regulations, public awareness about the importance of nationalism one of them in the form of love domestic product

It is weak also leads to many goods especially food products imports are not labelled in Indonesian circulate widely in the country especially the border region.

These cases mentioned above become an obstacle crucial and must be found a way out by the formation of legal protection of consumer against a citizen our being in the region the border.

Conclusion

Obstacles faced by the government of Nunukan District in performing legal protection to consumers on imported food products that did not have a permit and: among others is the need for food on the edge of the area more quickly met with imported food products, this is because the geographical location of both countries had different characteristics, there is no official channels out of the export import food products, that is very important is there is a smear 1970 that really allow for each community associations each other controlled the border meeting daily needs along does not exceed equivalent to 600RM in 1 times enter. The type of goods / product that are traded, of Indonesia includes agricultural products or others, not including oil, minerals and ore mine. While from the Malaysia includes consumer goods of daily living (principal and tools / equipment for the purpose of simple) industry limited scale. The value of goods / product that can be carried / transported through cross-border trade in the area of border land by the inhabitants of the two countries does not exceed RM 600 per person / month, while the cost through coastal scrublands along the border the sea and its can be done by using vessel listed on the local government each party, with the size of the tonnage of the ship 20 m³ gross), and value of goods / product carried / transported no more than RM 600 every time the way. ~

Suggestion

Improve and control on the food products no permit path and not in Indonesian.

Make special policies in the border area that is capable of accommodated two states in terms of imported food product distribution.

Update to policies that previously existing particularly those relating for the imported food products in the borders of a country.

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Wiwin Dwi Ratna F

Nur Zamzam

Faculty of Law University Borneo of Tarakan

Tarakan, Kalimantan Utara, Indonesia

Email : winz_fh@yahoo.co.id