



Consumer Protection Against Nopia Products That do Not Include Expiration Dates

Devi Windy Atun

Magister Hukum, Universitas Jendral Soedirman

Corresponding Author: Devi Windy Atun devi.atun@mhs.unsoed.ac.id

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ABSTRACT

Consumers are people who use an item. Every consumer who buys or uses a product certainly hopes to get a good product and as desired. The development of the global economy makes consumers have many choices, because the food offered is increasingly diverse and varied. This is also caused by consumers who pay less attention to their rights and lack of awareness as consumers. Meanwhile, consumer protection is a matter of interest for humans, therefore consumer protection is the hope for this nation to be able to realize the relationship between business actors and consumers who have a mutually beneficial and not detrimental relationship. This research aims to determine and analyze the protection of consumers for products that do not include an expiration date. This research uses normative juridical research methods which are methods carried out through library research or examining the main data, namely secondary data. Legal protection for consumers against nopia products that do not include expiration dates is regulated in Articles 4 and 29 of Law Number 8 of 1999 concerning Consumer Protection, where consumer rights must be implemented by business actors with the right to obtain information, the right to security, and the right to safety after consuming the product.

INTRODUCTION

The term consumer comes from the Dutch, namely *consument* / consumer or from the British-American which comes from the word *consumer*. The meaning of consumers is people who use an item. Every consumer who buys or uses a product certainly hopes to get a good product and in accordance with the wishes. The development of the global economy makes consumers have many choices, because the food offered is increasingly diverse and varied. This is also caused by consumers who pay less attention to their rights and lack of awareness as consumers.

Consumer rights are something that must be considered because in running the economy, consumer rights are often ignored and harmed by business actors, this needs to be addressed by business actors so that consumers are not harmed by their position. According to Article 12 of Law Number 8 Year 1999 on Consumer Protection, a consumer is any person, user of goods and/or services, which are available in the community, both for the benefit of oneself, one's family others, and not for trade. Before this law was issued, there were normative explanations of the definition of consumers, such as in Law No. 5 of 1999 concerning Monopolistic Practices, the definition of consumers is every user and or user of goods and or services, both for their own benefit and for the benefit of others.

Meanwhile, consumer protection is something that is of interest to humans, therefore consumer protection is a hope for the nation to be able to realize the relationship between business actors and consumers who have a mutually beneficial relationship and not detrimental.⁶ Based on the Consumer Protection Law in article 1 point 1, the definition of consumer protection is all efforts that ensure legal certainty to provide protection to consumers. Az, Nasution defines that consumer protection is the overall principles and rules that regulate and protect consumers in their relationships and problems with providers of consumer goods and or services. The regulation of consumer protection is a form of protection of public interests against the rights of the community as citizens who are closely related between the government, business actors and consumers. The need for a consumer protection law is due to the weak position of consumers compared to the position of producers.

Food is produced by industrial producers on a large scale or small scale, the small scale is referred to as Home industry. One of the foods produced from Home Industry is the *nopia* food product. *Nopia* is a sweet-tasting food with a composition consisting of 375 gr granulated sugar, 1.5 kg of medium protein flour, water to taste, vanilla to taste. cooking oil, 800 gr low protein wheat flour, 150 gr water, 100 gr red sugar, 65 gr sweetened condensed milk, and 33 gr butter.

The *nopia* products are then traded in traditional markets and small shops. To ensure that the *nopia* products sold are safe for consumption, based on the Food and Drug Monitoring Agency (BPOM) Regulation Number 22 of 2018 concerning Guidelines for Granting Certificates, it is necessary to ensure that the *nopia* products sold are safe for consumption.

Household Industry Food, the producer must submit an application for a Household Industry Food Production Certificate (SPP-IRT) to the One Stop

Service Unit, after which the application file is sent to the District/City Health Office to be adjusted to the contents of the formular application related to food safety. SPP-IRT is a written guarantee given by the Regent/Mayor to the Food Production of IRTP in their working area that has fulfilled the requirements for granting SPP-IRT in order to circulate the Food Production of IRTP. Food products that have been produced must follow standard health requirements, so if food producers do not follow the standard procedures that have been set it will endanger the health of the people who consume. Besides it does not rule out the possibility of being prohibited from being circulated to the public.

The absence of the expiration date will be a problem for consumers because consumers should get protection of the right to know the expiration date of a product. The regulation of Law Number 8 Year 1999 Article 8 number 1 letter g which reads “does not include the expiration date or the period of best use / utilization of certain goods” requires effectiveness in its implementation and the need for decisive steps taken. by the government in this case. The inclusion of the expiration date is an information that is an obligation of the business actor as the party that circulates the food will be tested in various aspects to ensure the feasibility of the food. In the regulation there are provisions stating the obligation of business actors to include the expiration date on an item. The existing provisions require a product to include an expiration date with the aim of providing information on the expiration of the product so that consumers know the information.

In one of the food product stores in Sokaraja District, it was found that there were several nopia products that did not include the expiration date. Whereas a product of goods or services must include the expiration date so that consumers can find out information on the date, month or year of consumption of the product, so that consumers are guaranteed safety after consuming the product and also get their rights as consumers to know the feasible limits of consumption of the food product.

For these expired products, consumers are the party whose rights are harmed by producers or business actors who do not follow the rules, so rules are needed to protect consumers. Consumers have the right to obtain goods that meet the requirements that have been in the laws and regulations, and get goods that are in accordance with what has been offered.

In this study, the following problem formulations are presented:

- a. How is the legal protection for consumers against nopia products that do not include the expiration date in Sokaraja District based on Law Number 8 of 1999 concerning Consumer Protection?
- b. What is the role of the government in providing protection to consumers for products that do not include expiration dates?

LITERATURE REVIEW

Based on the search results of previous studies, the author found studies on consumer legal protection against producers who do not include expiration dates on their products as follows.

According to research by Levina Rachel (2020) Legal Protection Against Consumers Over Information Expiration Date of Food Products Based on Law No.8 of 1999 (Study of Decision No.149/Pid. Sus/2017/PN .Ktb) Conclusion According to Article 45 paragraph 2 of Law No 8 of 1999 explains that Legal Protection, consumer protection is protection that can be used by all consumers in the event of consumer disputes while protecting consumers by providing rights that have been regulated in legislation is the principle of consumer protection. When viewed from the Decision of the District Court Kotabaru, the author feels that is not in line or in line with the obligations that have been regulated in Law No. 8 of 1999 concerning the protection of consumers which should be obeyed by business actors, while this clearly violates Article 7 b and is prohibited from carrying out business activities because it does not include the expiration date or the inclusion of the expiration date.

Based on the table of previous research, there are differences and similarities between previous research and the author's current research, namely as follows. The similarities between research numbers 1, and 2 with the author's research are the same- same discusses consumer protection against business products that do not include expiration dates.

The difference between previous research and the author's current research, previous research number 1 discusses related to Article 4 letter h it also has the right of consumers to apply for compensation, compensation loss or replacement is the right to obtain legal assistance / defense through the court or BPSK through Article 4 letter e of the Law Consumer Protection to resolve disputes with good while the author's research discusses problems related to Article 4 letters a and c, the right to comfort, security, and safety in consuming goods and / or services; the right to correct, clear and honest information about the conditions and guarantees of goods and / or services. The difference between previous research number 2 and the author's research, previous research number 2 discusses the obstacles of the Consumer Dispute Settlement Agency in resolving consumer disputes due to budget factors, and human resource factors, while the author's research discusses the role of the government in protecting consumers of nopia products that do not include the expiration date.

According to Philipus M. Hadjon, Legal Protection is a collection of rules or rules that can protect one thing from another. In relation to consumers, it means that the law guarantees the rights and obligations of consumers who protect, the object to be protected, the tools, instruments and efforts used to achieve the protection. Legal protection is a description of the operation of the function of law to realize legal objectives, namely justice, expediency and legal certainty. Legal protection is a protection given to legal subjects in accordance with the rules of law, both preventive (prevention) and in forms that are repressive (coercion), both in writing and in writing. The legal protection of consumers is regulated in the Law on Consumer Protection, which covers all matters that become rights and obligations between producers and consumers. In addition, there is also legal protection provided by to intellectual property rights (IPR). Arrangements regarding rights to intellectual property include,

copyright and rights to industrial property. The regulation of intellectual property rights has been set out in a number of laws and regulations.

Adam Smith's theory of justice is commutative justice. The commutative justice expressed by Adam Smith has similarities with the commutative justice conveyed by Aristotle.

METHODOLOGY

1. Type of Research

Normative juridical legal research is one type of legal research methodology that bases its analysis on the legislation that applies and is relevant to the legal issues that are the focus of the research.

2. Nature of research

This research is descriptive in nature which aims to describe or describe certain phenomena or situations systematically and objectively. This research focuses on "what is" and does not aim to change or manipulate the variables being studied. Descriptive research is used to explore facts, conditions, or events that occur in the field and provide a clear and detailed picture of the topic being studied.

3. Type of Data

The main data used is secondary data supported by interviews with several sources who are considered to understand the legal principles of trademarks which will later support the analysis of secondary data. The secondary data used is in the form of primary, secondary and tertiary legal materials.

4. Method of Data Collection.

Data collection is carried out through searching library materials both through literature studies and interviews. In terms of interviews conducted with sources who understand their duties in this case.

5. Data Analysis

The data analysis technique used by the author in this research is qualitative analysis. Qualitative analysis is a way of analyzing data sourced from legal materials based on concepts, theories, laws and regulations, doctrines, legal principles, expert opinions or the views of the researchers themselves.

6. How to Draw Conclusions

This method is carried out with deductive logic that analyzes general statements.

RESEARCH RESULT

Consumer is a term used by the public to people who use services or consume food and drinks. Based on Law No. 8 of 1999 Article 1 number 2, a consumer is every person who uses goods and/or services available in the community, both for the benefit of themselves, families, other people, and other living creatures and not for trade. In addition, in providing an overview related to the definition of a consumer is a person who has a relationship between buyers and sellers either directly or indirectly (online) which is then referred to as a

consumer. According to Az. Nasution there are several limitations related to the definition of consumers.

Protection of consumers needs to be done to safeguard their consumer rights. Law Number 8 Year 1999 on Consumer Protection has a provision that states that all existing laws relating to consumer protection remain in force, as long as they do not contradict or have been specifically regulated by the Law. Consumers have rights that must be respected by business actors in running the wheels of the economy, consumer rights.

Based on Article 4, it is clear that consumers have the right to obtain correct, clear and honest information regarding the conditions and guarantees of goods and / or services, with business actors having to respect these rights, in practice these rights are often ignored by business actors due to lack of literacy or low awareness to find out these rights. That increasing awareness, ability and independence of consumers to protect themselves is very necessary, because this is also related to the rights of consumers who must be considered and implemented.

The non-fulfillment of consumer rights has consequences that can be felt by consumers, especially in consuming a product to be unsafe, this is because consumers are required to know the time limit for the consumption of a product to be consumed. The problem of including the expiration date is not only an administrative problem, by not including the expiration date consumers will lose the right to know, security, safety, and other rights that should be owned by consumers.

Furthermore, in Article 8 paragraph (1) letter g of Law Number 8 of 1999 concerning Consumer Protection, in the section on prohibited actions for business actors it is clearly stated that business actors are prohibited from not including the expiration date or the period of best use/utilization of certain goods. In terms of consumers, Article 4 letter a explicitly states that consumers have the right to comfort, security, and safety in consuming an item which is associated if a food packaging without an expiration date can endanger the health of consumers and in Article 4 letter c it is also explicitly stated that consumers have the right to correct, clear and honest information regarding the condition and guarantee of goods which is associated with the inclusion of the expiration date as information of the best condition of a packaged food.

Based on preliminary research, there are nopia products in Sokaraja Subdistrict that do not include expiration dates on their products, so that consumers are disadvantaged because they do not know the information related to the final limit of eligibility for consumption of these products. Consumers have the right to get clear information about a product and safety in consuming the product, besides that, also in Article. To support legal certainty, every product that includes an expiration date has a legal certainty that is certain and cannot be denied for information on the time of consumption of the product. Because products that include expiration dates are informative to consumers. With this inclusion consumers get protection and legal certainty from business actors, so that consumer rights in the Consumer Protection Law are fulfilled properly.

Based on the identification and clarification of legal facts to the Banyumas Regency Industry and Trade Office with Mrs. Erna Budiati S.E, in her explanation that in Banyumas Regency there are still products that do not include an expiration date, for products that are directly packaged at the time of sale are not required to include an expiration date, the Banyumas Regency Industry and Trade Office responds to products that do not include an expiration date by conducting routine monitoring of business actors in traditional and modern stores, and following up if there is something that is not in accordance with the standard, one of which is the absence of an expiration date on the product. The solution provided by the Industry and Trade Office of Banyumas Regency is by conducting counseling and socialization to business actors so that nothing happens that endangers consumers or threatens consumer health, in addition to protecting consumers, the Industry and Trade Office is always open to receiving complaints.

Thus the government through BPOM has carried out the role in providing protection to consumers through supervision, and has carried out in accordance with applicable regulations, based on the Consumer Protection Law Article 108 concerning supervision which reads "In carrying out the implementation of food, the Government is authorized to conduct supervision. While in article 108 paragraph (2) it is explained that the supervision as referred to in paragraph (1) is carried out towards the fulfillment of: availability and / or adequacy of safe, nutritious basic food, and affordable by the purchasing power of the community; and food safety requirements, food quality, and food nutrition as well as food labeling and advertising requirements.

In addition, the role of the Government through the Department of Trade and Industry in protecting consumers through guidance is in accordance with the regulations of the Law on Trade Article 19 which reads "The government regulates, fosters, supervises, and develops the commodity futures market as referred to in Article 12 paragraph (1) letter g

Before the presence of Law Number 8 Year 1999, it was difficult for consumers to claim their rights caused by business actors. In this case, it is related to the absence of information provided by business actors on products in the form of expiration dates, thus business actors have an obligation to be responsible for all things that harm consumers or that make consumers indirectly take away their rights, of course this is also an unlawful act. Consumers need to be given education or socialization related to the importance of awareness, sensitivity, and concern about what rights they have as parties who are often harmed. Based on the explanation above, it can be concluded that Law Law No. 8 of 1999 concerning Consumer Protection has explained in detail related to the rights, obligations of consumers and business actors, as well as the legal protection provided such as the existence of administrative sanctions if business actors violate consumer rights, does not even rule out the possibility of criminal sanctions if business actors violate it, thus consumers have received protection which in this case is legal protection, related to legal protection of consumers according to Law Law No. 8 of 1999 concerning consumer protection, has paid attention to the rights of consumers so that Law.

The government is an organization that has the power authority to make and implement rules and laws in certain areas. In this case the government has the responsibility to conduct socialization or counseling regarding the importance of the inclusion of expiration dates on a product to business actors, so that business actors run their businesses in accordance with applicable procedures and rules, and to maintain the sustainability of their business.

The government has a responsibility towards consumers to provide protection, both legal protection and other protections related to consumers, in order to protect rights owned by consumers, in this case related to safety and legal certainty that has not been provided by business actors because they do not include expiration dates on their products. One form of protection provided by the government is by receiving complaints from consumers if any of their rights are violated by business actors. Consumer rights are neglected and harmed by business actors, so good intentions are needed in business actors, because they are related to the stages in running their business.

Justice according to Adam Smith is commutative justice. commutative justice expressed by Adam Smith has similarities with commutative justice delivered by Aristotle. The principle that exists in commutative justice contains the main principle, namely no harm or the principle of not hurting and harming others. More specifically this principle refers to the attitude of refraining from harming other people. Based on his view, the enforcement of justice must provide equal rights, and also the principle of not harming others. Based on Article 4 of the Consumer Protection Law, consumers have rights that are protected by providing opportunities for consumers to obtain the same rights as business actors.

DISCUSSION

Based on the results of research and discussion of the data obtained, the authors can draw the following conclusions. Legal protection for consumers against nopia products that do not include the expiration date is regulated in Articles 4 and 29 of Law Number 8 of 1999 concerning Consumer Protection, where consumer rights must be implemented by business actors with the right to obtain information, the right to security, and the right to safety after consuming the product.

How the role of the government in providing protection to consumers for products that do not include the expiration date can be reviewed from several sources, namely Law 8 of 1999 Article 29, as well as through Article 67 of Law Number 18 of 2012 concerning Food by conducting socialization and, besides that the government is responsible for fostering the implementation of consumer protection that ensures the acquisition of consumer and business rights and the implementation of consumer and business obligations. To follow up on these regulations, the government has the role of to ensure that consumers get their rights by receiving complaints related to business actors who do not comply with procedures in the inclusion of expiration dates.

CONCLUSIONS AND RECOMMENDATIONS

Based on the conclusions and descriptions in the discussion in accordance with the problems studied, the suggestions that can be given are as follows. Business actors must be more aware of the obligations that should be carried out by following all food health procedures that must be carried out by paying attention to consumer rights, one of which is to include an expiration date so that consumers are not harmed, besides that consumers must be more aware of what rights they have so that consumers are not harmed by that thing, consumers must also be critical of business actors who are not in accordance with applicable regulations.

ADVANCED RESEARCH

The government must continue to supervise business actors who do not comply with procedures in their products, and if it requires sanctions, then the government must be firm to impose sanctions, because related to this is consumer safety. The government must also pay attention to consumer safety by conducting socialization and counseling from the Neighborhood Association level to the Village level, with the aim of explaining that consumers have rights that must be protected and safeguarded, thus public or consumer awareness is guaranteed and maintained.

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