

Consumer Protection Regarding the Failure to List Sugar, Salt and Fat Content in Ready-to-Drink Beverages

Yunita Anggraini Nur
Sufirman Rahman
Asriati Asriati

Faculty of Law, Universitas Muslim Indonesia, Indonesia
Faculty of Law, Universitas Muslim Indonesia, Indonesia
Faculty of Law, Universitas Muslim Indonesia, Indonesia

This paper discusses the analysis of forms of consumer protection in terms of not listing the sugar, salt, and fat content in ready-to-drink drinks, and the duties of the health service in supervising business actors who do not list the sugar, salt and fat content in ready-to-drink drink business actors. Using qualitative methods with data from interviews, data processing techniques are carried out using descriptive analysis. The results of the study are forms of consumer protection in terms of not listing the sugar, salt, and fat content in ready-to-drink drinks by accommodating suggestions and input from consumers which will later be conveyed directly to business owners so that these suggestions and input can be considered for consumer health. It is hoped that the task of the government or related agencies to record ready-to-drink drinks that do not comply with PMK.NO. 63 of 2015 to include information on sugar, salt and fat content.

INTRODUCTION

The development of franchises in Indonesia supports the national economy. Since the 1970s until now the number of franchises has continued to increase. In the 2016 economic census, there were 81,441 businesses that implemented the franchise system. People open franchise businesses because of several supporting factors, namely easy requirements, mature business management, well-known franchise brands, cooperation that has been formed from the beginning, faster success opportunities, so that people are interested in joining as partners. One of the franchise sectors is dominated by fast food businesses. Examples of franchise businesses that are often found are Kopi Janji Jiwa, Es Teh Indonesia, and Mixue. These drinks are types of contemporary drinks. They are called contemporary because they are considered innovative and popular, both because of their unique taste and characteristics. Contemporary drinks contain high levels of sugar and calories so they are included in sugar sweetened beverages (SSB).[1]

Furthermore, in 2018, the results of the Basic Health Research showed that the habit of consuming sweet drinks 1 to 6 times a week at the age of 3 years and above was 30.22%. Meanwhile, the recommendation for sugar, salt, and fat consumption per day has been regulated by the Indonesian Ministry of Health that the maximum sugar consumption per day is 50 grams, salt consumption per day is around 5 grams and fat consumption per day is 67 grams. In order to supervise and provide guidance on the inclusion of information on sugar, salt, and fat content and health messages, the Minister of Health is assisted by the Head of the Provincial Health Office and the Head of the Regency/City Health Office. The supervisory body that supervises the inclusion of information on sugar, salt, and fat content and health messages on processed foods is carried out by the Food and Drug Supervisory Agency (BPOM), while the supervisory body that has the authority to supervise the provision of information on sugar, salt, and fat content, as well as health messages on ready-to-eat foods is carried out by the Head of the Provincial Health Office and the Head of the Regency/City Health Office according to their respective duties and functions.[2]

However, the fact is that the fast-drink franchise business in Indonesia has not complied with the

regulation so that there is a disharmony between Das Sollen and Das Sein . Therefore, the author is interested in further studying the responsibility of the franchisee in terms of not listing the sugar, salt, and fat levels in ready-to-drink drinks, and looking at the role of the South Sulawesi Provincial Health Office regarding supervision of this matter . explained in QS AI- Syu'ara:183[3]

The inclusion of information on the amount of sugar, salt, and fat content is important for ready-to-drink beverage franchise business actors because this is related to the varying ages of consumers in consuming contemporary beverages which can have an impact on consumer health. This is in line with PMK No. 63 of 2015 that every processed food product and ready-to-eat food must comply with the provisions of this Ministerial Regulation no later than 4 (four) years since this Ministerial Regulation was enacted. However, until now there has been no policy for ready-to-drink food franchise business actors regarding the inclusion of sugar, salt, and fat content in ready-to-drink food produced. Information on the amount of sugar, salt, and fat content in ready-to-drink food is the right of consumers to know.[4] This must be conveyed because consumers have the right to know true, clear, and honest information regarding the condition and guarantee of goods and/or services. This is in accordance with Law No. 8 of 1999 concerning Consumer Protection (UUPK). Based on the background description above, the author is interested in conducting an empirical study with the research title " Consumer protection in terms of not listing sugar, salt and fat content in ready-to-drink drinks ."

METHOD

The researcher used an empirical research type. This research uses a qualitative descriptive approach, which is a research method that functions to see the law in real conditions, and see how the law works in the community environment.[5]

RESULTS AND DISCUSSION

Forms of Consumer Protection in Cases of Failure to List Sugar, Salt and Fat Content in Ready-to-Drink Drinks.

Based on Law no. 8 of 1999 concerning consumer protection, every producer is required to provide clear, accurate, and non-misleading information about the products they market. In this case, producers of ready-to-drink beverages are required to list the sugar, salt, and fat content in ready-to-drink beverages. The goal is for consumers to obtain sufficient information to make the right decisions regarding their health. Some relevant articles in the UUPK are:

Article 4: Consumers have the right to correct, clear and honest information regarding the condition and guarantee of goods or services.

Article 7: Business actors are required to provide correct, clear and honest information regarding the products traded.

Article 8 paragraph (1): It is prohibited to produce services or trade goods that do not comply with the standards required by statutory regulations.

Based on BPOM regulations, sugar, salt and fat content must be clearly stated on the product, especially for products that are marketed in mass and ready to consume. If this information is not stated, consumers are at risk of consuming the product without knowing the potential health impacts. In addition, BPOM also regulates food safety standards that ensure that products circulating in the market meet technical and safety requirements, so as not to endanger consumers.[6] If a company does not comply with these regulations, BPOM has the authority to impose sanctions, ranging from warnings to withdrawing products from the market. As a form of

consumer protection, the government also encourages manufacturers to include information that is easy for consumers to understand. In recent years, there has been a strong push for the use of clearer and standardized nutrition labels, such as pictogram nutrition labels or labels with symbols that indicate excessive content (sugar, salt, and fat) in a product. This is part of the government's efforts to make it easier for consumers to understand nutritional information without having to understand technical language or complicated nutritional terms. Based on the Ministry of Health, through various programs such as balanced nutrition and non-communicable disease prevention actions (PTM), it seeks to increase consumer understanding of the importance of avoiding excessive consumption of products that are high in sugar, salt and fat. The government is also trying to create healthy eating standards and encourage people to pay more attention to their diet.[7]

Based on an interview on Thursday, November 21, 2024, according to Miftahul Fiqri as the supervisor of Tokio Coffee Lab, he explained that his outlet has been operating for approximately 3 (three) years. In carrying out his duties as a coffee supervisor, he explained that there is always supervision from the supervisor which is carried out every week, but there has been no guidance and direct supervision from the Health Service regarding PMK no. 63 of 2015, and there has been no direct direction from the owner of the coffee. Regarding the inclusion of sugar, salt and fat content in ready-to-drink drinks. Although until now there has been no direction regarding this matter, Tokio Coffee Lab continues to maintain the safety and security of its consumers in consuming its drinks by providing a choice of sugar levels that can be chosen by consumers. He explained that with this sugar level, he hopes that consumers will still feel safe in consuming their drinks.

However, if there are consumers who object to the non-listing of sugar, salt, and fat content in the products sold, then they will take responsibility by accommodating consumer suggestions and input to be submitted to the owner of Tokio Coffee Lab. Based on an interview on Saturday, January 11, 2025, according to Muh Nurfadly P as the supervisor of Nomena Coffee who has been selling since 2021. Nomena Coffee is supervised directly by the owner. He said that until now the health office has never supervised and provided guidance to Nomena Coffee regarding PMK no. 63 of 2015 and the owner of Nomena Coffee has never given directions regarding the inclusion of sugar, salt and fat content in the beverage products they sell. According to him, the inclusion of sugar, salt, and fat content is important for consumers so that they know the limits of their consumption. If there are consumers who object to the non-listing of sugar, salt and fat content in ready-to-drink beverage products, then he will accommodate consumer suggestions to be forwarded to the owner of Nomena coffee and provide direction to consumers to contact the owner of Nomena coffee directly through Nomena's Instagram to provide input or report things that they feel are objectionable. If there are consumers who object to the non-listing of sugar, salt and fat content in ready-to-drink beverages, then he will accommodate all consumer suggestions and will convey them to the owner of Nomena coffee for consideration.[8]

The failure to implement PMK no. 63 of 2015 by business actors means that business actors are violating PMK no. 63 of 2015, article paragraph (1) and (2) which regulates: "every person who produces ready-to-eat food containing SUGAR, SALT and/or FAT is required to provide information on the SUGAR, SALT and FAT content as well as health messages through information and promotion media. Ready-to-eat food as referred to in paragraph (1) produced by a franchise business in accordance with the provisions of laws and regulations that have more than 250 (two hundred and fifty) outlets."[9]

The regulation was enacted in 2015 with the provision that processed food products and ready-to-eat food must comply with the provisions of this Minister of Health regulation within a maximum of 4 (four) years since this regulation was enacted. This means that the regulation has been mandatory for business actors who produce processed food and ready-to-eat food since 2019. The losses experienced by consumers by business actors are also related to Article 1365 of the Civil Code, that every act that violates the law and causes loss to others, requires the person who caused the loss due to his mistake to replace the loss. The responsibility of a business actor is very large to

protect consumers from unwanted things. Based on the theory of absolute responsibility, business actors must be responsible for this. In Article 4 paragraph (3) of the Consumer Protection Law, consumers have the right to correct, clear and honest information regarding the conditions of the guarantee of goods and/or services. Business actors are also obliged to provide correct, clear and honest information regarding the conditions and guarantees of goods and/or services as regulated in Article 7 paragraph (2) of the Consumer Protection Law.[10]

The Duties of the Health Service in Supervising Business Actors Who Do Not List Sugar, Salt, and Fat Content in Ready-to-Drink Drinks.

To realize a healthy economy, there needs to be balance and harmony between consumers and business actors. In this case, the government guarantees legal certainty to provide consumer protection. Consumer protection aims to protect consumers from losses due to goods and/or services by business actors.[11] The government has an obligation to provide guidance and supervision to business actors. The government's responsibility in providing guidance on the implementation of consumer protection is intended to empower consumers to obtain their rights, while the government's responsibility in supervising the implementation of consumer protection is also an important part of efforts to build positive and dynamic business activities, so that consumer rights can still be considered by business actors.[12]

Several government tasks in carrying out such guidance have been outlined in government regulation (PP) no. 58 of 2001 concerning guidance and supervision of the implementation of consumer protection. Article 4 of PP No. 58 of 2001 stipulates that in order to create a business climate and foster healthy relations between business actors and consumers, the minister coordinates the implementation of consumer protection with the relevant technical ministers.[13] LPKSM is a non-governmental institution that has activities to protect consumers. The government should pay more attention to the human resources of LPKSM managers by providing sufficient education, training, and skills so that LPKSM can become a forum for providing consumer protection, increasing awareness of rights and obligations to avoid things that can harm consumers. In addition to providing guidance on the implementation of consumer protection, the government also has responsibility for the implementation of consumer protection in the form of supervision.[14]

In PMK no. 63 of 2015, it is regulated regarding the guidance and supervision of processed food and ready-to-eat food. Guidance is carried out by the minister, the head of the provincial and/or district/city health office according to their respective functions and can also involve related institutions and associations. Meanwhile, supervision of ready-to-eat food is carried out by the head of the provincial/district/city health office according to their respective functions. The health office is a regional apparatus that is an element of implementing government affairs in the health sector which is the authority of the region. The provincial/district/city health office has a typology according to the population, area, and amount of its respective regional revenue budget (APBD).[15]

CONCLUSION AND SUGGESTIONS

The form of consumer protection in terms of not including sugar, salt, and fat content in ready-to-drink drinks by accommodating suggestions and input from consumers which will later be submitted directly to business owners so that these suggestions and input can be considered for consumer health. This is done because business owners do not have the authority to make any regulations or decisions without the approval of the business owner. The Health Office of the Province/Regency/City of South Sulawesi has not carried out the task of supervising the sugar, salt and fat content in ready-to-drink drinks sold by business actors to consumers. This is because there has been no direction and policy from the Regional Government regarding the inclusion of sugar, salt and fat content in ready-to-drink drinks before being sold to consumers. Therefore, it is

necessary to increase supervision and sanctions for violators, as well as more effective socialization to increase public awareness of the dangers of excessive sugar and fat consumption. It is hoped that the task of the government or related agencies to record ready-to-drink drinks that do not comply with PMK.NO. 63 of 2015 to include information on sugar, salt and fat content. If not complied with, strict sanctions will be imposed. The Provincial Health Service needs to conduct socialization regarding the risks of excessive consumption of sugar, salt and fat to the public in accordance with PMK No. 63 of 2015. In addition, it is necessary to divide tasks between related services and institutions evenly according to their respective authorities and functions in accordance with applicable regulations.

References

1. S. Isra, Ferdi, and H. Tegnan, "Rule of law and human rights challenges in south east asia: A case study of legal pluralism in indonesia," *Hasanuddin Law Review*, vol. 3, no. 2, pp. 117-140, Aug. 2017, doi: 10.20956/halrev.v3i2.1081.
2. A. Nur and A. Asra, "Study of legal protection of business actors in internet trading transactions: Review of the legal aspects of the agreement", [Online]. Available: www.allmultidisciplinaryjournal.com
3. K. A. Jasmi, "Amalan dalam Madrasah Ramadan: Surah al-Baqarah (2: 183-188)." [Online]. Available: <https://www.researchgate.net/publication/340917081>
4. A. Prawira Buana, T. Abriana Ma, and A. Aswari, "Harmonisasi Peraturan Perundang-Undangan terhadap Bentuk Perjanjian Melalui Telemarketing Artikel info Jurnal Ilmu Hukum LL-DIKTI Wilayah IX Sulawesi Artikel history," vol. 9, no. 2, pp. 47-59, 2019, [Online]. Available: <http://journal.lldikti9.id/plenojure>
5. A. P. Buana, A. Tjolleng, and A. Aswari, "Legal Aspects The Use of Dashboard Cameras as an Effort to Develop Traffic Law," *Golden Ratio of Law and Social Policy Review*, vol. 1, no. 1, pp. 26-31, Dec. 2021, doi: 10.52970/grlspr.v1i1.163.
6. M. Hatta et al., "Internet and Terrorism in Indonesia," in *Journal of Physics: Conference Series*, Institute of Physics Publishing, Dec. 2018. doi: 10.1088/1742-6596/1114/1/012080.
7. M. R. Zulfikar, A. Yunus, and & Anzar, "Efektivitas Pendaftaran Tanah Dalam Rangka Menjamin Kepastian Hukum Hak Atas Tanah," *Journal of Lex Generalis (JLS)*, vol. 1, no. 3, 2020.
8. Andika Prawira Buana, "KONSISTENSI DAN PENGARUH IMPLEMENTASI UNDANG-UNDANG NOMOR 1 TAHUN 1974 TENTANG PERKAWINAN TERHADAP PRAKTEK PERKAWINAN BEDA AGAMA DI MAKASSAR," *Jurnal HAM*, vol. 8, no. 2, pp. 117-129, Sep. 2017, Accessed: Apr. 03, 2025. [Online]. Available: <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://core.ac.uk/download/pdf/555275196.pdf>
9. S. Ulfah, "The Absolute Responsibility Principle in Environmental Environment System," in *IOP Conference Series: Earth and Environmental Science*, Institute of Physics Publishing, Jul. 2018. doi: 10.1088/1755-1315/175/1/012036.
10. M. F. Ramadhan, A. Asis, and A. M. Muin, "Law Enforcement Of The Crime Of Illegal Fishing In The Waters Area Of Pangkajene Regency And The Islands," *Legal Brief*, vol. 11, no. 3, pp. 2722-4643, 2022, doi: 10.35335/legal.
11. R. Rohid, L. Marsuni, and K. Ahmad, "Implementation of Criminal Law on Tax Evasion in the Policy of Harmonizing Tax Regulations," 2025.
12. A. Halim Perdana Kusuma Putra, A. Aswari, M. Ya, arif Arifin, and S. Lasharan Jaya, "Quantitative Series: Factors Analysis Effect of Government Regulation Number 46 the Year," 2018. [Online]. Available: www.Minghadi.Com
13. M. Asas Peradilan Yang Cepat, D. Biaya Ringan Zulqisthi Hasbi Kawu, A. Razak, M. Ya, and rif Arifin, "Eksistensi Pemeriksaan Perkara Secara Elektronik (E-Court) Dalam," *Journal of Lex Philosophy (JLP)*, vol. 4, no. 2, p. 2023.
14. H. K. Jasmaniar, "Mediasi Elektronik Sebagai Perwujudan Asas Peradilan Cepat, Sederhana, dan Biaya Ringan," *UNNES Law Review*, vol. 6, no. 2, pp. 5398-5404, Dec. 2023.
15. L. Ode Husen, M. Ya, and rif Arifin, "Efektivitas Pelaksanaan Pelayanan Komunikasi



Masyarakat Pada Kementerian Hukum Dan HAM Sulawesi Barat,” Journal of Lex Generalis (JLS, vol. 2, no. 8, 2021.