

The Effectiveness of Consumer Protection Law in Overcoming Misleading Marketing in the Food and Beverage Industry

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Abstract: Evaluate the effectiveness of consumer protection law in addressing misleading marketing in the food and beverage industry, which often involves inaccurate product information. On the other hand, misleading marketing not only harms consumers economically, but can also have a serious impact on public health. Therefore, the active role of consumers in verifying product information is becoming increasingly important amidst the rise of misleading claims in the food and beverage sector. This research uses a normative juridical method with a statutory and conceptual approach to analyze Law No. 8/1999 on Consumer Protection. This method allows researchers to evaluate existing regulations and understand the concept of consumer protection in the context of misleading marketing. The results show that although regulations are in place, stricter implementation and enforcement are needed to protect consumers from health risks and economic losses due to misleading product information. The research suggests increased supervision by authorities, such as BPOM, as well as better collaboration between the government, businesses, and consumers to create a fairer and more transparent trading environment in the food and beverage sector.

Keyword: Consumer Protection; Effectiveness; Misleading

INTRODUCTION

Consumer protection can be defined as a set of measures taken to ensure that consumer rights are protected in any trade transaction. In the context of modern trade, especially in the food and beverage sector, consumer protection has become very important. It not only serves to protect consumers from unfair business practices, but also to ensure that the products they consume are safe, of good quality, and in line with the claims made by manufacturers. In the current era of globalization and digitalization, where information and products can be easily accessed by consumers around the world, the challenges in consumer protection are increasingly complex.¹ Consumers are faced with a wide range of product choices, but they also have to deal with higher risks related to food safety, quality and the honesty of information provided by manufacturers.² Therefore, consumer protection in the food and beverage sector has several crucial aspects.

¹ Elyani, "Perlindungan Konsumen Dalam Bingkai Syariah Di Era Digital" *Jurnal Syiar-Syiar*, Vol 3 No 2 (2023): 58

² Onang Bambang, "Perlindungan Hukum Terhadap Konsumen Atas Kenyamanan Keamanan Dan Keselamatan Dalam Mengonsumsi Barang Atau Jasa" *Lex Privatum*, Vol 10 No 6 (2022): 1-10



Furthermore, consumer protection in the food and beverage sector also has a significant impact on economic development. With the assurance that the products offered are safe and of high quality, consumers tend to be more trusting and loyal to certain brands.³ This has the potential to increase sales and business growth, creating a more sustainable and ethical marketplace. In addition, producers that operate with strong consumer protection principles are often able to build a good reputation, which in turn supports their competitiveness in the market. This reflects the importance of a deep understanding of consumer rights, which are fundamental principles in consumer protection and must be understood and respected by every individual and entity involved in commerce.

In the modern era, where buying and selling transactions are increasingly complex and diverse, the importance of recognizing and protecting consumer rights has become even more urgent.⁴ These rights include the right to obtain clear and accurate information about products, the right to obtain safe and quality products, the right to participate in decision-making that affects their interests, and the right to obtain protection against unfair business practices. These consumer rights have been listed in Article 4 of Law Number 8 Year 1999 on Consumer Protection (UUPK). UUPK is the legal basis in Indonesia that regulates consumer protection.

One important aspect of legal regulation is the supervision of product advertising and promotion. Many manufacturers use aggressive marketing strategies to attract consumers' attention, but sometimes the information conveyed can be misleading. Law No. 8/1999 stipulates that advertisements must be truthful and not deceptive, so that consumers can make better decisions based on accurate information.⁵ This is crucial in creating a transparent and fair trading environment. In addition, legal regulations also set standards for product safety and quality. This is especially important in the food and beverage sector, where consumer safety can be jeopardized if products do not meet certain standards. Law No. 8 Year 1999 requires producers to ensure that the products they market do not endanger consumer health.

The food and beverage industry is one of the most dynamic and important sectors in the world, both from an economic and social perspective.⁶ The development of this industry reflects changes in people's consumption patterns, technological innovations, as well as health and sustainability trends. In recent decades, both at the national and global levels, the food and beverage industry has undergone a significant transformation. At the global level, the food and beverage industry continues to grow along with the increasing population and demand for quality

³ Sarmin, Maharani Annisaul Choir, "Pengaruh Kepercayaan Merek Dan Kualitas Produk Terhadap Loyalitas Konsumen (Studi Kasus Konsumen Produk Sari Roti Di Cikarang)" *JOCE IP*, Vol 17 No 2 (2023): 44

⁴ Abdurrahman Mazli, "Urgensi Pembaharuan Undang-Undang Perlindungan Konsumen Indonesia Di Era E-Commerce" *Lex Renaissance*, Vol 6 No 2 (2021): 298-312

⁵ Angel Amalia, Margo Hadi Putra, "Perlindungan Hukum Bagi Konsumen Terhadap Iklan Yang Menyebabkan Kekeliruan" *Widya Yuridika: Jurnal Hukum*, Vol 4 No 2 (2021): 503

⁶ Hasni, "Daya Saing Ekspor Produk Makanan Olahan Indonesia Ke Timur Tengah" *Buletin Ilmiah Litbang Perdagangan*, Vol 12 Issue 2 (2018): 235

food.⁷ According to a report from the Food and Agriculture Organization (FAO), global demand for food is expected to increase by 60% by 2050.⁸ This growth is driven by urbanization, rising incomes, and lifestyle changes that lead to more diverse consumption patterns.⁹ In response to this demand, food and beverage companies are innovating their products and services, including the development of functional and healthy foods, plant-based products, and eco-friendly packaging solutions.

According to data from the Central Bureau of Statistics (BPS), Indonesia's population is expected to reach around 270 million by 2023, with projections of reaching around 300 million by 2045.¹⁰ This increase in population directly increases the demand for food. The process of rapid urbanization leads to changes in consumption patterns, where people living in cities tend to consume more processed products and ready-to-eat foods. This contributes to an increased demand for more varied food. As incomes rise, Indonesians are also shifting their consumption patterns towards higher quality and more nutritious food. There is a growing demand for fresh, healthy and organic products. Based on an FAO report, food demand in Indonesia is expected to increase by around 40% to 50% by 2045 to meet the demands of a growing population.¹¹ This includes the need for rice, vegetables, fruits, and animal and vegetable proteins.

The rapid urbanization process has led to changes in consumption patterns, with people living in cities tending to consume more processed products and ready-to-eat foods.¹² With rising incomes, Indonesians are shifting towards higher quality and more nutritious food, adding to the demand for fresh, healthy and organic produce.¹³ However, this phenomenon also opens the door for misleading marketing practices. In the food and beverage sector, misleading marketing is a major problem often faced by consumers. Many manufacturers use labels such as “organic”, “healthy”, or “low fat” to attract consumers' attention, even though the information does not always

⁷ Zhanna Belyaeva, et al, “Sustainable business model in food and beverage industry – a case of Western and Central and Eastern European countries” *Sustainable Business Model in Food Industry*, Vol 122 No 5 (2020): 1573-1592

⁸ Fachur Rozi, et al, “Indonesian market demand patterns for food commodity sources of carbohydrates in facing the global food crisis” *Heliyon*, Vol 9 Issue 6 (2023): 1-12

⁹ Edy Dharma Purba, “Pengaruh Urbanisasi terhadap Pola Konsumsi dan Tabungan” *Circle Archive*, Vol 1 No 5 (2024): 1-14

¹⁰ Febriana Sulistya Pratiwi, “BPS: Penduduk Indonesia Diproyeksi Capai 328,93 Juta pada 2050” <https://dataindonesia.id/varia/detail/bps-penduduk-indonesia-diproyeksi-capai-32893-juta-pada-2050> diakses pada 15 Agustus 2024

¹¹ Census Bureau, “World population day” <https://www.census.gov/newsroom/stories/world-population-day.html> diakses pada 15 Agustus 2024

¹² Septa Katmawanti, Nurnaningsih Herya Ulfah, “Analisis Faktor Yang Mempengaruhi Pola Konsumsi Mi Instant Pada Mahasiswa Di Universitas Negeri Malang” *Preventia: The Indonesian Journal of Public Health*, Vol 1 No 2 (2016): 229-242

¹³ Dewa Ayu Anom Yuarini, dkk, “Strategi Peningkatan Kualitas Produk Sayuran Segar Organik pada CV. Golden Leaf Farm Bali” *Jurnal Manajemen Agribisnis*, Vol 3 No 2 (2015): 93

reflect the actual composition of the product. Sweetened condensed milk circulation case¹⁴ that went viral is a clear example of this phenomenon. Many parents, with good intentions, feed sweetened condensed milk to their children, believing that they are providing good nutrition.¹⁵ However, tantalizing advertisements and non-transparent health claims have fooled the public, obscuring the fact that these products contain extremely high levels of sugar and minimal nutrition.

The success of this misleading marketing demonstrates how vulnerable consumers are to inaccurate information and how aggressive marketing strategies can be detrimental to public health.¹⁶ With so many children exposed to these products, we must question the integrity of existing marketing practices. Do producers really care about the welfare of consumers, or are they only focused on profit? The impact of this misleading marketing cannot be underestimated, especially in the midst of increasing food demand and the complexity of people's consumption patterns. Consumers who believe they are making healthy choices often risk worsening their health and that of their children.

GCPL provides the legal basis for regulating marketing practices, including the prohibition against misleading advertising.¹⁷ In this case, manufacturers are required to explain the composition and benefits of the product in an honest and non-deceptive manner. With this regulation, it is hoped that consumers can be more critical in assessing the products they buy and make better decisions for their health. Misleading marketing practices have been regulated in Article 10 of GCPL, which prohibits business actors from offering, promoting, advertising, or making untrue or misleading statements regarding various aspects of the product. With the enforcement of this rule, consumers can feel more secure and protected from unethical marketing practices. These regulations create an environment where consumers can actively participate in the economy, and encourage producers to act transparently and responsibly. In addition, there are sanctions against business actors who promote products in a misleading manner with a maximum fine of Rp. 2,000,000,000.00.

The Law has regulated misleading marketing, but it is important to evaluate how effective consumer protection law is in addressing this issue, especially in the food and beverage industry, which has a significant impact on public health. The effectiveness of consumer protection law is

¹⁴ Alexander Arie, "Menjernihkan Polemik Susu Kental Manis" <https://news.detik.com/kolom/d-4108925/menjernihkan-polemik-susu-kental-manis> diakses pada 15 Agustus 2024

¹⁵ Sehat Negeriku, "Susu Kental Manis Bukan untuk Dikonsumsi Setiap Hari" <https://sehatnegeriku.kemkes.go.id/baca/umum/20180705/1926416/susu-kental-manis-bukan-dikonsumsi-setiap-hari/> diakses pada 16 Agustus 2024

¹⁶ Irdha Yanti Musyawah, Desi Idayanti, "Analisis Strategi Pemasaran Untuk Meningkatkan Penjualan Pada Usaha Ibu Bagas di Kecamatan Mamuju" *Forecasting: Jurnal Ilmiah Ilmu Manajemen*, Vol 1 No 1 (2022): 1-13

¹⁷ Christo Mario Pranda, "Tinjauan Hukum Terhadap Iklan Yang Menyesatkan Berdasarkan Undang-Undang Perlindungan Konsumen Di Indonesia Dan Hukum Internasional Terkait" *Jurnal Paradigma Hukum Pembangunan*, Vol 7 No 2 (2022): 1-17

becoming increasingly relevant amidst the increasing demand for quality food and beverage products. With a rapidly growing population, consumers are often trapped by inaccurate claims. This incident shows how easily consumers can be trapped by tantalizing advertisements, which can threaten their health. In this context, it is important to evaluate the effectiveness of existing regulations, such as Law No. 8/1999 on Consumer Protection, in addressing harmful marketing practices

METHOD

This research uses the normative juridical method with the aim of solving legal problems related to consumer protection from misleading marketing practices in the food and beverage industry. This method is carried out through the search for solutions that fulfill the principle of coherence truth.¹⁸ The two approaches applied in this research are statute approach and conceptual approach.¹⁹

1. Legislative Approach: This approach involves the study of various regulations relating to consumer protection, especially Law No. 8/1999 on Consumer Protection. This research will analyze the issues raised in the problem formulation, such as the effectiveness of the articles governing misleading marketing, as well as the sanctions given to business actors who violate the provisions of the law. The main focus will be on how this regulation can serve to protect consumers from inaccurate claims in food and beverage product advertisements.
2. Conceptual Approach: This approach will examine legal views and doctrines relevant to consumer protection. In this regard, the research will discuss the concept of the lawfulness of marketing practices carried out by businesses, as well as the ethical and legal implications of misleading marketing. In addition, this approach will consider the ratio legis of the Consumer Protection Law, focusing on prevention and enforcement efforts in the context of misleading marketing.

Through the combination of these two approaches, the research aims to provide a comprehensive overview of the effectiveness of consumer protection law in addressing misleading marketing in the food and beverage industry, as well as recommend measures needed to strengthen consumer protection in Indonesia.

RESULTS AND DISCUSSION

¹⁸ Marzuki, Peter Mahmud. *Pengantar Ilmu Hukum*. Prenada Media, 2021. h. 32

¹⁹ Tahir, Rusdin, *et.al.*, *Metodologi Penelitian Bidang Hukum: Suatu Pendekatan Teori dan Praktik*. PT. Sonpedia Publishing Indonesia, 2023. h. 5

Law No. 8/1999 on Consumer Protection (UUPK) has the main objective of safeguarding the rights of consumers in carrying out economic activities. One of the basic principles in GCPL is to provide guarantees to consumers so that they are not harmed by unfair and misleading practices of business actors.²⁰ Protected consumer rights include the right to correct, clear, and honest information about the products or services they purchase, as well as the right to safety and comfort in the use of the product. On the other hand, GCPL requires business actors to play an active role in providing accurate and not misleading information about the goods or services they offer.²¹ Business actors must be honest in conveying product specifications, benefits, prices, and risks that may arise from using these products.²² Business actors must be honest in conveying product specifications, benefits, prices, and risks that may arise from using these products.

The rules in Article 6 and Article 7 of GCPL explicitly regulate the rights and obligations of business actors in trading goods and/or services, which are in line with the main objectives of GCPL, namely to safeguard consumer rights and ensure that business actors act honestly and transparently in providing information. Article 6 of GCPL states that:

“The rights of business actors are:

- a. the right to receive payment in accordance with the agreement on the condition and exchange rate of the goods and/or services traded;
- b. the right to receive legal protection from the actions of consumers who act in bad faith;
- c. the right to conduct appropriate self-defense in the legal settlement of consumer disputes;
- d. the right to rehabilitation of good name if it is legally proven that consumer losses were not caused by the goods and/or services traded;
- e. the rights stipulated in the provisions of other laws and regulations.”

In terms of maintaining a balanced business relationship, this article guarantees that business actors are not only bound by obligations towards consumers, but also have the right to protect themselves from consumers who behave detrimentally or dishonestly.²³ Furthermore, Article 7 of GCPL states the obligations of business actors that strengthen the protection of consumers in terms of them getting products or services that are safe and in accordance with the information

²⁰ Rayvind Onggianto, Gatot P. Soemartono, “Pertanggungjawaban Hukum Terhadap Ketidaksesuaian Informasi Dalam Perjanjian Kredit Oleh Pelaku Usaha Jasa Keuangan” *Ranah Research*, Vol 6 No 2 (2024): 1118

²¹ Ilham Giri Wijaya, Gelar Ali Ahmad, “Pertanggungjawaban Pidana Pengguna Layanan Iklan Elektronik Yang Bermuatan Penipuan Pada Program Iklan Penyelenggara Sistem Elektronik” *NOVUM: JURNAL HUKUM*, (2025): 229-240

²² Marina Yetrin Sriyati Mewu, Kadek Julia Mahadewi, “Perlindungan Konsumen Dalam Pembelian Produk Online: Analisis Perspektif Hukum Perlindungan Konsumen di Indonesia” *Jurnal Kewarganegaraan*, Vol 7 No 1 (2023): 441

²³ Edy Purwito, “Konsep Perlindungan Hukum Konsumen Dan Tanggung Jawab Hukum Pelaku Usaha Terhadap Produk Gula Pasir Kadaluarsa Di Kota Surabaya” *DEKRIT (Jurnal Magister Ilmu Hukum)*, Vol 13 No 1 (2023): 110

provided. For example, if the goods received by consumers are not in accordance with the agreement or result in losses, business actors are required to provide compensation or compensation. The obligation to provide warranties and opportunities for consumers to test products are also in line with GCPL's efforts to ensure that consumers can make informed purchasing decisions.²⁴

Information disclosure and access to information on a food or beverage product circulating in the market is also what is aspired to by consumer protection as stated in Article 3 of the GCPL. Furthermore, Article 17 paragraph (1) letter c states that “containing false, incorrect or inaccurate information about goods and/or services” is a prohibition on business actors in advertising a product, including food and beverage products. Business actors are strictly prohibited by the Law *a quo* from disseminating misleading information, especially in relation to food and beverage products sold. The phrase “misleading” is the result of an action that makes people wrong.²⁵

Explicit rules regarding food and beverage products, based on Article 8 paragraph (1) of Law No. 8 of 1999 concerning Consumer Protection, business actors are prohibited from producing or trading products that do not include important information, such as expiration dates, composition, and clear product labels. This aims to protect consumers and provide legal certainty. Business actors also have rights, such as legal protection and rehabilitation of good name, but they are burdened with the obligation to behave well, provide honest information, guarantee product quality, and provide compensation in the event of harm to consumers.

In practice, many products in the local market do not include important information, including production license numbers and expiration dates, which can be harmful to consumers. Business actors often consider this less important, even though factual labeling is necessary for consumer protection and legal certainty. For example, during a parcel sale in Eid al-Fitr 2024, Kediri city government officials conducted an impromptu inspection and found cases of bulk bread products that did not include the PIRT code and expiration date.²⁶ In response to these findings, officers automatically withdraw products that do not display the PIRT code and expiration date from circulation. This step is taken to protect consumers from the potential dangers that can arise from consuming products without clear information. This reflects that there are still rogue business actors who distribute food and beverages that contain misleading information, which is clearly regulated in the GCPL Law.

²⁴ Kadek Andi Murdana, I Gusti Ngurah Dharma Laksana, “Penerapan Pengaturan Pemberian Garansi Oleh Pelaku Usaha Pada Usaha Dagang Putra Dewata” *Jurnal Kertha Semaya*, Vol 11 No 9 (2023): 2214-2222

²⁵ Sudjana, “Berita Bohong Dan Menyesatkan Tentang Informasi Produk Dalam Kontrak Elektronik” *Res Nullius Law Journal*, Vol 4 No 2 (2022): 141

²⁶ Kediri Tangguh, “Sidak Parcel di Toko Swalayan, Temukan Produk Tanpa Kode PIRT dan Tanggal Kadaluarsa” <https://kedoritangguh.co/sidak-parcel-di-toko-swalayan-temukan-produk-tanpa-kode-pirt-dan-tanggal-kadaluarsa/> diakses pada 17 September 2024

Colorants and food additives (BTP), such as preservatives, are important components in the food and beverage industry. Colorants such as caramel, beta-carotene, and curcumin are permitted, while hazardous colorants such as butter yellow, citrus red no. 2, and rhodamine B8 are prohibited under the Indonesian Minister of Health Regulation No. 355/Menkes/Per/VI/79.²⁷ Similarly, preservatives, such as benzoate and nitrite, are permitted, but harmful ingredients such as borax and formalin are strictly prohibited as they can endanger consumer health. These provisions regarding colorants and BTP are closely related to the objectives of Government Regulation No. 69/1999 on the inclusion of labels on food and beverage products, which emphasizes the importance of consumer protection through accurate and factual information. Food and beverage labels and advertisements must include information on the content of colorants and BTP used, so that consumers can know what ingredients are in the products they consume, and minimize the risk of harmful ingredients that are prohibited by law.²⁸ In relation to fair and responsible trade, this regulation requires manufacturers to not only use permitted colorants and BTPs, but also present honest information to consumers. This protection not only applies to consumers, but also provides legal guarantees for producers who comply with the rules, ensuring that competition in the food and beverage industry does not involve the use of hazardous ingredients that can harm public health.

Clear and correct information on food and beverage products is also regulated in Law No. 18/2012 on Food as stated in Article 96 paragraph (1) which states that “Food labeling aims to provide correct and clear information to the public about each packaged food product before purchasing and/or consuming food.” Then in food and beverage products, labeling is required as stated in Article 97 which states that:

- (1) Any Person who produces food domestically for trade shall be obliged to put the label inside and/or on the food packaging.
- (2) Any Person importing food for trade shall be obliged to include labels inside and/or on the Food Packaging upon entering the territory of the Unitary State of the Republic of Indonesia.
- (3) The inclusion of labels in and/or on Food Packaging as referred to in paragraphs (1) and (2) shall be written or printed using the Indonesian language and contain at least information regarding: nama produk;
 - a. list of materials used;
 - b. net weight or net contents;
 - c. name and address of the party producing or importing;

²⁷ Marina Yetrin Sriyati Mewu, Kadek Julia Mahadewi, “Perlindungan Konsumen Dalam Pembelian Produk Online: Analisis Perspektif Hukum Perlindungan Konsumen di Indonesia” *Jurnal Kewarganegaraan*, Vol 7 No 1 (2023): 1-10

²⁸ Hendry Noer Fadhilah, dkk, “Kepedulian Konsumen Terhadap Label dan Informasi Bahan Tambahan Pangan (BTP) pada Label Kemasan Pangan di Kota Bogor” *Jurnal Mutu Pangan*, Vol 2 No 2 (2015): 119

- d. halal for those required
- e. production date and code;
- f. expiration date, month, and year;
- g. distribution permit number for processed food; and
- h. origin of certain food ingredients.

The information on the label as referred to in paragraph (3) shall be written, printed, or displayed firmly and clearly so that it is easily understood by the public.

By complying with regulations related to food and beverage product labeling, business actors not only comply with legal obligations, but also contribute to maintaining consumer safety and comfort.²⁹ The regulation is designed to ensure that important product information, such as ingredient composition, expiration date, and additional information such as halal certification, is available in a transparent and easy-to-understand manner. In this regard, the regulation acts as an instrument to increase consumer awareness and reduce the risk of misleading information.³⁰ Legally, these regulations provide a basis for consumers to obtain protection for the products they consume. It ensures that consumers have access to essential information, enabling them to make informed decisions based on clear and reliable facts. This is important in preventing fraudulent practices, such as the use of banned ingredients or product claims that do not match reality.

Misleading marketing is a practice where the information provided in promotions, advertising, or product labeling does not match the actual facts.³¹ This can lead to consumers making uninformed purchasing decisions. In the context of the food and beverage industry, misleading marketing often relates to false claims regarding nutritional content, the use of harmful food additives, or expiration dates that do not correspond to reality. In Indonesia, misleading marketing is strictly regulated by various laws and regulations, including Consumer Protection Law No. 8/1999, Government Regulation No. 69/1999 on Food Labeling and Advertising, as well as other provisions issued by the Food and Drug Administration (BPOM) and the Ministry of Health. In these regulations, there are clear rules regarding the obligation of businesses to provide true, honest and not misleading information to consumers. If business actors violate these provisions, legal sanctions can be imposed as a form of strict action against misleading marketing. Sanctions given to business actors who are proven to have committed misleading marketing can be in the form of administrative or criminal sanctions, depending on the level of violation committed.

1. Administrative Sanctions Administrative sanctions are penalties that can be imposed without going through a judicial process, but are directly applied by an authorized authority such as

²⁹ Widya Sari, Iyah Faniyah, "Penerapan Sanksi Bagi Pelaku Usaha Yang Mengedarkan Produk Pangan Tanpa Label Halal Pada Kemasan Di Kota Padang" *Unes Journal of Swara Justitia*, Vol 5 Issue 2 (2021): 175

³⁰ Dicky Ardiyansyah, dkk, "Regulasi Industri Dalam Era Globalisasi: Peran Hukum Dalam Mewujudkan Ekonomi Yang Berkelanjutan Dan Adil" *Jurnal Hukum dan Kewarganegaraan*, Vol 2 No 2 (2024): 1-21

³¹ Putri Utami Dian Safitri, "Tanggung Jawab Pelaku Usaha Terhadap Konsumen Atas Iklan Produk Kosmetik Yang Menyesatkan" *Jurnal Legislasi Indonesia*, Vol 18 No 4 (2021): 541-555

BPOM or other regulatory agencies. Some forms of administrative sanctions that can be imposed include:

- a. Revocation of distribution license: Products that are proven to use false or misleading claims may have their distribution license revoked by BPOM so that the product can no longer be sold in the market.
 - b. Administrative fines: Business actors who commit violations may be subject to fines that must be paid according to the level of violation.
 - c. Product recall: Products in circulation with misleading information may be ordered to be withdrawn from the market, either by the business actor or by the government.
 - d. Warning or reprimand: In some cases, the competent authority may issue a warning or reprimand to businesses to immediately correct errors in the product information they offer.
2. Criminal Sanctions In addition to administrative sanctions, business actors found to have engaged in misleading marketing may be charged with criminal sanctions. Misleading marketing can be considered a serious violation of the law, especially if the impact causes harm to consumers on a large scale or poses a danger to public health. Some forms of criminal sanctions that can be imposed include:
- a. Imprisonment: Article 62 of the Consumer Protection Law states that business actors who intentionally engage in misleading marketing practices may be subject to imprisonment for a maximum of five years.
 - b. Criminal Fines: Business actors proven to have committed misleading acts may also be subject to criminal fines of varying amounts, according to the level of violation, up to a maximum of IDR 2 billion, in accordance with the provisions in the Consumer Protection Law.

Strict enforcement in misleading marketing cases is essential to protect consumers from unethical business practices.³² In addition, consistent law enforcement is also needed to maintain public confidence in the food and beverage industry. Consumers must feel confident that the products they buy are safe for consumption and that the information provided by businesses is correct and reliable. In line with this, cooperation between the government, regulatory agencies, and consumer organizations is very important. BPOM has a major role in overseeing the circulation of food and beverage products and ensuring that the information provided to consumers is accurate. The authority of the Food and Drug Supervisory Agency (BPOM) in overseeing

³² Rahmasyah Fadli Alkarim Rambe, dkk, "Penerapan UU ITE (Informasi dan Transaksi Elektronik) dan UU Perlindungan Konsumen pada Kasus Jual Beli Jasa Review Palsu" *Journal on Education*, Vol 6 No 1 (2023): 1-11

circulation is regulated in Article 74 of Presidential Decree No. 166 of 2000.³³ The KP regulates the position, function, authority, organizational structure, and work procedures of BPOM as a non-departmental government agency. In addition, consumer awareness to report suspected misleading marketing can also help prevent the spread of products that do not meet standards.

The effectiveness of consumer protection law in addressing misleading marketing in the food and beverage industry depends largely on consistent implementation and strict law enforcement. Existing regulations, if properly implemented, can protect consumers from health risks and economic losses due to misleading information. In addition, this protection also encourages more transparent and responsible business practices, so that consumer confidence in the food and beverage industry can be maintained. Collaboration between the government, regulatory agencies, businesses and consumers is key to ensuring that consumer rights are optimally protected amidst increasingly fierce industry competition.

CONCLUSION

With consistent regulation and strict enforcement, consumers can be protected from inaccurate claims, health risks, and economic losses. The Consumer Protection Law, along with other regulations, provides a clear legal basis for maintaining consumer safety and confidence in food and beverage products. Businesses are expected to comply with applicable standards, while the government and regulatory bodies have an important role in overseeing fair and transparent business practices. Collaboration between the government, businesses and consumers is key to realizing a sustainable and ethical market, where consumer rights are optimally protected and fulfilled amidst evolving industry dynamics. The government must establish and strictly enforce regulations, regulatory agencies such as BPOM have an important role in monitoring and enforcing standards, businesses are obliged to provide honest and accurate information, while consumers are expected to be more critical and active in reporting violations. With good cooperation between all parties, consumer rights can be protected and trust in the food and beverage industry can be maintained.

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³³ Abd Aziz, Suqiyah Musyafa'ah, "Tugas dan Wewenang Badan Pengawas Obat dan Makanan (BPOM) dalam Rangka Perlindungan Konsumen" *Al-Qanun: Jurnal Pemikiran dan Pembaharuan Hukum Islam*, Vol 23 No 1 (2020): 193

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