

ABSTRAK

Makanan merupakan komponen penting dalam mendukung tumbuh kembang makhluk hidup terutama manusia. Pesatnya peredaran berbagai macam produk makanan berbanding terbalik dengan mutu dari produk tersebut. Meskipun dalam undang-undang telah memberikan dasar peraturan hukum terhadap perlindungan konsumen, namun sering kali masih di jumpai produk-produk makanan dalam kemasan yang tidak sesuai dengan standarisasi mutu makanan atau tanpa keterangan kadaluwarsa atau batas masa konsumsi makan. Oleh karena itu, penulis melakukan penelitian dengan judul “Perlindungan Hukum Terhadap Konsumen Akibat Peredaran Produk Makanan Yang Tidak Memenuhi Standarisasi Mutu Berdasarkan Undang-Undang Nomor 8 Tahun 1999” bertujuan untuk mengetahui bagaimana perlindungan hukum terhadap konsumen dalam hal beredarnya suatu produk makanan yang tidak memenuhi standarisasi mutu disertai tanggung jawab pelaku usaha atau produsen berdasarkan Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen.

Metode penelitian menggunakan pendekatan *yuridis normatif*. Sumber data diperoleh dari peraturan-peraturan tertulis mengenai perlindungan hukum terhadap konsumen dan penelitian pustaka. Analisis data dengan cara kualitatif dengan menguraikan dan meneliti Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen dikorelasikan terhadap standarisasi mutu yang berlaku di Indonesia.

Hasil penelitian menunjukkan bahwa perlindungan hukum terhadap konsumen akibat adanya peredaran produk makanan yang tidak memenuhi standarisasi mutu telah diatur dalam Undang-Undang Perlindungan Konsumen, UU Pangan dan UU tentang Kesehatan. UUPK telah mengatur hak dan kewajiban pelaku usaha serta konsumen. Upaya perlindungan terhadap konsumen yang dapat ditempuh antara lain; upaya perlindungan preventif dan upaya perlindungan represif. Di samping upaya perlindungan hukum, prinsip tanggung jawab merupakan subjek yang sangat penting dalam kajian hukum perlindungan konsumen. Prinsip tanggung jawab dalam hukum perlindungan konsumen didasarkan dalam unsur kelalaian/kesalahan, praduga bertanggung jawab, praduga tidak bertanggung jawab dan prinsip tanggung jawab mutlak. Dalam kasus pelanggaran hak konsumen, kehati-hatian sangat diperlukan dalam menganalisis siapa yang harus dimintai pertanggung jawaban dan sejauh mana pihak terkait dapat memikul tanggung jawab tersebut. Selain adanya iktikad baik pelaku usaha, konsumen juga wajib waspada akan makanan yang dikonsumsi. Melalui UUPK diharapkan dapat menjembatani permasalahan antara konsumen dan pelaku usaha.

Kata kunci : Perlindungan Hukum, Konsumen, Makanan

ABSTRACT

Food is an important component in supporting the growth and development of living things, especially humans. The rapid circulation of various kinds of food products is inversely proportional to the quality of these products. Even though the law has provided a legal basis for consumer protection, it is often encountered that packaged food products are not in accordance with food quality standards or without expiration or food consumption time limits. Therefore, the authors conducted a study entitled "Legal Protection Against Consumers Due to the Circulation of Food Products Not Fulfilling Quality Standards Based on Law Number 8 of 1999" aims to determine how legal protection for consumers in terms of the circulation of a food product that does not meet standardization. quality accompanied by the responsibility of the business actor or producer based on Law Number 8 of 1999 concerning Consumer Protection.

The research method uses approach normative juridical. Sources of data were obtained from written regulations regarding legal protection for consumers and literature research. Data analysis in a qualitative way by describing and interpreting data from reliable sources and the application of Law Number 8 of 1999 concerning Consumer Protection is correlated with the quality standardization prevailing in Indonesia, into sentences that are systematically compiled, clear and obtain short answers and withdrawals conclusion.

The results showed that legal protection for consumers due to the circulation of food products that do not meet quality standards has been regulated in the Consumer Protection Act, the Food Law and the Law on Health. The UUPK regulates the rights and obligations of business actors and consumers. Consumer protection measures that can be taken include; preventive protection measures and repressive protection measures. Apart from legal protection efforts, the principle of responsibility is a very important subject in the study of consumer protection law. The principle of responsibility in consumer protection law is based on the elements of negligence / error, the presumption of responsibility, the presumption of irresponsibility and the principle of absolute responsibility. In cases of violation of consumer rights, care is needed in analyzing who should be held accountable and the extent to which the relevant parties can assume this responsibility. Apart from the good will of business actors, consumers must also be aware of the food they consume. Through the UUPK, it is hoped that it can bridge the problems between consumers and business actors.

Keywords: Legal Protection, Consumers, Food