

Legal Protection For Consumers Who Get Expired Products

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ARTICLE INFO

Keywords :

Protection; Consumer; Expired

How To Cite :

Dukalang, S.N.Y., Thalib, M.C., Kamba, A.N.M. (2020). Legal Protection For Consumers Who Get Expired Products. *Estudiante Law Journal*. Vol. 2 (1): 253-267

DOI :

ABSTRACT

The purpose of this study is to find out the legal protection for consumers who get expired products. The type of research used was empirical legal research. While the sampling used purposive sampling and data analysis used qualitative research approach. The results of the study showed that legal protection for consumers from the circulation of expired beverages is divided into two a). Preventive legal protections for consumers from the circulation of expired beverages are by giving warnings to business actors, providing guidance to business actors, destroying expired goods or beverage products, monitoring and supervising the circulation of expired beverages so as not to harm consumers. b). Repressive legal protection for consumers from the circulation of expired beverages by conducting inspections on business actors, confiscation, giving sanctions in the form of verbal and written warnings, conducting raids. It is necessary to tighten supervision and guidance for business actors and implement compensation for consumers who have suffered losses. And even tighter monitoring and supervision in small stalls located in remote villages so that no more consumers feel disadvantaged.

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1. Introduction

A. Background

Consumer protection in Indonesia has not been fully implemented properly. This can be seen from the number of cases regarding consumer protection in Indonesia. There were still many business actors who committed various frauds against goods/services that are traded to consumers, in Gorontalo, there were 52 complaint cases that must be protected by the government in this case the relevant agencies through the implementation of Law Number 8 of 1999 concerning Consumer Protection. In addition to business actors who committed fraud, the public as consumers were still not fully aware of their rights and obligations as consumers. Weak public understanding of the rights and obligations of a consumer in Indonesia was one of the reasons for the weakness of consumer protection in Indonesia.¹ Regulations on the protection of consumer rights in the world of e-commerce were still worrying even though many sector regulations have been promulgated, as well as weak supervision and lack of strict law enforcement in resolving consumer disputes.² Although this is not the area of law enforcement, in this case, the police will still be able to cooperate with relevant agencies to be able to provide supervision to rogue producers of expired products that were still being traded. So with that, this should be a focal point by the government in terms of related agencies, but this will be the authority of law enforcement if the producer's violation will be transferred to criminal law, for example, has threatened the lives of others due to the products being traded because this would be a crime.³

Law Number 8 of 1999 concerning Consumer Protection aims to ensure certainty and protection for consumers and business actors, especially for business actors to carry out their business honestly so that consumers do not experience losses on goods and/or services consumed by consumers. Because, the regulations governing food products, for now, are sufficient enough to provide a significant legal purpose in the form of legal certainty and usefulness compared to ordinary law revision methods.⁴

Expired beverages are no longer fit for consumption, for that the government always carries out strict supervision for types of beverages that have passed their expiration date

¹Doly, Denico, (2016), *Upaya Penguatan Perlindungan Konsumen Di Indonesia Terkait Dengan Klausula Baku (Strengthening Consumer Protection Efforts In Indonesia With Relevant Clause Of Standard)*. Negara Hukum: Membangun Hukum untuk Keadilan dan Kesejahteraan, 3 (1), 51

² Ridwan Arifin, dkk. (2021). *Protecting the Consumer Rights in the Digital Economic Era: Future Challenges in Indonesia*. Jurnal Law Review. 3 Spesial Issue, 135

³ Novendri M. Nggilu dan Ahmad (2020). Denyut Nadi Amandemen Kelima Undang-Undang Dasar 1945 melalui Pelibatan Mahkamah Konstitusi sebagai Prinsip the Guardian of the Constitution. Jurnal Konstitusi, 202016(4), 785-808

⁴ Abdul Hakim Siagian, (2021). *Omnibus Law in the Perspective of Constitutionality and Legal Policy*. Jurnal Law Review. 3 (1), 93

and immediately withdraws them from the circulation of the stalls. However, so far the government has not been careful in conducting inspections of food in supermarkets, shops, and small stalls. The author hopes that the rights of consumers must be fulfilled due to the circulation of expired beverages that were still being circulated, besides that the government must be more assertive in investigating the circulation of expired beverages but the reality is inversely proportional to existing expectations. The reality on the ground stated that there was still circulation of expired beverages in small stalls, according to an interview with one of the author's friends who used to buy expired beverages at one of the small stalls when he was in school. He said that he bought the beverage and didn't have time to see the expiration date, after he drank it suddenly his stomach hurt and the color of the beverage changed, after that he checked the expiration date and it turned out that the beverage was past its expiration date. The interview proved that there was still circulation of expired beverages in Gorontalo City and the rights of consumers have not been fulfilled because they feel disadvantaged.⁵

Table 1
Complaints from consumers regarding expired beverages

No	Year	Number of Complaints
1	2019 - 2020	16 complaints
2	2021	36 complaints
Total		52 complaints

Source: Diskumperindag Gorontalo Province in 2020

It can be seen in the table above that there were approximately 52 complaints that were reported by the public as consumers at the relevant agencies. This provided an understanding that in the surrounding environment there were still many products that have expired but have been still being traded. So by looking at this case, the government or the relevant agencies must take a strategy to deal with this so that not many people are ensnared by expired products that are scattered in the environment.

The main factor that becomes the weakness of consumers is the level of awareness of consumers of their rights as consumers and this is what is often used by producers or business actors to gain unilateral advantages. Therefore, Law Number 8 of 1999 concerning Consumer Protection is intended to be a strong legal basis for the community to be able to make efforts to empower consumers through consumer guidance and

⁵ Hasil wawancara bersama Ibu Maryam Ali selaku konsumen, 17 Oktober 2021

education.

Seeing the various kinds of statements above, the need for consumer protection is regulated in laws and regulations. This of course protects the community from various kinds of actions that can harm consumers who often buy products that are expired. Therefore, related to consumer protection issues, all problems and cases regarding consumer disputes can be resolved through litigation (courts) or non-litigation (dispute resolution outside the court), as contained in the laws and regulations on consumer protection which regulates consumer rights that must be protected by the law.⁶ In Indonesia, the Consumer Protection movement echoes a similar movement in the United States. Producers or business actors will seek high profits under economic principles. In this regard, consumers need to be legally protected from possible losses due to fraudulent business practices.⁷

B. Problem Formulation

This paper formulated the problem of how the legal protection for consumers who get expired food products and looks at the role of the relevant agencies in terms of expired products that were still widespread in the community is.

C. Research Method

The type of research used was empirical legal research which examines human behavior from speech acts obtained through interviews and real actions obtained through direct observation. While the sampling used purposive sampling and data analysis used qualitative research approach.

2. Discussion

Legal Protection for Consumers Who Get Expired Products

Humans have the right to be protected by law, so a Consumer Protection Law (UUPK) was made to provide legal protection for consumers which regulates all regulations related to the rights and obligations of business actors and consumers. Human society and law are three things that are closely related to each other. In social life, humans interact or have reciprocal relationships between themselves and other people and vice versa.⁸ The importance of consumer protection is so that consumer products (Consumer

⁶ Eli Wuria Dewi, 2015, *Hukum Perlindungan Konsumen*, Cetakan pertama, Yogyakarta : Graha Ilmu, 5

⁷ Helda Natalia Simanullang, 2017, *Perlindungan Hukum terhadap Konsumen dalam Transaksi E-Commerce*. Jurnal Melayunesia Law, Vol 1, No 1, Desember, 112

⁸ Donald Albert Rumokoy, Frans Maramis, *Pengantar ilmu hukum* (Jakarta: RajaGrafindo Persada, 2014), 41.

Goods and/or Services) are safe for health or mental safety in general for the welfare of families and communities. Article 1 Paragraph (1) of Law Number 8 of 1999 states that Consumer Protection is all efforts to ensure legal certainty to protect consumers. Consumer protection has a very broad scope, including consumer protection for goods and/or services, which starts from the activity stage to obtain goods and/or services to the consequences of using the goods and/or services. Consumer protection is a term used to describe the legal protection provided to consumers to meet their needs from things that are detrimental to the consumers.⁹ National development is a reflection of increasing the prosperity and welfare of the Indonesian people fairly and equitably in all aspects of the life of the nation and state. With the availability of sufficient and proper needs for clothing, housing, and food, a humane and just form of national development as mandated by Pancasila and the 1945 Constitution of the Unitary State of the Republic of Indonesia can be realized.¹⁰ State involvement, which is also one of the characters of the conflict phenomenon, means that without government intervention, problems will arise.¹¹ So that this is the constitutional right of every Indonesian citizen.¹² This is because human rights are part of the administration of justice within the framework of an independent judiciary.¹³ The right to life must be protected by the state, especially the rule of law state.¹⁴ Indonesia is one of the countries that put forward the constitution in every aspect of the life of the nation and state.¹⁵ These inherited conditions are internalized into development programs (endogenous development)¹⁶. This pressure causes a little more significant reaction to the existence of the community, so the government is careful in solving a problem that has to do with the community.¹⁷

Legal protection for consumers has been regulated in Law Number 8 of 1999 concerning Consumer Protection. The enactment of this Law, it aims to provide hope for the Indonesian people and to obtain protection for losses suffered by transactions of goods and/or services. The Consumer Protection Law (UUPK) also guarantees legal certainty

⁹ Zulham, *Hukum Perlindungan Konsumen*, (Jakarta: Kencana Perdana Media Group, 2013), 21

¹⁰ Erman Rajagukguk, *Hukum Perlindungan Konsumen*, (Bandung : Mandar Maju, 200), 83

¹¹ Yudha Chandra Arwana. (2019). Jalur Mediasi dalam Penyelesaian Sengketa Pertanahan Sebagai Dorongan Pemenuhan Hak Asasi Manusia. *Jurnal Law Review* 1 (2), 216

¹² Nggilu, N., & Wantu, F. M. (2020). Menapaki Jalan Konstitusional Menuju Zaken Cabinet: Ikhtiar Mewujudkan Pemerintah Berkualitas Konstitusi. *Jurnal Hukum Samudra Keadilan*, 15 (1), 128

¹³ Nabih Amer. (2020). Analisis Pembubaran Organisasi Kemasyarakatan Dalam Perspektif Negara Hukum. *Jurnal Legalitas*. 13 (1), 12

¹⁴ Lisnawaty Badu. (2012). Euthanasia Dan Hak Asasi Manusia. *Jurnal Legalitas*. 5 (1), 1

¹⁵ Fakhris Lutfianto Hapsoro. (July 2020). *Interpretasi Konstitusi dalam Pengujian Konstitusionalitas untuk Mewujudkan The Living Constitution*. *Jurnal Law Review* 2 (2), 145

¹⁶ Zamroni, S. (2016). Desa Membangun Tanpa Meninggalkan Kelompok Pinggiran. *Institute for Research and Empowerment (IRE)*, 2, 6

¹⁷ Fitriyadi, Ahmad Adi. (2020). Diferensiasi Pengungsi dan Pencari Suaka dalam Hukum Pengungsi Internasional dan Hubungannya dengan Prinsip Non-Refoulement. *Jurnal Law Review* 2 (2), 127

for consumers. The forms of consumer protection are divided into two types, namely:

1. Preventive Legal Protection

According to one of the employees at a retail store (Indomaret) every day they do monitoring, namely when cleaning the beverage holder as well as checking the expiration date of the beverage.¹⁸ According to one employee at a retail store (Alfamart), they have made a monitoring schedule, which is once a month.¹⁹ In their opinion, although they are not regularly monitored by the Department of Cooperative, SME (Small and Medium Enterprises), Industry and Trade they have made a monitoring schedule and if there are beverages that have passed their expiration date they take them out of their place and put them in the warehouse and they are ready to compensate if there is a consumer who buys the wrong one or is poisoned after consuming the drink. According to one business actor who sells beverages as long as he sells beverages there has been no supervision from the government, but if he finds any expired beverages, they are immediately destroyed and he will provide compensation.²⁰

The protection provided by the Government aims to prevent violations before they occur. This is contained in the laws and regulations to prevent a violation and provide limitations in carrying out an obligation. In protecting consumers regarding the circulation of expired beverages in Gorontalo, the Department of Cooperatives, SME (Small and Medium Enterprises), Industry and Trade (Diskumperindag) took legal protection efforts in the form of preventive legal protection, namely taking preventive measures by increasing awareness and supervising every business actor.

2. Repressive Legal Protection

Repressive legal protection is the final protection in the form of sanctions such as fines, imprisonment, and additional laws that are given if a dispute has occurred or has committed a violation. It is stated in Article 1 Paragraph 2 that the definition of consumer is where every person is a user, user of goods and/or services available to the community for their interests or needs or many people. The fulfillment of goods and/or services is carried out by business actors.²¹ The business actor is any person or business entity that carries out activities in the territory of the Republic of Indonesia and carries out business activities in the economic field.²² Consumers as users of goods and/or services often find that the goods purchased from business actors are not suitable for consumption, namely

¹⁸ Hasil wawancara dengan DD (Pegawai IndoMaret) Tanggal 5 November 2021

¹⁹ Hasil wawancara dengan NN (Pegawai Alfamart) Tanggal 5 November 2021

²⁰ Hasil wawancara dengan SD (Pelaku Usaha) Tanggal 1 Oktober 2021

²¹ Adrian Sutedi, *Tanggung Jawab Produk dalam Perlindungan Konsumen*, Cetakan Pertama, (Bogor: Ghalia Indonesia, 2008), 11

²² Janus Sidabalok, *Hukum Perlindungan Konsumen di Indonesia*, (Medan : Paulinus Josua, 2002), 3

packaged beverages which are often sold in expired conditions.²³ Where it causes consumers to feel disadvantaged, business actors who sell their packaged beverages as business actors should have to examine the goods traded more and destroy expired goods so as not to harm consumers.

Although it has been regulated regarding prohibitions against business actors, in reality, these prohibitions are not noticed by business actors and often harm consumers and continue to sell expired goods. Therefore, consumer lawsuits against business actors who commit acts against the law, namely selling unsafe products that cause harm to consumers and the existence of elements of mistakes made by business actors based on Law Number 8 of 1999 concerning Consumer Protection due to product liability. Product liability is a responsibility related to defective or damaged products that cause or contribute to harm to other parties (consumers), both physical and non-physical.²⁴

With the existence of legal protection for consumers, it is hoped that it will minimize the existence of crime by business actors for consumers because in Article 3 of the Consumer Protection Law there are consumer protection objectives:

1. Increasing consumer awareness, ability, and independence to protect themselves;
2. Raising the dignity of consumers by preventing them from negative access to the use of goods and/or services.
3. Increasing the empowerment of consumers in choosing, determining, and demanding their rights as consumers;
4. Creating a consumer protection system that contains elements of legal certainty and information disclosure as well as access to information;
5. To raise awareness of business actors regarding the importance of consumer protection so that an honest and responsible attitude in doing business grows;
6. Improving the quality of goods and/or services that ensure the continuity of the business of producing goods and/or services, health, comfort, security, and safety of consumers.

If you look at point 5, it is said that there is awareness of business actors regarding consumer protection so that from this there will be awareness, honest attitudes, and so on. What's more important is that awareness is currently one of the most efficient steps in doing business.²⁵ Efforts that can be made for this are to

²³ Sudaryatmo, *Masalah Perlindungan di Indonesia*, (Bandung : Citra Aditya Bhakti, 2001), 3

²⁴ Fence Wantu, (April 2020). Tanggung Jawab Korporasi Boeing Company Atas Kecelakaan Pesawat Di Wilayah Indonesia. *Gorontalo Law Review*. 3 (1), 80

²⁵ Mohamad Rivaldi Moha. (July, 2020). Urgensi Pendaftaran Penyelenggara Sistem Elektronik Bagi Pelaku Usaha E-Commerce. *Jurnal Law Review* 2 (2), 115

bring legal decisions closer to the sense of justice experienced by the community so that the implementation of the law creates more order in the community itself.²⁶ The results of policies issued by the Government are solely derived from the wishes of the community.²⁷ To cite as said by Fence M. Wantu in his Journal that the essence of justice is an assessment from one person to another, which is generally seen from the party receiving the treatment only.²⁸ The government through laws has provided rules that should be carried out for the sake of justice based on God Almighty.²⁹ Protect basic rights or human dignity, especially for justice seekers.³⁰ So that in modern times is an era where humans are required to develop themselves.³¹ Consumer protection carried out by the Diskumperindag Gorontalo Province was not in accordance yet with the Principles of Consumer Protection, namely the Principle of Justice, which means that community participation can be realized maximally and provide opportunities for consumers to obtain their rights and obligations fairly. Efforts to protect consumers have to be carried out by the relevant agencies because they are implementing the rules. Regarding the rights that consumers must obtain, the Diskumperindag of Gorontalo Province must be able to fulfill consumer rights as stated in the Consumer Protection Law (UUPK) Number 8 of 1999, namely:

- a) The right to comfort, safety, and security of consumer goods and/or services;
- b) The right to choose goods and/or services and to obtain such goods and/or services by the exchange rate and the promised conditions and guarantees;
- c) The right to correct, clear and honest information regarding the conditions and guarantees of goods and/or services;
- d) The right to have their opinions and complaints heard on the goods and/or services used;
- e) The right to obtain protection advocacy and efforts to resolve consumer protection disputes properly;
- f) The right to obtain consumer guidance and education;

²⁶Ibrahim Ahmad. (2010). "Prinsip Keadilan Dalam Penyelesaian Sengketa Tanah Untuk Kepentingan Pembangunan." *Jurnal Legalilas* 3 (2), 21

²⁷Putri Handayani Nurdin. (July, 2019). *Politik Hukum Pengaturan Pendidikan Politik oleh Partai Politik*. *Jurnal Law Review* 1 (2), 146

²⁸Fence M. Wantu, (Juni, 2013). *Kendala Hakim Dalam Menciptakan Kepastian Hukum, Keadilan, Dan Kemanfaatan Di Peradilan Perdata*. *Jurnal Mimbar Hukum*. 25 (2), 206

²⁹Fenty Puluhulawa, Lusiana M, Tijow, Sutrisno. (2020). *Penerapan Asas Keadilan, Kepastian Hukum Dan Kemanfaatan Dalam Putusan Hakim*. *Jurnal Gorontalo Law Riview*. 3, (2) Oktober, 184

³⁰Dian Ekawaty Ismail. (2009). *Upaya Perlindungan Hak-Hak Tersangka/Terdakwa Melalui Mekanisme Praperadilan di Kota Gorontalo*. *Jurnal Mimbar Hukum*. 21 (1) Februari, 85

³¹Bakung, Dolot Alhasni. (2020) *Determinasi Perlindungan Hukum Pemegang Hak Atas Neighboring Right*. *Jurnal Law Review* 2 (1), 67

- g) The right to be treated or served correctly and honestly and not discriminatory;
- h) The right to obtain compensation and/or replacement, if the goods and/or services received are not under the agreement or not properly.
- i) Rights are regulated in the provisions of other laws and regulations.

Based on the consumer rights mentioned above, the researcher saw that there were still expired beverages which resulted in some of the rights of consumers not being fulfilled by business actors as in Article 4 Letter (a) consumers feel not safe after consuming expired beverages they purchased, after consuming them they feel nausea, dizziness, diarrhea. Therefore, the government, in this case, the relevant agencies, must be careful also to provide productive funds that can be used in developing small businesses so that the quality of the products traded is maintained and safe for consumption by consumers in general.³²

To fulfill the rights of consumers, business actors have obligations that must be carried out, as regulated in Article 7 of Law Number 8 of 1999 concerning Consumer Protection, namely Letter (b) providing correct, clear, and honest information regarding conditions and guarantees for goods and/or services as well as providing explanations on the use, repair, and maintenance, Letter (d) guaranteeing the quality of goods and/or services produced and/or traded based on the provisions of the applicable quality standards for goods and/or services, Letter (f) providing compensation for losses resulting from the consume use, and utilization of traded goods and/or services. This was not the same as Janus Sidabalok's explanation of the theory of legal protection, namely legal protection for consumers is made to protect consumers, but what happens in the field is that there was still an imbalance between business actors and consumers which resulted in consumers being harmed. Legal protection has the meaning of protection by using legal means of protection provided by law, shown to certain interests, namely by converting the interests that need to be protected into a legal right.³³ The law of "rights" is also called subjective law. Subjective law is an active aspect of the legal relationship provided by objective law, in terms of subjective law are norms.³⁴

Therefore, this legal protection regarding consumers must be further emphasized because consumers are often in a position that is less favorable concerning business actors in any way. According to one consumer, after consuming the expired beverages, he felt stomach pain, dizziness, nausea, but he did not ask for compensation from the business

³² Nur Mohamad Kasim, Sri Nanang Meiske Kamba. (2020), Strategi Peningkatan Pemberdayaan Ekonomi Masyarakat Melalui Zakat di Desa Taluduyunu. *Jurnal Abdidas*, 1 (6) 506

³³ Condro S.Riyadi, Mutia CH. Thalib, (2017), Jaminan Perlindungan Hukum Terhadap Kesehatan Dan Keselamatan Kerja Kepada Tenaga Kerja Konstruksi. 13 (2), 80

³⁴ Heru Suyanto dan Andriyanto Adhi Nugroho, (2016), Perlindungan Hukum Terhadap Hak-Hak Pekerja Outsourcing Berdasarkan Asas Keadilan. *Jurnal Yuridis*. 3 (2), 4

actor who sold the beverage because according to him the business actor did not know that the beverage he was selling had expired, and he did not want to ask for compensation from the business actor who has sold the beverages because he thought that the purchased beverage was cheap and he did not want to report it to the relevant institution because of the long process, a large of funds to be spent, and it's also far from where he lived and lack of knowledge about Law Number 8 of 1999 concerning consumer protection, he did not know if there is a law that regulates consumers, he also did not know about supervision from the government.³⁵

Business actors generally trade beverages by not checking the expiration date as a result, the beverage is purchased by the consumer, and after that, the consumer suffers a loss. One of the consumers explained that he did not re-check the expiration date of the beverages, but when he was about to drink it, it turned out that the taste of the beverage was different from before.³⁶ Likewise, from interviews with consumers, there were still many who became victims after consuming it. As stated by one of the informants:

"I'm not aware of any regulation or protection for consumers who purchase expired products, because so far, in my place, there is no government that supervises the existing product"³⁷

Looking at the statement above, approximately 6 interviewees could provide an understanding that the level of legal awareness for the community was still low, so there is a need for legal awareness socialization, especially related to consumer protection. Moreover, the government must supervise the practice of products traded by the producers so that consumers do not get expired products which sometimes make consumers sick and even poisoned by existing products. As stated by the following informants:

"The government must give a warning to business actors who are caught selling expired products and even be given sanctions at once so that they are not repeated and more importantly all producers must pay attention to goods that must be traded to the public as consumers"³⁸

The existence of a law that regulates consumer protection is not intended to kill the business of business actors. The Consumer Protection Law can encourage a healthy business climate and encourage the birth of strong entrepreneurs in facing the existing competition by providing quality goods and/or services as well as trading under the

³⁵Hasil wawancara dengan MA (Konsumen) Tanggal 17 Oktober 2021.

³⁶Hasil wawancara dengan SP (Konsumen) Tanggal 17 Oktober 2021.

³⁷ Hasil wawancara dengan IP (Konsumen) Tanggal 17 Oktober 2021

³⁸ Hasil wawancara dengan SP (Konsumen) Tanggal 17 Oktober 2021

prevailing laws and regulations.³⁹ The Department of Cooperatives, SME (Small and Medium Enterprises), Industry and Trade (Diskumperindag) of Gorontalo Province, especially in the Consumer Supervision and Protection section, is authorized to supervise goods and/or services traded by business actors. The community should become smart consumers to avoid goods and/or services that endanger the health and always be alert and report to the Diskumperindag. Government Regulation Number 69 of 1999 states that it is prohibited to trade food that has passed the expiration date, month, and year as stated on the label. However, there were still many business actors who sold expired products, as found in the field there were approximately 7 shops/stalls selling expired products.

Based on the results of an interview with Ms. Fauziah Utiahman, SH, MH as Head of the Supervision and Consumer Protection Section of the Department of Cooperatives, SME (Small and Medium Enterprises), Industry and Trade (Diskumperindag) of Gorontalo Province regarding the supervision of expired goods circulating in the community, it has been carried out every quarter in 1 year implemented in all sub-district and cities of Gorontalo. There are also monitoring activities, but those who carry out that come from the sub-district and if there are expired beverages, the provincial government will go directly to the place. From the results of the control, monitoring, and supervision activities, many expired items were found. For these expired goods, the first step to take during monitoring is to check all expired goods. If there are any, the Diskumperindag will order business actors and employees at retail stores to issue the product that is not mixed with unexpired products as well as destroys the products that have expired if in further monitoring and supervision there are still products that are still expired, the action given is a warning, if the business actors violate, it will be given a written warning in the form of SP (non-compliance letter) 1 - SP 3, if they violate it again, the last step is withdrawal sales from shops or stalls and then destroyed. This is done to provide a deterrent effect for business actors who violate these rules. But based on the research of researchers that monitoring in retail stores there has been a monitoring schedule from each SPV and based on research from researchers there were also small stalls located in remote villages that have not been monitored and supervised as well as guided as a result consumers feel disadvantaged. Weak law enforcement against existing violations and the lack of time to conduct inspections by the Diskumperindag related to the circulation of expired beverages, as evidenced by inspections carried out only in the program for a quarterly period (3 months).

3. Closing

³⁹Happy Susanto, *Hak-Hak Konsumen Jika Dirugikan*, (Yogyakarta, Transmedia Pustaka, 2008), 9

A. Conclusion

Legal protection for consumers from the circulation of expired beverages is divided into two a). Preventive legal protection for consumers from the circulation of expired beverages by giving warnings to business actors, providing guidance to business actors, destroying expired goods or beverage products, monitoring and supervising the circulation of expired beverages so as not to harm consumers. b). Repressive legal protection for consumers from the circulation of expired beverages by conducting inspections on business actors, confiscation, giving sanctions in the form of verbal and written warnings, conducting raids.

In this study, the author formulated the problem of how the Ratio Legis for the Establishment of the State Audit Board is.

B. Suggestion

Relevant agencies need to tighten supervision and guidance for business actors and implement compensation for consumers who have suffered losses. And even tighter monitoring and supervision in small stalls located in remote villages so that no more consumers feel disadvantaged.

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