

The State's Efforts to Protect Citizens the Concept of *Maslahat* in Distribution Permit to Maintain Food Safety (Islamic Perspective)

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ABSTRACT

The state has a big responsibility in maintaining the safety of its citizens. After the pandemic era, the country made food safety a priority for the government in an effort to raise the level of public health. The death rate from poisoning and food-borne illness needs to be watched out for. The distribution permit is one of the government's efforts to provide protection to its citizens. Even though the distribution permit is considered by some to be an obstacle to doing business. However, through the distribution permit, there are benefits to protecting the circulation of food that has the potential to cause harm. For this reason, the researcher raised the theme above as an answer that Islam is very concerned about safety even though it is through a distribution permit. Islam admits that with the distribution permit, the safety of residents can be controlled. The method in this research is socio-legal research that examines food safety from the perspective of Micro small and Medium Enterprises (MSEs) in the Bogor area by relating it to the applicable laws and regulations. The results of the study show that business actors are aware of the importance of distribution permits in ensuring food safety and increasing product turnover. Food safety is in line with *thayyib* standards in Islamic Law which means food must be good and not cause harm when consumed. The distribution permit for frozen food gave rise to a polemic between storage standards in a certain way and efforts by business actors to survive in diverting their business into frozen food products. The Food and Drug Supervisory Agency (BPOM) has acted swiftly and wisely by launching new guidelines that distinguish the distribution license standard for Micro small and Medium Enterprises, which is different from the company's mass production. Frozen food made by Micro small and Medium

Enterprises does not require a distribution permit if the shelf life is less than 7 days and is directly distributed to consumers.

Keywords : *Safety Food, Distribution Permit, State Protection*

INTRODUCTION

Food safety is a basic right to life, in Article 25 of the Universal Declaration of Human Rights (1948) Everyone has the right to obtain a standard of living that is sufficient for the health and welfare of themselves and their families, including food. Rome Declaration on World Food Security (1996) all people at all times have physical and economic access to sufficient, safe and nutritious food to meet their needs and appetites to achieve an active and healthy life.

The pandemic has heightened awareness about the need for personal hygiene, such as frequent hand washing, to avoid transmitting the virus, it has also reminded everyone that similar good hygiene practices are always needed in the preparation and handling of food.

Since the outbreak of the Covid-19 outbreak which gave rise to a pandemic, it has created new habits for people who are more concerned about food safety. The pandemic also has heightened awareness about the need for personal hygiene, such as frequent hand washing, to avoid transmitting the virus, it has also reminded everyone that similar good hygiene practices are always needed in the preparation and handling of food.

The need for healthy, safe and affordable food has sparked creativity among business actors, including Micro small and Medium Enterprises. Frozen food products are the prima donna when mobility restrictions are imposed by the government. Many of the changing product variants are distributed in frozen form so that they can be easily consumed at home. Then a frozen food business emerged in all sectors. Plus a wave of layoffs that gave rise to people's creativity and were forced to become entrepreneurs.

This gives rise to business people who are formed from various circles. The scale of business actors consists of household production businesses, Micro small and Medium Enterprises, and Companies. With so many business actors created from various groups in the current era, it creates great competitiveness so that business actors must always create innovations and always be resilient with whatever they have to face. In addition to creating innovations for business development, business actors must also pay attention to consumer satisfaction (Muthiah, 2017).

Some time ago, it became a trending topic when a frozen food business actor was

fined for not having a distribution permit from the Food and Drug Supervisory Agency (BPOM). This certainly causes anxiety among micro, small and medium enterprises (MSEs) who produce frozen food (Farmita, 2021).

Frozen food is food that has gone through a preservation process by turning the water content into ice (ukmindonesia.id, n.d.). This process is carried out by maintaining the freezing point of the product at a minimum temperature of -18°C during its distribution and storage period. This is intended to inhibit microbial growth, enzymatic and chemical reactions so that the product remains safe and of good quality. Given that this special handling raises a standard that granting distribution permits for frozen food products must be registered with Food and Drug Supervisory Agency.

The problem is that on the one hand the government encourages the emergence of entrepreneurs in all sectors to support the economy including the frozen food business, but on the other hand, the standard for handling frozen food products specifically in an effort to inhibit the growth of bacteria requires businesses to have a distribution permit from Food and Drug Supervisory Agency.

Meanwhile, the requirement to obtain a Food and Drug Supervisory Agency distribution permit requires a separate production location separate from households, production facilities must pass an audit so that a Certificate of Good Processed Food Production Practices (CPPOB) appears (Febrianna, 2022). These requirements are not easy to obtain from the Food and Drug Supervisory Agency or abbreviated as (BPOM) as stipulated in Law Number 36 of 2009 concerning Health in article 111 paragraph 2 states *Food and beverages can only be distributed after obtaining a distribution permit in accordance with the provisions of laws and regulations* (C., J., Gunistiyo, & Sumarno, 2000).

In order to obtain the distribution permit, it will certainly be given to food that meets the established safety and quality standards. With the enactment of legislation No. 36 of 2009 it becomes something very important considering the current development and distribution of food sales, many commit fraud. In the data obtained until 2017 the Food and Drug Supervisory Agency handled 215 cases throughout Indonesia. Cases that occupy the first position are violations related to traditional medicine if the percentage is 35 percent for violations of traditional medicines, and for cases handled by the Food and Drug Supervisory Agency, 25 percent are for food-related violations, 20 percent are cosmetic cases, and finally 30 percent for cases involving other. an estimated loss of around 112 billion rupiah for the

destruction of these illegal goods (Yulianti & Mustarichie, 2017).

Based on the data that has been obtained, it can be concluded that many food business actors do not pay attention to the feasibility of production, basic ingredients, and matters related to what has been stipulated and also a lack of education regarding proper licensing for processed food production to circulate in the community.

So, the purpose of establishing this research is to explain about food safety that is suitable for distribution, provide legal protection for business actors to produce products that are appropriate and meet standards, appropriate licensing, and legal protection for consumers.

RESEARCH METHOD

The type of research used in this paper is socio-legal research, which examines food safety in Indonesia from the perspective of Micro small and Medium Enterprises in the Bogor area which incidentally is close to the national capital, who feel they understand and understand the need for a distribution permit. The data used includes secondary data consisting of primary legal materials in the form of statutory regulations, tertiary legal materials in the form of reference books, expert opinions as well as legal facts regarding food safety in society and legal facts of the responsibilities of business actors to consumers in an effort to produce food products that are safe and suitable for consumption as expected.

RESULT AND DISCUSSION

Food is a basic human need. The food consumed will have a direct or indirect effect on human health, so food safety must be considered. In Islamic law, the term *thayyib* is known, which means that the food consumed by humans must be healthy, safe and not cause harm to the body.

Escorting food safety is an important element in supporting the quality of public health and restoring the Indonesian economy in fighting the COVID-19 pandemic. To realize food safety along the food chain from upstream to downstream, it is necessary to revitalize community-based food safety programs down to the smallest regional units, namely in districts/cities.

Program revitalization is needed to continue to be adaptive to all changes and current conditions. The revitalization of the integration of the National Priority program carried out in the smallest regional units (Villages) is expected to form a 'Safe Food Culture' in the Village, where there are more and more 'Safe Food Villages', then it will support the

achievement of the establishment of a 'Safe Food District/City'. The Head of the RI POM conveyed this in his remarks delivered by the Deputy for Processed Food Supervision, Rita Endang at the Kick Off Program for the Integrated Food Safety Program for the Safe Food District/City on Tuesday, (POM, 2021)

Everyone who produces and trades Food is obliged to meet Food Safety standards, which is one of the important factors in the implementation of the Food system. Implementation of Food Safety aims so that the state can provide protection to the people to consume food that is safe for their health and mental safety. In order to guarantee that the available Food is safe for consumption, the implementation of Food Safety must be implemented along the Food Chain, starting from the production stage (cultivation), harvesting, processing, storage, distribution, distribution to the hands of consumers. Activities or production processes to produce Food that is safe for consumption along the Food Chain are carried out through the application of Food Safety requirements (General Explanation of Government Regulations on Food Safety, n.d.).

Food consumed by the public basically goes through a process chain which includes production, storage, transportation, circulation until it reaches the hands of consumers. In order for the entire chain to meet the requirements for Food Safety, Food Quality and Food Nutrition, it is necessary to establish an effective system of regulation, guidance and supervision in the field of Food Safety.

Food safety is the conditions and efforts needed to prevent food from possible three contaminants, namely biological, chemical and other contaminants that can interfere with, harm and endanger human health and do not conflict with religion, belief and community culture so that it is safe for consumption. Processed food that is produced must comply with the Good Processed Food Manufacturing Practice to guarantee its quality and safety. In addition, food must be suitable for consumption, namely not spoiled, not disgusting and of good quality, and free from biological, chemical and physical contamination.

a. Biological Contaminants

It is a contaminant originating from parasitic contamination (protozoa and worms), some toxins-producing braids, bacteria and viruses and viruses that can grow and develop in foodstuffs.

For example contamination of E-coli bacteria in fresh sprouts, which occurred in Europe in 2011.

b. Chemical Contaminants

It is a contaminant/danger originating from contaminating materials/chemical substances originating from the environment that contaminate food, so that if the food is consumed it will cause health problems.

For example pesticide/herbicide residues in the planting process. Applications that are not in accordance with the recommendations will leave residues that have an effect on health.

c. Physical Contaminants

It is a contamination/danger originating from physical contamination/foreign objects that appear and are solid objects. This happens due to lack of personal, process and environmental hygiene and sanitation.

Examples of physical contamination in this case are gravel, stapler, soil found in food.

The condition of a person consuming food that is exposed to biological contaminants, chemical contaminants or physical contaminants that causes a person to suffer from illness is said to be suffering from food poisoning. If there are two or more people who suffer from illness with the same or nearly the same symptoms after consuming food, and the food is proven to be a source of poisoning, then it is called an Extraordinary Event of Food Poisoning.

Poisoning cases in Indonesia reach 20 million cases per year, this was conveyed by the Head of the Food and Drug Supervisory Agency, Penny K Lukito at the celebration of World Food Day 2019. WHO data shows that in 2015 there were 2 million victims died, especially children due to food poisoning. In Indonesia, until 2013 the Food and Drug Supervisory Agency recorded 10,700 cases of food poisoning which resulted in death. In Kupang, mass poisoning occurred at a party. There was even an Extraordinary Event that caused the victim to be hospitalized (datin litbangkes, 2017).

In addition, based on surveillance and product sampling by the Food and Drug Supervisory Agency (BPOM), between 2011 and 2015, the number of food products that did not meet acceptable standards, increased by about 35 percent. Among others, these food items contained hazardous substances misused as food additives, or manifested some form of microbial contamination. Over the period of 2013 until 2015, reported incidences of serious food poisoning increased from 48 to 61 outbreaks in the 34 provinces of Indonesia.

In 2015, the Fish Quarantine Agency reported seven cases of rejected fish exports to Italy, France, England, Russia, Belgium, South Korea, and Canada, due to excessive mercury and microbial content.

Food and Agriculture Organization (FAO) is committed to raising food safety in

support of Indonesia's public health priorities, and as a vehicle to improve food quality, which is essential to achieving food and nutrition safety. An effective national food control system is needed to protect consumer health, and to ensure good trade practices. Safe food benefits everyone, Mark Smulders, FAO representative in Indonesia declare at the opening of a National Workshop on Food control Systems Assessment in Jakarta today.

Food and Drug Supervisory Agency and the Ministry of Health, supported by the United Nations Food and Agriculture Organization (FAO) and the World Health Organization (WHO), will conduct a food control system assessment workshop from 3-6 April 2017, to enable competent authorities on food safety to self-assess their food control system. FAO and WHO have developed a new and comprehensive assessment tool for food control systems, along with guidance materials on its application, to be used by member countries (FAO in Indonesia, 2019).

In an effort to prevent food poisoning, supervision by the authorities is needed. The Food and Drug Supervisory Agency is one of the institutions that has the authority to oversee safe products by issuing distribution permits. Producers who already have a permit from the Food and Drug Supervisory Agency will make the public feel confident about the quality of the products being sold because they have passed the test and contain ingredients that are safe for use ("Smesco Indonesia," n.d.). It is hoped that it will increase sales turnover and expand the marketing area and even continue into the international market.

The distribution permit obligation is contained in Law Number 18 of 2012 concerning Food and Government Regulation Number 86 of 2019 concerning Food Safety. In Government Regulation No. 86 of 2019 what is meant by food is everything originating from biological sources of agricultural, plantation, forestry, fishery, animal husbandry, aquatic and water products, both processed and unprocessed which are intended as food or drinks for human consumption including ingredients food additives, food raw materials and even others used in the process of preparing, processing and/or making food or drinks.

Based on the data that has been summarized regarding public knowledge about licensing food distribution, out of 43 respondents 83.3% knew that food consumed must have a distribution permit although some people also understand about several food licensing in Indonesia such as halal permits from MUI (Indonesian Council of Religious Scholars), BPOM (Food and Drug Supervisory Agency), PIRT (Licensing for Home Industry Food Production), and SIUP (Trade Business License). However, some people do not understand and do not know that food in circulation should have a distribution permit first. Because having a

distribution permit for every food consumed will have a good impact on society. This is certainly an important challenge for the government in overseeing the legality and food safety of food in circulation.

Surveys prove that the community really needs legality and food feasibility in the food people consume. Food is the right of every living human being. This right relates to everything that is good and safe to eat. That the government's role is very influential on food safety for the community. Don't let people have to struggle alone to choose food that is suitable for consumption, with the implementation of rules regarding food safety and legal protection, people no longer need to feel worried about the food they will eat based on the contents of article 30 of the Food Law No. 7 of 1996 regarding advertising and food labels, food producers need to pay attention to matters regarding (a) product name, (b) list of ingredients used, (c) net weight or net content (d) production name and address (e) information regarding halal, date, month, and year expired (Adisasmito, 2008).

The government plays an important role for the welfare of the community, so the government needs to strictly implement all kinds of rules that have been contained in the law, but on the other hand many business actors do various ways to get as much profit as possible by committing fraud. These frauds include using hazardous chemicals, not paying attention to the cleanliness of the production site, using materials that are no longer suitable for use, using kitchen utensils and various other types of fraud.



Figure 1.4 Non-standard food hazards.

From the survey results it is known that the impact of cheating business actors to get a lot of profit makes many people feel sick after consuming this food. Public complaints about unhealthy food have an impact on health after consuming food that causes stomach ache, diarrhea, coughing, inflammation, fever, itchy throat, and digestive system disorders. The current distribution of food products has been distributed to all corners of the country. Public welfare in obtaining proper food is a constitutional right that is closely held.

The community has a constitutional right to obtain legal protection for food and other

products to ensure their health. Therefore they need to be given legal protection in the form of guaranteed permits from the Food and Drug Supervisory Agency to obtain proper food after going through research at the Food and Drug Supervisory Agency.

To follow up on food that does not have a distribution permit and has a harmful impact on society, the Food and Drug Supervisory Agency can play a role in investigating this fraud by (a) stopping the production and marketing of food products until the permit is issued (b) carrying out inspections and withdraw products circulating on the market (c) registering products with the Indonesian Food and Drug Supervisory Agency to obtain a distribution permit (d) re-marketing food products that meet licensing standards that have obtained distribution permits from the Indonesian Food and Drug Supervisory Agency (Cahyani & Sriwijaya, 2019).

Based on the survey conducted, some people are aware of the dangers of unhealthy food and can check the distribution permits for food products on the Food and Drug Supervisory Agency's website.

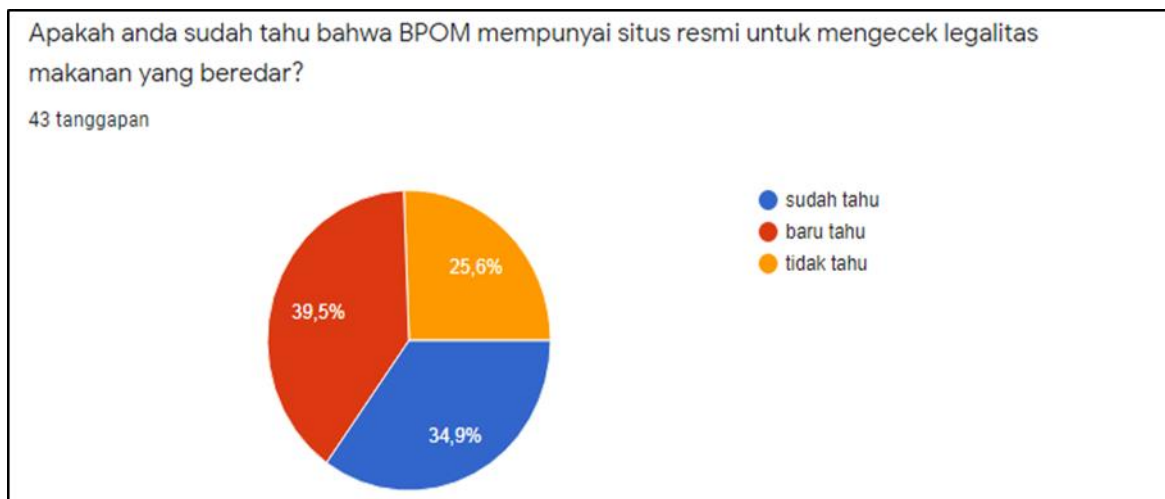


Figure 1.5 food legality.

That many people feel they have to be careful with the food products they consume, but on the other hand, many people do not care about food safety by being neutral (ignorance).

Distribution permit as a form of food safety guarantee

Food Law Number 18 of 2012 states that the government has the authority to supervise food in circulation. This supervision includes fulfilling food requirements, food quality and food nutrition, as well as food labeling and advertising requirements for processed food carried out by the government at the Food and Drug Supervisory Agency (Lukman et al., 2015).



Figure 1.6 business actors

That in order to guarantee the safety of the food they wish to distribute, business actors need to pay attention to food redistribution permits. Based on a survey conducted, business actors already understand food licensing so that food is safe for distribution to the public. The interests of consumers are the main thing that must be considered by business actors.



Figure 1.7 the legality of food products for business actors.

In relation to distribution permits for Micro, Small and Medium Enterprises products,

some time ago it had become a trending topic of the arrest of perpetrators of Micro, Small and Medium Enterprises by law enforcement officials for marketing frozen food products that did not yet have a distribution permit. This news has gone viral and created fear for Micro, Small and Medium Enterprises, even though during the previous pandemic, restrictions on people's mobility caused several restaurant manufacturers to make products in the form of frozen food.

Responding to this, the Food and Drug Supervisory Agency finally gave an explanation. Frozen food products are basically products that require certain handling, must be placed at a certain temperature (in the freezer or refrigerator) and packaged in a closed container. This is intended to prevent cross-contamination with other products and chemical contamination that results in moldy, stale products and unfit for consumption.

For example, *risoles* snack products which are usually sold in the form of frozen food, these products are not yet cooked, they still have to be fried before consumption. The ingredients used are cooked products that are mixed with raw products, so they must be placed in the refrigerator so that microbes do not develop which will cause mold which is harmful to health.

However, regarding frozen food products for Micro, Small and Medium Enterprises which are sold in small quantities, are made to order and are received directly by the end consumer, they do not require handling according to standard procedures. Therefore, there is no need for a distribution permit from the Food and Drug Supervisory Agency. If the producer wants food safety standards to further improve the marketing of his product, then a distribution permit for Home Industry Food can be submitted. The requirements are simpler and easier to fulfill by Micro, Small and Medium Enterprises actors.

Based on the Explanation of the Indonesian Food and Drug Supervisory Agency regarding Licensing Provisions for Processed Food that is Stored Frozen, processed food that is exempt from the obligation to have a distribution permit from the Food and Drug Supervisory Agency is processed food with the following criteria:

- a. Having a shelf life/expiration of less than 7 (seven) days (evidenced by the inclusion of the production date and expiration date on the label).
- b. It is further used as a raw material and is not sold directly to the last consumer.
- c. Sold and packaged directly in front of the buyer in small quantities according to consumer demand and
- d. Prepared processed food.(BPOM, 2021)

Processed ready-to-eat food temporarily stored at freezing temperatures to extend shelf life and maintain product quality before being distributed and

served to consumers or products with a shelf life of less than 7 (seven) days and produced by order are not required to have distribution permit, either from the Food and Drug Supervisory Agency or from the district/city regional government.

In contrast to frozen processed food and ready-to-eat processed food that are stored frozen with a shelf life of 7 (seven) days or more and are mass-produced, they are required to have a distribution permit from the Food and Drug Supervisory Agency, not from the regional and district/city governments. So in this case, a distribution permit from the Food and Drug Supervisory Agency is needed if frozen food products have a long shelf life, are produced in large quantities and this product is a product of a food company that already has food processing management in accordance with Good Processed Food Production Methods.

CONCLUSION

The distribution permit is a form of protection provided by the government through the Food and Drug Supervisory Agency and the local government in an effort to ensure food safety for the community. Business actors who are known to have acted fraudulently by using hazardous materials must be punished with criminal penalties, because what they do creates danger and harm to consumers. On the other hand, people are expected to be more concerned about their own health and the environment if they know about the fraud.

Regarding the distribution permit for frozen food products which has become a polemic, the Food and Drug Supervisory Agency has finally issued special guidelines explaining the differences in distribution permits for frozen food actors, Micro, Small and Medium Enterprises and other companies. For Micro, Small and Medium Enterprises business actors, frozen food that is produced is not required to have a distribution permit because there is a possibility that a decline in product quality will not occur and it is hoped that it will not hinder the development of the frozen food business which is an alternative business when Large-Scale Social Restrictions are imposed. Therefore, the government is considered to have taken the right steps to support the community's economic development.

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