

SUPERVISION OF EXPIRY LABELING: ISLAMIC AND POSITIVE LAW PERSPECTIVES

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Abstract

This research aims to explore the issue of expiry labeling on processed food products from the perspectives of Islamic Law and Positive Law. The study employs a qualitative research method, specifically the juridical-empirical approach. Data sources include both secondary and primary data obtained through observation, interviews, and documentation. The findings reveal that the implementation of expiry labeling is still inadequate, primarily due to the failure of many household businesses to include expiry labels on their product packaging. Consequently, the government has made efforts to supervise the expiry labeling, as stipulated in Government Regulation No. 58 of 2001, which is enforced by governmental agencies, consumer protection organizations, and the general public. The supervision of food conducted by the National Agency of Drug and Food Control (BBPOM) encompasses four core monitoring activities: Pre-Market, Post-Market, Empowerment of the community and businesses through communication, information, and education, including providing guidance to businesses to enhance the competitiveness of their products, and Law enforcement through the functions of intelligence security, investigations aimed at eradicating crimes related to drugs and food. From the standpoint of Islamic law, the absence of expiry labeling could be seen as a violation of the principle of "hifdz an-nafs," which emphasizes the protection of life.

Keywords: Supervision, Expiry Labeling, Hifdz an-Nafs.

INTRODUCTION

Food is a fundamental human necessity, as it significantly influences human existence and survival (Wiwik Sri Widiarty, 2016). The growth of the economy has resulted in various variations of food produced by food producers, both large-scale industries and small-scale industries. Household industries are thriving and serve as one of the supporters of the local economy. This is evidenced by the creation of various types of processed food products, one of which is snacks. Household-produced snacks are widely marketed in small shops, traditional markets, and supermarkets (Ade Pratiwi Susanty, 2019). The label on the packaging of a product represents the 'minimum standard' that must be met or possessed by a particular good or service before it is traded. Accurate, honest, and responsible information provides a guarantee of safety to consumers, helping them avoid potential deceits and fraud (Asri Wahyu Thahara, 2013).



Islam instructs its Muslim followers to consume food that is halal and good. As a result, Muslims must constantly be vigilant and pay attention to how they acquire food and be cautious about the food they are about to consume. Muslims need to examine the composition of food, its permissibility, and its expiration date (Muhammad Iqbal, 2010). Consumer protection laws in Indonesia are grounded in legislation established by the government. Regulations regarding consumer protection are outlined in Law No. 8 of 1999, which specifies the obligations of business entities to include expiration dates on product packaging labels that are offered for sale, as stated in Article 8, paragraph (1). In reality, in the local market, numerous products packaged in plastics, boxes, and other materials are sold to consumers without indicating the expiration date on their packaging labels. Business operators tend to view this as less important or even unnecessary. Therefore, the need for factual, clear, and comprehensive information is crucial, and for business operators, the inclusion of these labels can offer legal protection and certainty (Aulia Rahman Hakim, 2020).

Household Food Industry, commonly referred to as PIRT, engage in traditional food in packaging or snacks, still have a substantial number of operators who do not include expiration dates on their product packaging (Khotimah, 2023). The government plays a vital role in efforts to establish legal protection for consumer rights. Regulations related to supervision and guidance are stipulated in Government Regulation No. 58 of 2001 regarding the Supervision and Guidance of Consumer Protection Implementation, where the guidance for consumer protection is carried out by the government to ensure the rights of consumers and business operators are observed and their respective obligations fulfilled. The supervision of consumer protection is conducted collectively by the government, the community, and the Community-Based Consumer Protection Agency (LPKSM), given the wide variety of goods and services circulating in the market and the vast expanse of Indonesia.

LITERATURE REVIEW

Supervision is the monitoring or examination of activities to ensure the achievement of goals set in advance. This means that through supervision, one can measure how far the results have been achieved in accordance with the planned objectives. (Sofyan Syafri Harahap, 2001) According to Terry, supervision is a process that involves defining standards for what needs to be achieved, determining the execution process, and making necessary improvements if needed, to ensure that the execution aligns with the standards (Hasibuan, 2001). The objectives of supervision are as follows: (1) Protecting consumers from the negative effects of using products and/or services available in the market that do not meet safety, security, health, and moral hazard requirements; (2) Raising public awareness as consumers of their rights and responsibilities when obtaining products and/or services available in the market; (3) Encouraging business operators to be honest, robust, and responsible in accordance with their rights and obligations; (4) Protecting domestic industries; (5) Promoting a healthy



business environment (Kelik Wardiono, 2014). To achieve the goals of supervision, there are stages in the supervision process, which include: (1) Setting standards; (2) Determining performance measurement; (3) Comparing performance with standards or analyzing deviations; (4) Taking corrective actions when necessary (T. Hani Handoko, 2009).

In terms of terminology, the concept of supervision in the Islamic literature can be found in the term "*hisbah*," which means *ibtisab*, signifying examining, managing, overseeing, preventing someone from committing wrongdoing, or receiving rewards similar to one who does good deeds to earn rewards from Allah. The practice of *hisbah* has been in place since the time of the Prophet and was followed during the era of the Rashidun Caliphs and subsequent Islamic governance. The Prophet Muhammad himself fulfilled the role of a market supervisor or *al-Hisbah*, which served as a reference for future generations, indicating the state's role in regulating the market (Neneng Nurhasanah, 2013). Based on Furkani's study, several functions of *Al-Hisbah* include: (1) Monitoring weights, measurements, and prices; (2) Supervising forbidden transactions, usurious practices, gambling, uncertainty, and fraud; (3) Overseeing the permissibility, health, and cleanliness of commodities; (4) Market regulation; (5) Resolving disputes and injustices; (6) Market intervention; (7) Imposing penalties for violations (Nurhasanah, 2013).

In the Islamic perspective, supervision is carried out to rectify what is not right, correct what is wrong, and affirm what is just. According to Hafifudhin in Tanjung, supervision in Islamic teachings is divided into two aspects: self-control originating from monotheism and faith in Allah SWT, and effective supervision can be achieved if it is delegated by leaders, with consideration for compliance in resolution and planning (Didin Hafidhuddin dan Hendri Tanjung, 2016). Moreover, in the context of food safety and quality, the concept of expiration is of significance. Expanding on this notion, it's worth noting that expiration can be defined as a time limit for consumption or use of a product that has been specified within a certain period on the packaging of manufactured products, which, when consumed, may pose a health hazard. (Qomaro & Nasrulloh, 2020) Moreover, it is important to consider that the concept of expiration, as defined by Minister of Health Regulation Number 180/Men.Kes/Per/IV/1985, pertains to the definitive limit of a food product's quality, ensuring its integrity when stored in accordance with the manufacturer's guidelines. The expiration date is typically indicated on the product's packaging with the inclusion of the day, month, and year. (Ahmadi Miru dan Sutarman Yodo, 2017)

In the realm of Islamic jurisprudence, scholars explore and define five fundamental elements to achieve well-being and prevent harm in this world and the Hereafter. These principles draw their roots from the Quran and the objectives of Sharia (maqasid syariah) (Ghofar Shidiq, 2009). The five elements are: *Hifz al-Din* (Protection of religion), *Hifz al-Nafs* (Protection of life), *Hifz al-Aql* (Protection of intellect), *Hifz al-Mal*



an-Nasl (Protection of lineage), and *Hifdz an-Mal* (Protection of wealth) (Amir Syarifuddin, 2006). Among these five elements, *Hifdz an-Nash* pertains to the effort to preserve life and requires fulfilling basic needs, such as food, to sustain life. *Hifdz an-Nafs*, in essence, involves preventing harm to one's soul and ensuring its preservation. (Khoirun Nasik dan Ahmad Musadad, 2020) Furthermore, the concept of preservation within the Islamic perspective can be divided into three distinct levels. First, *dlaruriyah* represents the fundamental or primary needs that are indispensable for human life. Second, the preservation of life at the *hajjiyat* level encompasses the necessities required by individuals to enhance their well-being and ease their daily lives, alleviating hardships and burdens associated with fulfilling these needs. Lastly, the preservation of life at the *tahsiniyat* level pertains to actions and requirements dictated by societal norms, a way of life, and a moral approach. This stage indicates that an individual has reached a point where they can meet needs that enhance their overall life satisfaction. (Abdul Helim, 2019)

In a regulatory context, Government Regulation of the Republic of Indonesia No. 58 of 2001 addresses the development and supervision of the implementation of consumer protection. This regulation serves as the execution of the provisions outlined in Article 29 and Article 30 of Law Number 8 of 1999 concerning Consumer Protection. Specifically, Government Regulation Number 58 of 2001 focuses on the development and oversight of consumer protection implementation. The responsibility for executing these measures rests with the government, and it is aimed at safeguarding the rights and obligations of consumers and business operators. (Qomaro, 2023) This task is undertaken by the relevant minister and/or government officials, with the implementation process coordinated to ensure consumer protection. (Rahayu Hartini, 2006) Government supervision, in this context, involves collective monitoring of consumer protection implementation and the enforcement of its regulations. Oversight is carried out by the public and relevant bodies on goods and/or services circulating in the market through research, testing, and/or surveys. The aspects of this supervision include gathering information about the risks associated with product usage, label placement, advertising, and other practices mandated by legal provisions and business customs. (Rahayu Hartini, 2006).

RESEARCH METHOD

This research employs a qualitative approach, specifically the juridical-empirical research, which involves the examination of secondary data obtained from theoretical foundations such as writings of experts or past-legislation (Sugiyono, 2017), Subsequently, primary data research is conducted to understand how the labeling of expiration dates occurs in the field, followed by an analysis based on Islamic Law and Government Regulation Number 58 of 2001 regarding the development and supervision of consumer protection implementation, with the aim of uncovering the actual state of affairs or real conditions that have occurred in society (Zainudin Ali, 2015) Data



collection methods include observation, interviews, and documentation (Sugiyono, 2017). Furthermore, an analysis is conducted on data with common characteristics from the observed events, leading to specific conclusions (Lexy J. Maleong, 2014).

RESULT

Government Regulation Number 58 of 2001 in Indonesia addresses the obligations of business operators concerning product labeling. Article 8, paragraph (1) of Law Number 8 of 1999 on Consumer Protection stipulates that business operators are prohibited from producing and/or trading products and/or services without indicating the expiration date or the period of use. They are also required to include other essential information on their labels, such as the product name, size, weight or quantity, composition, instructions for use, manufacturing date, business operator's name and address, and other relevant details. Some home-based business operators partially comply with these regulations, as they include their business name, product type, production address, permit number, and contact information on their product labels. However, some of them fail to include the production code, composition, and expiration date. Information about the production code and expiration date is crucial for consumers as it ensures the safety and quality of the products they are purchasing. The expiration date is essential to inform consumers about the product's shelf life. Without it, food products may deteriorate, posing potential health risks. In terms of consumer protection, various stakeholders play a role in Indonesia, including the government, Community-Based Consumer Protection Institution, business operators, consumers, the general public, and academics. The government establishes regulations on consumer protection in Government Regulation Number 58 of 2001, focusing on development and oversight. Oversight activities, including inspections and testing, are carried out by government agencies, community-based consumer protection institutions, and the general public. The National Agency of Drug and Food Control, the Department of Industry and Trade, and the Technical Implementation Unit for Consumer Protection are government bodies responsible for overseeing the distribution of expired food products in Indonesia. The National Agency of Drug and Food Control Surabaya, in particular, covers 27 regencies and cities, with 462 districts and 22,101 production facilities for drugs and food. Their supervision involves four core activities: pre-market inspections to ensure products meet safety and quality standards before circulation, post-market monitoring to sample and test products, community empowerment through information and education, and law enforcement through intelligence and investigation to combat food and drug-related crimes. Enforcement actions range from warnings and confiscation to the revocation of circulation permits. In criminal cases, legal action is taken against violators. (BBPOM Surabaya, 2023)

Supervision of expired food products is not solely carried out by The National Agency of Drug and Food Control. The Technical Implementation Unit (UPT) for



Consumer Protection also plays a role in overseeing expired foods. UPT's supervision focuses on assessing the general quality of products in circulation. One of the aspects under scrutiny is the labeling and packaging of these products. This supervision aims to provide a sense of security and comfort to consumers when using and consuming these items. UPT's supervision mechanism consists of two systems: online and offline. In the online system, UPT staff monitors products available on various online marketplaces such as Facebook, Instagram, TikTok, Shopee, Tokopedia, and more. This monitoring includes: (1) Monitoring: UPT for Consumer Protection assesses online products against specific criteria, product descriptions, standards for product circulation, and the accuracy of labels and product information, ensuring their compliance with relevant regulations. (2) Inspection: Following monitoring, UPT for Consumer Protection conducts online product inspections to ensure their adherence to established standards. (3) Education and Action: If products fail to meet the required standards, UPT for Consumer Protection takes further action. They initiate online communication with the business operators, providing education and informing them about the shortcomings in their products. Operators are given the chance to rectify their sales practices. However, if a business disregards three consecutive warnings, UPT for Consumer Protection reports the case to the Ministry of Trade for blocking the sales link. It's important to note that UPT for Consumer Protection focuses on guidance rather than punitive measures. Typically, after receiving a warning letter, business operators are willing to make the necessary improvements, avoiding a sales link block. (Praseryo, 2023).

In offline supervision, UPT for Consumer Protection mobilizes three team members to monitor conditions on the ground. This supervision is carried out regularly each day, depending on the location specified for each district. UPT for Consumer Protection follows the procedures as specified in Article 11 of Regulation No. 69 of 2018 concerning Circulating Goods, which includes three types of supervision: (1) Periodic supervision; (2) Special supervision; and (3) Integrated supervision. (Mintoro, 2023) Supervision of expired food labeling at the district level can be carried out by the District Industry and Trade Office. It conducts oversight of expired products, often in conjunction with other authorities such as the Health Office, The National Agency of Drug and Food Control, local governments, the District Head, and the local police, especially in large stores. This supervision usually intensifies around major religious holidays. (Pancawati, 2023)

Community-Based Consumer Protection Institutions (LPKSM) are non-governmental organizations specializing in consumer protection. They operate independently and without affiliation to any government or specific company. LPKSM's primary role is to safeguard consumers' rights and prevent business practices that harm consumers. They can significantly contribute to protecting consumers' rights and advocating for consumer interests at the local and national levels. The supervision of food products without expiration date labeling is not limited to government agencies and LPKSM alone; consumers also play a significant role in this process. Before



purchasing a product, consumers are advised to be meticulous and thorough in their product selection. This vigilance is crucial to prevent potential harm to consumers. Consumers can investigate, test, and survey food products available in the market. This proactive role of the public enhances the effectiveness of product quality control and supervision.

DISCUSSION

Processed food without expired labels is a problem that is often encountered in society. According to data from the Food and Drug Supervisory Agency (BPOM), throughout 2021, 41,036 processed food products were found that did not meet the requirements, either because they were expired, damaged or without a distribution permit. (Katadata, 2021) This certainly has the potential to endanger consumers' health, because expired processed food can contain pathogenic microorganisms, toxins or dangerous chemicals that can cause poisoning, infection or chronic disease. (Smartlegal, 2021) Processed food businesses, both home and large-scale industries, must be responsible for placing expiration labels on their products. This is an obligation regulated in Law Number 8 of 1999 concerning Consumer Protection, which states that every product traded must include correct, clear and honest information regarding the condition and guarantee of the product. If business actors violate this provision, they may be subject to administrative, criminal or civil sanctions. (Smartlagal, 2021)

Home-based business operators produce various packaged processed food products, including banana chips, cassava chips, bote chips, crackers, cookies, traditional herbal drinks (jamu), and more. The majority of these products do not include expiration dates on their packaging. Within the framework of the *maqāṣid al-sharī'ah* (objectives of Islamic law), it is prohibited to consume expired food, as it pertains to the essential needs (*ḍarūriyyāt*). Fundamental needs, in the context of realizing well-being in this world and the hereafter, are divided into five basic elements: the preservation of religion, life, intellect, lineage, and property. However, the most crucial well-being related to food products is the protection of life (*Ḥifẓ al-Nafs*). The concept of *Ḥifẓ al-Nafs* is closely tied to fulfilling human needs for food, including basic necessities (*al-ḍarūriyah*), necessities (*al-ḥājīyah*), and improvements (*al-taḥsīniyah*).

In the context of expired food, the principle of *Ḥifẓ al-Nafs* can be explained as follows: (1) In basic necessities (*al-ḍarūriyah*), food is a fundamental requirement for survival. In this context, *Ḥifẓ al-Nafs* urges individuals to protect and preserve their lives by refraining from consuming expired food. Expired food can lead to various health issues and food poisoning, endangering an individual's well-being and life. Thus, paying close attention to expiration dates on food items and avoiding the consumption of products that have passed their expiration date is highly important. (2) The principle of *Ḥifẓ al-Nafs* in this context emphasizes protecting and preserving life by selecting and consuming fresh, non-expired food. Observing expiration dates, the condition of



packaging, and signs of food spoilage is crucial to ensure that the food consumed is safe and poses no harm to health. (3) At all levels of these needs, the principle of *Hifz al-Nafs* encourages individuals to safeguard and protect their lives through careful food consumption. The concept of *taḥsīnīyah* enhances the two preceding levels by emphasizing pleasure and aesthetics. By safeguarding and protecting lives through the selection of safe, nutritious, and quality food, individuals can maintain their health and balance in life.

The inclusion of expiration dates on packaged processed food products fulfills the needs of necessities (*al-ḥājīyah*). Adding expiration dates serves to provide protection and convenience, eliminating difficulties in people's lives. However, many business operators have not yet incorporated expiration labels on their product packaging. The inclusion of expiration dates is seen as essential information that must be known by consumers to ensure their protection. For food products lacking expiration dates, there is a concern that consuming them may be hazardous to consumers. The implementation of product quality assurance, in compliance with standards and regulations, aims to provide safety, comfort, security, and product certainty for consumers. Consumers who consume potentially unsafe food could endanger their well-being, as this could lead to health issues. Protecting life can be realized by consumers who also pay attention to the safety and nutritional content of their food. By consuming food products with assured quality, they indirectly help individuals meet their right to preserve life. Therefore, some business operators, violate the principle of *Hifz an-Nafs*, which aims to protect and preserve lives. By avoiding expired food, the health and quality of life of individuals are safeguarded. Islam does not rule out the possibility that the production of a particular product and/or service should consider for whom the product is produced and determine what the business operator will produce. This aligns with the concept of *maslaha*, which is a goal within the framework of *maqāṣid al-sharī'ah*.

There are several things that consumers can do to be more selective and careful in buying and consuming processed food, including: 1) Read product labels carefully, including production date, expiration date, distribution permit, composition and other information. If a product does not include a label or the label is not clear, it should not be purchased or consumed; 2) Check the physical condition of the product, such as color, aroma, texture and packaging. If a product has changed color, smells bad, is moldy, slimy, or the packaging is leaking, torn, or swollen, it should not be purchased or consumed; 3) Store the product according to the instructions on the label, for example in the refrigerator, in a dry place, or in a cool place. This can extend the shelf life of the product and prevent the growth of microorganisms; 4) Avoid products that are sold at low prices or at big discounts without a clear reason, because it is possible that the product is nearing or past its expiration date; 5) Report products that do not meet the requirements to the authorities, such as BPOM, the Trade Service, or the police, so that they can be followed up in accordance with applicable law.

CONCLUSION

The labeling of expiration dates on packaged processed food products is not being implemented correctly. This is because many home-based business operators still do not include expiration date labels on their product packaging. This practice is in violation of Article 8 of Law No. 8 of 1999 concerning consumer protection, which outlines the obligations of business operators.

The procedures for monitoring the labeling of expiration dates on packaged processed food products from the perspective of Government Regulation Number 58 of 2001 are carried out by various entities, including the government, self-regulated consumer protection organizations, and the community. The National Agency of Drug and Food Control, the Department of Industry and Trade, and the Technical Implementation Unit for Consumer Protection are government agencies with roles in overseeing the circulation of expired food products. The National Agency of Drug and Food Control conducts four core monitoring activities: Pre-Market, Post-Market, community and business empowerment through communication, information, and education, and law enforcement through intelligence security functions. The Technical Implementation Unit for Consumer Protection conducts both online and offline monitoring. However, the Department of Industry and Trade has noted that some districts do not have self-regulated consumer protection organizations, which hampers effective monitoring. The community plays an active role in surveillance, as they are directly involved in the buying and selling process, thereby enhancing the effectiveness of monitoring and quality control.

From the perspective of Islamic law, the monitoring of labeling for expiration dates on packaged processed food products has violated the principle of *Ḥifẓ al-Nafs*, which is one of the essential elements of *maqāṣid al-sharīʿah*, aiming to protect and preserve life. The inclusion of expiration date labels on packaged processed food products fulfills a necessity (*ḥājīyat*) need, providing protection and convenience that eliminates difficulties in human life.

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