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Deconstruction of Hierarchical Liability and Harmonization of Sanctions in Consumer Protection against Expired Food Products

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ABSTRACT

The circulation of expired food products poses risks to public health because legal subjects are not clearly defined, supervision remains fragmented, and food safety violations are often confined to civil dispute resolution. This study analyzes the hierarchical legal liability of business actors within the food supply chain and formulates a sanctions harmonization model to strengthen consumer protection. It uses normative juridical research with statutory, conceptual, and analytical approaches. The findings show that liability must be allocated according to each actor's function in the supply chain. Producers are responsible for quality, labeling, and expiry dates from the production stage onward. Distributors are required to exercise due diligence in storage and circulation. Retailers and actors engaged in trading through electronic systems must ensure that products offered to consumers have not expired. In the recovery context, consumer compensation should not be limited to the administrative authority of the Consumer Dispute Settlement Agency but should also be linked to sectoral food law instruments that do not expressly provide a maximum nominal limit. In the criminal law context, Law Number 18 of 2012 remains the principal sectoral basis for the manipulation of expiry dates. However, its limited sanctions require harmonization with the regime under Law Number 8 of 1999 when the elements of the offense are independently proven. This study concludes that consumer protection against expired food products requires layered, proportionate, and integrated sanctions.

Keywords: *Consumer Protection; Expired Food Products; Hierarchical Liability; Sanctions Harmonization; Supply Chain.*

INTRODUCTION

The dynamics of free trade create challenges for the certainty of public consumption safety, particularly because food products that have exceeded their expiry dates are still found in circulation. Weaknesses in the supervisory system allow unfit products to be found at various stages of distribution. Empirical findings show a high intensity of illegal, damaged, and non-compliant packaged food products that do not meet consumption eligibility standards (BPOM, 2024). This condition poses risks to public health and demonstrates low compliance among some commercial entities across distributors, e-commerce, and traditional retail sellers (Sunantri, 2024). In fact, the state already has normative instruments for protection under Law Number 8 of 1999 and Law Number 18 of 2012¹.

The position of consumers in commercial transactions is generally weaker than that of business actors who control information, production, distribution, and product promotion. Shidarta (2004) explains that the imbalance in bargaining position between consumers and business actors can create vulnerability to manipulation that violates the principle of distributive justice. This vulnerability increases in digital transactions because consumers often lack sufficient capacity to verify data security, the accuracy of product information, and the eligibility for consumption of goods offered through electronic systems. Kharisma et al. (2025) argue that digital transactions still face

¹Law Number 18 of 2012, as amended several times, lastly by Article 622 section (1) letter aa and section (19) of Law Number 1 of 2023.

a protection gap due to low consumer literacy regarding product information. Therefore, the protection of the public from expired food products cannot be regarded merely as a matter of private compensation. It is directly connected to the fulfillment of consumers' fundamental rights to the safety and security of consumption.

The national normative system has regulated preventive and enforcement instruments through sectoral legislation and technical regulations under the authority of the Indonesian Food and Drug Authority (*Badan Pengawas Obat dan Makanan/ BPOM*). Ibrahim (2024) emphasizes that the competent authority is responsible for conducting preventive and repressive supervision of food safety to ensure that product quality in the market is maintained. However, the effectiveness of this legal framework still faces implementation challenges, particularly in modern retail and electronic commerce (Disemadi & Nadia, 2021; Poernomo et al., 2026). The discrepancy between norms and implementation provides opportunities for business actors to avoid legal liability. Such avoidance may occur due to weak distribution supervision, unclear identification of legal violators, or limitations in administrative mechanisms.

The failure of law enforcement in food safety is also related to weaknesses in the specific determination of liability. The term "business actor" is often used without distinguishing among the functions of producers, distributors, retailers, and actors engaged in electronic commerce. Each subject has distinct legal obligations according to its position in the supply chain. Sidabalok (2022) provides a conceptual basis for distinguishing these legal obligations based on the functions of producers, distributors, and retailers. A hierarchical allocation of liability is necessary to prevent business actors from shifting liability when contaminated food is found in market circulation.

Another problem lies in the tendency to treat the circulation of expired food products as a civil dispute. This perspective risks narrowing food safety issues into matters of individual compensation. In fact, expired food products may cause health losses affecting many consumers and require effective state action. Modjo et al. (2023) affirm that business actors are required to provide compensation for damage caused by the goods they trade. Meanwhile, Pound (1959) provides the theoretical basis for the view that law can function as an instrument of social engineering to shape business actors' compliance with public interests. Accordingly, the settlement of food safety violations must be guided by a layered model that combines the recovery of consumer rights, administrative measures, and criminal punishment, based on proof of the elements of the offense.

Previous literature shows that discussions on expired food products tend to remain partial. Wibowo (2025) identifies weaknesses in the harmonization of sectoral regulations in the implementation of administrative sanctions. Other studies on the circulation of expired food tend to classify it as a hidden economic crime addressed

through product seizure or institutional intervention. These studies have not yet connected the in-depth circulation of expired food products to the reconstruction of hierarchical liability and the strengthening of a layered sanctions model ([Saputra et al., 2023](#); [Poernomo et al., 2026](#)). This gap demonstrates the need for an analysis that does not stop at identifying violations. The analysis must continue to examine the relationship between violating subjects, recovery instruments, administrative sanctions, and criminal sanctions.

Based on this gap, this study offers a novel approach to constructing a hierarchical liability framework for business actors in the food supply chain, which is then linked to a model for harmonizing administrative and criminal sanctions in consumer protection. This study is not intended to disregard the applicability of the existing sectoral food law norms. It evaluates the adequacy of the legal protection provided by those norms and proposes strengthening the consumer protection regime for the future. Accordingly, Article 141 and Article 143 of Law Number 18 of 2012 remain objects of positive law analysis. Meanwhile, Article 62 of Law Number 8 of 1999 is positioned as a parameter for strengthening sanctions when the elements of a violation of Article 8 of the Law are independently proven.

This study aims to analyze the legal liability of business actors at different stages in the circulation of expired food products and to formulate a model for harmonizing administrative and criminal sanctions to strengthen consumer protection. Theoretically, this study is expected to contribute to the development of consumer protection law, food law, and economic criminal law. In practice, this study is expected to provide recommendations for supervisory authorities, law enforcement agencies, and policymakers on designing proportionate, measurable, and effective enforcement against business actors who circulate expired food products.

METHOD

This study employs normative juridical research to evaluate and reformulate the legal framework for business actors' liability in the circulation of expired food products ([Qamar & Rezah, 2020](#)). The approaches used include the statutory, conceptual, and analytical approaches ([Disemadi, 2022](#)). The statute approach is used to examine the relationship among the norms of Law Number 8 of 1999, Law Number 18 of 2012, and technical labeling regulations. The conceptual approach is used to analyze product liability, hierarchical liability within the supply chain, and the relationship between administrative and criminal sanctions. The analytical approach is used to evaluate the effectiveness of norms in providing legal protection and to formulate a prescriptive model of consumer protection.

The research materials were collected through a literature study of primary and secondary legal materials. The primary legal materials include the 1945 Constitution, Law Number 8 of 1999, Law Number 18 of 2012, Government Regulation Number 69 of 1999, and BPOM Regulation Number 31 of 2018². The secondary legal materials consist of scholarly literature, legal doctrines, previous research, and academic publications relevant to consumer protection, food safety, product liability, and supervision of the circulation of expired food. All materials were systematically inventoried to ensure the accuracy of the argumentative basis (Sampara & Husen, 2016).

The legal materials were analyzed qualitatively and normatively through a layered analysis (Tan, 2021). The first stage is directed at affirming the position of consumers' right to food safety as a fundamental right requiring state protection. The second stage analyzes the allocation of liability among business actors based on the functions of producers, distributors, retailers, and actors engaged in trading through electronic systems. The third stage evaluates the relationship between recovery of consumer losses, administrative sanctions, and criminal sanctions. At this stage, this study clearly distinguishes product liability and administrative liability, which may ease the consumer's evidentiary burden, from criminal liability, which still requires proof of the elements of the offence and fault. The results of the analysis are then formulated into a prescriptive, proportionate model for sanctions harmonization aimed at strengthening legal protection for consumers.

RESULTS AND DISCUSSION

A. The Fundamental Position and Fulfillment of Consumers' Rights to the Safety of Expired Food Products

The dynamics of free markets place consumers in a vulnerable position when dealing with business actors who control product information, production, distribution, and promotion. This imbalance may lead to exploitative practices, including the circulation of expired food products that consumers are unaware of at the time of the transaction. Shidarta (2004) explains that the imbalance in bargaining position between consumers and business actors violates the principle of distributive justice because economically stronger parties may influence consumers' transactional choices. In the context of food products, this imbalance becomes more serious because consumers face not only the risk of economic loss but also risks to their health. Therefore, legal instruments must be applied to balance the parties' positions and ensure that business actors do not place commercial interests above consumer safety.

²BPOM Regulation Number 31 of 2018, as amended several times, lastly by BPOM Regulation Number 6 of 2024.

Food safety cannot be reduced to a private commodity. The right to safe food is related to the right to maintain life and the right to a good living environment as guaranteed under Article 28A and Article 28H section (1) of the 1945 Constitution. In the consumer protection regime, this right is elaborated through Article 4 letter h of Law Number 8 of 1999, which grants consumers the right to obtain compensation, damages, and/or replacement when goods received are not in accordance with the agreement or are not as they should be. This provision shows that recovery of consumer losses is not merely the provision of relief, but part of a legal mechanism to restore the rights of injured consumers. [Lature \(2021\)](#) emphasizes the importance of consumers' access to justice so that such rights do not remain merely declaratory norms. Accordingly, the protection of safe food products must be understood as a combination of rights protection, loss recovery, and state supervision.

The consequence of recognizing this right is the obligation of business actors to guarantee the quality and safety of goods produced or traded. Article 7 letter d of Law Number 8 of 1999 requires business actors to guarantee the quality of goods in accordance with applicable quality standards. Article 7 letter f of the Law requires business actors to provide compensation, damages, and/or replacement for losses caused by the use of traded goods. At the same time, Article 19 section (1) of the Law affirms the liability of business actors to provide compensation for damage, contamination, and/or consumer losses caused by goods produced or traded. In the context of the recovery of consumer losses, this construction may be understood as a form of product liability that eases the consumer's burden of claiming compensation. [Saleh et al. \(2023\)](#) explain that the application of business actor liability strengthens the recovery process for consumers injured by defective goods. [Rahmawati \(2021\)](#) and [Syaidah et al. \(2024\)](#) also affirm that compensation for defective products is an important instrument for preventing ongoing consumer losses.

The guarantee of food product safety depends heavily on the transparency of information, particularly information on expiry dates. Labeling is not merely an administrative formality. It is the primary means through which consumers make safe purchasing decisions. [Sinaga and Simanungkalit \(2019\)](#) show that reading nutrition information labels is related to consumers' ability to understand product information. [Islamiati and Sumarmi \(2023\)](#) also emphasize the importance of knowledge and habits of reading nutrition information in shaping safer consumption decisions. In this context, the inclusion of an expiry date forms part of the informational obligation that must not be manipulated. When an expiry date is not included, is concealed, or is manipulated, consumers lack the information needed to assess a product's consumption eligibility and health risks.

Article 8 section (1) letter g of Law Number 8 of 1999 prohibits business actors from producing and/or trading goods that do not include an expiry date or the best-use period for certain goods. This norm is appropriate for assessing violations when a product lacks an expiry date. However, when a product already includes an expiry date but continues to be circulated after that date has passed, the more direct norm is Article 90 section (1) and section (2) letter f of Law Number 18 of 2012, which classifies expired food as contaminated food. This norm is also related to Article 28 of Government Regulation Number 69 of 1999, which prohibits the sale of food that has exceeded the expiry date, month, and year stated on the label. This distinction is important to prevent the analysis from generalizing all violations involving expired food products under a single legal basis.

Compliance with labeling and quality standards is also related to product competitiveness. [Putri and Andarini \(2022\)](#) show that halal labels, BPOM labels, and expiry dates influence consumers' purchase intention. [Hasanah and Ibrahim \(2023\)](#) emphasize that product quality and competitiveness are important factors in facing international markets. [Hermana et al. \(2024\)](#) and [Syaidah et al. \(2024\)](#) also highlight the importance of business actors' readiness to meet the demands of free trade standards. Accordingly, compliance with food safety standards is not only a legal obligation but also part of business governance, as it determines the reputation of business actors. Business actors who disregard expiry dates not only harm consumers but also weaken public trust in products circulating in the market.

Based on the foregoing discussion, this section affirms that consumers' rights to safe food products have constitutional, consumer-protection, and sectoral food-law bases. Legal protection must not be limited to private compensation but must be placed within a broader construction of recovery and prevention. However, the use of legal instruments must be precise by distinguishing products that do not include an expiry date, products that have exceeded their expiry date, and products whose expiry dates have been manipulated. This distinction provides the basis for analyzing the hierarchical liability of business actors within the supply chain.

B. Deconstruction of the Hierarchy of Legal Liability of Business Actors in the Food Supply Chain

The general use of the term "business actor" is insufficient to identify the party that must be held liable when expired food products are found in circulation. In practice, producers may shift liability to distributors. Distributors may shift liability to retailers. Retailers may shift liability to suppliers. This condition underscores the need for a hierarchical analysis of legal liability based on each

subject's function within the supply chain. [Sidabalok \(2022\)](#) provides a basis for understanding business actor liability through the functions of producers, distributors, and retailers. This separation is important so that liability does not stop at a general term but can be traced based on the control function of each business actor over the product.

At the first level, producers are upstream actors who determine the composition, quality, packaging, and information on food product labels. Producers are obligated to guarantee the quality of goods under Article 7 letter d of Law Number 8 of 1999 and are required to provide compensation for consumer losses under Article 7 letter f of this Law. Producers are also bound by the prohibition under Article 8 section (1) letter g of the Law when products produced or traded do not include an expiry date. In the food context, producers' obligations become more stringent because food that has exceeded its expiry date is classified as contaminated food under Article 90 section (2) letter f of Law Number 18 of 2012. [Trijayanti and Gani \(2023\)](#) show that the marketing policy for unhealthy food requires stronger supervision. Accordingly, producers may still be held legally liable when incomplete information or non-conformity with food quality standards has existed since the production stage.

At the production and packaging levels, violations that carry a high degree of risk occur when business actors manipulate expiry dates. Article 99 of Law Number 18 of 2012 prohibits every person from removing, revoking, covering, replacing labels, relabeling, and/or changing the date, month, and year of expiry of food in circulation. The same prohibition is also affirmed in Article 69 of BPOM Regulation Number 31 of 2018. This norm shows that the manipulation of expiry dates is not merely administrative negligence but an act that alters information about consumption safety. [Vinola et al. \(2021\)](#) affirm that legal protection for consumers requires continuous supervision of the circulation of expired food. Therefore, label manipulation must be classified as a serious violation because it undermines consumers' ability to objectively assess the consumption eligibility of products.

At the second level, distributors serve as intermediaries between producers and retailers. Distributor liability lies in storage, transportation, stock management, and ensuring that distributed products remain fit for circulation. Distributors cannot rely on the argument that products originate from producers when they have the opportunity to inspect the circulation period, packaging condition, and storage eligibility. [BPOM \(2024\)](#) records a high number of findings of illegally packaged or expired food in various regions. These findings show that the distribution stage is an important part of food supervision. When distributors continue to distribute expired products, they do not merely act as passive

intermediaries but also become part of the circulation of products that endanger consumers.

Weaknesses in distribution supervision often occur in traditional markets, warehouses, and seasonal distribution. [Kurniawan et al. \(2025\)](#) examine BPOM's law enforcement efforts against the trade in expired food products in traditional markets. [Salamah and Dewi \(2023\)](#) also show the practice of circulating expired products in commercial parcel packages. These phenomena demonstrate that violations do not always arise from a single act of negligence but may also result from distribution mechanisms that exploit limited supervision. Therefore, distributors must be positioned as subjects with a duty of due diligence over the products they distribute, especially when those products are at risk of being circulated to consumers in large quantities.

At the third level, retailers are subjects at the stage of direct sales to consumers. Retailers are responsible for ensuring that products displayed or offered have not expired. Article 28 of Government Regulation Number 69 of 1999 expressly prohibits the trading of food that has exceeded the date, month, and year of expiry as stated on the label. [Sunantri \(2024\)](#) shows that unfit products are still found in various sales channels. [Disemadi and Nadia \(2021\)](#), [Gubtung et al. \(2023\)](#), and [Poernomo et al. \(2026\)](#) also show that consumer protection in retail and digital spaces continues to face challenges. Accordingly, retailers may be held legally liable for continuing to offer expired food products to consumers.

The development of electronic commerce expands the issue of retailer liability. Platforms for trading via electronic systems provide a means to offer products to many sellers, making supervision of product information increasingly complex. [Kharisma et al. \(2025\)](#) show that a consumer protection gap exists in digital transactions. [Putra \(2024\)](#) also discusses the challenges of consumer protection in relation to digital products and electronic commerce transactions. In the context of expired food products, operators engaged in trading through electronic systems must be included on the regulatory reform agenda. This agenda is particularly related to the obligation to curate information, block non-compliant products, and provide consumer complaint mechanisms. However, because the primary legal materials in this study are centered on Law Number 8 of 1999, Law Number 18 of 2012, Government Regulation Number 69 of 1999, and BPOM Regulation Number 31 of 2018, the direct liability of platforms must be formulated cautiously as a direction for strengthening regulation rather than as a claim standing without a specific legal basis.

[Yanti and Mahadewi \(2023\)](#) affirm the need for consumer protection against the circulation of expired goods in electronic commerce. Therefore, platform

operators cannot be entirely excluded from liability assessment when their systems allow expired food products to be offered openly. However, the imposition of liability on platforms must be formulated based on clear parameters. These parameters may include actual knowledge of non-compliant products, negligence in responding to consumer complaints, or the absence of a mechanism to verify expiry date information. Under this model, platform liability can still be developed without disregarding the need for a more specific legal basis.

This hierarchical deconstruction shows that the liability of business actors must be distinguished based on their control function over products. Producers are liable for initial quality, labeling, and expiry information. Distributors are liable for storage, transportation, and product eligibility before the products reach retailers. Retailers are liable for products offered directly to consumers. Actors engaged in trading through electronic systems must be directed toward a liability model based on system oversight and complaint responses. This mapping prevents the improper shifting of legal liability and provides the basis for the following discussion on the harmonization of administrative and criminal sanctions.

C. Harmonization of Administrative and Criminal Liability to Prevent the Transfer of Sanctions

The settlement of the circulation of expired food products is inadequate when it is understood solely as a civil dispute. Non-litigation mechanisms may facilitate recovery in certain cases, but they have limitations in addressing violations that pose broad risks to public health. [Novriansyah and Usdeldi \(2024\)](#) show that dispute settlement through alternative mechanisms may face obstacles regarding agreement and implementation effectiveness. [Wahyulina and Chrisdanty \(2018\)](#) explain that the Consumer Dispute Settlement Agency still faces substantive and institutional capacity problems. [Mahfudzi et al. \(2024\)](#) also highlight the issue of legal certainty of the Consumer Dispute Settlement Agency as an alternative dispute settlement institution. Therefore, consumer protection against expired food products must be embedded in a model that does not rely solely on private settlement but also optimizes administrative supervision and criminal enforcement when the legal elements are met.

In the context of loss recovery, Article 60 section (2) of Law Number 8 of 1999 regulates an administrative sanction in the form of compensation determined by the Consumer Dispute Settlement Agency in a maximum amount of IDR 200 million. This norm must be interpreted precisely as a limitation on the administrative authority of the Consumer Dispute Settlement Agency, not as the maximum limit for all forms of recovery of consumer losses. This nominal limitation may be inadequate when actual consumer losses include health costs, lost income,

or losses incurred by many consumers. [Modjo et al. \(2023\)](#) explain that business actors bear liability for damage caused by products they trade. Therefore, Article 60 of Law Number 8 of 1999 is important to evaluate not because the norm must be disregarded, but because the effectiveness of its recovery function is limited in cases causing broad losses.

As a sectoral instrument, Article 94 section (2) of Law Number 18 of 2012 regulates administrative sanctions, including fines, temporary suspension of activities, withdrawal of food from circulation by producers, compensation, and/or license revocation. This provision does not expressly provide a maximum nominal limit for compensation. The absence of such a maximum limit allows recovery claims that are more proportionate to actual losses, provided they are proven in accordance with applicable legal procedures and remain subject to the principle of proportionality. [Muthiah \(2017\)](#) and [Mahayani et al. \(2022\)](#) affirm that the liability of business actors for defective goods must be directed toward effective consumer recovery. [Aprinelita \(2021\)](#) also shows the importance of legal protection for consumers from expired food products. Accordingly, Article 94 of Law Number 18 of 2012 may be used to strengthen administrative recovery, but it must not be interpreted as providing unlimited compensation in an absolute sense.

The administrative dimension does not end with compensation. Government Regulation Number 69 of 1999 and BPOM Regulation Number 31 of 2018 provide the basis for administrative measures against violations of labeling and food circulation. Article 61 of Government Regulation Number 69 of 1999 contains administrative measures in the form of written warnings, temporary prohibition of distribution, orders to withdraw products from circulation, destruction of food if proven to endanger human health and life, temporary suspension of production, fines, and revocation of production licenses or business licenses. Article 71 of BPOM Regulation Number 31 of 2018, also provides administrative sanctions in the form of temporary suspension of activities, withdrawal of food from circulation by producers, and/or license revocation. [Ibrahim \(2024\)](#) emphasizes the importance of BPOM's role in overseeing the recall of expired food and beverage products. [Nandiva \(2023\)](#) and [Yoseva \(2024\)](#) also show that supervision and sudden inspections may play an important role in enforcing compliance among business actors.

However, the use of administrative sanctions must still be based on the degree of violation. Minor violations may be addressed through warnings, label correction, or temporary suspension. Violations that cause expired food products to circulate may be addressed through product withdrawal, administrative fines, and compensation when losses are proven. Violations that cause broad health risks

may be subject to stricter measures, such as suspension of activities or license revocation in accordance with applicable legal procedures. Meanwhile, intentional manipulation of expiry dates requires a criminal law response because it alters consumption safety information and deprives consumers of access to accurate information. This graduated model maintains a balance between legal protection for consumers and the principle of proportionality.

Weak administrative enforcement often results from a lack of integrated cross-sectoral supervision. [Wibowo \(2025\)](#) shows that consumer protection regulations may appear normatively adequate but remain weak in implementation due to insufficient harmonization. [Sianturi et al. \(2020\)](#) also highlight the issue of consumer protection against the circulation of expired food. [Saputra et al. \(2023\)](#) regard the circulation of expired food as a hidden crime, whereas [Latemmamala and Fachri \(2026\)](#) emphasize the importance of reconstructing liability and allocating authority to prevent mass poisoning. Therefore, harmonization of sanctions must not be understood merely as the addition of types of punishment. It must be understood as the alignment of supervisory, recovery, and enforcement authority to ensure that the transfer of liability does not harm consumers.

In the criminal law context, the analysis must begin by acknowledging that Law Number 18 of 2012 is the principal sectoral basis for expired food. Article 141 of the Law regulates criminal punishment for trading in food that is inconsistent with the food safety and quality stated on the food packaging label. However, Article 141 section (2) and section (3) of the Law contain an exception to the imposition of criminal sanctions for violations committed by business actors with low-risk or medium-risk businesses, which are then transferred to administrative sanctions. This provision must be evaluated because it may weaken the preventive function of criminal law norms if it is applied broadly to the circulation of food that affects consumer safety. Criticism of Article 141 of Law Number 18 of 2012 does not constitute a rejection of its applicability but an assessment of the adequacy of the protection provided by that norm.

Article 143 of Law Number 18 of 2012 is the most specific sectoral norm concerning the manipulation of expiry dates. This article provides sanctions against every person who intentionally removes, revokes, covers, replaces labels, relabels, and/or changes the date, month, and year of expiry of food in circulation as referred to in Article 99 of the Law. Because it specifically regulates the act, Article 143 of the Law should not be treated as a norm that can be absolutely abandoned. This article must be recognized as the principal basis for assessing acts of expiry date manipulation under positive law. However, the criminal sanction of imprisonment for up to two years under that article may be evaluated in terms of

preventive effectiveness, particularly when the act is committed systematically by business actors on a large scale and poses public health risks.

Within this construction, Article 62 section (1) of Law Number 8 of 1999 is not positioned as a direct substitute for Article 143 of Law Number 18 of 2012. Article 62 of Law Number 8 of 1999 serves as an instrument to strengthen the consumer protection regime when the elements of a violation of Article 8 of this Law are independently proven. Article 62 of the Law provides criminal sanctions against business actors who violate Article 8 of this Law, including prohibitions on trading goods that do not bear an expiry date. [Darmawan \(2024\)](#) explains the importance of accurately interpreting the elements of criminal offenses in violations committed by business actors. Accordingly, the use of Article 62 Law Number 8 of 1999 must remain subject to the principle of legality, the elements of the offence, and proof of fault. The relevance of Article 62 of the Law in this study lies in its function as a parameter for strengthening sanctions in the consumer protection regime, not as a basis for disregarding sectoral food law norms.

Article 19 section (4) of Law Number 8 of 1999 must also be interpreted carefully. This provision states that the granting of compensation does not preclude criminal prosecution based on further evidence of fault. This means that the fulfillment of compensation does not preclude the application of criminal law instruments, but it also does not mean that criminal punishment must always be imposed in every violation. [Maileni \(2014\)](#) explains that product liability has dimensions related to consumer recovery and the liability of business actors. [Purwito \(2023\)](#) also shows that legal protection for consumers and the liability of business actors must be understood comprehensively. Therefore, criminal punishment must be placed as a stage of liability when the elements of the offense, fault, and the degree of danger of the act are proven.

The harmonization model proposed in this study includes four components. The first component is the recovery of consumer losses through product liability compensation. The second component comprises administrative measures, including product withdrawal, temporary suspension, destruction, fines, or license revocation, depending on the severity of the violation. The third component concerns sectoral criminal punishment under Law Number 18 of 2012, particularly in cases of expiry date manipulation. The fourth component is the strengthening of the consumer protection regime by applying Article 62 of Law Number 8 of 1999 when the elements of Article 8 of this Law are proven. The fourth component may also serve as an argumentative basis for reformulating criminal policy in the future. [Febrianti et al. \(2025\)](#) affirm that legal protection against the manipulation of expired food labels requires a strong, targeted strategy. Accordingly, sanctions harmonization serves to ensure that every violation serves as the basis for the

application of effective legal consequences without disregarding the principle of proportionality.

The prioritization of consumer safety over the commercial interests of business actors requires effective law enforcement, but such enforcement must remain within the framework of legality, proportionality, and legal certainty. Pound (1959) explains that law can be used as an instrument to direct social behavior. In the context of expired food products, legal regulation must ensure compliance by business actors across the stages of production, distribution, and sale, as well as trading through electronic systems. Optimal legal protection for consumers does not mean imposing the maximum criminal sanction in every circumstance. It means applying sanctions gradually and proportionately to prevent avoidance of legal liability. Under this model, this study does not disregard sectoral norms. It harmonizes Law Number 18 of 2012 and Law Number 8 of 1999 to strengthen the recovery, preventive, and compliance enforcement functions within the legal system.

CONCLUSIONS AND SUGGESTIONS

The circulation of expired food products is not merely an administrative violation or a civil dispute. It is a matter of legal protection for consumers, directly related to the right to safe and secure consumption. This study shows that the liability of business actors must be deconstructed hierarchically according to the supply chain's functions. Producers are responsible for quality, labeling, and expiry dates from the production stage onward. Distributors are liable for storage, transportation, and due diligence regarding the circulation period. Physical retailers are liable for products offered directly to consumers. In the context of electronic commerce, platform liability must be formulated as an agenda for regulatory reformulation through obligations to curate information, respond to consumer complaints, and block non-compliant food products.

Harmonization of sanctions is necessary to ensure that consumer protection operates effectively and proportionately. Article 60 of Law Number 8 of 1999 must be interpreted to limit the administrative authority of the Consumer Dispute Settlement Agency, not to limit the recovery of consumer losses. Article 94 of Law Number 18 of 2012 allows administrative compensation without an expressly stated maximum nominal limit, but its application must still be based on proof of loss and the principle of proportionality. In the criminal law context, Article 143 of Law Number 18 of 2012 remains the principal sectoral basis for the manipulation of expiry dates. Meanwhile, Article 62 of Law Number 8 of 1999 may be used as a strengthening instrument when the elements of a violation of Article 8 of this Law are independently proven. Thus, the

proposed model is not a disregard for sectoral norms but a harmonization of the food and consumer protection regimes.

Based on these conclusions, this study recommends reforming consumer protection policy regarding expired food products through four measures. First, the allocation of legal liability among producers, distributors, retailers, and actors engaged in trading through electronic systems must be strengthened. Second, the relationship among administrative sanctions, compensation, and criminal punishment must be clarified to prevent the transfer of liability that harms consumers. Third, the adequacy of criminal sanctions under Law Number 18 of 2012 for expiry date manipulation must be evaluated, particularly when the act is committed systematically and has broad impacts. Fourth, an integrated digital cross-sectoral supervisory system must be strengthened across the stages of production, distribution, retail, and trading through electronic systems. These recommendations are intended to establish a consumer protection regime that is more effective, measurable, and capable of preventing the recurrence of expired food products in circulation.

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