

OPTIMIZATION OF FOOD SAFETY CONTROL EFFORTS TO IMPROVE PUBLIC HEALTH STATUS

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Abstract

Food as a basic human need and fulfillment are part of human rights so that it is constitutionally protected, which implies the emergence of state obligations to provide safe food for its citizens. The complexity of the provision of safe food still occurs after the reformation, one of which is the field of food safety control on the circulation of food that is not feasible. The method of research in this paper using the type of normative legal research, with a juridical approach supported data types used in this study are secondary data consisting of Primary Legal Material, Secondary Legal Material, and material of Tertiary Law. The results showed that the field of food safety control is an important aspect in the provision of a safe food for the community. This shows that food safety issues for public health are still limited to procedural issues and have not addressed substantial issues. Food safety can not be separated with good food quality. Foods that meet safety standards and quality standards will certainly improve the health status of the community, to achieve this, the food safety control must be optimized.

Keywords: optimization, supervision, food safety and public health status.

BACKGROUND

Food is a basic human need that can not be left behind in everyday life. Without eating and drinking enough quantity and quality, humans will not be productive in their activities.¹⁹ The fulfillment of food in its implementation there are many obstacles, related to access and security. Food safety is one of the main components of food policy.

In Indonesia food safety issues become a matter of concern, because food safety issues have a major impact on human life, especially in the field of health, because one of the food development targets is food security which is characterized by the freedom of the community from food that is hazardous to health, Especially along with technological advances human tend to like the practical things included in choosing food so many found instant food products either produced by the company or household.

Food drinks are generally not only composed of carbohydrates, proteins, fats, vitamins, minerals and water. But it also consists of various other chemicals that are already in the food naturally and are deliberately added. With the advancement of science and technology, various types of food can be made more durable, more attractive in appearance and color, more comfortable, and more practical for consumers. Apparently these things become less meaningful if the food is not safe for consumption. Food safety is a very important factor in

¹⁹ Celina Tri Siwi Kristiyanti, Consumer Protection Law, Sinar Grafika, Jakarta, 2011, p.169

the selection of food, because no matter how delicious a food is, but if it is not safe, it is certainly not worth consuming.

Food is said to be safe if it does not contain harmful ingredients. First, biological hazards, this is food contaminated by microbes, viruses, parasites, bacteria, molds, rodents, insects, etc. Second, chemical hazards, such as 1) unintentional materials such as cleaning fluids, pesticides, paint, chemical components of equipment / packaging that is loose and entered into the food, 2) deliberate material that is excessive food additives or does not meet the rules set by the government such as dyes, sweeteners, flavor preservative and others. Hazardous materials (formaldehyde, borax, dye / non-food additive). Third is physical hazards due to contamination of foreign matter such as soil, hair, fur or feather, nails, sand, and so on.

The consequences of these unsafe foods can cause a variety of diseases, ranging from diarrhea to long-term health problems such as cancer, kidney, and neurological disorders. In response, the government through the Food Act Number. 18 of 2012 on Food as a substitute of Law Number 7 of 1996. in which one of the articles regulate the food security. Food safety is organized to keep food safe, hygienic, quality and not contrary to religion, beliefs and culture of the community²⁰. Food safety is also intended to prevent biological and chemical contamination that may endanger human health²¹. Similarly, Law Number. 38 of 2009 on Health states that every person and / or legal entity producing, processing, and distributing beverage foods - treated as food and beverages resulting from circulated engineering technology shall ensure that it is safe for humans, eaten by humans, and the environment²²

In order to obtain safe food, food must meet the quality standards and requirements set, and appropriate to consume it, so that food should be produced according to good food production (CPPB). Besides, producers are also given coaching in producing food to apply Hazard Analysis Critical Control Point (HACCP). Hazard Analysis Critical Control Point (HACCP) is an integrated quality control management system, especially for handling or processing based on systematic and scientific approaches in identifying the possibility of hazard and its control measures at the critical control points in Stages of handling and processing. This coaching is expected that food producers have a moral obligation to produce food that is safe for consumers. Producers are required to provide quality assurance and safety of food products traded for the protection of consumers. Implementation of quality and safety system including halal in an integrated system is very effective in preventing food contamination. Quality and safety checking should be carried out routinely since raw materials, during the process until the final product at the factory. While in the retail and distribution channels are conducted regularly using a laboratory accredited by the National Accreditation Committee (KAN), which as a reference can use SNI. Security of food products carried out through various mechanisms is intended as an effort to provide protection to the community, as regulated in Law Number 8 of 1999 of Consumer Protection.

However, empirical facts based on data from the BPOM indicate that in the period 2011 to 2015 there are food products that do not comply with the established standard that is increased by about 35 percent. The food products do not meet the standards because of the discovery of a number of harmful substances used as additives for food and the contamination caused by microbes. In 2013 to 2015 there are reports of food poisoning that increased from 48 cases to 61 cases occurring in 34 provinces in Indonesia. In addition, by 2015, the Fishery Quarantine Agency reports that there are 7 cases of rejection of fish exports to Italy, France, Britain, Russia, Belgium, South Korea and Canada due to the fish to be exported in the presence of excessive mercury and microbial content. Similarly, in 2016 showed that approximately 14,9 percent of 26.537 food samples were ineligible due to the

²⁰ See article 1 point 5 of Law Number. 18 of 2012 on Food

²¹ See article 1 point 7 PP Number 28 of 2004

²² See Article 109 of Law Number. 36 of 2009 on Health

misuse of hazardous materials, microbial contamination or food additives (BTP) exceeding the maximum allowed.²³

Therefore, it is right for the government to tighten food control by using various regulations that have been issued to regulate and or curb the food in circulation. Related to food safety control government regulation (PP) number 28 on 2004 stipulates that the Food and Drug Supervisory Agency (BPOM) has authority in the regulation and / or stipulation of requirements, standards, safety of processed and retail foods. Then with the release of Presidential Regulation number. 24 of 2010, particularly article 295, paragraph d gives authority to the Ministry of Agriculture which in its implementation through Food Security Agency has the function of conducting assessment, preparation, policy formulation, development, monitoring and supervision of fresh food safety. Furthermore, the last is the existence of Presidential Instruction (Inpres) on improving the effectiveness of drug and food supervision, Inpres Number. 3 of 2017 which involves several ministries and institutions to conduct food safety supervision.

Nevertheless, there is still a weak point that occurs at the level of operationalization, or in the implementation of the regulation, since it is necessary to realize that all incidents and adverse effects of unsafe food, both on health and on socio-economic conditions of society, For the government and business actors (farmers, exporters and importers of food processors), and consumers on the importance of continuously handling food safety. Therefore, security control of food needs to be optimized as an effort to improve public health status. As it is known that the circulation of dangerous and toxic food can be ascertained as a result of four things: weak supervision, law enforcement (sanction), public awareness is still low, and the ability of people's purchasing power (economy). Besides it is related to supervision, the role of law enforcement is very important. At the very least, punishment for those proven to produce or distribute dangerous food should be given strict sanctions to provide a deterrent effect. Based on the above things then the problems in this paper are:

- a. What are the factors that hamper the food safety control ?
- b. How to optimize food safety control so as to improve public health status?

METHODS

The type of research used in this study is the normative legal research method, namely legal research that puts the law as a building system norm. The system of norms is about the principles, norms, rules of legislation and doctrine. In this research, the juridical approach is used, by examining the rule or rule of law as a system building related to a legal event.²⁴ The type of data used in this study is secondary data consisting of Primary Legal Material, Secondary Legal Material, and Tertiary Law material obtained from books, literature, papers, legislation and other data sources. Secondary data collection is done using literature approach method, that is a library research by using library material of law supporting in this research. The collection of legal materials is done by way of conventional search, collection, and document study such as reading, listening to listen, as well as with information technology (internet media). Secondary data in the form of primary legal materials, secondary legal materials, and tertiary legal materials that have been collected and processed will be analyzed by normative methods which will then be presented descriptively. Data analysis in this study used qualitative analysis.

²³ Warta Ekonomi.co.id, Jakarta, April 4, 2017

²⁴ Mukti Fajar and Yulianto Achmad, 2010, Dualism of Normative & Empirical Law Research, Matter I, Pustaka Pelajar, Yogyakarta, p. 36

RESULTS AND DISCUSSION

Food Safety Regulation in Indonesia

Food safety is a shared responsibility between government, industry and consumers, which should be anticipated with the food safety management system. One of the objectives of implementing food safety management system is ensuring the production of food which is characterized by the freedom of the community from the type of food that is harmful to health. This clearly demonstrates efforts to protect people from food that does not meet health standards and requirements. The targets of food safety programs are: a. Avoiding people from food that is hazardous to health, as reflected in the increased knowledge and awareness of producers of food quality and safety; b. To strengthen food institutions, among others, reflected by the existence of legislation governing food security; c. Increasing the number of food industries that comply with the provisions of food safety law legislation.

The Government stipulates Food Safety arrangements with Law Number 18 of 2012 in lieu of Law no. 7 of 1996 of Food and Government Regulation no. 28 of 2004 on Food Safety, Quality and Nutrition. Government Regulation no. 28 of 2004 defines food security as the conditions and efforts required to prevent food from possible biological, chemical and other objects that interfere with, harming and endangering human health.

Secure food equivalent of high quality and nutritious is very important role for growth, maintenance, and improvement of health status and improvement of public intelligence (Saparinto, 2006). In addition Food safety is a guarantee that food will not cause harm to consumers if prepared or eaten in accordance with the intent and use (FAO / WHO 1997).

Food safety arrangements set some things that affect the safety of a food product that includes:

1. Food Sanitation

Food Sanitation is an effort to prevent the possibility of growth and development of corpses of decay and pathogens in foods, beverages, equipment and buildings that can damage food and harm people. The effective treatment of food sanitation is intended to remove microbial vegetative cells that endanger health, while reducing other undesirable microbes, without affecting product quality and safety for consumers as set forth in articles 70 and 71 of Law No. 18 of 2009.

Food and beverages circulating in the community must meet health standards (Article 111 paragraph 1 of Law Number. 36 of 2009), the fulfillment of sanitation standards in all food chain activities carried out by applying good guidelines covering, how to cultivate, how to produce fresh food, Preparations, distribution methods, retail ways and ways of ready-to-eat food production. (Article 3 of PP Nuber. 28 of 2004)

Food sanitation requires healthy environmental facilities to be free from the elements that cause health problems, among others (article 163 paragraph 3 of Law Number. 36 of 2009): a. Liquid waste, solid waste, c. Gas waste d. Unprocessed waste; E. disease carriers; Disease-causing animals, harmful chemical pharmaceuticals, noise, h. Irradiation of ionizing and non-ionizing rays; contaminated water; polluted air; And contaminated food. Related to contaminated food will certainly cause poisoning as regulated in Regulation of health minister (Permenkes) Number. 2 of 2013 on food poisoning outbreaks. Based on several studies it is known that although there are so many regulations that regulate food sanitation but there are still cases of food poisoning, it happens because:

- a. Processing behavior and food handlers (such as not implementing healthy living without hand washing, still using jewelry when processing food, not wearing work clothes, not wearing aprons, not wearing hat cooking)
- b. Environmental hygiene factors (unclosed trash)
- c. Unsafe and well-maintained food storage, not free from insects or rats, nor free from dust.

d. Means of washing equipment and handling waste that is not comfort.

Food sanitation requires the availability of clean water sources that meet the needs and meet drinking water standards and must be separate from water sources for processing. In addition it should be equipped with a sewage and water treatment system as well as waste. Employee hygiene facilities should be available, in order to ensure the cleanliness and health of employees so that food pollution can be avoided. The facilities consist of: hand washing facilities and drying hands; Clean and ample toilets, do not open directly to the production room; As well as dressing and cleaning of work clothes and employee discipline should be upheld.

2. Use of Food Additives

The types and maximum limits of the use of Food Additives Materials (FAM) are set forth in articles 73 to 76 of Law no. 18 of 2012 and the regulations under it. The use of the FAM should be set so that hazards to human health can be prevented. In addition, Permenkes No. 33 of 2012 besides establishing a secure FAM also establishes Prohibited and Dangerous Materials. BTP is different from Prohibited and Dangerous Materials, which distinguishes the level of security to human health. At the international level to examine the safety of food additives (FAM), namely that FAM is declared safe by an expert body or committee established by the World Health Organization and the World Food Organization (FAO) known as the Joint Expert Committee on Food Additives and Contaminants, abbreviated JECFA.

3. Genetic Engineering and Food Irradiation

Genetically Engineered Food Products (PRGs) are food produced or used raw materials, Food Additives and other materials produced from genetic engineering processes. The genetic engineering process is a process involving transfer of genes (carrier properties) from a biological species to another or different biological species, to obtain new species capable of producing superior food. In Indonesia other than Law No. 18 of 2012 about Food, there are other rules about genetic engineering, namely Law Number 21 of 2004 regarding Ratification of Cartagene Protocol on Biosafety to The Convention on Biological Diversity, PP Number 28 of 2004 of Security, Quality And Food Nutrition, PP 21/2005 on PRG Biosafety, Presidential Regulation no. 39 of 2010 concerning Biosafety Products Commission for Genetic Engineering Products, Presidential Regulation no. 53 of 2014 on the Amendment of Presidential Regulation no. 39 on 2010 concerning Biosafety Products Commission of Genetic Engineering Products, Regulation of Head of POM RI Number: HK. 03.1.23.03.12.1563 of 2012 about Guidelines for Food Safety Assessment of Genetic Engineering Products, and Regulation of Head of POM RI Number: HK.03.1.23.03.12.1564 of 2012 on Supervision of Food Labeling of Genetic Engineering Products.

Related to food irradiation that is radiation method to food, either by using radioactive material or accelerator to prevent the occurrence of decay and damage and free food from pathogenic microorganism arranged with Permenkes No 701 of 2009. Production process with technique or irradiation method must fulfill health requirement, Handling of wastes and the prevention of radioactive hazards.

The so-called genetic engineering and food irradiation regulations are expected to ensure food security in people's consumption and workplace safety and environmental sustainability.

4. Food Packaging

Food packaging is set up in article 82 up to article 85 of Law 18 on 2012 on Food, where every food producer must pack food product with safe packaging, and able to protect food from harmful contamination or celebrating human health. Good packaging, capable of protecting the product from physical, light, oxygen and moisture impacts that can trigger microbial growth and enzymatic reactions.

5. Use of Prohibited and Dangerous Ingredients In Food Products

In accordance with Permenkes No. 33 of 2012, food manufacturers are prohibited from using materials that are designated as Prohibited and Dangerous Substances, among others are: a. Boric Acid (Borax); B. Salicylic acid; c. Diethyl Pyrocarbonate; d. Dulcin; e. Formaline; f. Calcium Bromate; g. Calcium Chlorate; h. Olfactory vegetable oil; i. Chloramphenicol; j. Nitrofurazone.

In addition producers are required to provide quality assurance and safety of food products traded for the protection of consumers. The responsibility is done by applying the production process according to Good Food Production Method (GMP) and Hazard Analysis Critical Control Point (HACCP). Implementation of quality and safety system including halalness in an integrated system is very effective in preventing food contamination. Quality and safety checks should be carried out routinely since raw materials, during the process until the final product at the factory. While at the retail and distribution channels are done regularly using a laboratory accredited by the National Accreditation Committee (KAN). As a reference can use SNI (Government Regulation No. 102 of 2000 on National Standardization).

Factors inhibiting Food Safety Monitoring Are Not Optimal

Food control is a mandatory regulatory activity by both central and local governments to provide protection to consumers and ensure that all food products since production, handling, storage, processing and distribution are safe, feasible and appropriate for human consumption, meet the requirements of food safety and quality, and has been properly and appropriately labeled in accordance with applicable law (FAO / WHO, 2005).

Law No. 18 of 2012 Article 108 paragraph 3, regulating the Food Control conducted on: a. Availability and / or Sufficiency of Staple Food; B. The requirements of Food Safety, Food Quality, and Food Nutrition, as well as the requirements of labels and advertisements referred to in paragraph (2) letter b, for Processed Food, shall be carried out by government agencies carrying out governmental duties in the field of drug and food supervision; C. Food Safety, Food Quality, and Food Nutrition requirements, as well as labeling and advertising requirements for Fresh Food are carried out by government agencies administering governmental affairs in the field of Food.

So the implementation of supervision of food safety requirements is carried out by different institutions according to their own sections (Article 109 of Law No. 18 of 2012). Indonesia adheres to the Multiple Agency System (system of various institutions) in organizing the quality control of food. Supervision is done sectorally and fragmented by national, provincial and local / local institutions such as Ministry of Health (Depkes), Ministry of Agriculture (Deptan), Ministry of Forestry, Ministry of Maritime Affairs and Fisheries (DKP), Ministry of Trade and Industry (Deperin), Food and Drug Supervisory Agency (BPOM), and Local Government (Pemda). BPOM is an institution responsible for food control together with three departments, namely MOH, Deptan, and DKP. The ministry also handles special food safety controls in its relationship with the food industry and trade. The responsibilities of each of these elements have been determined as stated in PP 28 of 2004 and Government Regulation No. 102 of 2000.

Multiple Agency System has many weaknesses. The lack of overall coordination at the national level often leads to confusion over the sphere of authority whose outcome is inefficient performance. Different level of expertise and resources resulting in different implementations. Conflicts can occur between public health goals with trade facilities and industrial development.

In addition, the existing capacity is limited to obtain the proper scientific input in decision making. Lack of consistency leads to over-regulation and duplication or time gaps in settings. All of these things can cause a decline in consumer confidence in / abroad will be the credibility of the system.

The division of tasks of each institution in food control is regulated in PP 28 of 2004. However, the specific description of the tasks of each institution is not yet clear, so it appears to overlap each other, as is the case of rice handling is still contested by the Ministry of Agriculture and BPOM. The Ministry of Agriculture still considers that rice is a fresh ingredient covered by its authority. However BPOM states that rice is a foodstuff processed from rice. Statements issued by both parties can not be blamed for in accordance with PP 28 of 2004. This is certainly confusing the producers because there is legal uncertainty. In addition, administrative costs may occur doubling, so it certainly impacts the consumer. The application of the Multiple Agency System requires a special institution that can overshadow the role of other institutions, so that the authority of quality control can be integrated and centralized.

Law No. 18 of 2012 states that BPOM is in charge of inspecting and investigating all food products nationwide. But the case of food poisoning is not solely due to BPOM error. It is the system that complicates the work of BPOM. Our country needs to emulate the US Food and Drug Administration (FDA) supervisory system. Each inspector is mandated to supervise certain producers, so that supervision will be more optimal.

Optimization of food control to improve public health status.

Healthy is a very wonderful thing delicious for everyone and sick is the most distressing thing both born and inward, because at the time of pain every food that goes into the mouth feels bad even though the food is very good food though. Healthy things are priceless, one way to keep your body healthy is to eat healthy and safe foods. Food must be safe, so food safety control must be optimally implemented. Optimization is an action, process or methodology for creating something (such as design, system, or decision) to be more perfect, functional and more effective.²⁵

Related to food safety supervision, the optimization is carried out in every food chain starting from the cultivation process by applying good agriculture practices (GAP) to produce quality food, safe, and proper to consume, post-harvest handling of agricultural products Good or Good Holding Practices (GHP). So also in food processing, food security can be implemented by applying Good Manufacturing Practices (GMP). Similarly, in the distribution and retail chains, fresh food security can be implemented by applying Good Distribution Practices (GDP) and Good Retail Practices (GRP). Activity approach is done through monitoring and supervision of fresh food safety, promotion and socialization of food security, and strengthening food security institution: 1) Strengthening of food security institution directed to increase capacity and capability of apparatus to Agency / Agency that handle food security; 2) Monitoring and supervision of food safety is directed to know the condition of fresh food safety through study; 3). Food safety test both with laboratory test and rapid test, 4). The socialization and promotion of food security is directed to provide people with knowledge and understanding about food safety so that people can circulate, select, and consume safe food.

Strategies for handling food safety, are as follows: 1). Strengthen food security institutions by increasing the number and competence of human resources managing food security; 2). Coordinate intensively with other agencies in the handling of food safety both the scope of the Ministry and outside the Ministry; 3). Updating food safety data and information; 4). Disseminate food safety information to the public.

Based on the above discussion it can be concluded that the optimization of food safety control can be done by:

- A. Engineering, which consists of laws and regulations.
- B. Education, which consists of Information and Extension and Education

²⁵ Kamus Besar , Balai Pustaka, jakarta 1994, hlm.800

C. Enforcement, performed in the order of Reprimands 1, 2, 3; Warning loudly; Close temporarily; Unplug the operation / production license; And finally through Civil / Criminal.

CONCLUSION

The implementation of food safety control in Indonesia is carried out by different institutions (Article 109 of Law No. 18 of 2012), which is embracing Multiple Agency System. This supervision is carried out by the Ministry of Health (Depkes), the Ministry of Agriculture (Depkan), the Ministry of Forestry, the Ministry of Maritime Affairs and Fisheries (DKP), the Ministry of Trade and Industry (Depkerin), the Food and Drug Supervisory Agency (BPOM), and Local Government (Pemda). So that it is fragmented and sectoral broken. This causes the monitoring of food safety is not optimal, so it needs to be optimized through the system changes that have been adopted to ensure and provide protection of the community against unsafe food.

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