

# Legal Protection Of Consumers In The Distribution Of Subsidized Rice



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## ABSTRACT

This research examines the legal protection of consumers in the context of subsidized rice distribution in Indonesia. The main focus of the research is to analyze the existing legal framework, its implementation, and the challenges faced in protecting the rights of subsidized rice consumers. The research method used is normative juridical with statutory and conceptual approaches. Data was obtained through literature study. The results show that although there are regulations governing consumer protection and the distribution of subsidized rice, there are still gaps in their implementation. Several cases of consumer rights violations were found, such as rice quality that does not meet standards, inaccurate weighing, and misuse of distribution. This study proposes several recommendations to strengthen consumer legal protection, including increased supervision, improved distribution systems, and consumer education. The conclusion emphasizes the importance of synergy between the government, business actors, and the community in realizing effective consumer protection in the distribution of subsidized rice. The implications of this research are expected to contribute to the improvement of consumer protection policies and practices in food subsidy programs in Indonesia.

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## 1. INTRODUCTION

Rice is obtained by processing an agricultural product called rice (*Oryza sativa*). Rice is a food commodity that is used as a staple food for Asian nations, especially Indonesia, Thailand, Malaysia, Vietnam, Japan, and Myanmar. Rice seeds consist of two parts, namely the edible part (rice caryopsis) and the skin (hull or husk).<sup>1</sup> Rice is a staple food for most Indonesians. Rice consumption in Indonesia is increasing every year along with the increasing population of Indonesia. Rice is obtained by processing an agricultural product called rice (*Oryza sativa*). Rice is a food commodity that is used as a staple food for Asian nations, especially Indonesia, Thailand, Malaysia, Vietnam, Japan, and Myanmar. Rice seeds consist of two parts, namely the edible part (rice caryopsis) and the skin (hull or husk). Rice is a staple food for most Indonesians. Indonesia's rice consumption is increasing every year along with the increasing population of Indonesia.

Consumer protection law is a set of principles and rules designed to ensure the fulfillment of consumer rights. Effective implementation of consumer protection is the aspiration of all Indonesians. In this era of rapid technological advancement, consumer protection issues remain the focus of the government's attention. The complexity of consumer issues arising from the rapid development of technology makes consumer protection a priority on the national policy agenda. The government continues to strive to adjust consumer protection regulations and systems to keep pace with the dynamics of fast-growing markets and technology, so that consumer rights are maintained in an increasingly complex economic environment.<sup>2</sup>

The implementation of Law No. 8/1999 on Consumer Protection has brought fresh air to consumers in Indonesia. This law is a crucial legal foundation, not only for individual consumers, but also for institutions engaged in consumer protection. The aim is to increase consumer empowerment, protect their interests, and encourage producers to be more responsible in their business practices. However, the existence of this law does not necessarily eliminate the possibility of violations by business actors. There are still irresponsible individuals who try to find legal loopholes to commit violations that harm consumers. This shows that despite the existence of a strong legal foundation, challenges in enforcing consumer protection still remain. Continuous efforts in supervision, law enforcement, and education

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<sup>1</sup> Ambarinanti, M. 2007. Analisis Faktor-Faktor yang Mempengaruhi Produksi dan Ekspor Beras Indonesia. Program Studi Ekonomi Pertanian dan Sumber Daya. Fakultas Pertanian IPB. Bogor.

<sup>2</sup> AZ Nasution, Tinjauan Sosial Ekonomi Dan Hukum Perlindungan Konsumen, Pustaka Sinar Harapan, Jakarta, 1995, hal 64-65.

for all parties are needed to ensure the effectiveness of consumer protection in the field.<sup>3</sup>

Consumer protection plays a vital role in society, including in the distribution of social assistance (Bansos) rice by the government through Bulog. Bulog, which was established in 1967, has seen its role change over time. In 2016, President Joko Widodo issued Government Regulation No. 13/2016 that expanded Bulog's duties in maintaining national food security. However, Bulog often faces criticism regarding the quality of the rice it distributes, such as the presence of rice with lice, discoloration, or an unpleasant smell. As a state-owned enterprise, Bulog has a great responsibility to ensure the quality of social assistance rice and to be transparent about the condition of the products it distributes, in order to prevent the distribution of rice that is not fit for consumption.

Food safety is an important priority for the government, linked to the human right to healthy food. Law No. 18/2012 on Food defines food security as the availability of sufficient, safe, diverse, nutritious and affordable food for all people. This law obliges the state to provide national food reserves in order to realize food sovereignty, independence and security. Furthermore, Presidential Regulation No. 48/2016 assigns Bulog to maintain the availability and price stability of staple foods such as rice, corn and soybeans, both at the consumer and producer levels.<sup>4</sup>

Infested or damaged rice can reduce nutritional value and quality, potentially endangering the health of consumers. The definition of consumer includes not only purchasers, but also recipients of free goods/services, including recipients of subsidized rice. According to Law No. 8/1999 on Consumer Protection, recipients of subsidized rice are considered consumers if the rice is used for personal, family, or other purposes, and not for resale. This definition broadens the scope of consumer protection to include recipients of government assistance.

These problems indicate a gap in the legal protection of subsidized rice consumers. Law No. 8/1999 on Consumer Protection should be the legal umbrella that protects consumer rights, including in the context of subsidized rice distribution. However, the implementation of this law in the subsidized rice program still faces various challenges.

In addition, there are several related regulations such as the Presidential Regulation on Non-Cash Food Assistance and its derivative regulations. Nevertheless, there is still a gap between existing regulations and practices in

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<sup>3</sup>Ahmadi Miru, *Prinsip-Prinsip Perlindungan Hukum Bagi Konsumen di Indonesia*, Rajawali Pers, Jakarta, hal 1

<sup>4</sup>Husni Syawali dan Neni Srilmaniyati, *Hukum Perlindungan Konsumen*, Mandramaju, Bandung, 2000, hal 36

the field, which results in consumers often being in a weak position. Given the importance of the subsidized rice program for national food security and public welfare, the legal protection of consumers in this context is crucial. Therefore, an in-depth study of the legal protection aspects of consumers in the distribution of subsidized rice is needed, to identify existing weaknesses and formulate effective solutions.

This paper is expected to contribute to efforts to strengthen legal protection for consumers of subsidized rice, so that the objectives of this program can be achieved optimally without harming consumer rights.

## **2. METHODS**

In accordance with the problems and research objectives, the type of research used is normative juridical research. Normative juridical research uses a problem approach based on laws and regulations, theories and concepts that are directly related to this research. The character of normative research is doctrinal research and theories (theoretical research), using secondary data, examining positive legal norms, principles or principles of law, examining the provisions of laws and court decisions, theoretical frameworks used to analyze problems and examine legal methods.<sup>5</sup>

## **3. DISCUSSION**

Consumer protection refers to legal efforts to protect consumers from harm while fulfilling their needs. It encompasses the principles that govern the relationship between various parties regarding consumer goods and services. Consumer protection issues are global in nature, driven by rapid economic and technological developments. Product diversification and advances in communication technology have expanded the circulation of goods and services across countries. Law No. 8/1999 on Consumer Protection in Indonesia aims to increase attention to consumer rights. The goal is to increase the dignity and awareness of consumers, and encourage business actors to be responsible in their business activities.<sup>6</sup>

As a staple food, the quality of rice must be guaranteed before it is distributed to the public. Law No. 18/2012 on Food sets out three main objectives of food policy: food sovereignty, food self-reliance and food security. According to this law, food security is defined as a condition in which the state, communities and individuals have access to food that:

1. Sufficient in quantity and quality

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<sup>5</sup>Jhony Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif*, Bayumedia, Surabaya, 2008, h. 282

<sup>6</sup>Zulham, *Hukum Perlindungan Konsumen*, Kencana, Jakarta, 2013, hal 21

2. Safe for consumption
3. Diverse in type
4. Rich in nutrients
5. Evenly distributed
6. Affordable
7. In accordance with local religions, beliefs and cultures

The ultimate goal is to enable people to live healthy, active and productive lives in a sustainable manner. This definition emphasizes the importance of quantity, quality, safety, accessibility and cultural appropriateness in realizing comprehensive food security.

According to Law No. 8/1999 on Consumer Protection, people who receive subsidized rice from the government through Bulog can be categorized as consumers. As consumers, they are entitled to legal protection, especially if they receive rice that is not fit for consumption. Article 4 of the law details the rights of consumers, which include:

1. The right to safe and convenient products
2. The right to choose and obtain products according to exchange value
3. The right to accurate information
4. The right to voice opinions
5. Right to advocacy and dispute resolution
6. Right to consumer education
7. The right to be treated fairly without discrimination
8. Right to compensation if the product is not suitable
9. Other rights in accordance with applicable regulations

In summary, recipients of subsidized rice are entitled to convenience, fairness, and equal service without discrimination. They can claim these rights according to their position as consumers under applicable laws and regulations.<sup>7</sup>

Law No. 8/1999 on Consumer Protection, specifically Article 8, sets out prohibitions for producers/business actors to protect consumers. The main prohibitions include:

1. Producing or selling products that do not meet standards or regulations.
2. Providing inaccurate information about the weight, content, or quantity of products.
3. Serving products that do not conform to the promised quality, composition, or specifications.
4. Failure to include expiration dates or instructions for use. Violating the provisions of halal production if so claimed.

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<sup>7</sup> Sidabalok Janus, *Hukum Perlindungan Konsumen di Indonesia*, PT Citra Aditya Bakti, 2014 hal 35

5. Not providing adequate labeling or information in the Indonesian language.

Business actors are also prohibited from selling damaged, defective, or used goods without clear information, especially for pharmaceutical and food products. Violation of this provision requires withdrawal of the product from circulation. This legal protection includes preventive and repressive measures, both written and oral, to protect consumer rights. These provisions aim to protect consumers from potential harm that may arise from consuming or using unfit products. In the case of pharmaceutical products, for example, expired or defective medicines can cause serious side effects to consumers' health. The same applies to food products; food that is not fit for consumption can cause food poisoning or other health problems.

If a violation of this provision is found, the law requires the product to be withdrawn from circulation. This is a quick and decisive action to prevent the spread of dangerous products in the community. The product recall process must be carried out thoroughly, involving the entire distribution chain, from manufacturers to retailers.

Legal protection of consumers in the distribution of subsidized rice also needs to pay attention to sustainability aspects. This includes efforts to ensure that the subsidized rice program not only protects consumers in the short term, but also supports national food security in the long term. Therefore, synergy between consumer protection policies and overall agricultural and food security policies is required.

In the context of law enforcement, the role of institutions such as the National Consumer Protection Agency (BPKN) and the Consumer Dispute Resolution Agency (BPSK) is very important. These institutions must be strengthened to effectively handle cases of consumer rights violations in the distribution of subsidized rice. In addition, coordination between government agencies also needs to be improved to ensure comprehensive and integrated consumer protection.

Effective implementation of legal protection in the distribution of subsidized rice will not only protect the rights of consumers, but also support the realization of the objectives of the national food security program. In this context, a strong synergy between the government, Bulog, and the public is needed to ensure that consumer protection in the distribution of subsidized rice is well implemented. With solid cooperation between the three parties, it is expected that the subsidized rice distribution process can run smoothly, transparently, and efficiently, so that the benefits of this program can be felt equally by the people in need. The synergy built will be a strong foundation in maintaining the availability of subsidized rice, reducing the potential for

abuse, and ensuring fair access for all consumers who are entitled to receive the benefits of the program.

#### **4. CONCLUSION**

Legal protection of consumers in the distribution of subsidized rice is an important aspect of the Indonesian public welfare system. The main legal foundation is Law No. 8/1999 on Consumer Protection, which guarantees consumer rights including in the context of subsidized rice. Although the legal framework is in place, its implementation still faces various challenges. Problems such as uneven distribution, inconsistent rice quality, and abuse in distribution are still common. This indicates a gap between regulations and their implementation in the field. To overcome these challenges, comprehensive improvement efforts are needed. This includes strengthening the monitoring system, increasing transparency, educating the public, and improving the complaint mechanism. Synergy between various government agencies, including BULOG, BPKN, and BPSK, is also very important in realizing effective consumer protection. Consumer protection in the distribution of subsidized rice aims not only to protect consumer rights in the short term, but also to support national food security in the long term. Therefore, a holistic approach that considers sustainability is required. Finally, the legal protection of subsidized rice consumers requires the active participation of all parties, including the government, business actors, and the community. With joint efforts and continuous improvement, it is hoped that consumer protection in the distribution of subsidized rice can be more effective, support public welfare, and strengthen national food security.

#### **5. LIMITATION**

In the context of research on the legal protection of consumers in the distribution of subsidized rice, there are several restrictions that need to be considered. First, this research must take into account the legal framework governing the distribution of subsidized rice in a particular country, including laws governing consumer rights and obligations in this regard. Second, the research must take into account aspects of government policies related to subsidized rice distribution and consumer protection efforts that have been implemented. In addition, the research also needs to consider the challenges and obstacles that may be faced in the implementation of legal protection for consumers, such as corruption issues, uneven distribution, and other administrative and technical constraints. By taking into account these limitations, research on the legal protection of consumers in the distribution of subsidized rice is expected to make a valuable contribution to efforts to improve the welfare of the community.

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