

Responsibilities of Imported Product Business Actors in The Inclusion of Indonesian Labels



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ABSTRACT: The responsibilities of business actors in the context of consumer protection law include the obligation to provide clear information, including the inclusion of Indonesian language labels on imported products in accordance with Law Number 8 of 1999 concerning Consumer Protection. This research aims to determine the regulations and responsibilities of business actors regarding the inclusion of Indonesian language labels on imported products. So the problem formulation that can be taken is (1) What are the regulations for labeling imported products marketed by business actors in Indonesia? (2) What are the responsibilities of business actors regarding imported products marketed in Indonesia? This research uses a normative method with a statutory and conceptual approach. Regulations for including Indonesian language labels on imported products are regulated in Article 8 Paragraph (1) letter j of Law Number 8 of 1999 concerning Consumer Protection which confirms that business actors are prohibited from producing and/or trading goods and/or services that do not include information and/or or instructions for using goods in Indonesian which aims to protect consumer rights and ensure transparent product information. The responsibilities of business actors include compliance with quality and safety standards, inclusion of clear and accurate information in Indonesian, the obligation to provide compensation, to the imposition of sanctions in the form of administrative, criminal and additional sanctions in accordance with applicable legal provisions.

KEYWORDS: Responsibility, Imported Products, Labeling.

INTRODUCTION

Indonesia is a country of law, as expressly stated in the 1945 Constitution of the Republic of Indonesia which shows its commitment to upholding law and justice. In this context, it is important to understand how Indonesia as a sovereign country interacts with various global economic and political systems that are increasingly integrated. These interactions include diplomatic relations, trade cooperation, and participation in international organizations. Thus, all economic activities, including international trade, must run in accordance with the applicable legal corridors.

As an integral part of the international trading system, Indonesia is feeling the great impact of the era of globalization that has driven growth and transformation in international trade over the past few years. This mechanism for the exchange of goods and services between countries has become an essential element for the Indonesian economy with the opening of global markets that further facilitate trade flows. This phenomenon is evident in the increasing presence of imported products in the domestic market, which shows the increasingly close involvement between the local and global economies.

Indonesia as a developing country receives so many imported products from various countries to meet the needs of its people. This encourages the Indonesian state to carry out the main state task in industry, namely protecting the people from the negative side of industrialization, correcting mistakes in the previous stages by determining the welfare of the community (Kristiyanti, 2011: 1). This causes the government to have to carry out strict supervision regarding imported goods entering Indonesian territory.

In this context, business actors act as a bridge between foreign producers and local consumers. Business actors include a wide range of entities, from large importers to small traders, and each has the same responsibility for meeting consumer information needs. According to Article 1 number 3 of Law Number 8 of 1999 concerning Consumer Protection (hereinafter referred to as UUPK), a business actor is any individual or business entity, whether in the form of a legal entity or a non-legal entity that is established and domiciled or carries out activities within the jurisdiction of the Republic of Indonesia, either alone or jointly through an agreement to carry out business activities in various economic fields. The explanation of Article 1 number 3 of the UUPK explains that business actors included in this definition are companies, corporations, state-owned enterprises, cooperatives, importers, traders, distributors and others (Subagyo, 2010: 2).

As the organizer of business activities, business actors are the parties who must be responsible for the negative consequences in the form of losses caused by their business to third parties, namely consumers, just like a producer (Sidabalok, 2010: 17). Business

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actors who want to import in Indonesia must also pay attention to the provisions that apply in Indonesian territory. One of the regulations that must be obeyed by every importer, namely that every product to be traded in Indonesian territory is required to include a label using Indonesian so that consumers have the correct information and gain a sense of security in using imported products. The right to get the right information is intended so that consumers know clear information about the products of goods and services that are traded, so that consumers can choose the products of these goods and services according to their needs and desires (Tobing, 2014: 32). Information in a product is the most important thing for the public as consumers in order to avoid mistakes in assessing an image of the product being traded (Muru, 2013: 112).

The definition of a label is described in full in the Regulation of the Minister of Trade Number 73 of 2015, namely a label is any information about goods in the form of writing, a combination of images and writings, or other forms that contain information about goods and information about business actors, as well as other information that is included on the goods, inserted inside, pasted/attached to the goods, printed on the goods and/or is part of the packaging of the goods.

The UUPK mandates that every business actor who produces or imports products into Indonesian territory for trade is required to include a label in Indonesian that aims to protect consumer rights. The articles in the UUPK also regulate the responsibility of business actors in providing true, clear, and non-misleading information about the products they offer, including in terms of the use of language. This is also contained in the Regulation of the Minister of Trade Number 73 of 2015 concerning the Obligation to Include Labels in Indonesian which requires business actors to include labels in Indonesian.

In the context of imported products, the inclusion of Indonesian labels is crucial, considering that Indonesia has a variety of cultures and regional languages, but still upholds the national language as the main communication tool. The obligation of business actors to include Indonesian labels on imported products aims to protect consumers from possible ignorance or misinterpretation of information that can result in inappropriate purchasing decisions.

One example of a case that highlights the importance of including Indonesian labels on imported products is the case of "Samyang" instant noodles from South Korea. The Indonesian Consumer Institute Foundation (YLKI) responded to the circulation of the imported product which was suspected of containing pigs, the result of a surprise inspection by the MUI, the Health Office, and the Sumenep Police (Kusyanto, 2024: 166). This case occurred because at that time this imported product was popular in the community, but it did not include clear information and did not include a label in Indonesian. The Chairman of YLKI, emphasized that all food circulating in Indonesia is required to include information in Indonesian. The actions of entrepreneurs or traders who have not included Indonesian translations on the label of a product they import can cause losses to consumers, because consumers cannot clearly know about the product information (Swadesi, *et al.*, 2021: 345).

Based on the conditions and problems that have been described in the background, the author is interested in conducting research or scientific studies with the title "**Responsibilities of Business Actors of Imported Products in the Inclusion of Indonesian Language Labels**".

The problems that arise from the background description above, namely how to regulate the inclusion of labels on imported products marketed by business actors in Indonesia? So the purpose of this research is to know and understand the regulation of the inclusion of import product labels marketed by business actors in Indonesia.

RESEARCH METHODS

Method refers to the systematic methods or steps used to achieve goals, while research is a systematic process carried out to find, collect, and analyze information to solve a problem or answer a specific question. Therefore, research methods can be interpreted as systematic steps used by researchers to collect, analyze, and present materials/data to answer research questions or solve certain problems. The research method used is a type of normative legal research, namely research that focuses on the ambiguity of norms. Ambiguity of norms is a condition when the meaning of a norm is unclear or does not have a detailed explanation that can cause legal uncertainty.

The sources of legal materials to be used are divided into two categories, namely primary legal materials which are legal materials that have the authority to source from laws and regulations in accordance with their applicability in the hierarchy and secondary legal materials which are legal materials that provide explanations for primary legal materials, namely in the form of references, such as books, legal journals, and the internet.

RESULTS AND DISCUSSION

Regulation of the Inclusion of Labels on Imported Products Marketed by Business Actors in Indonesia

The products marketed in Indonesia are not only from within the country, but there are also products from abroad. This diversity reflects the dynamics of an increasingly globally integrated market, where Indonesian consumers have access to various goods from various countries. The increasingly diverse and complex needs of consumers often encourage business actors to seek a wider source of products, including from other countries. There are several consumer needs that can be met by domestic suppliers or local business actors. However, on the other hand, there is also a need that must be imported due to the limitations of technology and resources in the country.

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Currently, the growth of science and technology is very fast. This is inseparable from the factor of people's need for technology itself, which is one of the human natures in the form of encouragement to try to meet needs (Syihabuddin, 2017: 78). The advancement of information technology that has been highly developed makes it possible for us to get wider access to imported products that often offer better quality and the latest innovations that provide added value for consumers.

Imported products are products that come from abroad and are circulated in Indonesian territory. Based on Article 1 Number 7 of Government Regulation Number 29 of 2021 concerning the Implementation of the Trade Sector, what is meant by import is the activity of entering goods into the customs area. Import is an activity of importing goods from abroad into the country carried out by individuals or legal entities that are transported using means of transportation by crossing national borders, so that there is an obligation to comply with the existing regulations in a country where the product will be distributed (Benny, 2013: 1408).

Article 50 Paragraph (1) of Law Number 7 of 2014 concerning Trade states that all goods can be exported or imported, except those that are prohibited, restricted, or otherwise determined by law. It is mentioned that goods prohibited from import are listed in Appendix II of the Regulation of the Minister of Trade of the Republic of Indonesia Number 40 of 2022 concerning amendments to the Regulation of the Minister of Trade Number 18 of 2021 concerning Goods Prohibited from Export and Goods Prohibited from Import in Article 2 paragraph (3), namely sugar with certain types, rice with certain types, substances that destroy the ozone layer, used bags, used sacks, and used clothes, refrigeration system-based goods that use *Chlorofluorocarbons* (CFCs) and *Hydrochlorofluorocarbon 22* (HCFC-22) both in empty and filled states, certain medicinal and food ingredients, hazardous and toxic substances (B3), hazardous and toxic waste (B3 waste), and non-hazardous and toxic waste (non-B3 waste) are listed, hand tools (finished form), and medical devices containing mercury.

The types of imported products that can be marketed in Indonesia are in accordance with the applicable provisions listed in Article 2 Paragraph (16) of the Regulation of the Minister of Trade Number 36 of 2023 concerning Import Policies and Regulations states that, the prohibition provisions as referred to in paragraph (15) are excluded for goods in the form of raw materials and/or residual auxiliary materials in accordance with the provisions of laws and regulations, capital goods imported in a new state by API-P if they have been used for a minimum period of 2 (two) years, manufactured goods as complementary goods, for the purpose of market testing, and/or for after-sales service, and/or goods that are traded or transferred by business actors in the form of holding business entities.

According to Law Number 8 of 1999, every business actor, including importers, is required to include information and instructions for the use of products in Indonesian. Every business actor who wants to carry out import activities in Indonesia, must also pay attention to the provisions that apply in Indonesian territory. One of the regulations that must be obeyed by every importer is that every product to be traded in Indonesian territory must include a label that uses Indonesian. When an imported product enters Indonesia, the label must include all important information on the product in Indonesian.

A label is a part of a product that carries verbal information about the product or seller (Angipora, 2002: 192). The definition of a label is described in full in the Regulation of the Minister of Trade Number 73 of 2015, namely a label is any information about goods in the form of writing, a combination of images and writings, or other forms that contain information about goods and information about business actors, as well as other information that is included in the goods, inserted inside, pasted/attached to the goods, printed on the goods and/or is part of the packaging of the goods. The regulation of the labeling of imported products in Indonesia is an important part of the existing regulations and is regulated by various regulations that aim to protect consumers and ensure that consumers are aware of clear information about products circulating in the market. The use of Indonesian in national trade packaged in labels is also a "*win-win solution*" for business actors and consumers. Where business actors will avoid legal entanglements and also get potential material benefits. At the same time, consumers will also benefit from getting their right to true, clear, and honest information (Zaid, *et al.*, 2021: 358).

In Article 8 Paragraph (1) letter j of Law Number 8 of 1999 concerning Consumer Protection, it is stated that business actors are prohibited from producing and/or trading goods and/or services that do not include information and/or instructions for the use of goods in Indonesian in accordance with the provisions of applicable laws. Article 20 Paragraph (1) of Government Regulation Number 29 of 2021 concerning the Implementation of the Trade Sector also states that every business actor has the obligation to use or complete Indonesian labels on goods traded domestically.

The provisions for the use of Indonesian labels based on Government Regulation Number 29 of 2021 concerning the Implementation of the Trade Sector in Article 21 stipulate that the use of Indonesian labels in goods must be clear, easy to read and understand. In addition, the use of languages, numbers, and letters other than Indonesian, Arabic numerals, and Latin letters may be used if there is no or no equivalent can be created. In Article 22 paragraph (2) it is explained that the inclusion of Indonesian language labels as referred to in paragraph (1) can be embossed or printed, pasted or attached in its entirety, and inserted or included in the Goods and/or packaging. Labels should not be hidden by product packaging and the information included should use terms that are commonly understood by the public, so as not to cause confusion.

In addition, in Article 23 paragraph (1) it is also stated that, the Indonesian language label as referred to in Article 22 contains information about the name of the Goods, the origin of the Goods, the identity of the Business Actor, and other

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information in accordance with the characteristics of the Goods. Paragraph (2) states that the information regarding the identity of the Business Actor as intended in paragraph (1) at least contains the name and address of the Producer for domestically produced Goods, the name and address of the Importer for Goods of Imported origin, the name and address of the Packer for Goods produced domestically or of Imported origin packaged in the territory of the Republic of Indonesia, as well as the name and address of the Collector Trader if obtaining and trading Goods produced by micro and small businesses.

Administrative sanctions that will be imposed on business actors who do not include Indonesian labels in accordance with applicable regulations based on Government Regulation Number 29 of 2021 can be in the form of written warnings, withdrawal of goods from distribution, prohibition from trading goods. In addition to administrative sanctions, business actors can also be subject to criminal sanctions based on Law Number 8 of 1999 concerning Consumer Protection which can result in the imposition of basic criminal sanctions, namely business actors can be sentenced to imprisonment for up to 5 (five) years or a fine of up to Rp2,000,000,000.00 (two billion rupiah) if proven to have violated the provisions regarding the inclusion of information in Indonesian, as well as additional criminal sanctions including the confiscation of certain goods and the obligation to withdraw goods from circulation.

CONCLUSION

Regulations related to imported products that do not include labels in Indonesian are regulated in Article 8 letter j of Law Number 8 of 1999 concerning Consumer Protection, Regulation of the Minister of Trade of the Republic of Indonesia Number 22/M-DAG/PER/5/2010 concerning Amendments to the Regulation of the Minister of Trade Number 62/M-DAG/PER/12/2009, and Regulation of the Minister of Trade Number 73/M-DAG/PER/9/2015 concerning the Obligation to Include Labels in Indonesian on Goods. These regulations require importers to include labels in Indonesian on products marketed, in order to protect consumers by providing clear and accurate information about the product.

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