



Food Security and Consumer Protection: An Analysis of Sanctions on the Sale of Expired Food Products from the Perspective of Islamic Criminal Law and Positive Law in Indonesia

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ABSTRACT

The Sale of Expired Food Products: A Serious Violation That Poses Risks to Consumers' Physical and Psychological Health. This study aims to analyze the sanctions on selling expired food products from the perspective of Islamic Criminal Law and Law No. 8 of 1999 on Consumer Protection. Using a normative research method and comparative analysis, the study finds that Islamic Criminal Law emphasizes the moral aspect, such as the prohibition against causing harm to others (la darbar wa la dinar), with penalties adjusted according to intent and the impact of the violation, such as visas, diyat, or ta'zir. On the other hand, Law No. 8 of 1999 emphasizes legal certainty through criminal sanctions to protect consumers. The study highlights the similarities between the two legal systems in consumer protection but also notes the differing approaches, with Islamic Criminal Law focusing more on moral responsibility. At the same time, positive law emphasizes a deterrent effect legally. This research is expected to contribute to improving consumer protection regulations that are more comprehensive and just

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1. Introduction

Food security is a significant concern in public health development.¹ This issue continues to pose a significant challenge at the global level, given its substantial impact on the quality of life and human well-being.² In Indonesia, food security-related issues have become increasingly complex, especially with the growth of the Indonesian population, which reached 281 million people in 2024,³ as well as lifestyle changes that have significantly contributed to the increase in fast food consumption.⁴ One of the recurring problems is the sale of expired food products, as seen in incidents that occurred in 2019 in Kupang, East Nusa Tenggara,⁵ in 2022 in Bekasi, West Java⁶ and 2023 in Batang Regency, Central Java.⁷

Based on data from the Food and Drug Supervisory Agency (BPOM), in 2023, there were 1,110 food poisoning cases, accounting for 64.46% of all reported poisoning incidents. Most of these cases were caused by consuming food that did not meet safety standards, including expired food products.⁸ Additionally, in 2024, expired food incidents occurred again. In Kediri Regency, East Java, 160 people had to be hospitalized after consuming expired food. The culprit, a wholesale packaged food shop owner, was found to have relabeled expired food and beverages to sell them again.⁹ This action harms consumers economically, poses a potential risk to public health, and endangers lives.¹⁰

The series of cases above reflect the weaknesses in the oversight of food distribution and the insufficient enforcement of food safety regulations. Therefore, stringent and effective regulations are crucial to protect consumers and ensure that products circulating in the market are safe for consumption.

In the context of Indonesian positive law, consumer protection regulations are governed by Law No. 8 of 1999, further complemented by Law No. 18 of 2012 on Food.¹¹

¹ Boatwright et al., "Understanding the Politics of Food Regulation and Public Health: An Analysis of Codex Standard-Setting Processes on Food Labelling."

² Wahyuni, Vanany, dan Ciptomulyono, "Food safety and halal food in the supply chain: Review and bibliometric analysis."

³ Badan Pusat Statistik, "Jumlah Penduduk Pertengahan Tahun (Ribu Jiwa), 2022-2024."

⁴ Bestari Yuniah, Yudi Feriandi, dan Fajar Awalia Yulianto, "Proporsi Konsumsi Junk Food dan Status Gizi Berlebih di Mahasiswa Kedokteran."

⁵ Ama, "Lima Kasus Pangan Kedaluwarsa di Kupang Diproses Hukum."

⁶ Antonio, "7 Fakta Kasus Penjualan Makanan Hingga Kosmetik Kedaluwarsa di Cikarang."

⁷ Bernardi, "Sindiket Penjual Makanan Kedaluwarsa Dibongkar di Batang, Begini Modusnya"; Saputra, "Tersangka Kasus Keracunan Massal Kediri Dipastikan Jual Makanan Kedaluwarsa."

⁸ BPOM, "Analisis Data Kasus Keracunan Obat Dan Makanan Tahun 2023."

⁹ Hartik dan Hakim, "Ini Pasal Berlapis yang Menjerat Donatur Makanan Kedaluwarsa pada Pengajian di Kediri."

¹⁰ "Darurat Kesehatan, 23 Anak Tewas Gara-Gara Keracunan Makanan."

¹¹ Widiyani et al., "Perbandingan Hukum Terhadap Tindak Pidana Peredaran Pangan Berbahaya Antara Indonesia Dengan Tiongkok."

Both regulations emphasize a stringent prohibition on the circulation of food that does not meet safety standards, including expired food products. However, the effectiveness of implementing these regulations remains a significant concern, given the ongoing violations.¹²

On the other hand, Islamic criminal law also emphasizes food safety issues, which are seen as part of the moral and social responsibility to protect life (*hifz al-nafs*) and property (*hifz al-mal*).¹³ A core principle in Islamic criminal law, such as *la darar wa la dirar* (one should not harm oneself or others), is crucial for preventing violations that could jeopardize consumer safety. Selling expired food not only violates trade ethics but also contradicts the principles of Sharia law, which prioritize justice and the protection of society.¹⁴

Several previous studies have examined food safety regulations and their implementation. Among them are the studies by Purnama Sari et al. (2019),¹⁵ Lestari (2020),¹⁶ and Sianturi et al. (2023),¹⁷ which focus on the effectiveness of Law No. 8 of 1999 on Consumer Protection in preventing the circulation of unsafe food products. However, these studies overlook the integration of Islamic criminal law perspectives in their analyses. Furthermore, no comprehensive research has compared the sanctions in Indonesian positive law and Islamic criminal law regarding the sale of expired food products.

This study aims to fill this gap by analyzing the sanctions on selling expired food products from the perspectives of Islamic criminal law and Indonesian positive law. Furthermore, this research offers an integrative approach that harmonizes both legal systems to create more effective regulations for consumer protection.

As a theoretical contribution, this study is expected to enrich the literature on harmonizing favorable and Islamic criminal laws in food safety regulation. From a practical perspective, this research offers policy recommendations that the government and policymakers can utilize to strengthen the enforcement of food safety laws. With more stringent regulations based on Islamic Sharia principles, it is hoped that food safety violations, including the sale of expired food products, can be minimized, thus creating a fair, responsible, and safe trading system for consumers.

¹² Widiarty, "The legal analysis of consumer protection against the circulation of expired food products in Indonesia."

¹³ Arake, "Agama dan Negara Perspektif Fiqh Siyasah."

¹⁴ Rahmatiah et al., "Strict Liability and Product Safety: the Case of Dangerous Syrup in Indonesia in the Maqāsid Al-Sharī'ah Perspective."

¹⁵ Purnamasari, Solihan, dan Azzahra, "EFEKTIVITAS PENEGAKAN HUKUM TERHADAP PRODUSEN MAKANAN DI INDONESIA."

¹⁶ Lestari, "Keamanan Pangan Sebagai Salah Satu Upaya Perlindungan Hak Masyarakat Sebagai Konsumen."

¹⁷ Sianturi et al., "Tinjauan Yuridis Terhadap Perlindungan Konsumen Atas Beredarnya Makanan Kadaluwarsa."

2. Legal Material and Methods

This study uses a normative legal research method titled "Food Safety and Consumer Protection: An Analysis of Sanctions for Selling Expired Food Products from the Perspective of Islamic Criminal Law and Indonesian Positive Law." This approach is applied to deeply analyze the legal sanctions imposed on business actors who sell expired food products, whether due to negligence or intentional actions.

Data is collected through document studies (library research), reviewing relevant regulations, court decisions, legal doctrines, and related academic literature. Law No. 8 of 1999 on Consumer Protection serves as the primary legal source in this study, particularly in examining sanctions imposed for food safety violations.

The data from various sources are then analyzed using a comparative approach between Indonesian positive law and Islamic criminal law. This analysis focuses on the effectiveness of sanctions imposed on business actors who sell expired food products, taking into account consumer protection principles and the concept of public interest (*maslahah*) in Islamic law. The results of this sanctions analysis will provide insight into how sanctions in both legal systems can effectively deter perpetrators and protect consumer rights to the fullest. Thus, this study aims to evaluate the sustainability and application of relevant sanctions based on principles of justice and consumer protection within Indonesian positive law and Islamic criminal law.

3. Results and Discussion

3.1 Sanctions for Sellers of Expired Food Products in the Perspective of Islamic Criminal Law.

In Islamic criminal law (*fiqh jinayah*), endangering others is strictly prohibited.¹⁸ The fundamental principles of *fiqh jinayah* emphasize the importance of safeguarding every individual's life, property, and dignity.¹⁹ Actions that pose a threat to others, whether physical or mental, are contrary to the objectives of Sharia (*maqasid al-shariah*),²⁰ one of which is the protection of life (*hifz al-nafs*). Therefore, any act that endangers or threatens others can be subject to punishment based on the type and impact of the violation. Islam places a high value on individual safety, as reflected in the legal maxim "*la darar wa la dirar*," meaning "there should be no harm or causing harm to others." This principle emphasizes that every Muslim is prohibited from engaging in actions that harm themselves or others. The maxim is rooted in the hadith of Prophet Muhammad (PBUH), which states, "One should not harm oneself or others" (HR. Malik, Ibn Majah, and Ahmad). Based on this

¹⁸ Sari, *Fiqh Jinayah (Pengantar Memahami Hukum Pidana Islam)*.

¹⁹ Gumanti, "Maqasid Al-Syariah Menurut Jasser Auda (Pendekatan Sistem dalam Hukum Islam)."

²⁰ Arake, "Agama dan Negara Perspektif Fiqh Siyasah."

principle, endangering others intentionally or through negligence is an unlawful act threatening public safety.

Protecting the safety and welfare of the public is a fundamental principle in formulating various Sharia laws. Therefore, the practice of selling expired food products, which can harm consumers, needs to be examined thoroughly from the perspective of Islamic criminal law. This principle is rooted in two key concepts: Hifzh al-Nafs (the preservation of life), which requires every individual to protect the health and safety of others, and the prohibition of fraudulent practices (Tadlis), as stated in the hadith of Prophet Muhammad (PBUH): "Whoever deceives is not one of us" (HR. Muslim). The act of selling expired food without providing clear information to consumers contradicts both of these principles. To understand this comprehensively, the two principles are elaborated as follows.

a. Hifzh a-Nafs

Hifzh al-Nafs, or the protection of life, is one of the five maqāsid al-sharī'ah that represent the primary objectives of Islamic law.²¹ Along with hifzh al-dīn (protection of religion), hifzh al-'aql (protection of intellect), hifzh al-nasl (protection of lineage), and hifzh al-māl (protection of property), this principle emphasizes the importance of safeguarding human life from various threats, both physical and psychological. In Islam, the protection of life involves efforts to ensure safety, health, and the continuity of life through the implementation of regulations aimed at preventing potential harm.²²

As a basic necessity, food plays a crucial role in sustaining life. However, consuming expired food can lead to serious health issues, such as food poisoning caused by harmful bacteria, including Salmonella or E. coli, and even pose a life-threatening risk.²³ The sale of expired food products without informing consumers contradicts the principle of hifzh al-nafs, as it disregards the responsibility of safeguarding the safety and well-being of others. This act violates the principle of amanah in trade, which emphasizes honesty. Islam views trade as an activity that must be conducted with full responsibility, and selling food that is unfit for consumption without clear information to consumers is an unjustifiable form of deception. Furthermore, selling expired food can have negative social and economic consequences, such as increased healthcare costs, reduced consumer confidence in the market, and disrupted economic stability.

Maintaining the principle of hifzh al-nafs (protection of life) is a shared responsibility. Every Muslim individual must ensure that the products they sell meet safety, halal, and thayyib standards. The government also plays a crucial role as the primary regulator to oversee the circulation of food in the market and enforce sanctions for

²¹ Nst dan Nurhayati, "Teori Maqashid Al-Syari'ah Dan Penerapannya Pada Perbankan Syariah."

²² Faizi, Kusuma, dan Khoiri, "Inequality of Covid-19 Vaccine Distribution from the Maqasid al-Shari'ah Perspective."

²³ Azra, *Bahaya Keamanan Pangan*.

violations.²⁴ On the other hand, society, as consumers, is expected to be more meticulous in selecting products to avoid health risks. Violations of the principle of *hifzh al-nafs* are considered a major sin in Islam, particularly if committed intentionally. Perpetrators who sell expired food can be subjected to *ta'zir* (discretionary punishment), determined based on the extent of the harm caused. This punishment aims to provide a deterrent effect, prevent the recurrence of violations, and protect society from the adverse effects of consuming unsafe food.

b. Prohibition of Fraud (*Tadlis*)

Fraud is a practice that is strictly prohibited in Islam. This prohibition is emphasized in the hadith of Prophet Muhammad (PBUH): "*Whoever deceives is not one of us*" (HR. Muslim).²⁵ Islam forbids all forms of deception²⁶, including the practice of *tadlis* in trade. In the context of selling expired food, *tadlis* occurs when a seller offers products that are unfit for consumption without warning consumers of the potential risks. This also includes manipulating packaging or labels, such as altering expiration dates or concealing signs of product deterioration, which misleads consumers. Furthermore, the failure to provide transparency constitutes part of *tadlis*, where the seller does not provide honest information about the condition of the goods being sold.

The impact of this practice is highly detrimental. Consuming expired food can jeopardize health, leading to poisoning, digestive diseases, and even death.²⁷ Furthermore, *tadlis* undermines the trust between the seller and the buyer and threatens market and economic stability. From an Islamic perspective, this action is also categorized as a major sin, with consequences in the afterlife for the harm caused. Islam imposes sanctions on perpetrators of *tadlis* through *ta'zir* law, which may include financial penalties to compensate for the damages, imprisonment as a deterrent, and the revocation of trading rights in severe violations. Implementing these sanctions aims to protect society from the harm caused by deception, uphold justice, and ensure that trade operates according to Islamic principles that prioritize honesty and responsibility.

c. The Application of *Ta'zir* as a Policy of Punishment

In cases involving the sale of expired food products that threaten consumers, *ta'zir* emerges as a relevant legal solution, given the absence of specific sanctions in the Qur'an or Hadith. The sale of expired food compromises public safety, health, and well-being, necessitating the application of *ta'zir* to uphold one of the fundamental objectives of Islamic law (*maqashid al-shariah*), namely *hifzh al-nafs* (protection of life). Consequently, the

²⁴ Taklima, Sulistiyono, dan Syamsudin, *Consumer Protection As an Instrument for Fulfilling Human Rights in the Economic Sector and Its Constitutionalizing Efforts in the 1945 Constitution*.

²⁵ Nurmadiansyah, "Etika Bisnis Islam: Konsep dan praktek."

²⁶ Bariki dan Saniyah, "Islamic Philosophy and Business Ethics in Realizing Sustainable Development Goals."

²⁷ CNBC Indonesia, "Darurat Kesehatan , 23 Anak Tewas Gara-Gara Keracunan Makanan"; Syafii dan Andri, "Korban Meninggal akibat Keracunan Makanan di Jombang Bertambah Menjadi 2 Orang."

imposition of *ta'zir* penalties on offenders serves as a deterrent against harm and reinforces consumer protection against health risks.

Ta'zir is a form of punishment within the Islamic legal system characterized by its flexibility, as the determination of its type and severity is entrusted to the discretion of *ulul amri*—the authority in charge.²⁸ Unlike *hudud* and *qisas*, which prescribe fixed punishments explicitly outlined in the Qur'an and Hadith, *ta'zir* applies to offenses that lack specific legal provisions. Linguistically, *ta'zir* conveys the meanings of "disciplining" or "upholding dignity," with its primary objectives being preserving justice, public order, and preventing wrongdoing.²⁹ The legal foundation for *ta'zir* can be derived from Surah An-Nisa (4:59).

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِن تَنَزَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِن كُنتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

The Meaning : “O ye who believe! Obey Allah, and obey the Messenger, and those charged with authority among you. If ye differ in anything among yourselves, refer it to Allah and His Messenger, if ye do believe in Allah and the Last Day: That is best, and most suitable for final determination.”

Ulul amri plays a crucial role in implementing *ta'zir*, determining the type and severity of punishment based on the gravity of the offense, social conditions, and the necessity of public welfare.³⁰ Sanctions imposed may range from reprimands, fines, imprisonment, and lashing to social penalties, as long as they remain by the principles of Islamic law.³¹

The primary objectives of *ta'zir* include moral education, the prevention of harm, and the preservation of public welfare. For instance, *ta'zir* punishments may be imposed for offenses not covered under *hudud* or *qisas*, such as the sale of expired food products. Moreover, *Ulul Amri* holds the authority to establish administrative regulations in areas such as traffic, health, and education, as well as to enforce sanctions against violators of these regulations.

3.2 Sanctions Under Law No. 8 of 1999 on Consumer Protection for the Sale of Expired Food Products

Under Law No. 8 of 1999 concerning Consumer Protection (UUPK), the act of selling expired food products violates consumers' rights to obtain safe, quality, and fit-for-

²⁸ Ramadhan dan Najmudin, “Sanksi Hukum Pidana Islam Terhadap Negara.”

²⁹ Mohamed Adil dan Abdullah, “The Application of Shari’ah Principles of Ta’zir in Malaysian Common Law: A Maqasid-Based Proposal.”

³⁰ El-Awa, Mohamed, “The Theory of Punishment in Islamic Law: A Comparative Study.”

³¹ Ma’nunah, “Pencemaran Nama Baik Melalui Media Sosial Perspektif Hukum Islam.”

consumption products.³² The UUPK is designed to protect consumers from harmful business practices and ensure the safety and quality of products circulating in society. Article 4 of the UUPK stipulates that consumers have the right to comfort, safety, and protection when consuming goods and/or services. Therefore, business actors selling expired food products infringe upon consumers' rights to safety and protection, as these products can potentially cause adverse health effects.

Furthermore, Article 8 of the UUPK regulates the prohibition for business actors to trade goods that do not meet quality standards or goods that have passed their expiration date.³³ Paragraph (1) letter a stipulates that business actors are prohibited from producing and/or trading goods and/or services that do not meet or comply with the required standards, whether in terms of safety, health, or other applicable regulations. This article emphasizes that expired food products fall into the category of goods that do not meet the necessary safety and health standards for consumption. Therefore, business actors who intentionally sell expired products may be subject to sanctions. Article 62 paragraph (1) of the UUPK states that business actors violating the provisions of Article 8 may be sentenced to imprisonment for a maximum of 5 years or a fine of up to IDR 2 billion.

This provision indicates that selling expired food products is a serious violation that is considered to endanger the safety of consumers, thus subjecting the violator to criminal sanctions as a consumer protection measure. In this context, the UUPK emphasizes that every business actor has the responsibility to ensure that the goods being traded remain in a condition that is fit and safe for consumption.

This regulation also encourages business actors to actively monitor the products they distribute and withdraw products that have passed their expiration date from circulation, in order to maintain the safety and comfort of consumers.

The Food and Drug Supervisory Agency (BPOM) has also established regulations requiring producers and distributors to include expiration dates on the packaging of food, beverages, and pharmaceutical products. This date must be clear, legible, and easily understood by consumers as a sign of the safe consumption limit. Products exceeding the expiration date must be withdrawn from the market, as they are no longer safe for consumption. Additionally, BPOM regularly conducts inspections and monitoring in the market to ensure that expired products are not circulating. If violations are found, the sanctions imposed can vary, ranging from product recalls and administrative fines to more severe legal actions for serious violations that endanger consumer health. These measures

³² Wulandari, "Perlindungan Hukum Terhadap Konsumen Makanan Dan Minuman Dengan Informasi Tidak Jujur Perspektif Undang-Undang Nomor 8 Tahun 1999 (Studi Kasus Pada Toko Naufal Bandar Dalam Kecamatan Negeri Agung Kabupaten Way Kanan)."

³³ Tuela, "Upaya Hukum Perlindungan Konsumen Terhadap Barang Yang Diperdagangkan."

are taken to minimize the potential health risks associated with consuming products that have surpassed their expiration date.

Selling expired food products violates the product safety standards established under this law, and criminal sanctions are imposed for such violations. The Consumer Protection Law also regulates criminal sanctions for those who intentionally or negligently sell expired food products that may harm consumers. These criminal provisions are outlined in Article 62 paragraph (1), which states that violations of labeling provisions or the provision of goods that do not meet the required standards or safety can be subject to criminal sanctions

- a. Imprisonment: Article 62 paragraph (1) stipulates that violators of the Consumer Protection Law may be sentenced to imprisonment for a maximum of five (5) years.
- b. Fines: In addition to imprisonment, the offender may be subject to a fine of up to IDR 2,000,000,000 (two billion rupiahs). This fine is intended as compensation and a sanction for actions that harm consumers.

The doctrine of strict liability in law imposes responsibility on an individual for a specific action or event without requiring proof of fault or malicious intent (*mens rea*).³⁴ This doctrine applies when an individual is held accountable for the consequences of their actions, even if precautionary measures have been optimally taken. The purpose of applying strict liability is to provide maximum protection to society, especially to the victims of high-risk activities, encourage perpetrators to be more cautious in reducing potential harm, and simplify the legal process by eliminating the need to prove fault.

The main characteristics of strict liability include the absence of a requirement to prove fault, full responsibility for specific consequences, and its application to activities that involve high risks, such as the use of hazardous materials. For example, in product liability cases, manufacturers are held responsible for damages caused by defective products, even if they have made every effort to ensure their safety.

3.3 Comparison of Sanctions in Islamic Criminal Law and Law No. 8 of 1999 on the Sale of Expired Food Products

The sale of expired food products is a serious issue that involves economic aspects and the health and safety of consumers. In law, violations regarding the sale of products no longer fit for consumption may incur sanctions by applicable regulations, both in positive and Islamic Criminal Law. These two legal systems have different approaches but are aligned in protecting consumers. While Law No. 8 of 1999 emphasizes consumer protection through clear regulations and strict sanctions, Islamic Criminal Law prioritizes a moral and religious approach to addressing violations that harm society. A more precise comparison can be seen in the table below.

³⁴ Anshari, "Tanggung Jawab Komando Menurut Hukum Internasional Dan Hukum Nasional Indonesia."

Table: Comparison of Islamic Criminal Law and Law No. 8 of 1999 from the Perspective of Criminal Sanctions

Aspect	Islamic Criminal Law	Law No. 8 of 1999
Principle	Prohibition of Endangering Others (<i>la darar wa la dirar</i>)	Consumer Protection Against Unsafe or Unfit Products
Approach	Moral and religious (Islah)	Positive law focusing on legal certainty and consumer protection
Type of Sanction	Qisas, diyat, or ta'zir, depending on the level of violation and the intention of the perpetrator	Criminal sanctions (up to 5 years imprisonment, fines up to IDR 2 billion)
Determination of Punishment	Considers the intention (niyyah) and negligence of the perpetrator	Focuses on the consequences of the violation, regardless of the perpetrator's intention
Purpose of Punishment	To provide a deterrent effect, improve the moral of the perpetrator, and prevent harm to society	To provide legal protection to consumers and ensure the safety of products in the market
Advantage	Flexible, considering moral aspects and the social context of the violation	Provides legal certainty with clear and detailed regulations

Source: Processed by the author

Based on the table above, we can see the comparison between the two legal systems. Islamic Criminal Law and Law No. 8 of 1999 share similar fundamental principles in providing consumer protection. Both systems aim to ensure that consumers receive safe, healthy products and meet the established standards. In Islamic Criminal Law, this protection is embodied through prohibiting actions that could endanger others, including selling expired products that could harm health. This aligns with the provisions in Law No. 8 of 1999, which prohibits the sale of goods or services that do not meet safety standards.

In addition, both legal systems also impose sanctions for violations that harm consumers. Although the form and application of sanctions differ, both Islamic Criminal Law and Law No. 8 of 1999 agree that violations of consumer rights must be dealt with firmly to provide a deterrent effect and uphold social justice

The main difference between Islamic Criminal Law and Law No. 8 of 1999 lies in the form, purpose, and approach to the imposition of sanctions. Regarding the form and type of sanctions, Islamic Criminal Law applies ta'zir. This flexible punishment concept is adjusted according to the level of violation and determined by the judge's discretion. These punishments can include fines, imprisonment, or business restrictions. In contrast, Law No. 8 of 1999 provides more specific details regarding sanctions, including administrative sanctions, such as the revocation of business licenses, and criminal sanctions, such as imprisonment for up to five years or fines of up to two billion rupiahs.

The goal of Islamic Criminal Law emphasizes "islah", which means the moral and religious improvement of the perpetrator. This goal aims to encourage the moral awareness

of the perpetrator regarding their responsibility before God and society. Meanwhile, Law No. 8 of 1999 focuses on enforcing positive law by providing legal protection to consumers and ensuring legal certainty. Another difference can be seen in the approach towards intention and negligence. Islamic Criminal Law considers the perpetrator's intention (*niyyah*) in determining sanctions, where intentional violations receive harsher punishment than those caused by negligence. In contrast, the Consumer Protection Law emphasizes the consequences of the perpetrator's actions, so violations can still be punished even if they occur without malicious intent.

Islamic Criminal Law has the advantage of flexible application of punishments, allowing sanctions to be adjusted based on the context of the violation. Additionally, the emphasis on moral responsibility deepens the dimension of accountability for the perpetrator. However, this flexibility also poses a disadvantage, as the application of punishment can vary and may lack uniformity. Classical Islamic law also requires adjustments to regulate modern cases in detail. On the other hand, Law No. 8 of 1999 provides legal certainty through clear and detailed regulations. Its focus on consumer protection enhances the sense of security in society. However, its approach, which does not consider the perpetrator's intention and lacks emphasis on moral responsibility, is considered less comprehensive.

Law No. 8 of 1999 provides a strong legal foundation for maintaining the balance between consumer rights and business actors' obligations. Consumer rights, as guaranteed in Article 4, include safety, comfort, and security when consuming goods or services. Business actors must act in good faith, provide accurate information, and ensure product quality, as stipulated in Article 7. Violations of these provisions may result in criminal sanctions.

In Islamic Criminal Law, consumer protection is based on the principles of honesty and transparency, emphasized in the Prophet Muhammad's hadith (*SAW*). Prohibiting *gharar* (ambiguity) and *riba* (usury) protects consumers from fraud and exploitation. The *ta'zir* sanction is imposed to create a deterrent effect and uphold social justice. With the combination of positive legal approaches and religious values, both legal systems contribute to consumer protection, although their implementation requires adjustments to modern contexts and challenges.

The application of the principle of strict liability is also used to provide maximum protection for society, particularly for victims of expired food products. It encourages perpetrators to take preventive measures to minimize potential harm and simplifies the law enforcement process by removing the need to prove fault.

4. Conclusion

The sale of expired food products is a serious violation that endangers consumers' health. From the perspective of Islamic Criminal Law, this act contradicts the principles of *maqasid al-shariah*, particularly the protection of life (*hifzh al-nafs*) and the prohibition of fraud (*tadlis*). Islamic Criminal Law applies flexible *ta'zir* sanctions, such as fines, product withdrawal, or business license revocation, to uphold justice and moral responsibility. Meanwhile, Law No. 8 of 1999 on Consumer Protection provides clear legal protection with

administrative sanctions, criminal penalties, or fines up to Rp. 2 billion for violations related to unsafe products.

Both legal systems share the same objective, protecting consumers, but with different approaches. Islamic Criminal Law emphasizes the moral and religious dimension, while the Consumer Protection Law focuses more on legal certainty. Combining these two approaches can strengthen consumer protection and create a safer, more ethical, and responsible trade system by enforcing principles of social justice and transparency in commerce.

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