

# Food Safety and its Regulation on School Snacks for Society's Health in Cirebon

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## Abstract

Food safety is the right of each person, with no exception of students who are in growth, and their body has vulnerable immunity to diseases. One of the causes of those diseases is consuming pattern of buying snacks recklessly and become students' habit, and the serving of the snacks make it easy for food having a contact with microba as one of the causes of various diseases. Besides that, school snacks as products dominated by home industry, are assumed to have risk for health, this is caused by unhealthy food condition, the use of unclean tools for producing food, unhealthy producer, food contaminated by bacteria, to the use of raw material and additives, and other dangerous substances that affect the quality and safety of the food that should be avoided to be consumed. That social reality becomes the attention in the study that is meant to review and study the implementation of regulation policy of school snacks safety in Cirebon. The approach method used in this study is normative juridical--empirical, it means that law as Applied Law Research, which is legal study about law/regulation implementation vertically and horizontally related to food safety regulation, and In Action, law is in every legal event occurred in society. Legal tool about food safety management as the base of policy making and to prevent school snacks unsafety substantially is enough, but in Cirebon technical regulation in the form of regional regulation on school snacks management has not been made yet, and on its application level, there is obstacle such as legal awareness and legal obidience of society to legal norm implementation.

**Keywords:** Food Safety; Legal Norms; Cirebon

## 1. Introduction

In principle, food safety is a condition of food fulfilment for state to individual, whether its number or quality, safe, vary, nutritious, spread equally, and affordable and not against the religion, beliefs, and society culture to live healthy, active, and productive simultaneously. Food safety is a right of each person, with no exception of students in growth. One of the food resources known and liked by students is snacks. Snacks in school area can be from school's canteen or vendors outside the school. School snacks, wherever they are from, must be safe to be consumed. Specifically, food safety management in school canteen should be done directly by community in school area such as teachers, students' parents, and students [1].

Regulation on food safety covers: food sanitation, food additives, genetic recreation, food package, quality insurance and laboratory check and contaminated food. Food safety is needed to prevent food poisoning; one of the food sources that caused poisoning is snacks. Article 5 of Government Regulation Number 28 Year 2004 (PP No.28/2004) on Food safety, quality and nutrition states that the danger of food contamination covers: biological contamination, chemical contamination, and physical contamination. The requirements of food safety consist of: food sanitation standard and food raw material standard. Next, in PP No.28/2004 it gives the authority to Food and Drugs Association (FDA) to do monitoring to the safety, quality and nutrition of food distributed to society.

One of food priority that become the special concern of FDA is school snacks that included into Society Healthy Life Movement (SHLM) issued by Ministry of Health, is a systematic and planned action done together by all nation's components with awareness, willingness and ability to do healthy life to improve the quality of life. This movement is started from family, because family is the smallest part of society in forming personality. And also the habit of consuming school snacks, the habit started from family by making healthy eating and balanced nutrition as a

habit. And also SHLM such as Clean and Healthy Life Style (CHLS) and healthy food supply and acceleration of nutrition improvement [2].

Food and drinks cleanliness is very important, because it is related to human's body condition, especially food and drinks consumed by children, because they have vulnerable immunity to diseases. But most of school age children have habit to buy snacks recklessly that the food is sold on the street or near drainage and placed in open space so it is easy to be contaminated by micro bacterium, as one of the causes of many diseases known as food borne disease. Some aspects that handle snacks management that very affect food quality and safety as mentioned in Indonesian Ministry of Health Decree Number 942/Menkes/SK/VII/2003 (KepMenKes RI No942/Menkes/SK/VII/2003) on Hygiene Requirements Principle of Snacks Sanitation (HRPSS) covers: food toucher, tools, water, food material, food additives, seller facility and service. That is why the meaning of food safety is very important for consumer and producer interests, which its development has determined consumer awareness to do healthy life style, by demanding producer the duty to serve and produce food healthily and safely. And even every person has responsibility in doing this food chain activity from: production process, storage, delivery and distribution, must follow the requirements/standard of food sanitation and food raw material standard as mentioned in the existing regulation (Article 2 Point 1 of PP No. 28/2004), so it is safe to be consumed.

In contrast, food contamination also has role that determined the existence of food borne disease or food poisoning, which might be as a result of micro bacterium that contaminated food during production process, start from maintenance, harvesting or slaughtering, cleaning or washing, food preparation or production, serving and storage. Materials or organism consisting of poisonous chemical substance such as food additives, drugs, metal, and pesticide, existed in food can make food poisoning or contagious diseases. Until now, there is producer who used chemical substances that is dangerous for health in producing food, of course it will create the risk of food contamination (poisoning) as the result of microorganism activity.

This microorganism poisoning can be differentiated into food intoxication and food infection. Food intoxication is poisoning that occurred because food is contaminated by toxin in the food. Food infection is occurred because food is contaminated by makprotozoa parasite or bacteria. Food poisoning can also cause by chemical substance. All chemical substances are poisonous and will have different effects, depend on the type and amount of chemical substances that entered our body. Chemical substances often known as food additives such as preservatives, coloring, coagulating and flavoring might become poison for our body, if they are consumed in large amount. The results are from headache, digestive problem to cancer [3].

The circulation of chemical substance in society is often occurred, especially in developing country such as Indonesia, this cannot be denied. The condition of poverty, lack of human resources, lack of knowledge and understanding of the danger of consuming chemical substance become the factors that support the use of dangerous food additives in snacks. This problem occurred in Cirebon society as the study area in this research. In the study area there is a lot of non-food grade chemical substance and non-food additives that added into food. Food circulated in society contained dangerous additives and preservatives such as formalin, borax, and dangerous food coloring. The use of formalin is not for food, but as nonfood antiseptic, germicide and preservatives. Borax functions not only as preservatives but also as food coagulant.

The reality of Cirebon that is developing into developed city affects many things in society. The dynamic of social-economic life grows faster, but this development, in the other side, also affects how society thinks, more pragmatically in seeking benefits. Economic pressure as the result of poverty and lack of awareness to the danger of consuming snacks contained chemical substance has created problem in society, even though legal norm has been formulated to give protection. As formulated in Law Number 36 Year 2009 (UU No.36 / 2009) on Health, that food and drinks used for society must be based on standard and/or health requirement and those that endanger health is prohibited to be circulated, withdrawn from circulation, circulation permit is withdrawn and confiscated to be destroyed (Article 111).

Society as consumer needs safe products for body health and soul safety, and in general for family and household prosperity. That is why we need legal norms that guarantee the safe requirements of each consumer to consume completed by right, honest and responsible information. Consumer protection seen materially and formally is very important, considering the improvement of knowledge and technology as the supporting motor for producer productivity and efficiency of goods and service produced in order to achieve both things, at the end directly or not, the consumer is the one who feels the effect [4], because generally consumer does not know what is a product made of, how is the production process and what market strategy is used. There are many consumers who do not realize their rights.

The awareness of right is parallel to awareness of law. The higher the society awareness of right is, the higher the respect of themselves and others. Consumer education should be done through mass media and nongovernmental

organization activity. Consumer interest in consumer protection is in soul, health, and consumer family interest. In the perspective of law enforcement, legal sanction for the violation is weak, only administrative sanction.

Weak sanctions caused the circulation of unhygienic school snacks, unfulfilled food sanitation standard and food raw material standard, and also dangerous food additives so the food is not safe to be consumed. That condition can create basic question how is the implementation of Cirebon government policy of school snacks safety management to protect student's health in elementary schools in Cirebon. The aim of this study is to study how is the implementation of regional government policy to give food safety because Cirebon government has not been able yet to make regulation to manage school snacks problem in Cirebon.

## 2. Research Methods

This research is legal research using normative juridical-empirical approach. It means in this research law is as Applied Law Research, which is law research on normative law implementation used and is the basic study, that legal norm related to written law, those are Law No.36 / 2009 on Health, Law No.18 / 2012 on Food, Law No.8 / 1999 on Consumer Protection; Government regulation no. 28/2004 on Safety. Quality and Nutrition of Food, Minister of Health Decree No 942 / 2003 on Requirement Principle of School Snacks Hygiene Sanitation, Minister of Health Decree No. 33 Year 2012 on Food Additives, and Regulation of Indonesian FDA Chief No.36/2013 on Maximum Limit of Food Preservatives Usage. In action, on every law action occurred in society, as the material to be studied so we get legal basic used to manage school snacks safety. Focus of normative juridical-empirical research is the implementation of normative law In Concreto on certain event and the result achieved is suitable with the fact. Normative-empirical law research consists of 3 (three) approaches: Non Judicial Case Study, this is legal case approach without conflict, without court interference, Judicial Case Study is case study approach because of the conflict resolved through court decision, and the third, the situation has not occurred or finished yet [5].

## 3. Theoretical Foundation

In Consumer Protection Law, it is mentioned that one of consumer rights is the right of correct, clear and honest information on condition and guarantee of goods and/or services. Consumer right is often ignored, consumer do not get honest information from business person on the product they sold.

The right of children's health is part of human rights that must be guaranteed, protected, and fulfilled by parents, society, and government. Article 28 of 1945 Constitution of Indonesia regulates that every child has the right of life, development and growth continuance.

Regulation in food safety area is enough; the problem is on its implementation through monitoring and law enforcement that is inconsistent and the weak sanction. The reality faced by law is waiting social change process into crystallization level and certain wealth to create benefit, norms and new legal institution. This reality caused perception in society that law is always in process and work slowly to follow the action, but if that social change happened fast and create problem in society, the one that directly affected is the law [6].

Regulation on consumer right has been regulated in Article 4 of Consumer Protection Law, consumer has the right to get law protection if the right of consumer is violated, the rights that are stated in Consumer Protection Law, consumer gets effective law protection in order to save the implementation of consumer protection regulation and guarantee the social justice. To implement those regulations society participation is needed in general and parents in particular to monitor school snacks.

Food safety problem becomes strategic issue these days. In Article 5 point 5 of Law No.18 / 2012 on Food, food safety is a condition and effort needed to prevent food from biological, chemical contamination and other disturbing, losing and dangerous substance to human health and are not against the religion, beliefs, and culture of society so it is safe to be consumed.

Food regulation stated in regulations which are: Law No. 36 / 2009 on Health, Law No 18 / 2012, Law No. 8 /1999 on Consumer Protection, Government Regulation No 28 / 2004 on Food Safety, Quality and Nutrition, Indonesian Minister of Health Decree No. 942 / 2003 on Requirement Principle of Snacks Hygiene Sanitation, Indonesian Minister of Health Decree No. 33 / 2012 on Food Additives. Indonesian Minister of Health Decree No. 942/MENKES/SK/VII/2003 on Requirement Principle of Snacks Hygiene Sanitation states that snacks as food and drinks produced by food producer in selling place and or served as fast food to be sold for public besides served in catering, restaurant, and hotel.

National action of snacks since 2011, with focusing on target of elementary school community. The next stage is the development of food safety in secondary school. The development program in secondary school focuses on school community empowerment concept. Strategy of food safety awareness improvement in school community

is done by strengthening management system of school snacks safety. Besides the role of headmaster, teachers, school community and canteen attendant, students role as agent of change of food safety is the strategic role [7].

Agent of change of food safety can be interpreted as the person who affects target of change to make the right decision in preventing biological, chemical contamination and other substance that disturbs, loses, and danger for health and are not against the religion, beliefs, and society culture so it is safe to be consumed. The role of agent of change of food safety in food safety management in school is:

1. As the example of school community motor (especially for fellow school mate to accustomed food safety);
2. As the connector of students and school to hold food safety program;
3. Coordinating with school food safety team to formulate and give creative ideas related to food safety campaign.

Policy sated by government is suitable with the purpose. Public policy has the characteristics [8]:

- a. Public policy is an action that tends to the aim rather than random and coincidental behavior and attitude. Public policy in modern political system is a planned action;
- b. Policy consists of related and patterned actions that direct to certain purpose done by government officials and are not individual decision. Policy does not cover the decision to make law in certain area, but it is followed by decisions related to the implementation and application force;
- c. Policy relates to what is government done in certain area;
- d. Public policy might be in positive form, might be in negative form, the possibility covers government official decisions not to take do any actions in problems which government interference is needed.

#### 4. Research Findings

Cirebon government policy of health development in school snacks safety is the implementation of Law No. 18 / 2012 in article 50 that government and/or regional government is obligated to guide those who distributed food. The guidance aim is to make every party able to implement good distribution. Government and/or regional government do the promotion to increase the use of local food product. Government and/or regional government do the promotion abroad to increase food product marketing.

One of the targets of food safety is increasing society participation in health action by doing clean and healthy behavior in every aspect, and increasing society protection of inconsumable food/contains dangerous substance. The policy in supporting that target is by [9].

1. Improving society awareness on clean and healthy behavior in every aspect;
2. Improving society independent in creating healthy environment;
3. Improving the monitoring and guidance of fast food circulation;
4. Clean environment development program.

Cirebon government support in monitoring home industry food is done by examining food sample of the product, because most of school snacks consumed are the product of home industry.

National regulation of school snacks is regulated in Law No. 18 / 2012 on Food, Government Regulation No 28 / 2004 on Food Safety, Quality and Nutrition, the research findings indicate Cirebon government has not made technical regulation in the form of regulation on school snacks.

Regional regulation on school snacks is important to be formulated because students of elementary school mostly buy snacks in school. Snacks bought and consumed are snacks outside the school fence. Snacks circulated outside the school fence potentially creates unwanted things such as snacks containing dangerous substances whether they are dangerous chemical substances or contaminated by dangerous bacteria. The findings result of this research is there are many snacks contain bacteria such as bacteria found in ice rocks, can be dangerous for health.

Legal foundation to do guidance of school snacks is enough, start from institutional aspect to the implementation. But it is better if the legal foundation is protected to the regional area because the one that has many roles on health in regional area is the policy from the regional officials themselves.

Research findings of food serving element, many sellers used plastic food package in serving snacks for students, while the type of plastic for food are various Polyethylene Tereftalat (Pet), High Density Polyethylene (Hope), Polyvinyl Chloride (Pvc), Low Density Polyethylene, (Lope), Polypropylene (Pp), Polystyrene (Ps). Food serving using plastic also must be considered. Plastic package of Polyethylene (PE) and Polypropylene (PP) is known unharmed. In general, Polyethylene plastic (PE) is clear, flexible or not such as mineral water package (glass and bottle). The dangerous plastic is Polystyrene (PS) and Polyvinyl Chloride (PVC). Polystyrene (PS) in the form of Styrofoam (electronic device wrapping) is used as fast-food wrapping. Even catering used it as box replacement.

There are sellers who used staerofoam as food container. The use of staerofoam for food is well known issue in society not to use staerofoam as food container moreover if the food is hot, but in fact they use staerofoam.

The condition of elementary school as the object of the research allowed food seller to sell the food in school area, but most schools do not have authentic regulation on school snacks. It caused the sellers sell food in school are not suitable with healthy canteen program such as hygiene and healthy canteen requirement.

Research findings indicate most canteen owned by public schools has bad hygiene sanitation, canteen condition is not enough if it is compared to number of students, 30 to 40 students per class. Canteen has lack light, most canteens in elementary school is situated in the corner that make the light in canteen is not enough.

Most canteens in public elementary school do not have good sink, and do not concern about canteen cleanliness. Besides that, the food sold is not placed in show case to avoid dust or fly. Germ or bacterial contamination can be occurred freely. Sellers usually sold their food on the table with plastic or stainless steel tray without cover or put them on newspaper.

If regional regulation on school snacks is made, canteen standard sanitation is also fixed and legal regulations that manage healthy canteen requirement are stated in some regulation, which are:

1. Law No. 36 of 2009 (Law No. 36/2009) on Health;
2. Law Number 18 of 2012 (Law No. 18/2012) amendments to Law Number; 7 of 1996 concerning Food;
3. Government Regulation of the Republic of Indonesia Number. 28 of 2004 (PP No. 28/2004) concerning Food Quality and Nutrition;
4. Government Regulation of the Republic of Indonesia Number. 86 of 2019 (PP No. 86/2019) concerning Food Safety;
5. Indonesian Minister of Health Decree Number 236/Menkes/PER/IV/1997 on Health Requirement of Snacks;
6. Indonesian Minister of Health Decree Number 942/Menkes/SK/VII/2003 on Requirement Principle of Snacks Hygiene Sanitation;
7. Indonesian Minister of Health Number 1096/Menkes/ PER/VI/2011 on Catering Hygiene Sanitation;
8. Minister of Health Decree Number 1429/ Menkes/ SK/ XII/ 2005 on Principle of School Environment Health Practice;
9. Principle toward Healthy Canteen in School 2011 edition of General Directorate of Basic Education, Educational Ministry;
10. Minister of Health Decree Number 1098/Menkes/SK/ VII/2003 on Restaurant Hygiene Sanitation Properness.

In the framework of forming national laws and regulations in Indonesia, these types of regulations can be constructed as in the following figure 1:

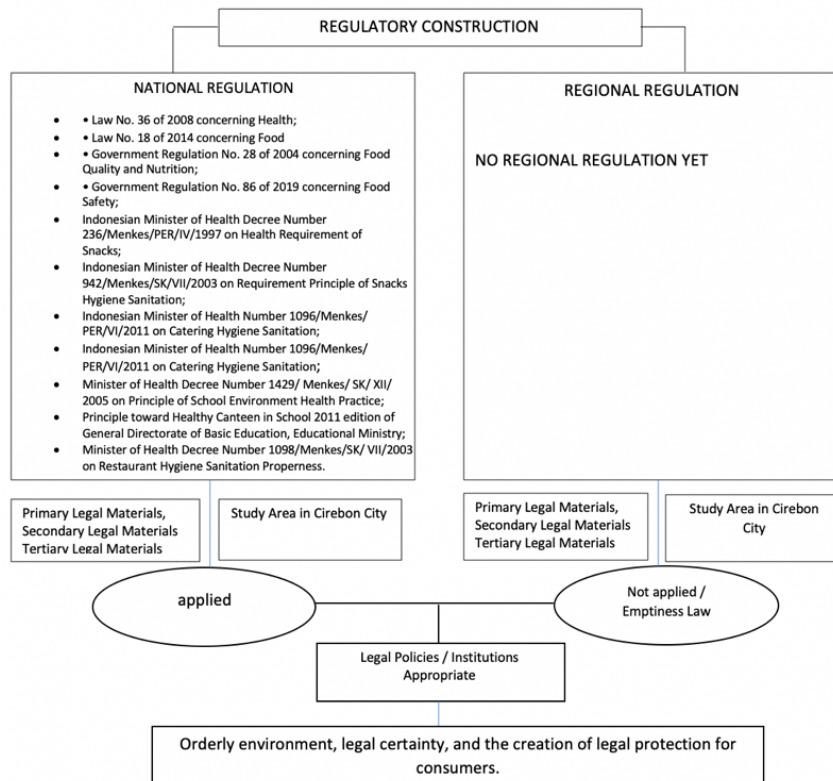


Figure 1. Framework of Forming National Laws and Regulations in Indonesia

## 5. Conclusion

Cirebon government has not made technical regulation in the form of Regional Regulation on school snacks. That regulation is important to make because there are many snacks contain dangerous food additives such as rhodamin, formalin, borax that can cause poisoning, diarrhea and cancer on students. Food package that is not suitable with food package regulation and from school canteen hygiene is not enough. That social reality needs legal norm that can be used to manage and prevent possibility that endanger student's health.

## 6. Suggestion

1. Cirebon government should be faster in handling circulation of school snacks contained dangerous substance and contaminated, so that regional regulation that specifically mange school snacks need to be made;
2. Cirebon government must made identity card for seller, so if the sellers moved, they still have identity the same as seller identity to make Health Department Cirebon and Food and Drugs Association easy in monitoring and giving guidance more intensively..

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