



PERLINDUNGAN HUKUM BAGI KONSUMEN ATAS PENGGUNAAN PRODUK PANGAN HASIL REKAYASA GENETIKA

Oleh

Susilo Wardani ¹⁾, Nindyo Pramono²⁾,

INTISARI

Penelitian tentang Perlindungan Hukum Bagi Konsumen Atas Penggunaan Produk Pangan Hasil Rekayasa Genetika, bertujuan untuk mengetahui perlindungan hukum bagi konsumen atas penggunaan produk pangan hasil rekayasa genetika di Indonesia ditinjau dari peraturan perundang-undangan yang terkait dengan pangan rekayasa genetika serta untuk mengetahui upaya hukum apa saja yang dapat dilakukan konsumen sehubungan dengan penggunaan produk pangan hasil rekayasa genetika yang tidak jelas memberikan informasi.

Penelitian ini merupakan penelitian dengan pendekatan yuridis normatif, selanjutnya dari hasil penelitian ini dianalisis dengan mempergunakan cara deskriptif analisis, sehingga diharapkan akan diperoleh gambaran yang menyeluruh dan sistematis tentang perlindungan hukum bagi konsumen atas penggunaan produk pangan hasil rekayasa genetika. Titik berat penelitian adalah studi kepustakaan, sehingga data sekunder atau bahan pustaka lebih diutamakan daripada data primer.

Hasil penelitian menunjukkan bahwa perlindungan hukum bagi konsumen atas penggunaan produk pangan hasil rekayasa genetika masih tersebar dalam beberapa peraturan perundangan dan peraturan lainnya yang masih bersifat umum. Jadi landasan hukumnya sudah ada tetapi implementasi di lapangan belum mengalami kemajuan karena ketiadaan label yang menginformasikan "Pangan Rekayasa Genetika" dan belum adanya lembaga berwenang untuk mengawasi peredaran masuknya bahan mentah impor yang mengandung unsur rekayasa genetika. Dengan demikian peraturan perundangan dan peraturan lainnya yang sudah ada belum memberikan perlindungan sepenuhnya kepada konsumen terutama hak atas keamanan pangan, hak atas informasi dan hak untuk memilih produk pangan hasil rekayasa genetika. Sedangkan upaya hukum yang dapat dilakukan oleh konsumen sehubungan dengan penggunaan produk pangan hasil rekayasa genetika yang tidak memberikan informasi dengan jelas yaitu dapat melakukan pengaduan kepada instansi terkait atau Lembaga Perlindungan Konsumen Swadaya Masyarakat (LPKSM). Apabila produk pangan hasil rekayasa genetika kemudian menimbulkan kerugian maka konsumen dapat melakukan upaya perlindungan hukum baik melalui jalur pengadilan (litigasi) atau melalui jalur di luar pengadilan (non litigasi).

Kata Kunci : Perlindungan Hukum Konsumen, Pangan Hasil Rekayasa Genetika

¹⁾ Fakultas Hukum Universitas Muhammadiyah Purwokerto

²⁾ Fakultas Hukum Universitas Gadjah Mada Yogyakarta



LEGAL PROTECTION FOR CONSUMER IN USE OF GENETICALLY MODIFIED FOOD PRODUCT

By
Susilo Wardani¹⁾ dan Nindyo Pramono²⁾

ABSTRACT

The objectives of this research are to know legal protection for consumers in use of genetically modified food product in Indonesia from the point of view of the positive regulations or other rules of law, and to find out legal effort the consumers can take in relation with their consumption of genetically modified food product that does not provide clear information.

This research adopted a juridical normative approach. It analysed the data in an analytical descriptive method in order to obtain a comprehensive and systematic description of legal protection for consumers of genetically modified food product. It focused on library study, so secondary data were more prioritised than primary data.

The research results show that legal protection for consumers of genetically food product is still dispersed in a number of regulations or other rules of law, which are still general in nature. Therefore, the legal base is already available, but the implementation in field has not indicated any progress due to lack of label informing "genetically modified food" as well as lack of an institution that has an authority to control the distribution of imported raw material containing genetic modified element. As the result, the existing regulations or other rules of law have not given an optimum legal protection to consumers particularly in maintaining the rights for safe food product, the rights for information, and the rights for choosing genetically modified food product. Meanwhile, the legal effort the consumers can take in relation with the consumption of genetically modified food product that does not give clear information are: reporting a complaint to the related institutions, or to the Consumer Protection non Government Organization. If they find out that a certain genetically modified food product causes harm/damage, the consumers can pursue legal protection, either through the litigation process or the non-litigation process.

Keywords: *legal protection for consumer, genetically modified food product.*

¹⁾ Fakultas Of Law Muhammadiyah University, Purwokerto

²⁾ Fakultas Of Law Gadjah Mada University, Yogyakarta



Legal Protection for Consumer In Use of Genetically Modified Food Product

(Perlindungan Hukum Bagi Konsumen Atas Penggunaan Produk Pangan Hasil Rekayasa Genetika)

Oleh : Susilo Wardani
Program Studi : Ilmu Hukum
Instansi Asal : Universitas Muhammadiyah Purwokerto
Pembimbing : Prof. Nindyo Pramono, S.H.,MS.
Tanggal Wisuda :26 April 2004

ABSTRACT

The objectives of this research are to know legal protection for consumers in use of genetically modified food product in Indonesia from the point of view of the positive regulations or other rules of law, and to find out legal effort the consumers can take in relation with their consumption of genetically modified food product that does not provide clear information.

This research adopted a juridical normative approach. It analysed the data in an analytical descriptive method in order to obtain a comprehensive and systematic description of legal protection for consumers of genetically modified food product. It focused on library study, so secondary data were more prioritised than primary data.

The research results show that legal protection for consumers of genetically food product is still dispersed in a number of regulations or other rules of law, which are still general in nature. Therefore, the legal base is already available, but the implementation in field has not indicated any progress due to lack of label informing "genetically modified food" as well as lack of an institution that has an authority to control the distribution of imported raw material containing genetic modified element. As the result, the existing regulations or other rules of law have not given an optimum legal protection to consumers particularly in maintaining the rights for safe food product, the rights for information, and the rights for choosing genetically modified food product. Meanwhile, the legal effort the consumers can take in relation with the consumption of genetically modified food product that does not give clear information are: reporting a complaint to the related institutions, or to the Consumer Protection non Government Organization. If they find out that a certain genetically modified food product causes harm/damage, the consumers can pursue legal protection, either through the litigation process or the non-litigation process.

Keywords: *legal protection for consumer, genetically modified food product.*