



Juridical Review of Cikibul Snacks Seen from the Regulation of the Ministry of Health KL.02.02/C/90/2023 concerning Supervision of the Use of Liquid Nitrogen in Ready-to-Eat Food Products

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Abstract. A report of snack food consumption with liquid nitrogen was documented in Ponorogo, Tasikmalaya, Jakarta. The initial incident involved one case of burns in a child in Ponorogo Regency. The second incident involved 23 individuals in Tasikmalaya Regency, resulting in an outbreak of food poisoning. The third case involved a 4.2-year-old boy in Jakarta who experienced intense abdominal pain. This study seeks to investigate and examine the role of the Cirebon City Health Office in overseeing cikibul food. To investigate and evaluate the initiatives and challenges the Cirebon City Health Office encountered. This study employs empirical juridical research, which investigates the application of law in society and its effects. Empirical legal study is conducted from an empirical perspective. The Cirebon City Health Office has conducted supervision by applicable operational standards and procedures. Nevertheless, the outcomes have not been optimized, as numerous traders continue to sell cikibul. The Cirebon City Health Office's endeavors and challenges in overseeing liquid nitrogen usage involve assembling a team and inspecting locations suspected of selling Kabul. The challenge is that during the inspection, no cikibul vendors were located; the information on the operation is already known, however some obstinate traders persist in covertly selling cikibul, and the site is remote.

Keywords: Legal Protection, Consumer Rights, Government Role, Supervision, Liquid Nitrogen

INTRODUCTION

Supervision is the process of assuring the attainment of organizational and management objectives. The definition of supervision is multifaceted. The following exemplifies the variety of various definitions:

1. Sondang P. Siagian maintains that supervision is an observational process rather than the execution of all organizational operations, aimed at ensuring that all tasks are conducted in accordance with the established plan.
2. Henry Fayol contends that supervision is a prerequisite for evaluating any agreement aligned with the directives and principles of planning.

Theory of consumer protection aims to ensure legal clarity for the safeguarding of consumers. Several established consumer protection theories encompass:

The Due Care Theory

This thesis posits that commercial entities must use caution when promoting their products. *Caveat Emptor*. This idea posits that customers must exercise caution due to the equilibrium between consumers and business entities. The enactment of the Consumer Protection Law represents a significant accomplishment for the State of Indonesia in safeguarding its citizens' consumer rights. Consumer protection is essential due to the often weaker position of consumers compared to producers. Consequently, to protect consumer rights as a legal entity, Article 4 Paragraph (1) of Law Number 8 of 1999 on Consumer Protection establishes the right to comfort, security, and safety in consuming products and services.

The progression of contemporary times has induced transformations and advancements in various aspects of existence, including the food industry economy. Consequently, corporate entities have the opportunity to develop distinctive ready-to-eat snack products that captivate consumer interest. Because of their distinctive presentation, the *cikibul* snacks are a viable choice, as they can generate smoke from liquid nitrogen. Liquid nitrogen necessitates oversight, and its application must adhere to prescribed dosages due to the presence of harmful compounds.

Consumer protection has a broad scope, including the protection of consumers of goods and services, which starts from the activity stage to obtain goods and services to the consequences of using those goods and services. The scope of consumer protection in its two aspects can be explained as follows:¹

1. Safeguarding against the risk of being delivered to consumers of goods and/or services that do not conform to the agreed terms or contravene legal restrictions. This pertains to matters concerning the utilization of raw materials, manufacturing processes, distribution methods, product design, and related aspects in relation to requirements for consumer safety and security. The problem of customer recompense for losses incurred from the use of unsuitable items is also pertinent.
2. Safeguarding against the imposition of inequitable terms on customers, encompassing promotional and advertising matters, contract standards, pricing, after-sales service, and related concerns. This pertains to the conduct of producers in the creation and distribution of their products.

¹ Janus Sidabalok, *Consumer Protection Law in Indonesia*, Citra Aditya Bakti, Bandung, 2010, p. 10

The presence of the cikibul snack is particularly appealing to the public, especially children; the vibrant color of this tiki nebula or cikibul food is captivating, prompting many children to desire a taste of it. Widespread awareness of food quality and safety has resulted in increased food poisoning incidents and consumer rights breaches. This issue is further intensified by several food additives derived from chemical compounds and their derivatives, including formalin, borax, and textile colors, without consideration for dose or the potential hazards these chemicals present to consumers, according to Article 86 of Law No. 18 of 2012 on Food.

The government sets rules for food safety and quality. All individuals involved in the production and trade of food must adhere to food safety and quality regulations. Installing a food safety and quality assurance system is the way to achieve food safety and quality standards, as outlined in paragraph 2. The Government and/or government-accredited certifying agencies may provide certificates for Food Safety and Quality Assurance. The issuance of certificates shall occur in phases, as outlined in paragraph 4, based on the kind of food and/or the magnitude of the enterprise. Government Regulations govern provisions concerning food safety standards and food quality.

Foods containing liquid nitrogen enhance their appeal due to the cooling effect and the smoke produced upon consumption. Using liquid nitrogen in tiki nebula snacks presents a health hazard due to the potential for health complications or foodborne illness. The Ministry of Health of the Republic of Indonesia released Circular Letter Number KL.02.02/C/90/2023 regarding the supervision of liquid nitrogen in ready-to-eat food products. The Circular Letter instructs all Provincial, Regency/City, and Health Centers to report to the Director of Health Services for referral upon discovering cases of smokey snack poisoning attributed to contamination with liquid nitrogen.

Applying liquid nitrogen in ready-to-eat food items raises concerns and presents a public health issue. Children favor Nicki foods. This cikibul imparts a chilling flavor and the feeling of smoke emanating from the mouth. This food is derived from liquid nitrogen, nitrogen in a liquid condition at low temperatures.

. This liquid is transparent, devoid of color, and scentless, so it does not alter the flavor of meals. Several occurrences of food poisoning and documented cases associated with the eating of snack foods utilizing liquid nitrogen are as follows: In July 2022, a single case of burns occurred in a toddler who ingested ice smoke in Ngasinan village, Jetis District, Ponorogo Regency. On November 19, 2022, the UPTD Leuwisari Health

Center in Tasikmalaya Regency reported an incident of food poisoning involving 23 patients, one of which required hospitalization. Symptoms manifest following the consumption of ciki ngebul-type snacks. On December 21, 2022, the emergency room at Haji Hospital Jakarta admitted a 4.2-year-old male patient presenting with acute abdomen pain following the consumption of ciki ngebul-type snacks. Incorporating liquid nitrogen into ready-to-eat food items that deviate from Standard Operating Procedures (SOP) may result in health complications or foodborne illnesses, including frostbite and burns, particularly affecting soft tissues like the skin. Additionally, excessive inhalation of vapor generated by food or beverages treated with liquid nitrogen can induce significant respiratory distress, with numerous severe instances indicating ice formation. Smoke can induce damage to interior organs. This situation is underscored by Articles 109 - 110 of Law Number 36 of 2009 regarding Health, as follows:

Article 109: "All individuals and/or legal entities engaged in the production, processing, and distribution of food and beverages derived from genetic engineering technology must guarantee their safety for humans, animals consumed by humans, and the environment."

Article 110: "Any individual or legal entity engaged in the production and promotion of food and beverage products, including those classified as technologically processed, is prohibited from employing misleading terminology and/or unsubstantiated claims."

Article 111:

1. Food and drinks utilized by the community must adhere to health standards and/or criteria. Food and beverages may only be distributed after acquiring a distribution permit in compliance with applicable laws and regulations.
2. All packaged food and beverages must be labeled with: a. Product name; b. List of ingredients;
3. Net weight or content; d. Name and address of the producer or importer within Indonesia; nd
4. Expiration date (day, month, and year). The provision of signs or labels, as specified in paragraph 1, must be executed appropriately and precisely.
5. Additional stipulations concerning the labeling procedures referenced in paragraph 3 shall be executed under applicable laws and regulations.

Food and beverages that fail to comply with the stipulated standards and health requirements outlined in paragraph 1 are prohibited from circulation, subject to withdrawal from circulation, revocation of distribution permits, and confiscation for destruction under applicable laws and regulations.

Article 7 of Law Number 8 of 1999 concerning Consumer Protection delineates the obligations of business actors, mandating that they conduct their activities in good faith, furnish accurate, transparent, and honest information regarding the condition and guarantees of goods and services, provide clear explanations for usage, repair, and maintenance, treat consumers fairly and without discrimination, and ensure the quality of produced and traded goods and services under applicable quality standards. Business entities must allow consumers to test and evaluate specific goods and services and provide warranties and assurances for the products manufactured and sold. They must also compensate for losses incurred from using these goods and services and offer restitution or replacement if the received or utilized goods and services do not conform to the agreement. The prevalence of cases breaches consumer protection rules, thereby infringing on consumer rights, which attracts significant scrutiny and engenders controversy. Government policies regarding Consumer Protection remain inadequate. The government's approach and measures on the issue of food containing Liquid Nitrogen, which poses a risk to public health, indicate this concern. In this instance, the Government adopts policies only from a normative standpoint.

In light of the aforementioned context, the author intends to examine the regulation governing the oversight of cikibul in ready-to-eat food products and the involvement of the Cirebon city government, particularly the Cirebon City Health Office, in addressing the repercussions for individuals affected by cikibul snacks. The author will also examine the accountability of cikibul snack entrepreneurs who inflict harm on relevant stakeholders, especially consumers. A policy from the Cirebon city government is required to address issues arising from cikibul snacks in Cirebon.

Problem Formulation

1. What is the role of the Cirebon City Health Office in supervising Cikibul food?
2. What does the Cirebon City Health Office experience the efforts and obstacles?

Research Objectives

1. To know and analyze the role of the Cirebon City Health Office in supervising Cikibul food
2. To know and analyze the efforts and obstacles experienced by the Cirebon City Health Office

METHODS

The method used in this study is empirical juridical research, which is legal research that examines how law is applied in society and its impact. Empirical law research is carried out from an empirical point of view.

DISCUSSION

Circular letter number 440 / 132—Dinkes delineates that the Cirebon City Health Office is responsible for overseeing the city nebula snack entrepreneurs. According to an interview with Mrs. Sopiya, AMKL, a staff member of the Sarpras Section at the Cirebon City Health Office, the office has monitored the Ciki Ngebul snack vendors by establishing a team and conducting inspections at locations suspected of selling Kabul.

This is underscored following Articles 109 - 111 of Law Number 36 of 2009 regarding Health, as follows:

Article 109:

“Any individual or legal entity engaged in the production, processing, and distribution of food and beverages derived from genetic engineering technology must guarantee their safety for humans, animals consumed by humans, and the environment.”

Article 110:

"Any individual or legal entity engaged in the manufacture and promotion of food and beverage products, including those classified as technologically processed, is prohibited from utilizing misleading terminology or unsubstantiated claims."

Article 111:

Food and beverages intended for community use shall adhere to health standards and requirements.

Food and beverages may only be distributed upon acquiring a distribution authorization in compliance with legal regulations.

Every packaged food and beverage must bear a label that includes:

- a. Designation of the product;
 - c. Inventory of utilized materials;
 - c. Net weight or net content;
 - d. Name and address of the entity that manufactures or imports food and drinks into Indonesia;
- and
- e. Expiration date, including day, month, and year.

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The provision of signs or labels, as specified in paragraph 1, must be executed appropriately and precisely.

Additional stipulations concerning the labeling procedures outlined in paragraph 3 shall be executed in compliance with applicable laws and regulations. Food and beverages that fail to comply with standards or health requirements or pose a health risk, as outlined in paragraph 1, are prohibited from circulation, must be withdrawn from circulation, have their distribution permits revoked, and are subject to confiscation for destruction in accordance with applicable laws and regulations. Incorporating liquid nitrogen into ready-to-eat food items that deviate from Standard Operating Procedures (SOP) may result in health complications or foodborne illnesses, including frostbite and burns, particularly affecting soft tissues like the skin. Additionally, excessive inhalation of vapor generated by food or beverages treated with liquid nitrogen can lead to significant respiratory distress, with numerous severe instances indicating that nitrogen vapor may inflict internal organ damage.

Article 109 mandates that all individuals and legal entities involved in producing, processing, and distributing food and beverages derived from genetic engineering technology must ensure their safety for humans, animals consumed by humans, and the environment. Business entities that sell tiki containing nitrogen cannot be held accountable, as this practice results in consumer detriment. Liquid nitrogen is nitrogen in a liquid form at low temperatures. This liquid is transparent, devoid of color and scent, and thus does not alter the flavor when utilized in meals.

Liquid nitrogen is not classified as a dietary substance. Incorporating liquid nitrogen into ready-to-eat food products may result in health complications or foodborne illnesses, leading to frostbite and burns. Entities utilizing liquid nitrogen in their food products are in contravention of the statutes as delineated in Articles 109 - 111. This journal is underscored not only in Articles 109 - 111 of Law Number 36 of 2009 about Health but also in Circular Letter Number 440, Law Number 8 of 1999 concerning Consumer Protection, and Law Number 18 of 2012 concerning Food.

The Cirebon City Health Office encountered challenges and undertook initiatives to oversee the utilization of liquid nitrogen, including forming a team and inspecting areas suspected of being used for the distribution of Kabul. The challenge is that during the inspection, no cikibul vendors were present. The information on the impending inspection is already known, and obstinate traders persist in covertly selling cikibul from a remote area.

CONCLUSION

In light of the author's discourse, the conclusion is as follows:

1. The Cirebon City Health Office's oversight has been conducted in accordance with established standards and operating procedures. Nevertheless, the outcomes have not been optimized, as certain dealers continue to sell Kabul.
2. The Cirebon City Health Office encounters challenges and undertakes initiatives to oversee the utilization of liquid nitrogen, specifically by establishing a team and inspecting establishments suspected of selling cikibul. The challenge encountered during the inspection was the absence of cikibul vendors; the information regarding the inspection was already disseminated, although some obstinate traders persist in covertly selling cikibul, and the locations are far.

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