

KONSEP HUKUM PENCEGAHAN PEREDARAN PANGAN OLAHAN ILEGAL IMPORT

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Abstrak

Penelitian ini dilatarbelakangi oleh maraknya peredaran pangan olahan impor tanpa izin edar BPOM di Kota Batam yang menimbulkan potensi bahaya kesehatan dan bertentangan dengan tanggung jawab konstitusional negara menjamin hak atas kesehatan dan lingkungan hidup sehat. Tujuan penelitian adalah merumuskan konsep hukum preventif untuk menutup celah peredaran pangan ilegal melalui penguatan landasan normatif, mekanisme perizinan, dan strategi penegakan hukum terpadu. Metode yuridis empiris diterapkan dengan menganalisis perundang-undangan primer, sekunder, dan tersier serta mengombinasikannya dengan observasi lapangan dan wawancara mendalam pada BPOM Batam untuk menilai praktik implementasi hukum. Hasil penelitian mengidentifikasi tiga pilar pencegahan: (1) landasan normatif kuat—Pasal 28H Undang-Undang Dasar 1945 dan kewajiban izin edar pangan (Undang-Undang No. 18/2012 Pasal 91 & 142), (2) mekanisme perizinan terintegrasi—Import Permit (SKI/IPOL) dan pendaftaran e- BPOM berdasarkan prinsip kehati-hatian, serta (3) penegakan hukum sinergis—wewenang investigasi, penyitaan, dan pemusnahan oleh PPNS BPOM didukung koordinasi dengan Bea Cukai dan Kepolisian. Kesimpulannya, konsep hukum ini diharapkan menjamin hanya pangan olahan impor berizin yang beredar, meminimalkan risiko konsumen, dan memberikan efek jera nyata bagi pelanggar.

Kata Kunci: pangan olahan impor ilegal; kerangka hukum preventif; izin edar BPOM; prinsip kehati-hatian; penegakan hukum terpadu

LEGAL CONCEPT FOR PREVENTING THE DISTRIBUTION OF IMPORTED ILLEGAL PROCESSED FOOD

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Abstract

This study is motivated by the proliferation of illegally imported processed foods circulating in Batam City without BPOM authorization, posing health risks and contravening the state's constitutional duty to ensure public health and a healthy environment. The research aims to develop a preventive legal concept to close gaps in illegal food distribution by strengthening normative foundations, licensing mechanisms, and coordinated enforcement strategies. An empirical legal approach was employed, combining doctrinal analysis of primary, secondary, and tertiary legal sources with field observations and in - depth interviews at BPOM Batam to evaluate real - world implementation . Key findings reveal three prevention pillars: (1) robust normative basis—Article 28H of the 1945 Constitution and mandatory food registration (Law No. 18/2012 Articles 91 & 142); (2) integrated licensing—Import Permits (SKI/IPOL) and e - BPOM registration under the precautionary principle; and (3) synergistic enforcement—investigation, seizure, and destruction powers of BPOM's Civil Servant Investigators coordinated with Customs and Police . In conclusion, this legal framework is expected to ensure that only legally approved imported processed foods circulate, reduce consumer risks, and deter violators effectively.

Keywords: *illegally imported processed foods; preventive legal framework; BPOM authorization; precautionary principle; coordinated law enforcement*