

Consumer Protection of SPHP Brand Rice in a Legal Political Perspective

Donius Ndruru¹, Agusmidah^{2*}

^{1,2} University of North Sumatra Jl. University No.19, Padang Bulan, Kec. Medan Baru, Medan City, North Sumatra 20155

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Correspondence

*Name: Donius Ndruru

Email: doniusndruru@students.usu.ac.id

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ABSTRACT

This study aims to analyse consumer protection against the adulteration of Stabilization of Food Supply and Price (SPHP) rice in Indonesia and to evaluate legal policy weaknesses in order to formulate responsive regulatory reforms that balance business and consumer interests. The research applies a normative legal method using Roscoe Pound's theory of law as a tool of social engineering. Primary legal materials include Law No. 8 of 1999 on Consumer Protection, Law No. 18 of 2012 on Food, and the 1945 Constitution, supported by secondary sources from legal literature and relevant cases. The results show that SPHP rice adulteration violates Article 8 of the Consumer Protection Law concerning product standards and triggers strict liability under Articles 19–23 for business actors. Weak supervision, regulatory gaps, and persistent non-compliance remain major obstacles, indicating limited effectiveness of current enforcement mechanisms in ensuring food safety. The study concludes that responsive legal policy reconstruction is necessary through stricter distribution supervision, stronger sanctions, optimisation of local government roles, and the integration of supply-chain tracking technology to enhance regulatory harmonisation and substantive consumer protection within Indonesia's food security framework.

Introduction

Consumer protection can be understood as a series of efforts that aim to provide certainty and legal guarantees for consumers so that their rights are still protected. Indonesia is known as an agrarian country because most of its population depends on the agricultural sector or works as farmers. Within this framework, the agricultural sector has a strategic position as the main support for community development, which continues to be encouraged through various government policies to increase productivity and sustainability. Food itself is a basic need that is inseparable from human life and must be fulfilled sustainably at all times. Therefore, considering the vital role of food as a basic need of the community, efforts to realize food sovereignty are one of the important priorities in the national development agenda (Bachri & Putra, 2025).

Indonesian people basically have different characteristics of basic food needs compared to people in many other countries. Rice, which comes from rice as the main crop of rice crops, occupies a central position as a staple food. This condition makes rice a very essential commodity in supporting the survival of the community. Because of its strategic and vital role, the government has the responsibility to regulate the distribution, availability, and quality standards of rice circulating

throughout Indonesia to protect the public interest ([Christina & Fahamsyah, 2018](#)).

In the framework of consumer protection in Indonesia, the fundamental principle lies in the right of the public to obtain products that are safe, quality, and do not endanger health or safety ([Faiqah et al., 2025](#)). However, fraudulent practices still often occur, especially through the efforts of business actors who market products by imitating well-known brands, using fake brands, or producing counterfeit goods that resemble real products. Unfair business competition encourages some business people to take shortcuts, including by infringing on the intellectual property rights of others in order to achieve large economic benefits through the use of a brand's popularity ([Lestari & Sudiro, 2023](#)).

The phenomenon of SPHP (Food Supply and Price Stabilization) brand rice is one of the serious problems in Indonesia, considering that rice as a staple food is often the target of manipulation by irresponsible business actors. This practice not only harms consumers in terms of product quality and potential health impacts, but also has the potential to disrupt national economic stability because rice is a strategic commodity. Various cases that have emerged show threats to aspects of food safety, consumer safety, and public health at large. Therefore, consumer protection is a crucial legal instrument to ensure legal certainty for the public as product users ([Ikhwansyah & Sirait, 2020](#)).

Viewed from a political and legal perspective, research on this issue has high urgency, especially in evaluating the effectiveness of applicable regulations, such as Law Number 8 of 1999 concerning Consumer Protection, in the face of increasingly complex counterfeiting practices. Without adaptive and firm political and legal policies, these practices have the potential to widen the gap in people's access to quality food, especially for low-income groups. In the social context, law functions as a control mechanism that provides guidelines for social interaction through a set of norms that govern diverse interests, thus preventing conflicts in society. Thus, law is seen as a universal social phenomenon that is present and applicable in various contexts of space and time ([Jonaedi Efendi et al., 2018](#)).

Several concrete cases show that the practice of SPHP rice smuggling is still rampant. The Buton Police Criminal Investigation Unit, for example, managed to secure a suspect with the initials LI in Kendari, Southeast Sulawesi, after a viral public report related to 5 kg packaged SPHP rice which turned out to only weigh 4 kg. This case received widespread attention at the national level and was followed up by local police officers ([Kompas.com, 2025](#)). In addition, the Riau Regional Police also revealed a similar practice, where low-quality rice is mixed and repackaged using the Bulog SPHP brand and other premium brands. In this case, the authorities secured a suspect along with evidence in the form of thousands of kilograms of oplosan rice, production equipment, and supporting documents. This incident shows a serious impact on public trust, national food stability, and the importance of strict supervision in the food distribution chain ([Public Relations Division of the National Police, 2025](#)).

A number of previous studies have examined the issue of consumer protection against counterfeiting of food products, but they are still generally general and have not specifically highlighted SPHP brand rice from a political and legal perspective. For example, research [Trianditya,](#)

(2012) discussing the practice of rice processing as a violation of the provisions of the Consumer Protection Law and food regulations. However, the study has not specifically placed the political and legal dimension in the context of the SPHP brand which is closely related to Bulog's role as a symbol of national food stability. In fact, the practice of smuggling SPHP rice has the potential to damage public trust in the government's food distribution policy, so political and legal intervention is needed to strengthen regulations and increase accountability.

Through a legal political perspective, this research emphasizes the role of the state in ensuring consumer protection by integrating aspects of political power, including supply chain supervision involving various government actors. This approach differs from previous studies that tend to highlight only the aspect of breaking the law. The novelty of the research lies in the integration of consumer protection analysis of SPHP brand rice processing practices with a specific political and legal approach. The purpose of this study is to analyze the form of consumer protection against SPHP rice processing practices and to examine the perspective of legal politics in an effort to strengthen regulations through the identification of policy weaknesses and the formulation of relevant legal reform recommendations.

Method

This research is a normative legal research that focuses on the doctrinal study of the norms, principles, and regulatory frameworks that govern consumer protection in the practice of smuggling SPHP brand rice (Saebani, 2021). The analysis is directed at the review of laws and regulations, policy documents, legal literature, and relevant cases to assess the consistency of norms and the effectiveness of regulations in answering consumer protection issues in strategic food commodities. The normative approach was chosen because it allows the systematic tracing of legal constructions while assessing how legal norms are operationalized in food distribution practices.

In the framework of legal politics, this research uses the legal perspective as a means of social engineering as stated by Roscoe Pound, which places the law as an instrument of the state to regulate the relationship of interests between business actors, consumers, and public authorities. Through this approach, this study seeks to identify the direction of state legal policies in controlling food trade practices, strengthening consumer protection, and maintaining a balance of economic and social interests in the market system. The analysis is also directed to understand the role of regulation in supporting the national agenda, such as food price stability, strengthening food security, and protecting the community's economy.

The data sources in this study consist of primary and secondary legal materials. Primary legal materials include relevant laws and regulations, including Law Number 8 of 1999 concerning Consumer Protection, Law Number 18 of 2012 concerning Food, and constitutional provisions in the 1945 Constitution of the Republic of Indonesia. Meanwhile, secondary legal materials include legal textbooks, scientific journal articles, academic scientific papers, research reports, as well as documents and case information obtained from credible online sources. Data collection is carried out through systematic literature studies using scientific databases and legal repositories, including academic platforms and official websites of government agencies.

Data analysis was carried out through normative legal reasoning methods that combine

deductive and inductive approaches. The deductive approach is used to examine the application of general norms in laws and regulations to specific cases of SPHP-branded rice processing, while the inductive approach is used to identify practice patterns and regulatory problems from various documents and cases analyzed. Furthermore, a political and legal perspective is applied through a critical evaluation of the policy direction and state interests reflected in regulations, especially related to food market supervision and the prevention of consumer losses. This approach is expected to produce a comprehensive, systematic, and relevant analysis of Indonesia's socio-economic dynamics.

Results and Discussion

Consumer Protection against SPHP Brand Rice Processing Practices

Consumer Protection against the Practice of Rice Exploitation of the SPHP BrandBased on the provisions of Law Number 8 of 1999 concerning Consumer Protection, especially Article 1 paragraph (1), consumer protection is interpreted as all efforts that provide legal certainty guarantees to protect consumer rights. In the context of contemporary society, law is not only understood as a collection of written norms, but also as a mechanism for regulating social relations that functions to balance various interests in social life. This balance can only be realized if each subject of law obtains the regulation of rights and obligations in a fair and proportionate manner, so as to create harmony between individual freedom and the common interest that must be maintained together.

According to Law Number 8 of 1999 concerning Consumer Protection, Article 1 paragraph (1) states that consumer protection is any effort that ensures legal certainty to protect consumers. In modern society, law serves not only as a set of normative rules, but also as an instrument that regulates social interaction and balances the various interests that live in the community. Such alignment can only be achieved if each subject of law is given rights and obligations proportionately, so that a balance is created between individual freedom and the protection of the public interest (Renaldo, 2020).

In Roscoe Pound's perspective, law functions as *a tool of social engineering*, that is, a means of social engineering designed to organize social relations and balance individual interests, social interests, and state interests. In the context of consumer protection, regulations are an instrument to control the behavior of business actors while protecting the public from harmful economic practices. Therefore, consumer protection laws are not only repressive against violations, but also preventive in creating fair market governance and integrity.

Harjono views consumer legal protection as a mechanism that transforms consumer interests into rights that have legal force and can be enforced. The protection has a substantive and procedural dimension because it plays a role in encouraging the creation of a healthy business competition climate while maintaining the sustainability of business actors' productivity in producing goods and/or services. In the perspective of Roscoe Pound's thought, this mechanism reflects the function of law as an instrument of social engineering that regulates the relationship between producers and consumers so that it takes place in a balanced, proportional, and just manner (Belassa et al., 2023).

The Consumer Protection Law in Indonesia is present as a legal foundation that guarantees the certainty of consumer rights. This certainty functions as an instrument of social control over the

behavior of business actors so that they do not carry out practices that are detrimental to the community. Consumer protection includes preventive aspects through product quality standards and repressive aspects through the imposition of sanctions in the event of violations, thereby creating a sense of security for the community in meeting their daily needs (Maharani & Darya Dzikra, 2021).

Consumer protection has a strategic role in national development. First, consumer protection means protecting society at large as part of the state's goals. Second, protection is needed to anticipate the negative impact of technological developments and market dynamics. Third, consumer protection creates a climate of healthy business competition and supports economic sustainability. Fourth, consumer protection contributes to economic stability through people's consumption activities (Kusumadewi & Sharon, 2022). In Roscoe Pound's perspective, all of these functions reflect the role of law as an instrument to regulate the balance of interests in social and economic life.

The practice of smuggling SPHP (Food Supply and Price Stabilization) brand rice can be seen as a form of deviation from public policy designed to maintain price stability while ensuring food availability for the community. The mode that often occurs is the mixing of lower quality rice into SPHP products that receive government subsidies, thus causing losses to consumers and disrupting healthy market mechanisms. From a legal perspective, this act is contrary to the provisions of Article 8 of the Consumer Protection Law which prohibits business actors from producing or trading goods that do not meet the quality standards that have been set.

Based on the analysis of the research, it was found that the normative consumer protection legal framework has provided a strong basis for cracking down on the practice of SPHP's rice smuggling. However, the effectiveness of protection has not been optimal due to weak distribution supervision and low compliance of business actors. In Roscoe Pound's perspective, this condition shows that the function of law as a tool of social control has not been effective in controlling market behavior. Thus, although the law has been designed as an instrument of social engineering, its implementation still faces a gap between norms and practices.

Legal Political Perspective in Consumer Protection of SPHP Brand Rice Processing Practices

Viewed from a political and legal perspective, consumer protection reflects the direction of state policy in formulating regulations that aim to maintain a balance of interests between business actors, the public as consumers, and the public interest at large. Mahfud MD interprets legal politics as the policy line chosen by the government in forming and developing laws to achieve state goals. Thus, the handling of SPHP rice smuggling practices is not only related to violations of positive legal norms, but also describes the orientation of state policies in protecting the community from harmful economic practices and not good faith (M.D., 2011). In the perspective of Roscoe Pound's thought, the policy direction shows the role of law as a means of social engineering used by the state to regulate economic behavior, maintain a balance of market mechanisms, and ensure the harmonization of interests between the government, business actors, and consumers.

The losses experienced by consumers due to the processing of SPHP rice have basically been anticipated through various applicable legal instruments. In addition to being regulated in Law Number 8 of 1999 concerning Consumer Protection, Law Number 18 of 2012 concerning Food

establishes quality standards, food safety, and prohibitions on the trade of counterfeit food products. On the other hand, Bulog as an SPHP rice management institution has internal rules regarding the distribution and specifications of products that must not be modified by business actors. The results of the research analysis show that normatively the regulatory framework is adequate to provide legal protection to consumers. However, the main problem lies in the weak implementation of policies, especially in the aspect of distribution supervision and compliance of business actors.

In the perspective of the Roscoe Pound, the law serves as an instrument of regulating social interaction and a mechanism of market control. The weak supervision of SPHP rice distribution shows that the legal function as a means of social engineering has not run optimally in shaping the behavior of business actors. Regulations that have been designed to maintain market integrity and protect the public interest have not been fully effective due to limited law enforcement and low compliance awareness. This condition shows that there is a gap between legal policy design and implementation practices in the field.

From the perspective of legal liability, business actors involved in the practice of smuggling SPHP brand rice can be subject to the principle of **strict liability** as reflected in the provisions of Articles 19 to 23 of the Consumer Protection Law. This principle opens up the possibility of imposing responsibility on business actors without the need to prove elements of wrongdoing, so that the consumer protection position becomes stronger legally. This approach is in line with Shidarta's thinking which emphasizes the importance of prudential standards for business actors and the obligation to maintain product quality to prevent potential losses for the community. In addition, Article 19 paragraph (1) emphasizes that business actors are obliged to provide compensation for damage, pollution, or losses experienced by consumers as a result of the use of traded goods and/or services.

In the framework of law enforcement, legal politics is not only concerned with the process of formulating regulations, but is also closely related to the effectiveness of its implementation through the role of law enforcement agencies and the growing legal culture in society. The lack of supervision of SPHP rice distribution reflects that the implementation of the policy has not fully demonstrated the state's commitment to providing optimal protection for consumers. From the point of view of the Roscoe Pound, the situation indicates that the function of law as a means of social control and balancing interests in the food market mechanism has not been optimally functioned. In line with Satjipto Rahardjo's idea, law should be understood as an instrument to achieve social goals, so law enforcement efforts against the practice of misappropriation need to be directed at preventing community losses while strengthening public trust in government policies.

Based on the results of the research analysis, there are several key findings. First, normatively, the legal framework for consumer and food protection in Indonesia is adequate to crack down on the practice of SPHP's rice adulteration. Second, the main weakness lies in the implementation aspect, especially the weak distribution supervision and the low compliance of business actors. Third, from the perspective of the Roscoe Pound, the failure of the implementation shows the ineffectiveness of the legal function as an instrument of social engineering in controlling market behavior and protecting the public interest. Fourth, the practice of smuggling SPHP brand rice not only poses problems in terms of consumer protection, but also risks triggering disruption to price stability and

weakening the national food security system.

The case of SPHP rice smuggling indicates an urgent need to carry out political and legal reforms that are more flexible and sensitive to changes in social and economic conditions. A number of strategic steps can be taken, including strengthening the supervision system on subsidized rice distribution channels, implementing administrative sanctions that are more effective and providing a deterrent effect, optimizing the role of local governments in controlling food circulation, and utilizing digital technology to increase transparency and traceability of the supply chain. The reform effort is in line with the notion of responsive law from Nonet and Selznick which emphasizes the importance of the ability of the law to adapt to the needs of society and to be oriented towards the achievement of substantive justice (Nonet et al., 2017).

In a broader context, the practice of SPHP rice smuggling is closely related to national food security policies as part of the country's legal politics. Food security is a manifestation of the state's responsibility in ensuring the welfare of the community and the fulfillment of the right to food as mandated in Article 27 paragraph (2) and Article 33 of the 1945 Constitution. Deviations from government-subsidized commodities not only harm consumers, but also have the potential to reduce public confidence in state programs and trigger food price instability. Therefore, strengthening regulations and law enforcement mechanisms is an integral part of the national legal political strategy in maintaining stability.

Conclusion

This study shows that the practice of smuggling SPHP brand rice is an act that is contrary to product quality standards and the principle of honesty in food trade as stipulated in Article 8 of Law Number 8 of 1999 concerning Consumer Protection. From a normative perspective, the existing regulatory framework—including the Consumer Protection Law, Law Number 18 of 2012 concerning Food, and Bulog's distribution policy—has actually provided a sufficient legal basis to ensure consumer protection as well as demand accountability for business actors through strict liability mechanisms as stated in Articles 19 to 23. However, the results of the study indicate that the main problem does not lie in the absence of norms, but in the aspect of policy implementation that is not optimal, especially related to the supervision of distribution channels and the level of compliance of business actors with applicable regulations.

In Roscoe Pound's perspective, law should function as a tool of social engineering that is able to balance the interests of the state, business actors, and society and act as a social control mechanism in regulating market behavior. The findings of the study show that this function has not been running optimally, because the ineffectiveness of supervision has caused the law to not be able to shape economic behavior consistently and maintain the integrity of the food market. This condition reflects the gap between regulatory design and implementation practices in national food law politics.

Scientifically, this research contributes by integrating the perspective of political law and Roscoe Pound's social engineering theory to explain the failure of regulatory implementation on government-subsidized commodities. This study also emphasizes that the main problem of consumer protection for SPHP rice is not in the vacuum of legal norms, but in the weak function of law as an instrument of social engineering and market control. Based on these findings, legal and

political reconstruction needs to be directed at strengthening distribution supervision, increasing administrative sanctions and law enforcement, optimizing the role of local governments, and utilizing information technology for supply chain traceability. This effort is expected to strengthen the effectiveness of the law in protecting consumers, maintaining food price stability, and increasing public confidence in state intervention policies in the food sector.

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