



Original Article

Legal Regulation of Online Food in Indonesia: Challenges for Public Health and Its Comparison with Malaysia

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Abstrak:

This study examines the phenomenon of the rapid growth of online food services in Indonesia through platforms such as GoFood, GrabFood, and ShopeeFood. The popularity of this service is driven by the ease of ordering food, where the assessment of food preferences is often based on the reviews of other users. However, there are concerns that these reviews could be affected by bot ratings or automated systems, which can give a false positive impression. High ratings often make a food product sell better, even though it may contain health risks for consumers. The relationship between online food services and Indonesia's public health is a major concern, given the high consumption of potentially unhealthy foods. The biggest challenge is how to regulate these services in relation to public health. The absence of a law that specifically regulates online food services is a major regulatory issue. The current law only regulates the Law on Information and Electronic Transactions, which was last amended by Law of the Republic of Indonesia Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions. Law of the Republic of Indonesia Number 8 of 1999 concerning Consumer Protection and Law of the Republic of Indonesia Number 18 of 2012 concerning Food, do not also regulate in detail. Comparison with Malaysia, consumers are protected by the Food Act 1983, which requires restaurants and online food platforms to ensure food safety standards, which is more details than Indonesian regulation.

Keywords: Legal Arrangements; Online Food; Indonesian; Comparison; Malaysia

Introduction

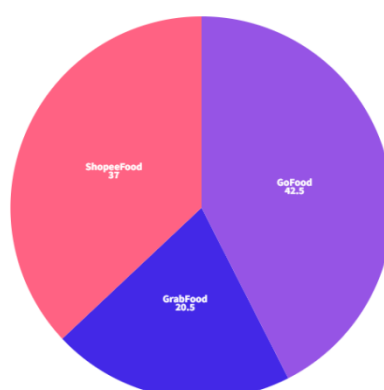
Indonesia is one of many countries around the world that has experienced an era of communication revolution, where the condition of information transformation is very rapid influenced by the sophistication of technology and internet networks (Yurionica et al., 2023). One of the sophistication of technology is the increase in the use of smartphones which continue to offer online features that facilitate services to meet people's needs in their daily lives. One of the proofs of the sophistication of technological developments through



<https://jurnal.usk.ac.id/riwayat>

smartphones is the existence of an online shopping feature, where people no longer need to go to the trouble to get the goods they need ([Nasrulloh et al., 2023](#)). In fact, with just the touch of a finger, people can sit back and relax and just wait for the goods they need to come to their homes. The convenience of using smartphones causes people to eventually become more consumptive. As for what is meant by consumptive behavior, according to Melinda and her friends, is the behavior of a person or individual that is influenced by sociological factors in their daily lives, such as consuming too much or wasting goods and services and not planning to buy goods and services that are less important or even unnecessary ([Melinda et al., 2022](#)). Consciously or not, people easily reach all their needs only through smartphones, sometimes shopping even becomes a hobby, even though the item is not really needed. Shopping is a form of consumption that has undergone a change in function. If it used to be done only to meet needs, it is now part of the lifestyle ([Paujiah & Ariani, 2023](#)). Many people shop without careful consideration, not only to meet basic human needs, but also to show social status. Shopping is now also considered a sign of having wealth.

In today's conditions, online shopping is not only in the form of necessities at home, but also extends to the fulfillment of daily food needs, which is often known as online food. Through smartphones, people can also download online food delivery service applications. Sulastriningsih and his colleagues explained that the online food delivery service is a service for the process of delivering food from restaurants to consumers which is carried out through an online smartphone application. This service provides additional benefits for restaurants, as it helps them earn additional income by serving clients who are unable to attend the restaurant in person. This application serves as a very beneficial supporting facility for food business owners, because it can bring them together with potential customers more easily and efficiently. The phenomenon of online food services has grown rapidly in Indonesia in recent years. Platforms such as GoFood, GrabFood, and ShopeeFood have grown to become an essential component of people's lifestyles. Based on data from one of the studies conducted by GoodStats with a research sample among students and workers in Jakarta, the use of food delivery services among Indonesia consumers has increased drastically, with an increase of 64% compared to the pre-pandemic period. Among the various food delivery applications available, GoFood is the main choice for the majority of users, followed by ShopeeFood and GrabFood which also have many enthusiasts ([Yashilva, 2024](#)). Research also shows that the use of food delivery applications is most frequent with a frequency of 1-3 times per week, reaching 94.5%. Previous research revealed that most college students buy food online 1-2 times per week. Meanwhile, a study of office workers aged 18-35 years in Jakarta showed that the majority of them used this service with low intensity (less than 4 times per week), which was 55.3%. The main reason for this infrequent use is that the service is only needed when gathering with friends, as well as the delivery costs that users have to bear ([Yashilva, 2024](#)). The following can display the results of the survey that has been carried out in the study:



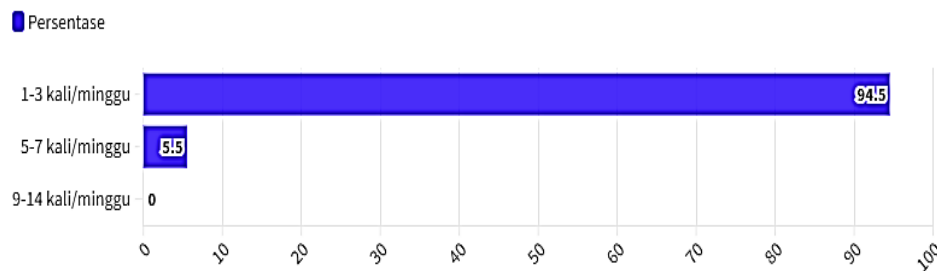


Figure 2. Frequency of Food Orders on Food Delivery Services

The data mentioned above shows that public interest, especially among students and workers, is quite high towards the use of smartphones for online food service features. The ease of ordering food through this application is the reason why online food services are in great demand. From fast food to traditional dishes, everything is accessible with just a few clicks. This change has a major impact on people's consumption patterns, especially in terms of speed and ease of obtaining the desired food. However, behind this convenience, there are several problems, including that the assessment of food preferences often depends on reviews from other users. This review is the main factor in determining the popularity of a food product on online food platforms. However, there are potential problems when the reviews do not fully reflect the actual quality of the food. Some reviews and ratings can even be influenced by bots (robots) or automated systems, which deliberately increase the ratings of certain foods. This creates the illusion that the food is of good quality, even though it may not be safe or healthy to consume. High ratings often make certain foods sell better and are in demand by consumers. This phenomenon shows how people's perception of food quality can be controlled by an assessment system on online platforms. In fact, not all foods that get high ratings are healthy or safe to consume. There are potential health hazards hidden behind the popularity of food promoted through online food platforms, especially when food safety and quality standards are not strictly monitored.

Its relationship with public health is an issue that cannot be ignored. Online food, which is very accessible, affects people's daily food choices. Fast-food, high-fat, sugar, or salt foods are often more appealing to consumers because of their practical nature. Research from the Ministry of Health of the Republic of Indonesia, that the negative impact of fast food is closely related to the content of ingredients or substances contained in it. Excessive consumption of junk food can lead to various serious diseases, such as diabetes, high cholesterol, heart disease, impaired kidney function, and liver damage (Admin, 2018). This is a big problem for the health of the people of Indonesia, especially with unhealthy diets causing obesity, diabetes, and heart disease to increase. Legal arrangements related to online food services have not fully considered public health. There are now more laws related to information technology, as indicated by the Law on Information and Electronic Transactions, which was last amended by Law of the Republic of Indonesia Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions (hereinafter referred to as the ITE Law). The ITE Law prioritizes consumer protection against digital transactions and secure electronic transactions. In addition, consumer rights are also protected by Law of the Republic of Indonesia Number 8 of 1999 concerning Consumer Protection, or the Consumer Protection Law. However, this system is not strong enough to supervise the quality and safety of food sold through digital platforms in terms of online food. While customers may be protected

from unfair trade practices, there is no strong guarantee that the food they eat is safe and healthy. In addition, Law of the Republic of Indonesia Number 18 of 2012 concerning Food (hereinafter referred to as the Food Law) regulates food safety and quality; However, the implementation for online food services still needs to be clarified.

Supervision of food sold through online platforms is often looser compared to conventional restaurants or eateries. This poses a risk to consumers, especially if the food is not prepared or delivered with adequate hygiene standards. Another issue that arises is the regulation related to the food delivery process. The process of delivering food from restaurants to consumers can affect the quality and safety of the food itself. If the delivery is carried out in unhygienic conditions or for too long, the food can be contaminated or deteriorate in quality which has the potential to harm the health of consumers. Meanwhile, the current legal arrangements have not specifically regulated safe food delivery standards or protocols through online food services. Thus, the main challenge today is how to design comprehensive regulations to regulate online food services, both in terms of food safety and the delivery process. The lack of special regulations at the legal level is an obstacle in ensuring that consumers are protected to the maximum. Existing regulations, such as the ITE Law, the Consumer Protection Law, and the Food Law, are still partial and have not been integrated to deal with public health issues arising from online food services. Therefore, the purpose of this study is to learn more about the current legal regulations as well as the emerging issues related to public health related to online food services. It is hoped that the results of this study will help formulate better policies and regulations to ensure that online food services not only make it easier for customers but also maintain overall public health.

Method

This research is a type of normative research with a descriptive analysis method to examine legal regulations related to online food services in Indonesia and their impact on public health. Normative research can be said to be research where most of the data sources come from secondary data sources, which consist of primary, secondary, and tertiary legal materials ([Armia, 22 C.E.](#)). Meanwhile, what is meant by the descriptive analysis method is a research technique used to collect relevant data and then compile, process, and analyze the data to provide an overview of the problem being discussed ([Sugiyono, 2016](#)). This approach was chosen because the research focuses on the study of applicable legal norms and their comparison with the factual situation in the field related to the growth of online food services. In addition, this study will also examine how existing regulations are applied in practice and assess existing legal gaps related to special regulations for online food services. The data used in this study is secondary data obtained from legal literature, journals, laws and regulations, and related reports from relevant institutions. The data collection technique is carried out by literature study and analysis of legal documents. The collected data is then analyzed qualitatively to understand the conformity between existing regulations and public health challenges posed by online food services.

Result and Discussion

This study will analyze various applicable regulations and how they are implemented in Indonesia, including the challenges faced by the government and culinary business actors. By understanding the relationship between law, technology, and health, the right solution is expected to balance the ease of getting food online with the need to maintain public health.

Case Study related to the Health Impact of Online Food Services

Online food service or online food delivery is a type of technological advancement used in the culinary industry ([Az-zahra et al., 2021](#)). The trend of online food delivery service applications can even help Micro, Small, and Medium Enterprises (MSMEs) in the process of marketing and promoting the products they sell. Some of the online food delivery service applications that are widely used by the community include Grab Food, Go Food, Shopee Food, and several local applications owned by the region, for example in Lumajang, namely the Lumajang Culinary Android Application which was released in 2020, and updated in 2021 ([Admin, 2020](#)). The existence of this online food application has the advantage that culinary businesses do not need to spend a lot of money to provide their own delivery services. As digital advancements allow businesses like buying and selling to be done quickly, ordinary people who buy food online no longer need to spend time and money to do so ([Lestari et al., 2023](#)). However, behind the many advantages because it provides convenience in online and fast transactions, but with this convenience there are also concerns about the health impact of the consumption of food ordered through this platform. The following case studies aim to identify and analyze the health impacts that may arise from online food services, as well as provide insights into how industry regulations and practices can affect consumer well-being.

First, the risk of food being misused as a means of criminal acts. This case study began with an incident in the Special Region of Yogyakarta. Starting from the story of Mr. Bandirman who works as an online motorcycle taxi driver got an online food order in the form of lonting and takjil snacks which turned out to be a fictitious order from a woman. When Mr. Bandirman delivered the order to the intended address, the recipient of the order did not feel that he had ordered so he asked Mr. Bandirman to take it home. Happily, Mr. Bandirman brought the food home and gave the food to his son named Naba. However, the fate of the unfortunate said otherwise, after eating the food Naba experienced vomiting and then lost consciousness. Although he was taken to the hospital to be given help, Naba's life was not saved and he died ([Admin, 2021](#)). This case shows that there is a risk of misuse of online food services for malicious purposes. By making fictitious orders, the perpetrator has the potential to manipulate the system to harm others. These scams reflect weaknesses in verification and security systems that are supposed to identify and prevent unauthorized or suspicious orders.

Second, the risk of rating the assessment of online food merchants is not in accordance with reality. This case study began with a complaint from a business actor "Pecel Lele and Ayam Geprek Fire Chicks Rawamangun" in collaboration with one of the online food delivery applications. Business actors complained because they felt that the rating of the restaurant was being played, where the rating was decreasing day by day, even when the rating was 4.4 there was not 1 (one) customer who gave a rating. When checked using other cellphones, the ratings are all different. Even when the business actor borrowed his friend's cellphone to check the rating, the restaurant only got a score of 3.8 on the same date ([Titik, 2021](#)). With this incident, it is very possible that there is a game of restaurant ratings on online food delivery applications, it is even possible that the ratings owned by the restaurant are only made from the robot system and not from real testimonials from customers. Consumers also certainly cannot be sure which are real testimonials with testimonials made by robot systems, so they also do not filter information on which restaurants are really healthy and apply cleanliness in the process of serving food to the safety of the delivery process.

Third, the health risks of high intensity of ordering food online. The study is based on

an analysis conducted by Mitra Medika Premire Hospital ([Admin, 2024](#)). The development of digital technology and easy access through online applications has revolutionized the way we get food, making it easier and tempting to order different types of food from the comfort of home. With just a few clicks on a smartphone, consumers can avoid traffic jams and bad weather, as well as perform other activities while waiting for orders. However, this convenience also has a negative impact, especially in terms of health. Easy access to fast, high-calorie foods can increase the risk of obesity, especially among children and young adults, which affects not only quality of life but also overall health. Obesity, which is increasingly common due to unhealthy diets and sedentary lifestyles, is now a global health problem that requires serious attention. The rise in obesity rates is often linked to increased consumption of fast food available online, where the high frequency of food orders contributes to a decrease in physical activity. The long-term impacts of obesity include a higher risk of developing chronic diseases such as diabetes and cardiovascular disease, making it an important issue that must be addressed through awareness, education, and effective policies to prevent and manage obesity.

Based on the description of the case study mentioned above, it shows that online food delivery services have become a significant technological innovation in the culinary world, which supports business development, especially for MSMEs. However, behind the convenience offered, online food services also pose several health risks. Ease of access to high-calorie fast food can increase the risk of obesity and other chronic diseases such as diabetes and cardiovascular disease. The sedentary lifestyle resulting from the high frequency of food orders, as well as the lack of physical activity, exacerbates the health impact of this service. Therefore, it is important to increase public awareness of healthy food choices, as well as encourage policies that can regulate online food services to pay more attention to consumer health. A combination of good education and regulation will be an important step in managing the health impacts caused by online food services.

Relevant Legal Framework in the Regulation of Online Food Services in Indonesia and Its Comparison with Malaysia

The State of Indonesia as a state of law as mentioned in Article 1 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution), has the impact that everything in the context of Indonesia's statehood must be enforced based on the law ([Rokilah, 2020](#)). The principle of statehood should ideally not only be based on legal products, but must also be judged from the quality of its law enforcement. Thus, in order to create order and tranquility in the social life of the community, it is necessary to formulate guidelines to regulate order and tranquility in society, which is called law ([Zein, 2023](#)). Legal developments in Indonesia are currently increasingly felt, in line with population growth and social dynamics of the community. One of the most affected aspects is technology. Advances in information and communication technology have been recognized as a provider of convenience and comfort in human life ([Raihana et al., 2023](#)). However, technological advances in Indonesia also cause various complex social problems. The influence of technology on human civilization and well-being is undeniable, and has encouraged the increase in bilateral and multilateral cooperation at the international level, which ultimately gave rise to new legal developments in each country. Therefore, it is important to discuss how these technological developments affect the legal progress in Indonesia.

Legal regulation in this case is also a very important thing. This is considering that the

impact given by the development of internet-based information technology is not only a positive impact, but also has the potential to have a negative impact ([Yusufin, 2018](#)). In the book written by Yitawati and his friends, Yitawati and his friends explained that operationally, information technology in certain digital technologies provides convenience in terms of time and space efficiency, as well as comfort and even entertainment for its users. With computer networks equipped with automated databases, access to various information becomes easier, so that everything can be accessed quickly by users who have the appropriate devices such as phones and modems. However, the increasing reliance on technology due to increasingly fierce competition for innovation, has increased the exposure of government agencies and businesses to information security risks ([Yitawati et al., 2017](#)). This opens up opportunities for unauthorized access to information through theft, eavesdropping, piracy, or misuse, which is now a real threat. The problems arising from the use of information technology must be faced by law, and in fact can be widely estimated.

In connection with the concept of the state of Indonesia which is a state of law and technological advancement, as mentioned in the previous sub-chapter, that online food as an impact of technological developments also has a high risk, one of which is to public health. The technology that supports food delivery services provides convenience, but it also carries significant risks such as health impacts due to excessive consumption of fast food, as well as the potential for fraud and abuse of services ([Alfora et al., 2023](#)). Therefore, comprehensive regulations are needed to ensure that health standards, food safety, and service transparency are maintained ([Njatrijani, 2021](#)). Without strong legal arrangements, consumers can be vulnerable to various risks, including deteriorating public health due to unhealthy food consumption patterns. In addition, the law must evolve along with technological advances in order to adapt to new challenges that arise, including online food services. Effective regulations should include hygiene standards, food delivery safety, as well as oversight mechanisms for service quality and transparency in restaurant rating systems. In this context, Indonesia needs to pay attention to the experience of other countries that have already implemented strict regulations on this kind of service. Proper legal arrangements will not only protect consumers, but also ensure that culinary businesses and online food service providers can operate fairly and responsibly in accordance with the principles of the rule of law applied in Indonesia.

The regulation of online food services in Indonesia involves various regulations that do not fully cover the specific aspects of the industry. To understand how the regulation works, it is important to examine the existing legal framework and compare it to practice in other countries, such as Malaysia. This comparison will provide insight into the strengths and weaknesses of regulations in Indonesia and provide recommendations for improvement. In Indonesia, the legal framework that regulates online food services is not explicitly regulated, but implicitly is mainly based on the ITE Law, the Consumer Protection Law, and the Food Law. The ITE Law focuses on digital transactions and data security, while the Consumer Protection Law protects consumer rights in the context of transactions, and the Food Law regulates aspects of food safety and quality. Below can be identified the provisions in the three laws.

First, the ITE Law. This law is generally as a legal infrastructure in supporting the development of information technology with the aim of using information technology safely to avoid and be safe from abuse that does not pay attention to legal norms, religious values, and socio-cultural values of Indonesia. As mentioned in Article 3 of the ITE Law, it is stated that the use of information technology and electronic transactions is carried out based on the

principles of legal certainty, benefits, prudence, good faith, and freedom to choose technology or technology neutrality, with the purpose mentioned in Article 4 of the ITE Law, namely to educate the life of the nation as part of the world information society, develop trade and the national economy in order to improve welfare community, increasing the effectiveness and efficiency of public services, opening the widest opportunity for everyone to advance their thinking and abilities in the field of use and utilization of information technology as optimally and responsibly as possible, and providing a sense of security, justice, and legal certainty for information technology users and operators. Regarding the purpose of using information technology in the last point related to security, in terms of the use of online food services, the state must also provide security protection for these transactions, such as in terms of food serving, food hygiene, and security in the payment transaction process and the security of choosing an online food driver to ensure unwanted actions.

Regarding business actors who provide restaurants in online food delivery, it is necessary to pay attention to the provisions in Article 9 of the ITE Law, that business actors who offer products through electronic systems must provide complete and correct information related to the terms of the contract, manufacturers, and products offered. Thus, in terms of restaurant ratings listed in the online food delivery application, it must be real and there is no fraud using ratings from the robot system. Even in terms of processing, serving, and safety of food delivery, business actors must be responsible for the process. If the business actors violate these provisions, then the actions of the business actors are included in the prohibited acts as per Article 28 Paragraph (1) of the ITE Law that every person deliberately distributes and/or transmits electronic information and/or electronic documents that contain false notices or misleading information that results in material losses for consumers in electronic transactions. Furthermore, the violation in Article 45A of the ITE Law is threatened with imprisonment for a maximum of 6 (six) years and/or a maximum fine of Rp1,000,000,000.00 (one billion rupiah). Some of the articles in the ITE Law do not directly provide protection for the use of online food delivery services, but from these provisions can be further interpreted for the use of online food delivery services. This is because in the use of online food delivery services, there is also electronic information and electronic documents that are conveyed to consumers who use the service. Thus, it can be said that the ITE Law legally establishes rules on data security and digital transactions, but does not specifically address food quality regulation or health aspects of online food services. Second, the Consumer Protection Law. This Law has long paid attention to technological developments, which in the weighing section states that this Law was made to support the growth of the business world so that it is able to produce a variety of goods and/or services that have technological content that can prosper many people and at the same time get certainty of goods and/or services obtained from trade without causing consumer losses. This means that in its era in 1999, the Consumer Protection Law has also accommodated provisions related to information technology. Thus, although it does not explicitly and specifically discuss related to the protection of the use of online food services, this Consumer Protection Law is still relevant to be used as a legal arrangement that can provide protection for the use of online food services. As mentioned in Article 1 Number 1 of the Consumer Protection Law, what is meant by consumer is every person who uses goods and/or services available in society, either for the benefit of themselves, their families, other people, or other living beings and not for trading. From this definition, the people who use online food services are also included in the consumer category because basically when using online food

service applications, people are also users of goods (ordering food) and services (using the services of online motorcycle taxi drivers) to buy food from a restaurant.

Article 4 of the Consumer Protection Law mentions consumer rights, including the right to comfort, security, and safety in consuming goods and/or services, the right to choose goods and/or services and obtain these goods and/or services in accordance with the exchange rate and the conditions and guarantees promised, as well as the right to true, clear, and honest information regarding the condition and guarantee of goods and/or services. In relation to the use of online food services, whether it is an offline or online transaction, consumers have the right to security in buying food, including in the use of online food services. Article 7 of the Consumer Protection Law also mentions the obligations of business actors, one of which is to ensure the quality of goods and/or services produced and/or traded based on the provisions of the applicable quality standards of goods and/or services. As is known that in the use of online food services, people when buying food online will certainly not see directly how the manufacturing process is, whether the restaurant really pays attention to the cleanliness of the place, because sometimes even though the restaurant has a high customer satisfaction assessment rating, the community also cannot be sure whether the restaurant is really a real assessment from the community or there is a games from restaurant owners or other business actors, who use the services of a robot system to provide good reviews on online food applications. Of course, this is very dangerous and detrimental to customers or consumers who use online service applications, and to protect this, in Articles 60 to 63 of the Consumer Protection Law, it has been mentioned about sanctions, both administrative sanctions and criminal sanctions against business actors who violate provisions that can endanger consumers and can even result in serious injuries. Severe illness, permanent disability or death are subject to applicable criminal provisions. This arrangement also does not cover the entire use of online food services. Thus, based on this description, it can be said that the Consumer Protection Law provides protection to consumers from unfair trade practices. Although this law regulates consumer rights, including the right to correct information about products, it does not specifically regulate food quality in the context of online food services.

Third. Food Law. This Law was made as a form of state responsibility in terms of realizing the availability, affordability, and fulfillment of adequate, safe, quality, and balanced nutritious food consumption, both at the national and regional levels to individuals evenly throughout the territory of the Unitary State of the Republic of Indonesia at all times by utilizing local resources, institutions, and culture. To achieve physical and mental well-being and proper growth and development, meeting food needs is one of the important factors. Food plays a role in creating quality human resources, both in terms of health, intellect, and productivity ([Rumawas et al., 2021](#)). Food consumption, both directly and indirectly, is strongly related to health, which ultimately plays an important role in achieving well-being ([Agusta, 2020](#)). Food itself includes everything derived from biological resources, including agricultural products, plantations, forestry, fisheries, livestock, and water. These products can be in the form of processed or unprocessed foodstuffs, which are intended for human consumption. In addition, food also includes additional ingredients, raw materials, and other materials used in the process of making food and beverages.

In connection with the use of online food services, in this Food Law what is still relevant is the regulation of food safety which is regulated from Article 67 to Article 95. The provisions of these articles include regulating that food safety is carried out through food sanitation, regulation of food additives, regulation of food genetically modified products,

regulation of food irradiation, determination of food packaging standards, provision of food safety and quality assurance, and guarantee of halal products for those who are required. Some of these provisions should be considered and complied with by culinary business actors who use online food services. Given the limited supervision of customers or consumers of online food, business actors should really be honest in terms of maintaining the safety of the food they sell through online food applications. However, the regulation in this Food Law is not specific to more specific online food regulations so that people tend to ignore these regulations. In fact, the development of food industry technology in the era of modernization and globalization has increased the availability and diversity of food products in line with the increasing needs of the community. Supported by advances in information and communication technology, the food trade area is expanding, especially with the free market policy that opens access to the national market. Thus, it can be said that the Food Law as a law that regulates food safety and food quality standards only focuses on supervision of food production, distribution, and consumption, but its implementation in online food services still needs to be strengthened, especially related to the supervision of the quality of food sold through digital platforms.

Although in the context of legal arrangements there are already regulations related to the use of online food services, but in their implementation these three legal arrangements cannot be a solution in terms of various cases experienced by the community, one of which is the case experienced by Mr. Berman. This shows that the regulation plays very little role in providing legal protection for the use of online food services. Thus, the main gap in legal regulation in Indonesia is the lack of regulations that specifically regulate online food services. While there are relevant laws, there are no regulations that specifically regulate food quality and safety standards in the context of digital applications and delivery processes. This is different from what has been done by other countries, one of which is Malaysia. In comparison, regulations in Malaysia regarding food safety are regulated through the Food Act 1983 and Food Regulations 1985. Both laws aim to ensure food safety and quality standards, as well as protect consumers from potential food hazards. With the development of online food delivery services, the implementation of this regulation is increasingly important to ensure that food sold through digital platforms remains safe and in accordance with health standards. The Food Act 1983 regulates various aspects of food safety, including supervision of food standards, food hygiene, and food import and export regulations. In the context of online food services, supervision of food hygiene and quality standards is an important priority, especially considering the risk of food contamination that may occur during the delivery process. For online food services, business actors must ensure that the food they sell is in accordance with the safety standards set out in the Food Regulations 1985. The enforcement of this regulation aims to reduce the risk of food hazards such as bacterial contamination or harmful chemicals. The Government of Malaysia, through the relevant authorities, is responsible for supervising and enforcing these rules, both through direct inspections and periodic inspections of online food platforms. The following is a comparison of the legal arrangements for online food services between Indonesia and Malaysia:

Table 1

Comparison of Legal Arrangements for Online Food Services Between Indonesia and Malaysia

No	Aspects	Indonesia	Malaysia
1	Main Law	ITE Law, Consumer Protection Law, and Food Law	<i>Food Act 1983 and Food Regulations 1985</i>
2	Law Focus	The ITE Law regulates the security of electronic transactions, data, and the responsibilities of online food business actors, but does not specifically regulate aspects of food quality. The Consumer Protection Law guarantees consumer rights related to the safety and convenience of services, but does not specifically regulate online food quality standards. The Food Law regulates food safety in general, but is not specific to online food services	<i>The Food Act 1983 focuses on food safety, supervision of food standards, hygiene, and supervision of food import/export, including online food services. The Food Regulations 1985 regulate food safety standards and avoid misleading claims related to nutrition or quality</i>
3	Food Hygiene and Safety	It is generally regulated through the Food Law, but there is no specific mechanism to ensure food hygiene and safety standards on online food services	Stricter food hygiene and safety regulations, regulated in the Food Act 1983 and Food Regulations 1985, including supervision of the cooking, packaging and delivery of food
4	Consumer Rights and Protection	Consumers have the right to clear information about products, safety, and quality in accordance with the Consumer Protection Law, but these regulations do not regulate specific aspects of online food services	Consumers are protected by the Food Act 1983, which requires restaurants and online food platforms to ensure food safety standards. Business actors must also provide clear information about potential allergies and nutritional values of food
5	Sanctions for Violations	Violations related to the dissemination of false or misleading information in online transactions can be sanctioned under the ITE Law and the Consumer Protection Law, but specific sanctions related to food quality are unclear	<i>The Food Act 1983 provides strict sanctions for breaches of food safety and quality standards, including sanctions for claims of misleading food advertising or deviations against hygiene and safety standards during delivery</i>
6	Government Supervision	Supervision is still limited and not specific to online food services, especially related to food delivery and storage during	The government through the relevant authorities periodically supervises restaurants registered on online food platforms and

No	Aspects	Indonesia	Malaysia
		delivery	conducts random inspections and testing of food in accordance with the Food Act 1983 and Food Regulations 1985

Considering that Indonesia does not have specific legal arrangements like those in Malaysia, Indonesia should begin to strive to form special regulations in the form of laws related to the use of online food services. The definition of a law according to Article 1 Number 3 of the Law of the Republic of Indonesia Number 12 of 2011 concerning the Establishment of Laws and Regulations is a Statutory Regulation formed by the House of People's Representatives with the joint approval of the President. The existence of a law can be a legal product that can fulfill justice for the people if in its preparation it has fulfilled the guiding principles of national law, namely the elements of legal certainty, utility, and justice accompanied by a compromise between the three elements and must be in a balanced proportion, the existence of rights and obligations in proportion to the people, entrepreneurs, and the government, and the fulfillment of the principle of legality ([Wijayanti, 2016](#)). The ideal legal arrangement in the form of a law related to online food services must include various aspects to protect consumers, ensure compliance of business actors, and create a healthy ecosystem for this industry. Here are some important elements that can be included in the online food service law:

First, related to food safety and quality standards, including minimum standard requirements for food hygiene and safety that apply to all merchants operating through online food platforms accompanied by licenses or certifications. Second, related to the supervision of the delivery process, including Delivery Hygiene and Delivery Time Standards. Third, related to a transparent rating and review system. Fourth, related to consumer protection, including Consumer Rights and Complaints and Refund Procedures. Fifth, related to Business License and Tax Regulation, including Simplification of Business Licenses for MSMEs and Proportional Tax Provisions. Sixth, related to platform responsibilities, including Platform Compliance, Supervision and Reporting. Seventh, related to sanctions and law enforcement, includes Strict Sanctions: and Increased Digital Supervision. Eighth, related to public education and awareness campaigns, includes: Consumer Awareness Campaign and Training for Merchants and Couriers. Ninth, related to Inter-Institutional Cooperation, includes Cross-Institutional Coordination. With comprehensive laws, supervision and regulation of online food services in Indonesia can be carried out more effectively, protecting consumers, supporting business actors, and encouraging responsible and sustainable industry growth.

Challenges in Supervision and Regulation of Online Food Services in Indonesia

In Indonesia, major challenges in regulatory implementation include a lack of consistent oversight and incomplete regulations related to online food services. This creates space for potential health problems related to food sold online. Based on the comparison with Malaysia, Indonesia may consider introducing more specific regulations related to online food services. In the case of Mr. Bandirman, the weakness of the verification system in online food services is evident from this case. The ordering process that does not require strict verification allows the perpetrator to make fictitious orders easily. A better system

should involve additional steps to verify the legitimacy of the order and the identity of the booker to prevent abuse. The safety of food ordered through online food applications is a crucial issue. Although this case involved fictitious orders, the poisoning incident demonstrated the importance of ensuring that the food delivered met hygiene and safety standards. Handling food that is not in accordance with standards can pose a serious health risk to consumers. The case also highlights the need for effective emergency handling and response procedures. When there are indications of a problem with the order, as is the case in this case, it is important to have procedures in place that can promptly address the situation and prevent further potential hazards. Reporting and monitoring mechanisms must be strengthened to handle cases like this quickly and efficiently. Another problem is considering the potential for rating manipulation by certain systems or individuals. Ratings that drop without new customer reviews indicate possible fraudulent practices, such as the use of bots or automated systems to lower ratings. This undermines the integrity of the rating system and can mislead consumers as to the true quality of the restaurant or service. The inaccuracy of the rating data indicated by the large variation in the rating results between different devices indicates a problem with the rating system implemented by the application.

From the description mentioned above, it can be said that although Indonesia has a relevant legal basis, there is still a need to develop more specific regulations related to online food services. In seeking to provide legal protection for the use of online food services, of course there will be challenges that will be faced by the government. First, the lack of uniform safety and hygiene standards in the provision of food by merchants who collaborate with online platforms. Although there are regulations regarding food sanitation from the Food and Drug Supervisory Agency (BPOM), its application in the digital realm is still uneven. Many merchants, especially MSMEs, do not have food processing facilities or procedures that meet health standards. This can have an impact on consumer health if the food ordered does not comply with the proper food safety standards. Second, the service quality assessment and supervision system through online food platforms is often considered non-transparent and can be manipulated. Restaurant or seller ratings on apps often don't reflect the actual quality, which makes it difficult for consumers to judge which food providers are quality and safe. Manipulation of ratings through robots or fake reviews is a form of challenge in supervision. Without a strong surveillance system, this can be detrimental to honest consumers and merchants. Third, regulatory fragmentation is also a significant challenge. Various ministries and related institutions, such as the Ministry of Communication and Information, the Ministry of Health, and BPOM, have their own authority in regulating online food. However, the lack of effective coordination between these institutions leads to gaps in regulation. For example, regulations related to consumer protection that apply in the physical sector are often not fully adapted for digital transactions, especially in the context of food delivery services.

Fourth, the presence of informal business actors, such as small stalls that utilize online food platforms, also adds to the complexity of supervision. Not all business actors have a license or are registered in the food health and safety system, making it difficult to supervise food quality. Many of them operate outside the radar of formal watchdogs, making regulations difficult to enforce. Fifth, the implementation of taxes and small business regulations is also a debate in the online food ecosystem. Many MSME actors feel burdened by certain tax or licensing requirements that they may not meet, but it is important to create a fair and legal business ecosystem. On the other hand, online food platforms are also under

pressure to balance profits and regulatory compliance, especially in facilitating small merchants who lack administrative skills. Sixth, consumer awareness related to health risks is also still low. Many consumers are not aware of the potential health risks of excessive consumption of fast food or food ordered through the app. Awareness campaigns regarding healthy and safe food consumption still need to be improved so that people are wiser in using this service. Thus, the supervision and regulation of online food services in Indonesia requires a comprehensive and collaborative approach between the government, business actors, and consumers. Efforts to harmonize regulations, strict law enforcement, and education to the public are key in ensuring that this service develops in a healthy and responsible manner.

Conclusion

Legal arrangements in Indonesia related to online food services still need significant improvements. Although there are laws such as the ITE Law, the Consumer Protection Law, and the Food Law that indirectly relate to these services, specific regulations governing important aspects such as food quality, delivery safety, and hygiene standards are still inadequate. To protect consumers from health risks and fraud in the use of online food services, more comprehensive and specific regulations are needed. The experience of other countries, such as Malaysia, which has implemented strict regulations through the Food Act 1983 and Food Regulations 1985, can be used as a reference for Indonesia in drafting stronger and more targeted regulations.

Suggestion

By following the steps taken by Malaysia, Indonesia can increase surveillance of online food services and ensure better health and food safety standards. The role of the government and business actors is very important in creating a fair, safe, and responsible ecosystem. In addition, strengthening law enforcement, especially in supervising and regulating the online food service industry, must be carried out to avoid public health risks and create optimal protection for consumers in this digital era. In seeking to provide legal protection for the use of online food services, of course there will be challenges that will be faced by the government, including the lack of supervision and enforcement of regulations, manipulation of the rating system, fragmentation of regulations, informal business actors, tax requirements and small business regulations, and low consumer awareness. To overcome these challenges, a collaborative approach is needed between the government, business actors, and consumers, with a focus on harmonization of regulations, law enforcement, and public education to create a safe, quality, and responsible online food service ecosystem.

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