

Regulation of central and regional governments in managing foodservice with environmental insight in

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Abstract

Policies established by the government bring many positive impacts on foodservice providers, from the occurrence of food poisoning and environmental pollution. However, not all policies are followed by the business providers and tend to be ignored. Therefore, the purpose of this study is to determine which central and local government regulations are implemented by the foodservice business management, at Medan city. The research method is carried out qualitatively. The findings show that there are still violations and irregularities committed by foodservice businesses in various government regulations. Thus, tighter supervision from related parties required for this regulation to run.

Keywords:

Foodservice, environment, policies, Medan City

1 Introduction

Foodservice providers (catering) are one of the food industry elements which provide services in the provision of food according to the needs and desires of the

community. Rawis, Panelewen and Mirah (2016) defined a foodservice business as a home-based micro business that is practical and efficient in providing a variety of foods. Meanwhile, Riyadi et al. (2013) call it a food business with various types of events and daily services. Foodservice providers are found in many big cities in Indonesia, including Medan, North Sumatra. However, the problem that arises is that various foodservice businesses often ignore food hygiene and food safety due to low attention to environmental hygiene even if the government has created many policies to rule the hygiene.

Efforts to create a foodservice business become environmentally friendly in Medan also refers to the policies and laws that have been established by the government. In the Republic of Indonesia Law no. 23 of 1997 regarding Environmental Management, in Article 1 Paragraph 2, it has been explained that foodservice needs to implement the environmental management, which is an integrated effort to preserve environmental functions that include policies on environmental management, utilization, development, maintenance, restoration, supervision, and control. Moreover, environmental management with environmental insight in the foodservice business provider has been outlined by many central government policies. There are the Minister of Health of the Republic of Indonesia No. 715 / Menkes / SK / V / 2003 about terms of food service sanitation hygiene, Regulation of the Minister of Health Republic of Indonesia No. 1096 / MENKES / PER / VI / 2011 regarding Foodservice Sanitation Hygiene, Regulation of the Minister of Tourism and Creative Economy of the Republic of Indonesia Number 18 of 2014 regarding Foodservice Business Standards, and Regulation of the Minister of Tourism of the Republic of Indonesia Number 18 of 2016 regarding Tourism Business Registration. This is also in line with the local government Regulation of the Mayor of Medan Number 29 of 2014 regarding the Tourism Business Registration Certificate. The emphasis of this legislation, in general, is to encourage efforts to maintain environmental health by emphasizing the hygiene and sanitation issues of foodservice businesses, especially in Medan City.

The management and hygiene of the foodservice sanitation certainly have an impact on the ecology and ecosystem. Food processing eventually affects the environmental imbalance when the hygiene of the food produced by the industry and the availability of sanitation is not fulfilling the predetermined standards as laws and government have regulated. According to Marsanti and Widiarini (2018), hygiene is a health effort that learns about the influence of environmental conditions on human health, an effort to prevent disease due to environmental factors. Besides, sanitation is an effort to prevent disease by eliminating or regulating environmental factors related to the chain of disease transmission (Purnawijayanti, 2001). Thus, the management of foodservice providers in their operational activities should be based on the rules and regulations that have been established by the government, as an effort to create an environmentally friendly business. However, not all policies are followed by the business providers and tend to be ignored. Therefore, the purpose of this study is to determine

which central and local government regulations are implemented by the foodservice business management, especially at Medan city.

2 Literature Review

Regulation of the Minister of Health No. 1096 / Menkes / PER / VI / 2011, explaining the division of kind of foodservice business can be classified into three groups. First, class A is the effort that serves the needs of the public, consisting of A1, A2, and A3. Second, class B, namely catering services that serve special needs such as dormitories for haj congregation, companies, offshore drilling, domestic public transportation, and hospital service facilities. Third, class C, namely catering services that serve the needs of international public transportation equipment and airplanes. The research carried out more emphasis on class A foodservice business is engaged in activities of serving the needs of the public in determining the object, which consists of A1, A2, and A3 that can be described as follows:

a. A1 is categorized as serving the needs of the public, using household kitchen and being managed by families, and with a processing capacity of fewer than 100 servings.

b. A2 with the criteria of serving the needs of the public, using household kitchens and employees, and a processing capacity of between 101-500 portions.

c. A3 with the criteria of serving the needs of the public, using a special kitchen, and employing a workforce (employees) and a processing capacity of more than 500 servings.

In maintaining the safety production, the government has established guidelines on how to produce and processed food in Article 6 of the Republic of Indonesia Government Regulation Number 28 of 2004 concerning Food Safety, Quality, and Nutrition, including: (1) Prevent contamination of processed food by biological, chemical, and other substances that can disturb, harm, and endanger health. This process can be done by controlling the sanitation and hygiene of workers, or what is commonly known as GMP (Good Manufacturing Practice) which is defined as the rules and principles of hygiene and sanitation or the way of food production. (2) Kills or prevents pathogenic microorganisms from living and reduces the number of other microorganisms. Food handling plays a very important role in producing healthy and nutritious food. Improper handling of temperature/time, cooking, cooling, insufficient reheating, or too early food preparation are the main factors causing food poisoning. (3) Controlling processes, including the selection of raw materials, use of food additives, processing, packaging, storage, or transportation.

Meanwhile, in the Law of the Republic of Indonesia No. 4 of 1982, Concerning Basic Provisions for Environmental Management and Law of the Republic of Indonesia No. 32 of 2009, concerning Environmental Management, states that an environment is a spatial unit with all objects, forces, conditions, and living things, including humans and their behaviour, which affect nature itself, the sustainability of life, and the welfare of humans and other living creatures.

3 Research Method

This type of research is in a descriptive form using a qualitative analysis method which is also synonymous with constructivist, naturalistic, or interpretive approaches. The data collected through an interview and observation to foodservice providers which has been registered in the Medan City Health Office. After that, the data was examined in a systematic way with a normative juridical approach to determine which central and local government regulations were implemented by the foodservice business providers, at Medan city.

4 Findings

The Regulation of the Mayor of Medan Number 29 of 2014 regarding Tourism Business Registration Certificate in the general provisions section of Article 1 Paragraph (13) and a copy of the Regulation of the Minister of Tourism of the Republic of Indonesia Number 18 of 2016 regarding Registration Tourism Business, states that food and beverage service in the business is providing food and beverages equipped with tools and equipment for the process of making, storing and/or serving them. Whereas Article 1 Paragraph 36 of the Medan Mayor Regulation Number 29 of 2014 regarding Tourism Business Registration Certificate (TBRC) and Article 1 Paragraph 25 Copy of the Regulation of the Minister of Tourism of the Republic of Indonesia Number 18 of 2016 concerning the Registration of Tourism Businesses states that foodservice is a business of providing food and drinks that are equipped with tools and equipment for the process of making, storing and serving, to be served at the location desired by the customer. Whereas in Article 3 regarding the subject and object of TBRC, where Paragraph (1) The subject of TBRC is any person and/or business entity that is a legal entity running a tourism business. Meanwhile, Paragraph (2) The object of TBRC is any activity that runs a tourism business. Furthermore, Article 4 One of the tourism businesses is food and beverage services.

Article 13 regarding Food and Beverage Service Businesses in Paragraph (1) states that tourism business registration covers all types of businesses in the food and beverage service business sector. Paragraph (2) The food and beverage service business sector as referred to in paragraph (1) covers the types of food and beverage service management businesses. Paragraph (3) states that types of food and beverage service management businesses as referred to in paragraph (2) include: a. restaurant; b. restaurant; c. bar / teahouse; d. café; e. hawker center/food court; f. foodservice/catering; and g. other types of business in the food and beverage service business sector stipulated by the Mayor. The requirements for tourism business registration in Article 33 Paragraph (1) Tourism business registration shall be addressed to the Mayor. The head of service is carried out by the applicant by filling out an application form which is completed with the requirements for registration of a tourism business. In Paragraph (2) The requirements for registration of tourism business as

referred to in paragraph (1) include a. administrative requirements; b. juridical requirements; c. technical requirements; and D. time requirements. In the administrative requirements where Article 34 Paragraph (2) the application form for tourism business registration contains at least: a. the name of the person in charge of the business; b. company name; c. company's address; d. business fields; e. type of business; f. business location; g. company phone number; h. company representatives who can be contacted; and i. data and other information required by the provisions of the prevailing laws and regulations.

The juridical requirements in Article 35 Paragraph (2) at least contain a. photocopy of the certificate of establishment for businesses in the form of business entities and/or business entities in the form of legal entities; b. photocopy of Identity Card (KTP) of the head of the person in charge of the business; c. photocopy of recommendation from the tourism association according to the type of tourism business based on the standards of each tourism business; d. photocopy of environmental feasibility document; e. photocopy of IMB (Building Permit) for tourism businesses that require physical buildings; f. photocopy of Disturbance Permit (HO); g. photocopy of NPWPD (Regional Taxpayer Identification Number); h. A photocopy of a statement of no objection from the community where the activity may be affected by the activity is known to the local village head.

The technical requirements in Article 36 Paragraph (2) consist of: a. place/location of tourism business; b. purpose/objective of running a tourism business; c. types of tourism business infrastructure; d. drawing of building maps for tourism businesses that require physical buildings; e. a map of the location along with the tourism business building; and f. other technical requirements following the provisions of laws and regulations. Article 36 paragraph 4 states that the technical requirements for the food and beverage service sector are accompanied by a document regarding the capacity of food and beverage services which is stated by the number of seats for restaurants, restaurants, franchise restaurants, bars, cafes, and food and beverage sales center.

In the operation of tourism businesses in Article 49 of the business food and beverage services where Paragraph (1) Activity implementation services business of food and drinks on the type of restaurant business, restaurant, cafe, catering services /catering, and the center of the sale of food and beverage /food court must meet the following operational requirements: (a) keep the place of business clean and hygienic; (b) the type of food and beverage being sold must have a health-worthy certificate from the Medan City Health Office; (c) for this type of restaurant businesses, restaurants, cafes, catering, and food and beverage sales center (food court) banned from selling food and beverages are kosher and not kosher in one place of business; and (d) for this type of restaurant businesses, restaurants, cafes, catering services /catering, and food and beverage sales center (food court), food and beverages sold must have a halal certificate. The Regulation of the Minister of Health of the Republic of Indonesia Number 1096 / Menkes / Per / VI / 2011 concerning foodservice Sanitation Hygiene stated in the General Provisions Article 1 Paragraph (1) foodservice is a food management business

served outside the business premises on the basis of orders made by individuals or business entity; Paragraph (2) Food management is a series of activities covering the receipt of raw materials or processed food, manufacturing, changing the form, packaging, packaging, transportation and presentation; Paragraph (3) Food ingredients are all ingredients, whether processed or not used in food processing, including food additives; Paragraph (4) Hygiene and sanitation are efforts to control risk factors for contamination of food, whether from foodstuffs, people, places and equipment to make it safe for consumption; Paragraph (5) Certificate of Appropriateness for foodservice Sanitation Hygiene is written evidence issued by the competent agency for services that have met the requirements in accordance with the provisions of laws and regulations; Paragraph (6) A food handler is a person who directly manages food.

Regulation of the Minister of Health of the Republic of Indonesia Number 1096 / Menkes / Per / VI / 2011 concerning foodservice Sanitation Hygiene in terms of the classification there is an improvement in Article 2 Paragraph 3 that foodservice group B is a service that serves the needs of the community under certain conditions, including a. Hajj dormitories, transit dormitories or other dormitories; b. industry, factories, offshore drilling; c. domestic public transportation other than aircraft; and D. health service facilities. In Article 9 concerning the requirements for sanitation Hygiene. Paragraph (1) Food management carried out by foodservice must meet the Sanitation Hygiene Requirements for processing, storage, and transportation; Paragraph (2) Any food-management carried out by a food service must meet the technical requirements for food processing; Paragraph (3) Equipment used for processing and serving food must not cause direct or indirect health problems; Paragraph (4) The storage of foodstuffs and processed food must meet the requirements for food storage Sanitation Hygiene; Paragraph (5) Food transportation must meet technical requirements for food transportation sanitation hygiene. Regulation of the Minister of Health of the Republic of Indonesia Number 1096/Menkes/PER/VI/2011 regarding sanitation hygiene requirements in Article 8 Paragraph (1) explains that the location and building of services must comply with the requirements stipulated in this Decree. Paragraph (2) explains the location and building requirements for each service group, it should be based on:

1. The technical requirements for hygiene and sanitation, including: First, the existence of the building including the location, ceiling, doors and windows, lighting for ventilation, food processing room; Second, sanitation facilities including hand washing, availability of clean water, availability of latrines, bathrooms, and trash bins; Third, the availability of equipment, including a place for washing equipment and foodstuffs; Fourth, related to manpower, where there are professional food processing personnel/employees who have special certification in food processing; Fifth, food condition, where food consumed after processing must be completely hygienic, healthy and safe free from physical, chemical and bacterial contamination; and Sixth, hygiene and sanitation checks are carried out by assessing the feasibility of physical technical requirements, namely buildings, equipment and personnel as well as food requirements from chemical and bacteriological contamination.

2. The classification of catering services consists of: First, which is group A foodservice that serves the needs of the general public, with food processing that uses household kitchens and is managed by the family; Second, services of class A2, which serve the needs of the general public, with processing, using household kitchens and employing labor; Third, foodservice group A3, which serve the needs of the general public, by processing, using a special kitchen and employing workers; Fourth, services for class B, which serve special needs for hajj congregation' shelters, transit dormitories, offshore drilling, companies, and domestic public transportation with processing using special kitchens and employing workers; and Fifth, service category C, which serve the needs of international public transportation equipment and aircraft with processing that uses a special kitchen and employs workers.

3. Proper food processing procedures, in this case, are carried out through the principles of food sanitation hygiene, including the selection of foodstuffs, storage of foodstuffs, food processing, storage of processed/cooked food, food transportation, and food presentation.

The problem regarding the standards that must be met by the service business has been raised in the Regulation of the Minister of Tourism and Creative Economy of the Republic of Indonesia Number 18 of 2014 concerning Foodservice Business Standards. In the General Provisions Article 1 Paragraph (1) Foodservice business is the provision of food and beverages equipped with tools and equipment for the process of making, storing, and serving, to be served at the location desired by the customer; Paragraph (3) Foodservice business standards are the formulation of the qualifications of the foodservice business and/or the classification of the foodservice business which includes aspects of the product, service, and management of the foodservice; Paragraph (4) Foodservice business certification is the process of granting a certificate to a foodservice business to support the improvement of product quality, service and management of the foodservice business through an audit of compliance with the standards; Paragraph (5) Catering Business Certificate is written evidence provided by the Tourism Business Certification Agency to the Catering Business that has met the Catering Business Standards. Article 4 states that the foodservice business can be individual or in the form of an Indonesian business entity with a legal entity or not under the provisions of laws and regulations. As for the Certification and Certification of Catering Businesses as stated in Article 5 Paragraph (1) Every Catering Business, must have a Catering Business Certificate and carry out Catering Business Certification, based on the terms and conditions as stipulated in this Ministerial Regulation; Paragraph (2) In the case of micro, small, medium-sized businesses and cooperatives in the Catering Business sector, the Ministry and/or Regional Governments may provide and/or seek administrative, institutional and funding support of a special nature, for convenience purposes in the framework of issuance of Catering Business Certificate and/or implementation of the Catering Business Certification process.

In a copy of the Regulation of the Minister of Tourism Number 18 of 2016 regarding Registration of Tourism Businesses in Article 6 Paragraph 1 regarding tourism

businesses, it is stated that one of the business sectors is food and beverage services. Article 10 stated that one of the foods and beverage service businesses is catering services. The procedure for business registration in Article 15 paragraph (1) Registration of service businesses to Regency / City PTSP; Paragraph (2) If there are more than one regencies/cities covering one tourism business location or office, register the tourism business with the Provincial PTSP; Paragraph (3) A tourism business that has a domestic investment in scope across provinces and/or which is the authority of the government based on statutory provisions, registration of tourism business is shown to the Investment Coordinating Board.

5 Discussion

Efforts to support optimization in the management of foodservice, various laws, and regulations both central and local government have been enacted. The clause of these laws and regulations aims to protect, maintain, supervise, and maximize the business activities of foodservice, the community, and the surrounding environment. Various problems that arise in the management of foodservice often negatively affect the workers, society (consumers), and the environment, such as food poisoning and environmental pollution. However, based on the Regulation of the Minister of Tourism and Creative Economy Number 18 of 2014 regarding the required standards, the foodservice business operations are still not fully functioning in day-to-day activities in Medan City and there are still violations and irregularities committed in the foodservice business.

6 Conclusion

Creating an environmentally friendly food provider business in Medan City requires a policy and legislation set by the government at both the central and regional levels to protect, maintaining, supervising, and maximizing the business activities of foodservice providers, the community, and the surrounding environment from a sense of security for food products produced and consumed. However, based on the Regulation of the Minister of Tourism and Creative Economy Number 18 of 2014 regarding the required standards, the foodservice business operations are still not fully functioning in day-to-day activities in Medan City and there are still violations and irregularities committed in the foodservice business. Therefore, tighter supervision from related parties required for this regulation to run. More importantly, tighter supervision can support the Decision of Minister of Health Number HK.01.07/Menkes/382/2020 regarding Health Protocol for the Community in Public Places and Facilities in the Framework of Prevention and Control of Corona Virus Disease 2019 (Covid-19) which implies all the foodservice providers should obey the Cleanliness, Health, Safety and Environmental Sustainability (CHSE) rules.

Paper Contribution

This research is useful for the development of environmentally friendly foodservice provision management in Medan City and is related to the tourism industry.

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