

LEGAL RESPONSIBILITY FOR UNHYGIENIC PRACTICES AT SEC BOWL RESTAURANT

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Abstract

One of the restaurants that announced the permanent closure of its restaurant branch in Kuningan Jakarta is the Sec Bowl restaurant. The Sec Bowl restaurant is allegedly permanently closed because of a video influencer named Codeblu. Real name William Anderson, he is known as a restaurant and food reviewer who has 14 million followers on TikTok. The content he often uploads is criticism or praise in the form of photos or videos of the food he has tried. Codeblu made a reaction video to a photo sent to him, which showed the condition of the toilet at Sec Bowl. In his video, the influencer said that the place was "very unhygienic" and "very inhumane". Codeblu also suspected that the rice bowl restaurant had violated many ethics and laws. This is certainly very detrimental to consumers. The video has received 62.4 thousand likes and has been shared 15.2 thousand times. The problem is how is the legal regulation of Standard Operating Procedures (SOP) to prevent unhygienic practices in restaurants? What is the legal accountability for unhygienic practices at the Sec Bowl restaurant? The research method used is normative juridical. The results of the study are legal regulations on Standard Operating Procedures (SOP) to prevent unhygienic practices in restaurants that in the case of the Sec Bowl restaurant does not have a Certificate of Hygiene Sanitation (LHS) as per the Regulation of the Minister of Health Number 2 of 2023 page 62 Number 6 point F and legal liability for unhygienic practices at the Sec Bowl restaurant, namely negligence tort liability. In addition, liability for unhygienic practices at the Sec Bowl restaurant can be in the form of compensation if a consumer experiences health problems caused by food from the restaurant.

Keywords: Legal Liability, Unhygienic Practices, Restaurants

INTRODUCTION

In everyday life, the term legal association (*rechtsverkeer*) is known, which implies the existence of legal actions (*rechtshandeling*) and legal relations (*rechtbetrekking*) between legal subjects. Legal association, actions, and relations are conditions or circumstances that are regulated by law and/or have legal relevance. In this case, there is an interaction of rights and obligations between two or more legal subjects, each of which is bound by rights and obligations (*rechten en plichten*). Laws are created to regulate legal associations so that each legal subject carries out its obligations correctly and obtains its rights fairly (Raharjo, 2014).

In addition, the law also functions as an instrument of protection (*bescherming*) for legal subjects. In other words, the law was created so that justice is implemented in legal relations. When there is a legal subject who neglects the legal obligations that should be carried out, or violates the rights of others, then the subject is burdened with responsibility and is required to restore or return the rights that have been violated. The burden of responsibility and demands for compensation or rights are directed at every legal subject who violates the law, regardless of whether the legal subject is a person, legal entity, or government.

Responsibility comes from the basic form of the compound word, namely "responsibility" which means the state of being obliged to bear everything in the form of prosecution, being sued, and being blamed as a result of one's own attitude or that of another party (Alwi, 2010). Examining the definition of "responsibility" as formulated above refers to the meaning of responsibility in the legal process, where someone can be sued, sued, and blamed. If associated with the word responsibility, it means the readiness of the attitude to bear all forms of burden in the form of being sued, sued, and being blamed as a result of one's own attitude and actions or those of another party that cause harm to another party.

English accountability is called responsibility, which means the obligation to be responsible for the laws that are implemented and to repair the damage caused. Responsibility is a result of the consequences of a person's freedom regarding his actions related to ethics or morals in carrying out an action (Notoatmojo, 2010).

Among scholars, both practitioners and academics, responsibility is termed "responsibility" (*verantwoordelijkheid*) and "liability" (*aansprakelijkheid*). Responsibility according to the legal sense is the obligation to bear responsibility and bear the losses suffered (if sued) both in the legal and administrative realms (Abdullah, 2006). In general, everyone must be responsible (*aansprakelijk*) for their actions. Therefore, being responsible in the legal sense means being bound. Legal responsibility is intended as a binding obligation to legal provisions.

A theory related to the theory of legal obligations is the theory of legal responsibility (liability). A person who is legally responsible for certain actions that he can be subject to sanctions in cases where his actions are contrary to or contrary to the law. Sanctions are imposed because of his own actions that make the person responsible. The subject of responsibility and the subject of legal obligations are the same.

Legal responsibility is also included in the industrial sector such as legal responsibility in the restaurant industry sector. The restaurant industry sector is one of the business sectors that continues to grow. Along with the increasing population growth in Indonesia, the need for places to eat also continues to increase. The tendency of Indonesian people to enjoy Ready to eat food has led to the emergence of many new restaurants in the food and beverage sector (Aprianti, 2019).

One of the restaurants that announced the permanent closure of its restaurant branch in Kuningan Jakarta is the Sec Bowl restaurant. The Sec Bowl restaurant closed permanently allegedly because of a video influencer named Codeblu. Codeblu is a restaurant and food reviewer who has 14 million followers on TikTok. The content he often uploads is criticism or praise in the form of photos or videos of the food he tries. Codeblu made a reaction video to a photo sent to him, which showed the condition of the toilet at Sec Bowl. In his video, the influencer said that the place was "very unhygienic" and "very inhumane". Codeblu also suspected that the rice bowl restaurant had violated many ethics and laws. This is certainly very detrimental to consumers. The video has received 62.4 thousand likes and has been shared 15.2 thousand times (Sulaiman, 2024).

Consumer protection means talking about one side of the correlation between the economic field and the ethical field. In business activities there is a mutually dependent relationship between business actors and consumers. The interests of business actors are to gain profit from transactions with consumers, while the interests of consumers are to gain satisfaction through fulfilling their needs for certain products. In such a relationship there is often inequality between the two. Consumers are usually in a weak position and therefore can be the target of exploitation by business actors who are socially and economically in a strong position. Therefore, a set of legal regulations is needed that can protect or empower consumers (Kusumadewi & Sharon, 2022). Consumer protection is a citizen's

right which on the other hand is the state's obligation to protect its citizens, especially for halal and good products. So that in determining these legal regulations, state intervention is needed through the establishment of a legal protection system for consumers. In relation to this, Law No. 8 of 1999 concerning Consumer Protection has been ratified.

The problem is how is the legal regulation of Standard Operating Procedures (SOP) to prevent unhygienic practices in restaurants? How is the legal responsibility for unhygienic practices in Sec Bowl restaurants?

The purpose of this study is to determine the legal regulation of Standard Operating Procedures (SOP) to prevent unhygienic practices in restaurants and to determine the legal responsibility for unhygienic practices in Sec Bowl restaurants?

RESEARCH METHOD

In this study, the researcher used a normative legal or normative juridical research method (Marzuki, 2005). This type of research is library research, namely research that emphasizes the use of secondary data or in the form of written legal norms. The research data used is secondary data obtained directly through literature searches or official documents related to legal accountability for unhygienic practices at the Sec Bowl restaurant. The data analysis used is qualitative data analysis.

RESULTS AND DISCUSSION

Legal Regulations on Standard Operating Procedures (SOP) to Prevent Unhygienic Practices in Restaurants

Restaurant service procedures are operational activities before the restaurant opens until the restaurant closes. These activities include all restaurant staff's efforts in providing service to guests, both preparing guests to arrive until guests leave the restaurant. To support success in carrying out tasks, a restaurant staff must know and understand the work procedures when serving food and drinks. The work guidelines or standards in question are Standard Operating Procedures (Restaurant's SOP) (Ekawatiningsih, 2008).

Success during the operation of the restaurant depends on how the restaurant staff can carry out their work well. This work concerns how the staff serves guests so that guests feel satisfied and happy with the service they receive. To bring together the two different desires between customers and restaurant owners, the keys to success are needed, including: accuracy, agility, insight, sensitivity from professional human resources with service systems and stages so that they can fulfill customer desires.

One thing that restaurants must pay attention to is cleanliness or what is known as hygiene. In Greece, "Hygiene" comes from the name of a goddess, namely the Goddess Hygea which means the goddess of preventing disease. Hygiene is interpreted as the science of forming and maintaining health in Greek (Purwaningrum, 2020).

According to Article 2 paragraph (1) of Law Number 11 of 1962 concerning Hygiene for Public Enterprises, Hygiene is all efforts to maintain and improve health levels. In the Big Indonesian Dictionary, hygiene means the science of health and various efforts to maintain or improve health. From this meaning, it can be concluded that hygiene is an act of maintaining personal cleanliness such as washing hands with soap in running water to clean germs and bacteria that stick.

Definition of sanitation According to Azrul Azwar, it is a way of community supervision that focuses on supervision of various environmental factors that may affect the level of public health. Sanitation is an effort or attempt to maintain and preserve the cleanliness of the environment of living things through various healthy living activities. Some examples of sanitation activities are providing facilities that support healthy living and keeping the environment clean. As done by the government in providing trash bins in public locations, providing clean water in cities and remote villages. From the definition above, it can be seen that hygiene and sanitation are two things that are interrelated and must be applied in everyday life, especially in the field of food processing.

According to Article 8 paragraph (1) of the Minister of Health Regulation Number 2 of 2023 concerning Community-Based Total Sanitation, it states that "Ready-to-eat processed food must meet standards". The explanation of ready-to-eat processed food is food that has been cooked and is ready to be consumed directly (such as wrapped rice, food stalls, catering, and the like). This food must meet cleanliness and safety requirements based on two main things:

1. SBMKL (Environmental Health Quality Standard) is a standard that explains the quality of the environment where food is made and served. For example: the water used is suitable and clean, the kitchen environment or processing area must be free from pollution, eating utensils and cooking utensils must be hygienic. Food Media Health Requirements This includes specific provisions regarding the safety and hygiene of the food itself, such as: Does not contain

hazardous materials. Not contaminated with pathogenic microorganisms (such as *E. coli*, *Salmonella*, etc.). Served and stored at the right temperature and method to prevent spoilage.

2. This is in line with the aim of the article, to ensure that ready-to-eat food consumed by the public is safe for consumption, does not cause foodborne disease, and is produced in a hygienic environment.

Article 8 paragraph (4) of the Minister of Health Regulation Number 2 of 2023 states that "Health requirements for ready-to-eat processed food are carried out in places, equipment, food handlers, and food". This article shows that the inspection and fulfillment of health requirements does not only focus on food, but also includes four main components, namely:

1. Place (Processing and Serving Environment)
 - a. Clean, has good ventilation, and is free from pests such as rats, cockroaches, flies.
 - b. Not contaminated by waste or other sources of pollution
 - c. Equipped with basic sanitation facilities such as hand washing facilities and clean water.
2. Equipment
 - a. Cooking, serving, and storing food must be clean, rust-free, unbroken, and easy to clean
 - b. Made of food-safe materials (food grade)
3. Food Handlers (People Who Process and Serve Food)
 - a. Maintain personal hygiene: wash hands, short nails, not sick.
 - b. Wear clean work clothes and protective equipment such as aprons and head coverings.
 - c. Receive education or training related to food safety.
4. Food (Food Itself)
 - a. Free from hazardous materials such as formalin, borax, textile dyes, and so on.
 - b. Stored and served at the right temperature so that it does not spoil quickly.
 - c. Without cross contamination: cooked food is not mixed with raw ingredients.

In the case of Sec Bowl, several indications have unsanitary conditions. Some of them are as follows: Contamination from the kitchen environment, poor ventilation or waste, lack of proper handwashing facilities for workers and consumers. Another indication is cross-contamination with Sec Bowls that are not properly cleaned and used alternately for raw and cooked food without being sanitized. Further indications that employees may be suspected of not following good sanitation procedures include, not washing hands, not wearing gloves or head coverings, being sick while working, storing food that is not permitted for consumption, such as rice left at room temperature for too long, side dishes that are stale but still served, and microbial contamination due to not being recooked properly.

Article 8 paragraph (4) emphasizes that the safety of ready-to-eat food is not only related to taste and appearance, but also to a clean kitchen, hygienic cooking equipment, employees who strictly follow sanitation procedures, and safe storage and serving of food. Therefore, this article needs to be implemented so that the Sec Bowl case becomes a lesson and is not repeated in the future.

Article 8 paragraph (5) refers to

"Health Requirements for Ready-to-Serve Processed Food as referred to in paragraph 4 consist of:

- a. Food in a protected state and free from contaminant contamination; and
- b. Receipt/selection of Food ingredients, storage of Food ingredients, preparation and management, storage of cooked Food, distribution/transportation, and presentation of Food meet the principles of hygiene and sanitation".

Food must be protected and free from contaminant contamination. This is relevant to the Sec Bowl case which is suspected to be caused by contaminated food. Contamination indicators can be caused by food not being covered or left open for too long, uncontrolled storage temperature, unhygienic cooking or storage processes. The entire process from selecting ingredients to serving must meet the principles of hygiene and sanitation. There will likely be violations at some or all stages such as, food ingredients that are not fresh or expired, cooked food stored at room temperature for too long, processing processes without hygiene standards such as workers not washing their hands, serving stale food without checking its suitability.

According to the Regulation of the Minister of Health Number 2 of 2023 page 62 Number 6 point F states that "Presentation of cooked food must be served in packaging that is given an expiration date and accompanied by a certificate number of Hygiene Sanitation Eligibility". Thus, the most likely alleged violation is packaging and labeling, because the Sec Bowl restaurant serves ready-to-eat food without expiration date information and does not process cooked food that is left too long without temperature control or time marking which causes it to rot before being consumed. Finally, there is no Certificate of Hygiene Sanitation Eligibility (LHS) displayed or used. When a food

producer does not include or prepare an LHS, it means there is no guarantee that the environment, process, and work meet hygiene requirements. It can be easily analyzed that there is no official organization or inspector who responds to this or even imposes penalties. This condition triggers many irregularities in cases that occur at the Sec Bowl restaurant.

Legal Responsibility for Unhygienic Practices at Sec Bowl Restaurant

According to Abdulkadir Muhammad, the theory of responsibility in tort liability is divided into several theories, namely:

1. Liability due to tort committed intentionally (intentional tort liability). The defendant has committed an act consciously that causes loss to the plaintiff or knows that what the defendant did will result in loss.
2. Liability due to tort committed due to negligence (negligence tort liability), is based on the concept of fault (concept of fault) which is related to morals and laws that are intermingled (intermingled).
3. Absolute liability due to tort without questioning the fault (strict liability), is based on his actions, whether intentional or unintentional, meaning that even though it is not his fault, he is still responsible for the losses arising from his actions.

A person is legally responsible for certain actions or that he is responsible for a sanction if his actions are contrary. In legal theory, it states that everyone, including the government, must be responsible for all their actions, whether due to error or without error. Legal responsibility for unhygienic practices at the Sec Bowl restaurant is the responsibility of negligence tort liability. This means that Sec Bowl as a business actor has been negligent in maintaining food hygiene standards. As a business actor, to always have good intentions in carrying out its business activities as stated in Article 7 letter a of the Consumer Protection Law, which aims to maintain a healthy business climate and to ensure that consumers are not harmed (Sidabolok, 2010).

In addition, the responsibility for unhygienic practices at the Sec Bowl restaurant can be in the form of compensation. In this case, Rius Vernandes as the owner of Sec Bowl immediately responded quickly by uploading an apology in the form of a writing on Instagram and permanently closing the restaurant the next day on September 18, 2024. Rius Vernandes also destroyed food ingredients and kitchen equipment to prevent potential contamination. Sec Bowl also provides a customer service contact number, and is willing to be responsible for the medical costs of consumers who experience health problems caused by food from the restaurant.

CONCLUSION

Legal regulations regarding Standard Operating Procedures (SOP) to prevent unhygienic practices in restaurants are regulated in Article 8 paragraph (1) of the Minister of Health Regulation Number 2 of 2023 concerning Community-Based Total Sanitation, which states "Processed ready-to-eat food must meet standards" and the Minister of Health Regulation Number 2 of 2023 page 62 Number 6 point F states that "Presentation of cooked food must be served in packaging that is given an expiration date and accompanied by a certificate number of Hygiene Sanitation Eligibility". In the case of Sec Bowl, several indications have unclean conditions. Some of them are as follows: Pollution from the kitchen environment, poor ventilation or waste, lack of proper hand washing facilities for workers and consumers.

Legal liability for unhygienic practices at the Sec Bowl restaurant is negligence tort liability. This means that Sec Bowl as a business actor has been negligent in maintaining food hygiene standards. As a business actor who always has good intentions in carrying out its business activities, in accordance with Article 7 letter a of the Consumer Protection Law. This aims to maintain a healthy business climate and ensure that consumers are not harmed. In addition, liability for unhygienic practices at the Sec Bowl restaurant can be in the form of compensation if a consumer experiences health problems caused by food from the restaurant.

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