

## The Role of Legal Certainty Theory in Realizing Corporate Accountability in Indonesian National Standardization

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**Abstract.** *Indonesian national standardization (SNI) is a set of technical requirements established by the National Standardization Council (DSN) to ensure the quality of goods, services, and processes. The rapid development of technology as it is today makes it easy for various imported goods to enter Indonesia at low prices. To guarantee quality, it is necessary to implement SNI, which is supported by Article 8 Paragraph (1) Letter a of Law Number 8 of 1999 concerning Consumer Protection which stipulates that business actors are prohibited from producing and/or trading goods that do not meet or are not in accordance with Indonesian National Standards (SNI). The purpose of this research is to analyze the role of legal certainty theory in realizing corporate liability in Indonesian national standardization (SNI). The research method used is qualitative with a descriptive approach, and data collection is carried out through literature study. The data collected was then analyzed through the stages of reduction, presentation, and conclusion drawing. The results showed that the theory of legal certainty has an important role in realizing corporate liability in the Indonesian national standardization (SNI). Legal certainty in Indonesian national standardization (SNI) can be realized through the application of clear, transparent, and consistent laws and regulations, as well as the application of strict and consistent sanctions.*

**Keywords:** *Certainty; Corporate; Liability; Standardization.*

### 1. Introduction

Various imported products that enter Indonesia at low prices may ignore quality guarantees and consumer safety in consuming them, causing losses to consumers as users of these products. In order to maximize interests or provide maximum consumer rights, there is standardization of various products circulating in Indonesia, known as the Indonesian National Standard[1]. Indonesian National Standards (SNI) are a series of regulations that apply

throughout Indonesia. The process of creating SNI is led by a technical committee and formalized by the National Standardization Body (BSN) which is supervised and responsible to the president. The main focus is carrying out government duties related to standardization and assessing conformity in accordance with applicable legal provisions[2].

SNI aims to ensure uniformity regarding terms, naming, descriptions, and formulating references or guidelines for standardization and certification of food product production.[3]. Although overall SNI is voluntary, in situations related to security, safety, public health, environmental protection, and economic considerations, technical agencies have the authority to require the implementation of some or all of the technical specifications and parameters contained in SNI.

Based on Article 8 Paragraph (1) Letter a of Law Number 8 of 1999 concerning Consumer Protection, it is regulated that business actors are prohibited from producing and/or trading goods that do not meet or are not in accordance with Indonesian National Standards (SNI).[4]. The company's role in complying with established standards is crucial. Companies must ensure that the products and services they produce comply with the standard provisions outlined by BSN. In order to carry out this obligation effectively, companies need clear guidance regarding the legal aspects that regulate national standards. The theory of legal certainty is key in regulating company behavior so that it complies with applicable standards. With the foundation provided by this theory, companies can understand the legal consequences of non-compliance with national standards.

The theory of legal certainty is one of the legal principles that has an important role in efforts to achieve justice. Legal certainty is manifested in the implementation and enforcement of laws that are universal regardless of who the perpetrator is. Through this concept, each individual can estimate the consequences of the legal actions they take. Legal certainty is also needed to achieve the principle of equality in the legal realm without any acts of discrimination. The concept of certainty is closely related to the principle of truth, which means that the aspect of certainty in the theory of legal certainty can be linked strictly to the formal legal framework. Thus, the theory of legal certainty becomes an important basis for upholding legal principles that are fair and equal to everyone without discrimination[5].

Previous study by[6]examines how the responsibility of financial planning companies that provide investment programs that harm consumers is related to the theory of legal certainty. The results of this research indicate that regulations regarding financial planners in Indonesian law do not specifically regulate them,

so that the existence of financial planners does not yet have definite legal guarantees. Apart from that, the law faced can be in the form of administrative, civil and criminal sanctions.

Study conducted by [7] focus on legal certainty in the investment realm in Indonesia, especially through the omnibus law. The research results highlight the important role of government in encouraging investment, especially Foreign Direct Investment (PMA). FDI is expected to have a positive impact, such as encouraging economic growth, technology transfer, job creation and other benefits that improve community welfare. However, this achievement is hampered by the problem of legal certainty which is a barrier for foreign investors entering Indonesia. Unclear regulations regarding PMA, overlapping regulations between central and regional governments, and complexity in the licensing process are the main challenges in PMA activities in Indonesia.

The novelty of this research comes from the research object, namely the role of legal certainty theory in realizing corporate responsibility in Indonesian national standardization, which has never been studied before. The application of a strong theory of legal certainty in the context of SNI can help enforce corporate responsibility more effectively. With clear and consistent rules in national standardization, corporations are expected to understand their duties, responsibilities and consequences of non-conformity to specified standards. The aim of this research is to analyze the role of legal certainty theory in realizing corporate responsibility in Indonesian national standardization (SNI).

## **2. Research Methods**

This research adopts a qualitative research method with a descriptive approach. [8] explained that qualitative research methods refer to an exploratory approach in a scientific context (such as in an experiment), where the researcher acts as the main instrument. Data collection and analysis techniques in this method are qualitative, emphasizing understanding meaning. The aim of this methodology is to describe the object of research through observations of social activities, attitudes and views of a person or community. This research uses library study techniques as a data collection method, which is then analyzed starting from the data reduction stage, presentation, to drawing conclusions.

## **3. Results and Discussion**

Government institutions that have the authority to supervise and ensure the implementation of Indonesian National Standards (SNI). In addition to monitoring the implementation of Indonesian National Standards (SNI), the Trade Service is also responsible for supervising and guiding the use of labels in Indonesian, product usage instructions, sales service guarantees, product

advertising, and standard clauses. According to Article 8 Paragraph (1) Letter a of Law no. 8 of 1999 concerning Consumer Protection, commercial businesses are prohibited from producing or selling goods that do not comply with SNI[4].

The standard system has an important role in supporting production capabilities, especially in increasing trade both at home and abroad, as well as in developing the industrial sector and safeguarding consumer interests.[9]. Standards play an important role in consumer protection. In accordance with Law No. 8 of 1999 concerning Consumer Protection, every business actor has the responsibility to ensure compliance with standards as part of their obligations. As stated in article 7 letter (d) "guarantees the quality of goods and/or services produced and/or traded based on the provisions of applicable quality standards for goods and/or services"[10].

Provisions regarding SNI are regulated in Law no. 7 of 2014 concerning Trade explains that SNI is a standard determined by the institution responsible for development and guidance in the realm of standardization[11]. The National Standardization Body (BSN) was established through Presidential Decree no. 13 of 1997, which was later updated through Presidential Decree no. 166 of 2000 which regulates the position, duties, functions, authority, as well as the organizational structure and work procedures of the institution, which has undergone several changes. The latest changes are regulated by Presidential Decree no. 103 of 2001 which confirms that BSN is tasked with developing and supervising standardization activities in Indonesia[12].

BSN has the responsibility to coordinate the preparation of SNI and convey information to the public regarding the importance of SNI in products and certification accreditation in services. Small business actors who already have SNI accreditation have succeeded in selling their products abroad, but the number is still small compared to large-scale business actors.[13]. Mandatory implementation of SNI is a technical regulation for goods and/or services made by the Minister and must be implemented throughout Indonesia. Law plays a role in ensuring justice, certainty and expediency. However, in practice, sometimes there is a conflict between legal certainty and justice in the implementation of the law in the field. Legal certainty tends to be more concrete and real, while justice is abstract. Therefore, when a judge decides a case based solely on the application of the Law, there are times when the value of justice is not fully met.[9]. So the presence of legal regulations regarding SNI is a form of legal certainty provided to consumers.

Legal Arrangements According to the Regulation of the Minister of Trade of the Republic of Indonesia Number 24/M-DAG/PER/4/2016 concerning Standardization in the Trade Sector Article 6, states that those who must be

responsible for the consistency of goods to which SNI has been applied compulsorily or voluntarily are producers and importers. The prohibition on trading goods that do not meet SNI and/or mandatory technical requirements is regulated in Article 7 Paragraph 1[14].

The application of SNI for all forms of activities and products applies throughout the territory of the Republic of Indonesia and is voluntary. Based on article 21 of Law Number 20 of 2014 concerning Standardization and Conformity Assessment, it also regulates the voluntary implementation of SNI. SNI can be applied voluntarily by business actors, ministries, non-ministerial government institutions or regional governments and those who are able to apply SNI can apply for certification to LPK which has been accredited by KAN[15]. This is also contained in law no. 20 of 2014 concerning Standardization and Conformity Assessment Article 21 paragraph 1 states that SNI can be applied voluntarily by Business Actors, ministries and/or non-ministerial government institutions, and/or Regional Governments. However, Article 22 paragraph 4 states that perpetrators who violate the provisions will be subject to administrative sanctions. Thus, in the industrial sector, SNI is voluntary so that goods traded need to be held accountable by the corporation. The existence of SNI provides legal certainty as a form of consumer protection.

Certainty is an inseparable aspect of law, especially in the context of written legal norms. Laws without certainty will lose their meaning because they can no longer serve as guidelines for behavior for everyone. Legal certainty enables legal functions to run well and maintain order. Although legal certainty is a prerequisite for every regulation, it is also necessary to consider the value of justice and the benefits of the law[16]. Legal certainty is the clarity of norms that enable people to use these rules as a guide in their behavior[17].

Legal certainty guarantees the application of the law, ensures that individuals who are entitled in accordance with the law obtain their rights, and enables the implementation of decisions. It protects individuals from arbitrary actions, ensuring that a person can obtain the expected results in a given situation[18]. The theory of legal certainty is often referred to as juridical theory which is generally interpreted as a theory about the formation of laws. Legal certainty requires the existence of business in the process of drafting laws carried out by authorities and having credibility, so that these regulations have a juridical dimension which ensures that the law acts as a norm that must be followed.[19]. It is generally acknowledged that statutory regulations can provide a clearer level of legal certainty than customary law, customary law or jurisprudential law. However, it should be noted that laws originating from statutory regulations are not only related to formal writing[20].

Thus, the Indonesian National Standards (SNI) law exists to provide quality, safety and compliance standards for products on the market. Setting product standards is a crucial step to improve the quality of products produced by manufacturers. Standardization also plays a role in safeguarding consumer interests by ensuring the right quantity and preventing the presence of dangerous ingredients in purchased products[21]. SNI plays a role in protecting with legal certainty consumer protection. The advantages of products labeled SNI according to[22], from the consumer's point of view, namely:

1. Providing guarantees for consumer safety.
2. Consumers feel more confident and safe.

Quoted from [Istanaumkm.pom.go.id](http://Istanaumkm.pom.go.id), here are several examples of SNI that are required for processed food products, including:

1. Natural mineral water (SNI 6242:2015)
2. Mineral water (SNI 3553:2015)
3. Demineralized water (SNI 6241:2015)
4. Dew drinking water (SNI 7812:2013)
5. Iodized consumable salt (SNI 01-3556-2000)
6. Palm cooking oil (SNI 7709:2019)
7. Instant Coffee (SNI 2983:2014)
8. Tuna in cans (SNI 8223:2016)
9. Sardines and mackerel in cans (SNI 8222:2016)
10. Wheat Flour as a food ingredient (SNI 3751:2009)
11. Crystal sugar - Part 3: White (SNI 3140.3:2010/Amd1:2011)
12. Crystal sugar - Part 2: Refined (SNI 3140.2-2011)
13. Cocoa powder (SNI 3747:2009)
14. Biscuits (SNI 2973:2011)

The theory of legal certainty is related to the realization of corporate responsibility towards its consumers. This responsibility is realized in the Indonesian National Standards (SNI). By implementing SNI, corporations have clear and firm guidelines regarding the quality, safety and compliance of products or services offered to consumers. Business actors are responsible for ensuring the protection of consumer rights regarding comfort, security and safety in using the goods or services they offer[10]. SNI also provides an environment that adheres to legal order so that corporations can carry out their operations better. For this reason, consumers can get products or services with a level of certainty that they meet established standards, as well as provide better protection to consumers.

#### 4. Conclusion

The theory of legal certainty has a significant contribution in efforts to realize corporate accountability related to Indonesian national standards (SNI). Legal certainty in the context of Indonesian National Standards (SNI) is proven to be realized through the application of firm, transparent and consistent legal regulations. This research also revealed that the consistent application of strict sanctions has a crucial role in ensuring corporate compliance with existing national standards. This indicates that a clear understanding of applicable regulations, consistency in their application, and firmness in enforcing sanctions are key elements that support the creation of legal certainty in the context of Indonesian national standards (SNI) for corporations.

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