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Indonesian National Standard Criminal Acts That Are Mandatory For Producers

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Abstract: Current developments in industry and global trade demand assurance of quality, security, and safety for products circulating in the community. Although the government has implemented mandatory Indonesian National Standards (SNI) with the threat of criminal sanctions, producers often compromise quality to reduce production costs, disregarding the risk of harm to end consumers. This study aims to analyze and describe the effectiveness of the implementation of laws and regulations regarding mandatory SNI by producers, as well as identify factors that influence the process of implementing these regulations in the field, evaluate and measure the level of producer compliance with mandatory SNI regulations, and map the legal and technical obstacles faced by producers in meeting established standards. Compliance plays a role in the modern economic legal order and should not be viewed positivistically, namely, simply as the status of ownership of licensing documents. Compliance is a dynamic behavioral variable, where a producer's normative compliance is constantly tested under the pressure of calculating rational business profits. Based on empirical fact-finding in court rulings and accumulated ministerial supervision data, it is revealed that producer compliance with mandatory SNI regulations is placed in a very fragile position.

Keywords: Indonesian National Standard (SNI), Manufacturers, Quality Assurance, Security, and Safety

INTRODUCTION

Current developments in industry and global trade demand assurance of quality, safety, and security for products distributed to the public. As a form of legal protection for consumers and an effort to maintain the competitiveness of national industry, the Indonesian government has implemented a legal instrument in the form of the mandatory Indonesian National Standard (SNI). The requirement to comply with this standard is no longer merely a business choice or a moral marketing strategy, but rather an absolute obligation for every producer or business actor.

The primary legal basis for the implementation of this standard is explicitly stated in Law Number 20 of 2014 concerning Standardization and Conformity Assessment. In this law, the state provides very strict guidelines through Article 24, which states that if the SNI relates

to safety, security, health, or environmental preservation, the relevant minister may enforce the SNI as mandatory.

The logical consequence of this provision is regulated in Article 25, paragraph (1) of Law Number 20 of 2014 concerning Standardization and Conformity Assessment, which expressly prohibits business actors from producing and/or distributing goods or services that do not meet the mandatory SNI. Violations of this prohibition not only result in administrative sanctions but also have been brought into the realm of criminal law. Under the criminal sanctions provisions in Article 62, producers who recklessly produce or distribute goods that do not comply with mandatory SNI can be threatened with a maximum prison sentence of 5 (five) years or a maximum fine of Rp35,000,000,000.00 (thirty-five billion rupiah).

In line with these regulations, the domestic production sector was also tightened through Law Number 3 of 2014 concerning Industry. This law views SNI (Indonesian National Standard) as a vital instrument for building a resilient and responsible industry. Based on Article 52 paragraph (1), industrial companies are prohibited from producing industrial products that do not comply with the mandatory SNI, Technical Specifications, and/or Procedure Guidelines. To ensure compliance, the criminal aspect is reaffirmed in Article 120 paragraph (1), which threatens anyone who intentionally produces, imports, and/or distributes industrial products that do not comply with the mandatory SNI with a maximum prison sentence of 5 (five) years and a maximum fine of IDR 3,000,000,000.00 (three billion rupiah). This regulatory chain demonstrates that from the upstream (manufacturing/production process), the state has set non-negotiable safety standards for producers.

From the downstream side, namely the distribution and circulation of goods in the market, Law Number 7 of 2014 concerning Trade also strengthens this protection. In trade activities, meeting standards is an absolute requirement for a product to reach consumers. This is explicitly stated in Article 27, which prohibits businesses from trading goods domestically that do not meet the mandatory Indonesian National Standard (SNI). As a coercive instrument, the criminal provisions of this law, specifically Article 113, stipulate that businesses trading goods domestically that do not meet the SNI shall be subject to a maximum prison sentence of 5 (five) years and/or a maximum fine of Rp 5,000,000,000.00 (five billion rupiah).

Theoretically, the integration of criminal regulations in the three laws mentioned above should have a strong deterrent effect on producers. However, in the reality of law enforcement, the practice of illegal production and distribution of goods that do not meet the mandatory SNI quality standards remains common. Producers frequently manipulate quality to reduce production costs and pursue one-sided profits, regardless of the risks of physical harm, health, and even life to end consumers.

This phenomenon demonstrates a gap (*das sein dan das sollen*) between the strictness of written criminal law norms and the effectiveness of their enforcement in society. The complexity of proving criminal elements, as well as coordination between supervisory agencies, often creates legal loopholes exploited by unscrupulous producers.

METHOD

The analysis was conducted in a descriptive legal manner to systematically describe, explain, and analyze applicable laws and regulations, legal principles, and legal doctrines to address the legal issues being studied. The legal material collection technique in this study was conducted through a literature study by examining existing library materials. The approaches used include the statute approach, the conceptual approach, and the case approach. The analysis in this study is based on the Theory of the Rule of Law as a grand theory, the Theory of Legal Protection as a middle theory, and the Theory of Criminal Responsibility as an applied theory.

RESULTS AND DISCUSSION

The implementation of mandatory SNI regulations by Indonesian manufacturers involves compliance with legal norms that are hierarchically and cross-sectorally regulated. This legal framework rests on Law Number 3 of 2014 concerning Industry, Law Number 7 of 2014 concerning Trade, and Law Number 20 of 2014 concerning Standardization and Conformity Assessment. Manufacturers' implementation of mandatory SNI regulations is split into two realities: the implementation of administrative procedures on paper and the implementation of operational technical standards on the factory floor. In contrast to administrative compliance, the implementation of technical regulations at the factory processing stage and in the commercial circulation system exhibits clear deviations and violations of the law.

Producer compliance with mandatory SNI regulations in Indonesia is characterized by a fluctuating trend and tends to be situational and commercial in nature. Business non-compliance is no longer merely a small ripple at the local level but has become a massive national finding, as evidenced by monitoring data from relevant ministries and court jurisprudence. The provisions regarding Mandatory SNI are one of the government's primary instruments for maintaining product quality, creating healthy business competition, and protecting the Security, Safety, Health, and Environment (K3L) of end consumers.

Based on comparative data from internal ministry documents, the dynamics of law enforcement and market awareness regarding Mandatory SNI can be mapped through two main channels: responsiveness (consumer complaints) and preventative-repressive (market surveillance and enforcement).

The decline in complaints regarding this standard parameter globally does not indicate a market free of violations, but rather a shift in shopping behavior to the digital realm (e-commerce). In practice, the majority of consumers are more likely to report their dissatisfaction through the "How to Sell" parameter (such as refund issues, unilateral cancellations, or damaged goods upon arrival) rather than independently verifying the validity of the SNI documents for the products they purchase.

The sovereignty of the mandatory Indonesian National Standard (SNI) regulations issued by the Ministry of Industry (based on the mandate of Law Number 3 of 2014 concerning Industry), with its own performance in the field, reflects a very serious pathology of law enforcement. Within the framework of the Welfare State Theory, the authority of the industrial development ministry is not measured by the number of Ministerial Regulations printed, but rather by how resilient the ministry's apparatus is in monitoring and taking action against K3L (Health, Safety, Security, and Environment) qualification deviations on the production floor and in the market.

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DISCUSSION

The implementation of mandatory SNI regulations by Indonesian manufacturers has revealed dogmatic tensions and critical empirical deviations. Examining the hierarchical operation of the public law regime in Law Number 3 of 2014 concerning Industry, Law Number 7 of 2014 concerning Trade, and Law Number 20 of 2014 concerning Standardization and Conformity Assessment (SPK Law) reveals that implementation at the manufacturing level has distorted the noble goals of the state. The concepts of the Welfare State and the Pancasila State of Law state that technical standardization regulations are essentially a concrete manifestation of state sovereignty to penetrate the free market mechanism, to guarantee the quality of commodities and protect the safety and health of the public. The theory of the Rule of Law demands the implementation of the principle of legal certainty that applies directly and linearly between the text of the law and the reality of material compliance in the field. According to the Rule of Law Theory, manipulating administrative certificates to legitimize material manufacturing defects is a betrayal of the ideals of just legal certainty.

The analysis of the implementation of Mandatory SNI norms becomes even more devastating when viewed through the lens of the Progressive Legal Protection Theory, initiated by Prof. Satjipto Rahardjo. Based on the noble postulate "Law is for humans, not humans for law," Satjipto deconstructs the positivist perspective that assumes a business is "law-abiding" simply because they pass the periodic verification of the Product Certification Institute (LSPro).

Satjipto Rahardjo emphasizes that the law must be sensitive to human suffering. The empirical reality of manufacturers daring to deviate from Mandatory SNI instruments for commodities that come into direct contact with the most vulnerable—such as the circulation of baby clothes that do not meet quality standards in 2023, children's clothes without SNI certification in 2024, and children's toys without safety labels in 2024—demonstrates the dehumanization of industrial products.

A similar situation was cruelly portrayed when UD TD Tunggak Semi forced millions of lower-middle-class people in Pekalongan to consume briquetted salt with a very dirty iodine content, namely ranging from 5,696 ppm to 9,256 ppm from the minimum mandatory threshold of 30 ppm. In the optics of Progressive Law, the act of saving on chemical purchasing costs by sacrificing the brain development and intelligence of the nation's children is not a form of industrial administrative violation, but rather a form of crime against humanity hidden behind business permits.

According to the Ministry of Industry's Performance Report, 123 Mandatory SNI instruments were implemented between 2021 and 2022 to protect the domestic market from the influx of low-quality goods. Regulations require all Product Certification Bodies (LSPro) to report their performance in an integrated manner through the ministry's database.

However, findings from the Center for Industrial Standardization Supervision (P2SI) confirm critical gaps: LSPros still issue SNI Certification Certificates (SPPT) that do not meet the reporting deadlines, and the widespread circulation of imported products without SNI markings and registration, indicating that these commodities have slipped through ports without undergoing rigorous customs inspections.

Businesses use administrative licensing compliance as a mere formality to circumvent the country's legal framework, while on the factory floor, they deliberately deviate and reduce material quality to cut production costs. The ineffectiveness of this passive document audit-based oversight system undermines the ideals of the rule of law, undermines Satjipto Rahardjo's humanitarian protection, and forces the activation of public economic criminal law instruments as a final solution.

Compliance plays a role in the modern economic legal system and should not be viewed positivistically, simply as the status of ownership of licensing documents. Compliance is a dynamic behavioral variable, where a producer's normative adherence is constantly tested under the pressure of rational calculations of business profits. Based on empirical fact-finding in court rulings and accumulated ministerial oversight data, it is revealed that producer compliance with mandatory SNI regulations is placed in a very fragile position.

Based on an in-depth analysis using three analytical tools—the Rule of Law Theory (Rechtsstaat), Moeljatno's Theory of Criminal Liability, and Satjipto Rahardjo's Theory of Legal Protection—a conceptual convergence was discovered that underpins the urgency of legal reform within the national standardization regime. These three theories do not stand alone, but rather are interconnected and confirm that the problem of the circulation of non-SNI and substandard goods in Indonesia is rooted in the disharmony between the certainty of norms (substance), the imposition of blame (subject), and the benefits of protection (object).

CONCLUSION

By linking the entire empirical data of ministerial supervision, the findings of the National Standardization Agency (BSN)'s legal expertise, and the results of a dogmatic analysis of legally binding court decisions, in relation to the public law regime of Law Number 3 of 2014 concerning Industry, Law Number 7 of 2014 concerning Trade, and Law Number 20 of 2014 concerning Standardization and Conformity Assessment (SPK Law), this study formulates the following two conclusions:

1. Implementation of Mandatory SNI Legislation by Manufacturers

The implementation of mandatory SNI legislation by manufacturers in Indonesia is caught in a Pseudo-Compliance Paradox, namely the polarization and sharp tension between formal-administrative compliance on paper and technical-substantive legal defiance on the factory floor.

At the administrative level, manufacturers demonstrated a highly coordinated and proactive approach to completing basic business permits, such as obtaining a Business License

(SIUP), a Trademarked Business License (TDI), a Business License (IUI), and a Business License (NIB), ultimately securing a Product Certificate for the Use of the SNI Mark (SPPT SNI) and status as an official vendor of state-owned enterprises (BUMN). However, from the perspective of the Welfare State Theory, this formal legality is manipulated by business actors as a mere legal shield or "raid-free receipt" to cripple the inspection function of state supervisory authorities.

Once compliance with these documents is tested on the daily production floor, material deviations occur that endanger public safety. Business actors consciously deviate from the scientific parameters of the law by manually mixing potassium iodate nutritional dosages without precise laboratory measuring instruments (as proven in Decision Number 3/Pid.Sus/2018/PT SMG), or passing failed product commodities (reject line) that have physical scratches, cracks in welding areas, and paint thickness below 50 microns to the commercial market (as proven in Decision Number 1740 K/Pid.Sus/2020). This product dehumanization confirms the failure of Satjipto Rahardjo's progressive law: that passive document audit-based monitoring instruments have failed to honor the dignity of the living bodies of consumers in Indonesia.

2. Producer Compliance with Mandatory SNI Regulations

The level of compliance of Indonesian producers with Mandatory SNI regulations is fragile and at a worrying level, as adherence to legal norms is subordinated to rational calculations of business profitability. Operationalizing Prof. Moeljatno's Dualistic Teaching, which principally separates Criminal Acts (objectively unlawful) from Criminal Liability (subjective mental element/Schuld), the pathology of producer non-compliance in Indonesia is divided into three typologies of errors:

- a. Pure Intentional Non-Compliance (*Dolus Directus*) to Reduce Cost of Goods Sold
- b. Where producers knowingly reduce the standard recipe specifications to reduce Cost of Goods Sold and generate gross, illicit profits (as illustrated in the case of UD TD Tunggak Semi's consumer salt briquettes and the case of Phonska NPK fertilizer counterfeiting);
- c. Non-Compliance Based on Commercial Speculation (*Dolus Eventualis*) in the Acceleration of Commercial Governance.
- d. Where corporate leaders speculate by bypassing the pre-market filter by distributing thousands of food commodities to modern supermarket chains before the issuance of the official SPPT SNI Mandatory Certificate documents to gain market share (as evidenced in the case of CV Rimbun Padi Berjaya's White Crystal Sugar and the distribution of substandard cooking oil); and
- e. Non-Compliance Based on Gross Corporate Negligence (*Culpa Lata*) regarding Living Objects.

Where corporate leadership neglects its inherent oversight obligation (Duty of Care) regarding the circulation of high-hazard discarded products that can take lives (as evidenced by the illegal commercialization of LPG steel cylinders by PT Maju Teknik Utama, the failure of building concrete structures, and the negligence in the layout of treadmill equipment that resulted in the death of a consumer).

Based on the findings of the dogmatic weaknesses and sociological anomalies above, the academic recommendations and techno-legal solutions proposed by stakeholders are as follows:

Legislative Unification through Lex Specialis: The government, together with the House of Representatives of the Republic of Indonesia, must immediately end the anarchy of overlapping criminal norms (normen-overlapping) scattered across the Industrial Law, the Trade Law, and the SPK Law. It is recommended that the principle of *lex specialis derogat legi generali* be applied absolutely by revising legislation to establish Law Number 20 of 2014

concerning Standardization and Conformity Assessment as the sole umbrella act for prosecution of all violations of Mandatory SNI in Indonesia, thereby closing the gap for advocacy by unscrupulous corporations that often exploit jurisdictional gaps between ministries.

Transforming the supervisory system to a real-time, digitally integrated supervisory system: Relevant technical ministries are required to dismantle the outdated supervisory paradigm that relies on annual, passive, behind-the-scenes document audits. The institutionalization of a proactive supervisory engineering instrument called the Conformity Assessment Information System (SISPK) is recommended. SISPK must be reconstructed as an integrated digital database that connects wireless quality control sensors on the daily processing floors of manufacturing plants in real time with supervisory servers from the Ministry of Industry, BSN, and the Ministry of Trade. If the machine detects an anomaly of physical failure of the commodity outside the Mandatory SNI parameters, the SISS server will automatically lock and freeze the Product Registration Number (NRP) and the SPPT SNI barcode code of the product, thereby shutting off access to the circulation of the toxic commodity at the logistics port gate and modern retail cashier scanning.

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