

JUSTICE FOR THE CONSUMER GARDEN PART OF IMPLEMENTATION OF LEGAL METROLOGY BY BUSINESS ACTIVITIES

Soeharsono

Law Science Doctorate Program, University of Krisnadwipayana

Email: adeszsoeharsono1717@gmail.com

Received 20 Jun 2018 • Revised 5 Oct 2018 • Accepted 10 Nov 2018

Abstract

Substantial justice is important for consumers who are in fact Indonesian people when obtaining a product that must be carried out through a legal metrology process. Definition of legal metrology according to Law Number 2 of 1981 concerning Legal Metrology: Article 1 (a) Metrology is the science of measuring broadly. The author in this study focuses more on the enforcement of substantial justice against violations in the field of legal metrology, both criminal violations, violations that lead to compensation claims and administrative sanctions against business actors that harm consumers. The problem is why do violations often occur in the field of legal metrology in Indonesia? How is substantial justice reflected in consumer legal protection against legal metrology violations? And what is the responsibility of the business actor for violations in the field of legal metrology that corresponds to substantial justice? Research Methods in this Dissertation use juridical-normative research. The results of his research are substantial justice reflected in the legal protection of consumers against violations of legal metrology, in terms of legal justice and certainty can not be achieved in terms of imposing sanctions in violations of legal metrology. Often talking about justice is always concerned with philosophical issues, abstract justice and imaginative reality. Where justice should be contained in concrete sociological realities in society. Speaking of sanctions in violation of legal metrology, the author argues based on the juridical principle of the application of the Legal Metrology Law as part of the instrument of legal regulation in the economic field. As explained in the background section, the Legal Metrology Law is one type of law that is very influential in national welfare-based national development, and also mandates that the implementation of metrological activities in Indonesia is aimed at realizing legal certainty and justice.

Keywords: Substantial Justice, Legal Metrology, Business

INTRODUCTION

One of the kind of constitution is very influential in the construction of the national create the values of social justice for all Indonesia populace of the Constitutions No.2 of 1981 about Legal Metrology which mandate the implementation of the activities of metrology in Indonesia shows to realize the certainty of law and justice. The application of metrology appropriate with the constitutions expected give protection of law for the consumer which notabene society of Indonesia in order to buy products from businesses get the best justice, so that consumer is protected from loss. At this time, the best justice is difficult to obtain the consumer because of the enforcement of legal metrology have not provided law certainty and justice.¹

The most of infraction committed by business in implementation the legal metrology good and correctly show the law protection of both preventive and refresif² have not been implemented properly. Then, also application sanction of business to contravene legal metrology has not enforced, better it civil sanctions (loss), criminal sanctions or administrative sanctions, so that, a sense of justice substantial³ has not realize.

Determinate of legal metrology shows to set standard, certainty of law using units system international, certainty of law using of a measure, container, weighing and equipment (MCWE), so that expected there is an orderly manner progression of all the field. The main purpose order of MCWE is a create assurance justice in substantial of society good producer or consumer in field measure. Because without MCWE common society as user goods will be aggrieved which finally justice as instruction of the Constitutions 1945 not realization.

The use principle justice substantial in this research and not principle justice procedural, because justice in substantial more near to the social justice as sound sila into five from Pancasila. The aspect from *Fairness* it means honesty or justice, an example equal in the treatment, and standard behavior bureaucracy important to maintain mechanism market and restrain excess and bureaucracy profuse.⁴ The justice of substantial into things important for the consumer which notabene populace of Indonesia when get product must be implemented through the process of metrology legal. The metrology of legal restrain business to make deceitful product against the products that would lead to loss for consumers. Thus, understand metrology always relate with units measure, methods measuring and tools measure relate to rules technique and regulation based on the Constitutions to purpose protect common important in thing rightness measuring. According to William Bradford Shockley opinion measuring is comparison with standard, with explanation that measuring is determine the amount, dimension, or capacity, usually about the standard or unit measure. The measuring not only limitation in physical quantity, but also can be large to measure almost all the object that can be imagined, such as level uncertainty, or indexs reliance consumer. There are some kind of tools that is a measurement: micro meters, compass slide, dialect indicator, *viler gauge* etc. The science of measurement called metrology.⁵

So the importance of the field of metrology against the public interest so that the need for a guarantee the truth of a measurement as well as the order and certainty the law in the use of units size, measure standard, measuring method and tools measure, container, weighing and equipment. In this case guarantee poured in the rule of law in this case is The Constitutions No 2 of 1981, expected in accordance with the purposes of the law itself, that guarantee of justice, and to create orderliness.

Thus, legal metrology concern things which related to the trade or law sell buy, where there as a change of ownership from one party to the other party. To speak sell buy or trade, not onlt talk economy principle to search (*profit*), or (*benefit*) to accepted by parties, but also talk thing more large view that is justice.

¹ Badan Pembinaan Hukum Nasional, *Naskah Akademik tentang Perubahan Undang-undang Nomor 2 Tahun 1981 tentang Metrologi Legal*, (Jakarta: Pusat Perencanaan Pembangunan Hukum Nasional, 2013), hal. 1.

² Philipus M. Hadjon, *Perlindungan Bagi Rakyat di Indonesia*, (Surabaya: PT. Bina Ilmu, 1987), hal. 4-5.

³ Moh. Mahfud MD, *Keadilan Substantif*, diambil dari <https://jurnaltoddoppuli.wordpress.com/2014/09/03/keadilan-substantif/>, 21 Mei 2018.

⁴ Erman, Rajagukguk, *Peranan Hukum Dalam Pembangunan Ekonomi*, (Jakarta: Fakultas Hukum Universitas Indonesia, 2007), hal. 3.

⁵Zulkarnaini, dkk. *Pengukuran*. (Medan: USU, 1993), hal 36.

The maintenance of law protection consumer through the implementation legal metrology in era decentralisation in thinking that The Constitutions No.2 of 1981 about Legal Metrology is a product of law in the government is centralistic. After entering the era of decentralization began in 1999 with The Constitutions No 22 of 1999 about The Government of Region then change with The Constitutions No 32 of 2004 and The Constitutions No 23 of 2014, to clear system implementation government relate the authority center government and difference region. This research also important cause good in era centralistic or decentralistic constant relate with important protection consumer. Born of the Constitutions Protection of Consumer No. 8 of 1999 in background by condition or position consumer with business is not balance. This s due to the level of awareness and consumer education are still low, and also problems regulation of the constitutions is not satisfy and lack ensure presence of the certainty of law to give protection to consumer.⁶ Thus, The Constitutions No.2 of 1981 about Legal Metrology constant have aspect protection consumer good in era centralistic, or decentralistic. In the implementation activity Legal Metrology of the implementation seal/seal again in region is the authority from Government of Region based on the Constitutions No. 23 of 2014 about Government of Region. With refer on the principle of accountability, efficient, and externalities, with important strategy national in field Legal Metrology relate with the implementation seal and seal again, MCWE with supervision of MCWE, BDKT and Unit Size now into authority to the Government of Region Regency/City based on the basis autonomy of region and task administration.⁷

This research more focus to the maintenace justice substantial to the infraction in field legal metrology good infraction criminal, the infraction to surface demand loss or giving sanctions administrative to the business loss of consumer. The use of the theory of justice is substantial is solely to synchronize the concept of the welfare state with the development of law in indonesia, which lately inspired by the concept of justice substantial as the teachings of the progressive law of Satjipto Rahardjo. Therefore, it need justice understand substantial justice because substantial justice is a balance and distribution proporsional between rights and obigations to basic on the mastery and sense justice where society it live. In context of Indonesia, the justice which adopted is social justice, such as justice for the all populace with appropriate with context social society of Indonesia.

From the description above, there are problems associated with justice substantial in metrology legal such as why infraction in field metrology legal to occur in Indonesia? How justice is substantial which is reflected from the legal protection of the consumer against infraction of legal metrology? And how responsibility of business on the infraction in field legal metrology appropriate with justice substantial?

METHODS

The research of the Legal Metrology in Article 25 untill with Article 31 of the Constitutions No. 2 of 1981 about Legal Metrology can be raise into research in regulation management and examination using two approaches (approach) to know in normative research of law. This means that this study includes research into the normative-juridical and empirical normative. Normative- juridical in basically relate in the main aspects, such as formation of law and application of law. Relate with topic this research will be direct in the aspect application of law, especially relate with application Article 25 untill with Article 31 of the Constitutions No.2 of 1981 about Legal Metrology while empirical normative in basically is a merger between approach normative of law with the presence increment various element empirical that is researcher conduct study interviews with informants then research methods empirical normative to assess the implementation of provisions of normative legal (constitutions) its action on each event of certain laws that occur within a community, that is infromants.

Therefore, approach used is analytical approach (analytical approach), that is know means sanction punishment uterus and used in regulation of the constitutions relate with Legal Metrology, at

⁶ Meriza Elpha Darnia dan Rika Lestari, Perlindungan Konsumen Penggunaan Alat Ukur, Takar, Timbangan Dan Perlengkapannya (Uttp) Pasar Panam Pekanbaru, *Riau Law Journal* Vol. 1 No.2, November 2017.

⁷ Alfian Mardiansyah dan Neisa Angrum Adisti, Permasalahan Penyelenggaraan Kegiatan Metrologi Legal Berupa Pelayanan Tera/Tera Ulang Di Kabupaten/Kota Di Provinsi Sumatera Selatan, *Jurnal Legislasi Indonesia*, Vol. 14 No. 04 - Desember 2017. Yuswant dan Eka Deviani, Pengawasan Terhadap Tera Ulang Pompa Ukur Bahan Bakar Minyak Oleh Dinas Koperasi Perindustrian Dan Perdagangan Provinsi Lampung, *Jurnal Bina Putri Ayu Kumalasari Universitas Lampung*.

the same time knowing its application in practice, also relate tight with aspect research systematics in regulation of the constitutions which relate, with conduct study in technical. The second approach conduct is approach regulation of the constitutions (statute approach) remember this research will be review various regulation of the constitutions relate with Legal Metrology in comprehensive, all-inclusive, and systematic. While, the approach third case approach used as material support.

In terms of its shape, this research is directed as evaluative research with the intention of rate the content material in the laws and regulations associated with Legal Metrology and settings in the field of Legal Metrology. Consider the types of the study, data is used in this research is the primary and secondary data. This secondary data include material primary of law is a regulation of the constitutions relate with the scope legal metrology in generally, such as regulation of the constitutions relate about protection consumer and autonomy of region. In addition, the material secondary of law includes various book and other scientific papers relate tight with aspect of law in field legal metrology in especially and in generally all of the book to load scope field legal metrology and material tertiary of law such as dictionary of law. Beside it, the study of document used again primary data in form population and interview with informant as subject of the research, that is some functionary implement function of the regulation and policy legal metrology like is The Ministry of Trade and Official Government of Region relate it. In addition, informant in field judicature, that is judge to give verdict different (dissenting opinion) relate with participant which concern Legal Metrology.

With data and material of law to gain, processing, analysis, and construction data conduct with the way qualitative and quantitative, with emphasize in aspect interest basis of the law (rechtbeginselen), especially to the positive of law relate with Legal Metrology. In quantitative method instrument of the research usual used is an inquiry, questionnaire, or other instrument. However, in quantitative method of instrument used is a researcher itself means researcher self plunged directly into the research in order to look and feel the fact that actually in order to know how people and the perpetrator consumers understand metrology legal in everyday life. The research with this approach will be given of the assessment ethical basis of law to load in all of the regulation constitutions and verdict court relate tight with Legal Metrology, especially have element deceit about size.

In finally, the results are expected to the research will be deliver in the form of evaluative-analytical with given assessment in conceptual-comprehensive about aspect of law the management and the investigation Legal Metrology (UTTP) and prescriptive-analytical with emphasize in aspect giving solution or suggestion to effort repair control a measure (legal metrology) as system to contain certainty of law.

RESULTS AND DISCUSSIONS

RESULTS

1. The Results of Research on a Comparison Case Setting of the Constitutions No.2 of 1981 About Legal Metrology with The Constitutions No.8 of 1999 About Protection of Consumers.

In verdict No. 212/PID.SUS/2013/PN.KPG, Defendant get caught hand use the scales in with the scales of 1 kg is not label seal, 2 children scale 200-gram in label seal each of 2007 and also child scales 100 gram in label seal of 2000 in Article 32 paragraph (1) jo, Article 25 letter b Constitutions No. 2 of 1981 about legal metrology Jo Constitutions No.8 of 1981 about KUHP. The Court State Kupang dropped imprisonment for 3 month with determinate punishment don't need to run, except later in the day there are other orders in verdict of judge, that defendant before time trial for 7 month end, it has been guilty do a criminal offense and a of Rp 1.000.000,- subsidiary 1 month cage.

The verdict of court No. 30/Pid.Sus/2013/PN.JBI, modus operandi: The Displacement gas from tube size of 3 kg to the tube gas size of 12 kg (4 tube gas 3 kg to charge one tube gas 12 kg). Then, defendant sell direct to the consumer with the price of Rp 80.000,- till Rp 83.000,-,so that defendant get profit of Rp 6.000,- that comes from a difference price buy against the gas tube size of 3 kg the price of buy more cheap, with profit which get from price sell tube gas size of 12 kg. The Article 30 Jo Article 31 Jo Article 32 paragraph (2) The Constitutions Legal Metrology jo. Article 55 paragraph (1) to 1 KUHP.

Defendant dropped punishment prison for 20 day and fine Rp 500.000,- with determinate if the fine is not paid, then replaced with the criminal confinement for 15 day. A loss suffered by society can be seen also the results of the test conducted by expert's progression metrology from the head of the Association Metrology Service Jambi to prove there is a lack of the contents of the gas tube elpiji who made the material evidence is exorbitantly tolerance the average of 3 kg every tube gas size of 12 kg (gas tube caused injecting in manual).

The verdict of the court No.104/Pid.B/2011/PN.MKD, modus operandi conducted with the way do to removal gas form tube size of 3 kg in the tube size of 12 kg with used compressor tool and machine pump haskel with install regulator to connection tube gas size of 3 kg and tube size of 12 kg, to meet 1 tube gas 12 kg defendant needs 4 tube gas size of 3 kg. Then, tube size of 12 kg distribution to the consumer with the price Rp 75.000,-. That from results measure conducted by Association Metrology of 12 tube size of 12 kg, 11 tube among them contain gas displacement revolve between 10.7 kg till with 11.25 kg, heavy is not appropriate with label or etiquette printed in tube inscribed with heavy clean/net 12 kg, and beyond the limits of tolerance to obtain namely 1.5% from heavy Nomormal or heavy clean. That defendant already have a agent the gas on a date and hours already can not be determined by definitely between the months December of 2009 till with on a date 21 January 2011, the purpose of defendant to run business to get more profit, where in every defendant can benefit of the more or less Rp 600.000,-. That defendant get machine haskel with buy of Rp 30.000.000,-, then also with seal and squid to machine compressor to buy of Rp 4.000.000,-, that for the sclaes of bought the defendant in 2009 years for Rp 1.100.000,- and untill buy never seal by defendant, that for salary employee of Rp 500.000,- till Rp 750.000,-.

2. The Results of Needs to the Consumer

Writer conduct research to Society/Household in Province Jambi in formquestionnaire with qualification of question that is:

1. The use of LPG by Society/Household
2. Sympaty of socieity in using LPG
3. Cheating in measure of LPG
4. Knowledge of society about regulation relate in order measure tube of LPG

Based on the answer informant, researcher conclude that most of the society always wear LPG in activity household. Size tube gas of LPG in generally used is size 3 Kg. In 1 month, most society use 1-3 tube. However, from answer has collected still there are fell difficult to get LPG although a part other claimed easy to get it.

Further, can be conclude also that society pay attention of size the gas tube LPG as a bought. This is a good thing because the level of caring society against the size of the gas tube LPG to bought it can be said big. The using of LPG in household also can be said help society and LPG used to have a good quality. A part big informant acknowledge that they rarely found in the use of the problem LPG but classification problem often be found is sachet of broken. In addition, the problem often be found in the use LPG is not appropriate with size included is the use LPG hurry up. Almost from all the answer infromant above to buy the gas tube LPG from shop/trade. In generally, knowledge of society based on the answer informant in this research already good, they are confessed to know of the Constitutions No. 2 of 1981 about Legal Metrology although a part informant confess is not know that size is not appropriate in tube the gas LPG can be ruse sanction punishment in the Constitutions No.8 of 1999 about the Protection of Consumer.

Besides, spread to Society/Household in Province Jambi, researcher also spread this questionnaire to Society/Micro Business individual so the infromant with qualification of the question that is:

1. The use of LPG by Society/Micro Business
2. Sympaty of socieity in using LPG
3. Cheating in measure of LPG

4. Knowledge of society about regulation relate in order measure tube of LPG

Based on the answer informant, researcher can take conclusion that in activities Society/Micro Business in Province Jambi always wear LPG. A size tube the gas LPG most used in activity micro business namely 3 Kg, where in 1 month society can be used 3-6 tube untill 9-12 tube the gas LPG. Can be said to get LPG in Province Jambi it easy. Society also pay attention size tube the gas LPG when buy. The using of LPG also help society in activity micro business society. Recognized the most of the informant in this study that the quality of LPG is good, they are also rare be found problem in using LPG but in the classification problem which often be found is sachet broken. Different with Society/Household, the most from Society/Micro Business to obtain or buy LPG from agent/retailer and most from they are confess that never again weigh heavy the gas LPG when to buy.

Relate with knowledge society about regulation which relate in order measure tube of LPG, can be said that Society/Micro Business where in this research the most is a trade respond never know size is not appropriate in tube the gas of LPG can be ruse sanction punishment in the Constitutions No.2 of 1981 about Legal Metrology. However, the most of them know of the Constitutions No.8 of 1999 About Protection of Consumer. According to informant in qualification of Society/Micro Business of the punishment deserved is given to the seller (shop/retailer, agent, PERTAMINA) that sell and deal in tube gas LPG is not appropriate with size included is revocation of business permission. In addition, the magnitude of the monetary penalties that can be charged to the seller shop/retailer is Rp 4.000.000,- then monetary penalties that can be imposed to the distributor is above Rp 20.000.000 and monetary to the PERTAMINA is above Rp 50.000.000,-.

In the Constitutions No.2 of 1981 to explanation about the purpose of implementation of Legal Metrology, namely to protect public importance need presence guarantee in rightness measure with presence orderliness and certainty of law in application the size of unit, standard of unit, method, measure and measure tools, container, weighing and equipments⁸. Therefore, the regulation of the constitutions about metrology must be implemented in well good by entrepreneur mini market, society and also by Instance relate with this problems. So that, certainty of law and justice is two factor another to support in maintaining harmony and balance between the interests in the community.

3. Analysis of the Case of Violation of Legal Metrology in Indonesia

The violation of law in field legal metrology in Indonesia still often to occur can not seen only from one corner. There are at least three aspects as the knife of analysis to understand the application of a rule of law, namely: 1. Philosophical Aspect, 2. Juridical Aspect, 3. Sociological Aspect.

Table1. *The Verdict of the Case of Juridical Aspect, Philosophical Aspect, Sociological Aspect.*

No.	The Verdict of the Case	Juridical Aspect	Philosophical Aspect	Sociological Aspect
1.	The verdict of PN Jambi No. 30/Pid.Sus/2013/PN.JBI (The Case of Injecting Illegal Tube the Gas Elpiji)	The Article 30 Jo Article 31 Jo Article 32 paragraph (2) The Constitutions of Legal Metrology jo Article 55 paragraph (1) to 1 KUHP. The Imposition of Punishment : The Criminal of prison untill 20 day and fine of Rp 500.000,-	<ul style="list-style-type: none"> • Aristotle propose two concept of justice, namely: according to: <ol style="list-style-type: none"> 1. Law; 2. Equality. • Theory of justice is: "Theories that examine and analyze about the impartiality of the rightness or the high-handedness of the institution or the individual 	Derrida said, "The question of justice is not matter of universal definition, but is rather following question: How can we, in our paticular time and place, work toward justice." Often talk about justice always pleased with the problems of philosophy, justice, is the abstract and imaginative reality. Where should be justice must be poured in the fact. Sociological to concrete in

⁸ Zulkamain, Pelaksanaan Undang - Undang Nomor 2 Tahun 1981 Tentang Metrologi Legal Dalam Hubungannya Dengan Keberadaan Gula Pasir Timbang Di Mini Market Kota Pontianak, *Jurnal Fakultas Hukum Untan*, Vol. 4, No. 2, 2016.

			against society or other individuals”	society. More Derrida clarify the maintain of law is not all at once creation justice. She said of “The <i>meaning of justice is elucidated through a contrast with law</i> ” selanjutnya dikatakan “ <i>in the sense, law opposite of justice.</i> ”
2.	The Verdict of the High Court of Bandung No: 66/Pid/2014/PT. Bdg (The Case of Injecting Illegal Tube the Gas Elpiji)	The Article 62 paragraph (1) jo, Article 8 paragraph (1) letter b and c of the Constitutions No.8 of 1999 about The Protection of Consumer jo Article 55 paragraph 1 to 1 KUHP. The Imposition of Punishment : The Criminal of prison 4 years, and decide goods of the prove is 2 truck diesel seize of the countries.	John Rawls serves about the concept of social justice. The social justice is: “Principle of the rational discretion to applied on the concept welfare aggregative (the results of collection) group”	Roscoe Pound assume the law is to function as a tool to engineer society (<i>law as a tool of social engineering</i>) or law is to function as tool innovation of society. The law into instrument to direct society go in the purpose to desirable, even if you need to eliminate the habits of the people are viewed negatively.
3.	The Verdict of the District Court No: 212/ Pid.Sus/2013/PN . KPG (The Case Of Scales Is Not Seal And Not Again Seal	The Article 32 paragraph (1) jo. The Article 25 letter b The Constitutions No.2 of 1981 about Legal Metrology Jo The Constitutions KUHP The Imposition of Punishment: The Criminal of prison for 3 months with determinate criminal no need to run, except later in the day there were other orders in the judge'r ruling, that defendent before the time trial during the 7 months ended, has been guilty of committing a criminal offense and a fine of Rp 1.000.000 subsidiary 1 month cage.		<ul style="list-style-type: none"> • Hans Kelsen serves about the essence of justice. Justice is: “A quality is possible, but not a must, of a social order that leads to the creation of relationships of reciprocity between human beings. New after that it is a form of human kindness , because indeed man it's fair if his behavior in accordance with norms of social order which is supposed to be fair,, mean just social order is a regulation that demanded human behavior in creating satisfactory conditions for all humans in other words so that all people can feel happy in the regulation. • John Rawls serves about the concept of social justice. The justice of social is: “The principle of discretion rational applied to the concept of the welfare of the

				aggregative (the results of collection) "group.
4.	The Verdict of No. 104/ Pid.B/ 2011/ PN.MKD (The Case of Injecting Illegal Tube the Gas Elpiji)	<p>Indictment shaped indictment alternative namely:</p> <ol style="list-style-type: none"> 1. The Article 8 (1) letter c jo. Article 62 (1) The Constitutions No.8 of 1999 about The Protection of Consumer or 2. The Article 8 (1) letter c jo. Article 62 (1) The Constitutions No.8 of 1999 about The Protection of Consumer jo. Article 55 paragraph (1) To-1 KUHP or 3. The Article 30 jo Article 32 (2) The Constitutions No.2 of 1981 about The Legal Metrology or 4. The Article 30 jo Article 32 (2) The Constitutions No.2 of 1981 about The Legal Metrology jo Article 55 paragraph (1) To-1 KUHP <p>The Imposition of Punishment: The Criminal of prison during 4 months with fine of Rp 100.000,- with the provisions if fines was not paid replaced with the criminal confinement for 1 month.</p>		In the case of the Verdict No. 104/ Pid.B/ 2011/ PN.MKD, A claimant common indictment filed a Indictment alternative, Resulted in behave of the Constitutions No. 2 of 1981 replaced with the Constitutions No.8 of 1999, and not rare oftentimes cause dualism in terms of the dropping of the law (don't proven certainty the law)

DISCUSSIONS

1. The Infraction in the Field of Metrology Legal Happened in Indonesia

The factors law enforcement into the analysis of the study. The juridical factor and non juridical to influence quality even the infraction in the implementation legal of metrology. The implementation legal of metrology in framework autonomy of region and the protection of consumer can be achieve through working factors that influence the law enforcement as raised by Soerjono Soekanto. There are 5 (five) factors to influence maintenance of law good to impact positive or negative, that is factor of law itself; the factor upholder of the law, namely the parties are formed and that implement; the factor, the means and the facility in support of law enforcement; factor of society, the environmental where the law is valid or applied; and factor of the culture. The thinking by Soerjono Soekanto, combined with theory proposed by the system of law raised by Friedman, that system of law consist of the three elements,

namely substantial of law, structure of law, and culture of law.

a. A factor in the form the law

The implementation of legal metrology as mandated in the Constitutions of Legal Metrology is the activity of mandatory (because the Constitutions No.2 of 1981 is the new older product with the system centralistic when it was true) and standard with the implementer based on the competence, and integrated with certainty of International so that the implementation is not regardless from determinates is national or International. *Mandatory* means the presence obligation of society to obey determinate of the Constitutions Legal Metrology. This is implication on the presence obligation of the Government to facilitate of implementation.

b. A faktor law enforcement

The mentality or personality of a law enforcement officer (Judge, Public Prosecutor, Police and Lawyer) to play of role important in maintenance of law. If the regulations are good, but the quality of the officer is less good, the maintenance of law can run well. The factor maintenance of law in context the implementation of the legal metrology is the human resources application and supervision. The most important issue is the limited human resources executive, the difficulties faced increasing because of investment in human resources is very expensive. Human resources and supervision like two blade. From supervision. From the supervision of that later impact of the activities calibration. The supervision in the case is the officer in the Official good in level province or Regency/City, while, Investigators Civil Servants (ICS) will be do supervise into the field. The results of supervision ICS delivered to the seal.

c. A factor means infrastructure

The regulation in the implementation metrology very important and must be continue to do testing to ensure accuracy. The function of testing a metrology legal in counties or cities and should be very important task and function of the province. Related to the availability of facilities and infrastructure. Limited funds and financing activities often is hampered as a result late liquefaction funds for the results (funds balance) from center, so that influential on time the implementation of the activities be relatively shorter. The means and infrastructure industry and trading good for the community and to personnel still not complete and adequate.

d. A factor of society and culture of law

The factor of society and culture of law is the unity another related. In the implementation legal of methology, society to means can be categorized into two groups that is effort and consumers. While, the culture of law in basically to include of values to basis of law which behave, values is construct abstract about what is considered good (until embraced) and what is considered bad (until avoid). The culture of law also is hope, perception of society to the law. The factor of society still strong to influence of the implementation legal of metrology is attitude of the effort still used ways contravene of law to get benefit in trade. In practical, the perpetrator a permanent prioritizing aspects of the advantage obtained by ignoring the protection of the interests of consumers. Even, trade also do cheating when dealing with supervisor, namely with prepare two scales. The first scale is a scale always in the test accuracy. That scales it is indicated when there is activity supervision. However, when the supervision is gone, they go back to using scales whose size is not accurate and detrimental to the consumer. In other side, the attitude of consumer who are accepting the practices thus become a commonplace, into obstruction in achieve of the purpose from implementation legal of metrology. Consumer themselves are not critical in view of the practice of fraud committed by the merchant.

2. The Justice of Substantial Which Are Reflected of Law Protection Consumers Against the Offense Metrology Legal.

In the verdict of the case verdict No. 104/Pid.B/2011/ PN.MKD, where the judge dropped sanctions are set in the Article 8 (1) letter c jo Article 62 (1) The Constitutions No.8 of 1999 about The Protection of Consumer and sanction are set and threat in the Article 30 jo Article 32 (2) The

Constitutions No.2 of 1981 about Legal of Metrology. To some of the case is similar, namely verdict in the case injecting tube the gas in illegal can be different sentence handed down, where between one with other there are heavy next to the party due to the basis of legal different (dualism between the Constitutions No.2 of 1981 about Legal Metrology and The Constitutions No.8 of 1999 about The Protection of Consumer) in dropping sanctions in every each the case similar namely injecting gas tube illegal. Such as look in the Verdict PN Jambi No: 30/Pid.Sus//2013/PN.JBI, The Verdict Higher Court Bandung No: 66/Pid/2014/PT.Bdg, the verdict No: 104/ Pid.B/ 2011/ PN.MKD. Excerpted by John Stuart Mill the present about the theory of justice. He propose of *“There is not theory of justice can be separate from demand benefit. The justice is term to give to the rules that protects the claims to holds promise needed with equivalent, etc.”*

From what was stated by John Stuart Mill this treatment is not achieved in the Verdict PN Jambi No: 30/Pid.Sus//2013/PN.JBI, The Verdict Higher Court Bandung No: 66/Pid/2014/PT.Bdg, the verdict No: 104/ Pid.B/ 2011/ PN.MKD. Derrida said, *“The question of justice is not matter of universal definition, but is rather following question: How can we, in our paticular time and place, work toward justice.”* Often talk about justice with regard to the problems of philosophy, justice is abstract, and the reality of the imaginative. Where should justice it should be stated in the fact sociological the concrete in society.

To talk sanction in the violation Legal of Metrology, writer giving argumentation based on the basis juridical the enforceability of the Constitutions of Legal Metrology as part and instruments of legal regulation in the field of economic. it has been described in the background section, The Constitutions of Legal Metrology is one of the kinds Constitutions is very influence in development national the basis welfare social, and also mandates the implementation of the activities of metrology in Indonesia intended to realize the certainty of law and justice. As part from instrument the regulation of law in field economics, The Constitutions No.2 of 1981 closely related to the law pleased to the businesses. One of the regulations relate to the Constitutions No.20 of 2008 about Micro Small Business and Middle with the Regulation of Ministry Trade No: 46/M-DAG/PER/9/2009 about The Change on the Regulation of the Ministry Trade of Republic Indonesia No: 36/M-Dag/Per/9/2007 about The Publication Business Licence

The innovation as result find of the research relate to the justice substantial in the implementation of the Constitutions No. 2 of 1981 and The Constitutions No.8 of 1999 in framework suppress the occurrence of violations of legal metrology is a revision of the Constitutions No.2 of 1981. Based on the fact, the existing regulations as outlined above, can be stretched the interpretation of as follows:

- a. There are not clear law framework regulation the activities of metrology in Indonesia. There are regulations that uprooted overlap and it is not in accordance with the rules of the creation or establishment of the constitutions that should.
- b. There are PP which determine SNSU and the composition of the hereditaries as intended by the UUML. (2) The Institution of Special Builder of SNSU by the UUML, at this time of the institutions non-structure, that is of committee SNSU.

3. The Responsibility of the Businesses on the Infraction in Field Legal of Metrology in appropriate with the Justice of Substantial

The responsibility of the businesses to the infraction in field Legal of Metrology in outline can be divided into two responsibility, that are: 1. The responsibility in terms of doing deeds against the law; 2. The responsibility of company in terms of doing criminal. To seen from the point of occurrence of an action that is forbidden (required) someone will be responsibility on the actions if the actions is against the law and there is no negation of the nature against the law or *rechtvaardingsgrond* or the reason correction for it.⁹

The observe substantial of the Article 19 paragraph (1) UUPK, can be know that responsible of the businesses, to include:¹⁰

⁹ Moeljatno dalam Erdianto, "Pertanggungjawaban Pidana Presiden Republik Indonesia Menurut Sistem Ketatanegaraan Indonesia", (Palembang: Tesis S2 UNSRI, 2001) hlm. 42.

¹⁰Ahmadi Miru & Sutarman Yodo. *Hukum Perlindungan Konsumen*. (Jakarta: RajaGrafindo Persada, 2010) hlm.126.

1. The responsible compensation for the damage;
2. The responsible compensation for the pollution; and
3. The responsible compensation for the consumer;

To respect to the substance of the provisions of Article 19 paragraph (2) indeed, have weaknesses detrimental to consumers, especially in the case of a consumer suffering from a disease. Through, the article consumer only get one of the forms of reimbursement of losses, namely compensation for the price or only in the form of health care, whereas the consumer has suffered the loss is not only loss of goods but also the losses incurred and the cost of health care. For it, should Article 19 paragraph (2) to determine that compensation can be in the form of a refund and or replacement of the goods or service equivalent and or health care and or donations can be given at once to the consumer this means, the formulation between word “equivalent” with “health care” in the Article 19 paragraph (2) there is now no again using “or” but “and/or”. Through changes like this, if loss it causes pain the consumer then gets a replacement price of the goods also gets the health care.¹¹

It can also be seen from the Article 1 number 3 The Letter of Decision the Department of Cooperatives, Small Business and Middle with Trade of Province DKI Jakrta No.51 of 2017 about Standard Operating Procedures (SOP) The Service of Metrology to clarify standard operational procedure (SOP) the service seal/ seal again and calibration of measuring instruments, measure, weigh and equipment (UUTP) used in the office or out office as compass the implementation seal/seal again and the calibration on the units of governance at the unit Manager of the Metrology Department of Cooperatives and Small and Medium-sized, with The Trade of Province DKI Jakarta.

As businesses appropriate with the Article 7 The Letter of the Decision the Department of Cooperatives, Small Business and Middle to the Trade of Province DKI Jakarta No.51 of 2017 about Standard Operational Procedure (SOP) The Service of Metrology task responsible person or Coodinator/ Laboratory consist to ensure the properness of the standard tools, coordinates officer installation or laboratory, receive and record physical UTTP or application calibration from appellant, to do estimate the cost of the levy metrology tools of the Regulation Charges that apply, submit the results of the estimation calculation of the cost levy to the applicant to be paid to the treasure of the receipts, check the results of the testing/ inclusion of any /calibrations of UTTP, prepare a certificate of the test results/the inclusion of any/calibration, reporting and accountable for the implementation of the tasks to the Head of the Unitary Executive.

4. The Legal Metrology In Other Country

a. Tiongkok of Country

In Tiongkok, the institute of metrology is a part from rastructure the quality national handled by *Administration of Quality Supervision, Inspection and Quarantine (AQSIQ)*. The Legal of Metrology is a department from 19 departments are directly under the AQSIQ, while scientific metrology to manage by national institute of Chinese (*NIM–National Institute of Metrology*) is the institute affiliate immediate with AQSIQ. There is a divider of tasks between institutions of the scientific metrology and legal metrology, where institute scientific metrology responsible to protect national standard unit of the sizr and disseminatio.¹²

b. South Korea of Country

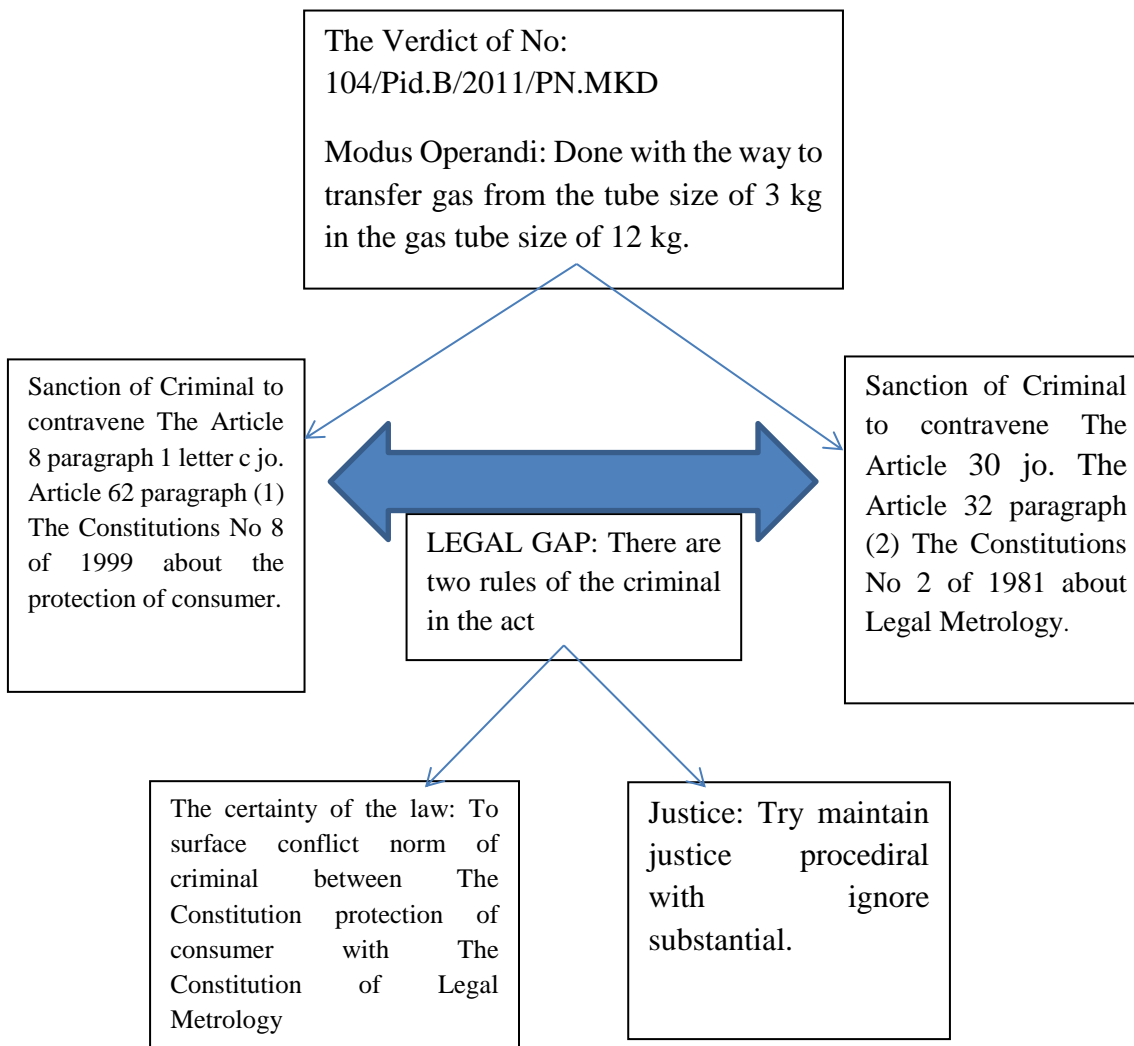
While in the South Korea the activity of metrology in South Korea to manage by under 2 institute of the ministry to different. Scientfic metrology become responsible of *Korea Research Institute of Standard and Science (KRISS)* under of the ministry science technology while legal metrology responsible of *Korea Agency for Technology and Standard (KATS)* under of the Ministry of Trade, the Industry and Economic.¹³

¹¹ St. Laksanto, *Aspek Hukum Kartu Kredit Perlindungan Konsumen*, Bandung : Alumni, 1998.hlm. 167.

¹²Innosentius Samsul, Naskah Akademik Tentang Perubahan Undang Undang No 2 Tahun 1981 Tentang Meteorologi Legal, Badan Pembinaan Hukum Nasional Pusat Perencanaan Pembangunan Hukum Nasional 2013.

¹³*Ibid.*

Draft 1



Statement:

The application of two constitutions in a criminal act concern the aspects of metrology legal in the verdict No 104/Pid.B/2011/PN.MKD to contain *contradiction in terminis* that means there has been the paradox rationalization from the existence of the Constituitons No 2 of 1981 about Legal Metrology to set problem seal. The Constitution of Legal Metrology it turns out contract with the Constitutions of consumer. In technical metrology to set in the Constitution of Legal Metrology however, in juridical protection of law to user metrology legal to set in the Constitution protection of consumer, so if the judge apply two legal rules different in one of the judges criminal deed was supposed to apply of *Lex Specialis Derogate Legi Generalis* or *Lex Posterior Derogat Legi Priori*.

The writer opinion of the Committee Judges the Case a quo should be apply othe Constitutions of Consumer. The application of the Constitution Protection of Consumer in this case can be surface justice substantial therefore, if using the two constitutions exactly of judges to ignore law certainty or justice good in the procedural or substantial. Why the judge using two these constitutions with the application of indictment alternative because the judge did not understand the substance of the law both the constitutions.

As for the Constitution No.23 of 2014 about the Government of Region where setting legal metrology carried out by the level of the province shows ignore against the fact decentralisation, should

be authorization setting there are at level regency/city. Seal his should be done The Official Industry and Trade in the level regency/city.

Should be in the future it need of the form Constitution Legal Metrology to scope setting technology digitalization against metrology with consider aspects of juridical associated with the world International, sociological aspect where society order and buy a goods through Internet/*on-line*, and philosophical aspect with attention welfare of society with technical aspect with attention harmonization and synchronization various regulation of the constitutions. In the base of sociological is the consideration or reason to drawing that regulation in form to fulfill need society in various aspects. The base of sociological actually concern empirical fact about development problem and need society and countries. The empirical fact in the practice of the implementation metrology, especially legal metrology, the practice of "deceit" or not appropriate size frequently still faced consumers, so that can not the right appropriate with obligation they have done. The supervision to the implementation legal metrology still low, so that practice deceit to do by entrepreneur to work without control. From aspect the institutional, to occur overlapping the authority, good in the perspective the institute on level national, or in conjunction with decentralization. When task metrology is not give benefit economic to regions sloping ignore of tasks relate with these metrology, to include because obstruction limitation means and infrastucture with human resources.

CONCLUSION

Based on the description of the discussion above, then conclusion are:

- a. The infraction in field legal metrology in Indonesia. **First**, must be aware however the law is a system that is totality not be separated from the values that live in a society. For it, develop one field law also will be influence in fields other law. Like in relation between regulation of the constitutions Legal of Metrology with the regulation of the constitutions. The Protection of Consumer with The Regulation of Autonomy Region. Where apply every constitutions is not work in rhythm. Can be seen from one of the sample imposition sanction consist in the Verdict No. 104/Pid.B/ 2011/PN.MKD, from verdict can be seen that indirectly of the prevail Constitutions No.2 of 1981 replaced with the Constitutions No.8 of 1999, and not infrequently often cause dualism in terms of the dropping of the law (the lack of certainty the law). **Second**, the determination the purpose of the law too far from the fact that can cause social negative impacts to be calculation. In this context, the writer illuminate to prevail of the Constitutions No.2 of 1981 about Legal Metrology that is not relevant again into effect in a society today. Where prevail from the constitutions No.2 of 1981 about Legal Metrology it cause not proven certainty of law and not achievement sense of justice society with cause dualism in the prevail with the Constitutions No.8 of 1999 about The Protection of Consumer. One of the argument writer is grouping party sanctions grounded to the classification SIUP has prevail since of 2009. In the part consideration of The Ministry Trade Regulation No: 46/M-DAG/PER/9/2009 to explain that decision classification The Letter Permission Trade Business (LPTB) that is based on the capital need to be adapted to the provision criteria business is based on the clear worth. In the Article 2 The Regulation of Ministry Trade RI No: 46/M-DAG/PER/9/2009, category of LPTB. **Third**, the concept of *social engineering* may not stop in the creating of the regulation law to written because of the law always experience limitation.
- b. The justice of substantial to reflect from protection law of consumer to the infraction legal metrology, in terms of justice and certainty can not achieve in terms dropping sanction the infraction in field legal metrology. To some case similar, that is verdict in the case injecting tube the gas in illegal can be fall of punishment to different, where between one with other there are heavy next to the party due to the basis of law different (dualism between the Constitutions No.2 of 1981 about Legal Metrology and the Constitutions No.8 of 1999 about the Protection of Consumer) in dropping sanction in every each matter a similar namely injecting gas tube illegal. Seen in the Verdict PN Jambi No: 30/Pid.Sus//2013/PN.JBI, The Verdict of High Court Bandung No: 66/Pid/2014/PT.Bdg, the verdict No:104/ Pid.B/ 2011/ PN.MKD. Appropriate with theory by John Stuart mill the treatment

- equivalent is not achieved in the Verdict PN Jambi No: 30/Pid.Sus//2013/PN.JBI, The Verdict of High Court Bandung No: 66/Pid/2014/PT.Bdg, the verdict No:104/ Pid.B/ 2011/ PN.MKD.
- c. The responsible of violations of the effort in field legal metrology in appropriate with justice substantial. The imposition sanction civil to the violations in field Legal Metrology to set the Constitutions No.2 of 1981 about Legal Metrology Jo. The Article 1365 KUHCivil or the Constitutions No. 8 of 1999 about the protection of consumer with can be found also in the regulation implementer from the constitutions. It is said that in order to improve the consumer protection, producer, and general important with presence of law and certainty to business in look need to set up guarantee the truth of a measurement in the use of units progression, unit standard and measure method with tool Measure, Container, Weighing and Equipment (MCWE). In framework adaption development science knowledge and technology (SKT) with economics and to increase human resources (HR) in field metrology more professional, it need back setting determinate of the metrology implementation.

REFERENCES

BOOK AND JOURNAL:

- Adji, Oemar Seno *Hakim Pidana*. Jakarta: Erlangga, 1984.
- Attamimi, Hamid S (1994) . *Der Rechtsstaat Republik Indonesia dan Perspektifnya menurut Pancasila dan UUD 1945*, Makalah pada Seminar Sehari dalam rangka Dies Natalis Universitas 17 Agustus Jakarta Ke-42, diselenggarakan oleh FH Universitas 17 Agustus Jakarta.
- Algra, dkk. *Mula hukum*. Jakarta: Binacipta, 1983.
- Ali, Mahrus. *Kejahatan Korporasi*. Yogyakarta: Arti Bumi Intaran, 2008.
- Andersen, Gosta Esping with Duncan Gallie, Anton Hemerijck and John Myles. *Why We Need a New Welfare State*. New York: Oxford University Press Inc, 2002.
- _____, *The Three World of Welfare Capitalim*. Cambridge: Polity Press, 1999.
- Ancel, Marc. *Social Defense, A Modern Approach to Criminal Problems*. London: Routledge and Kagen Paul, 1965.
- Ashworth, Andrew. *Principle of Criminal Law*. New York: Oxford University Press, 2003.
- Alfiyan Mardiansyah dan Neisa Angrum Adisti, Permasalahan Penyelenggaraan Kegiatan Metrologi Legal Berupa Pelayanan Tera/Tera Ulang Di Kabupaten/Kota Di Provinsi Sumatera Selatan, *Jurnal Legislasi Indonesia*, Vol. 14 No. 04 - Desember 2017.
- Bahder Johan Nsution, *Hukum dan Keadilan*, Bandung: Mandar Maju, 2015.
- Basah, Sjachran. *Eksistensi dan Tolok Ukur Badan Peradilan Administrasi di Indonesia*. Bandung: Penerbit Alumni, 1985.
- Bawengan, Gerson W. *Hukum Pidana di dalam Teori dan Praktek*. Jakarta: Pradya Paramita, 1983.
- Chatamarrasjid, Ais. *Penerobosan Cadar Perseroan dan Soal-Soal Aktual Hukum Perusahaan*. Bandung: PT. Citra Aditya Bakti, 2004.
- Darmodihardjo Dardji, dan Shidarta. *Pokok-Pokok Filsafat Hukum* , Jakarta : PT. Gramedia Pustaka Utama, 1999.
- Derrida dalam Roger, cottorrel. *Sociological Perspective on Law*. England: Dartmouth Publishing Company and Ashgate Publisng Company, 2001.
- Dirjosisworo, Soedjono *Pengantar Penelitian Kriminologi*, Bandung : Remaja Karya, 1984.
- Hart, H.L.A. *The Concept of Law (Konsep Hukum)*, Diterjemahkan oleh M Khosim. Bandung: Nusa Media, 2010.
- Hamzah, Andi. *Asas-asas Hukum Pidana*. Jakarta: Rineka Cipta, 1991.
- Hartono, C.F.G Sunaryati. *Penelitian Hukum di Indonesia pada Akhir Abad Ke- 20*. Bandung: Alumni, 1991.
- Hartono, C.F.G Sunaryati. *Politik Hukum Menuju Satu Sistem Hukum Nasional*, Bandung: Alumni, 1991.
- Huda, Chairul. *Dari Tiada Pidana Tanpa Kesalahan Menuju Kepada Tiada Pertanggungjawaban Pidana Tanpa Kesalahan (Tinjauan Kritis terhadap Teori Pemisahan Tindak Pidana dan Pertanggungjawaban Pidana)*. Jakarta: Kencana, 2006.
- Hoefnagels, G Peter. *The Other Side of Criminology an Inversion of The Concept of Crime*, Holland : Kluwer Deventer, 1963.
- Howarth, Preben and Fiona Redgrave. *Metrologi – in Short © 2nd edition*, diterjemahkan menjadi *Metrologi: Sebuah Pengantar* dengan ijin pemegang hak cipta oleh: A. Praba Rijarkara &

- Ghufroon Zaid. Jakarta: Pusat Penelitian Kalibrasi, Instrumentasi dan Metrologi, Lembaga Ilmu Pengetahuan Indonesia (Puslit KIM-LIPI), 2005.
- Hurwitz, Stephan. *Kriminologi*, Saduran Ny. L. Moeljatno Jakarta : Bina Aksara, 1986.
- Ibrahim, Johnny. *Teori dan Metodologi Penelitian Hukum Normatif*. Malang: Bayumedia, 2006.
- ILRC dengan FH Univ. Airlangga Surabaya, FH Univ. Brawijaya Malang, FH Univ. Hasanuddin Makasar. *Mengajarkan Hukum yang Berkeadilan*, Jakarta: PT. Delca Indonesia, 2009.
- Ismail dan Meyzi Heriyanto, Implementasi Kebijakan Pelayanan Bidang Perindustrian, Jurnal Demokrasi & Otonomi Daerah, Volume 11, Nomor 2, Desember 2013.
- J.H. Rapar, *Filsafat Politik Plato*, Jakarta: Rajawali Press, 2019.
- Kelsen, Hans. *Teori Umum tentang Hukum dan Negara*. Bandung: Nusa Media, 2006.
- Kelsen, Hans. *Dasar-dasar Hukum Normatif*. Bandung: Nusa Dua Media, 2008.
- Kusumaatmadja, Moctar. *Fungsi dan Perkembangan Hukum dalam Pembangunan Nasional*. Bandung: Lembaga Penelitian Hukum dan Kriminologi Fakultas hukum Universitas Padjajaran, 1970.
- Kusumaatmadja, Moctar. *Pembaharuan Pendidikan Hukum dan Pembinaan Profesi*. Bandung: Lembaga Penelitian Hukum dan Kriminologi Fakultas Hukum Universitas Padjajaran, 1975.
- Lebacqz, Karen. *Six Theories of Justice (Teori-Teori Keadilan)*. Penerjemah Yudi Santoso, Bandung: Nusa Media, 2011.
- M. Wantu, Fence. *Antinomi Dalam Penegakan Hukum Oleh Hakim*, Jurnal Berkala Mimbar hukum, Vol.19 Nomor 3 Oktober 2007. Yogyakarta: Fakultas Hukum Universitas Gadjah Mada, 2007.
- M. Friedman, Lawrence. *American Law*, dihimpun oleh Satya Arinanto. New York & London : WW Norton & Company, 1984.
- Mahmud Marzuki, Peter. *Penelitian Hukum*. Jakarta: Kencana, 2009.
- Manan, Bagir. *Hubungan Antara Pusat dan Daerah Berdasarkan Asas Desentralisasi menurut UUD 1945*. Bandung: Disertasi Universitas Padjadjaran, 1990.
- Mertokusumo, Sudikno *Mengenal Hukum Suatu Pengantar*. Yogyakarta: Liberty, 1999.
- Meuwissen. *Tentang Pengembangan Hukum, Ilmu Hukum, Teori Hukum, dan Filsafat hukum*, diterjemahkan oleh B. Arief Sidharta. Bandung: Refika Aditama, 2008.
- Moeljatno *Perbuatan Pidana dan Pertanggungjawaban dalam Hukum Pidana*. Jakarta: Bina Aksara, 1983.
- _____. *Fungsi dan Tujuan Hukum Pidana Indonesia*. Jakarta: Bina Aksara, 1985.
- _____. *Azas-Azas Hukum Pidana*. Jakarta: Bina Aksara, 2002.
- Muladi. *Lembaga Pidana Bersyarat*. Bandung: Alumni, 1985.
- _____. *Kapita Selekta Peradilan Pidana*. Semarang: Badan Penerbit Universitas Diponegoro, 1995
- Midgley, James. *Pembangunan Sosial; Perspektif Pembangunan dalam Kesejahteraan Sosial*, Jakarta: Deperta Depag RI, 2005.
- Meriza Elpha Darnia dan Rika Lestari, Perlindungan Konsumen Penggunaan Alat Ukur, Takar, Timbangan Dan Perlengkapannya (Utp) Pasar Panam Pekanbaru, Riau Law Journal Vol. 1 No.2, November 2017.
- Nawawi Arief, Barda. *Bunga Rampai-Kebijakan Hukum Pidana*. Semarang: Kencana Prenada Media Group, 2008.
- Nawawi Arief, Barda. *Perbandingan Hukum Pidana*, Jakarta: Rajawali Pers, 1990.
- Nawawie Arief, Barda. *Bunga Rampai Kebijakan hukum Pidana*. Bandung: Citra Aditya Bakti, 1996.
- Notonegoro, *Pancasila Secara Ilmiah Populer*. Jakarta: Pancoran Tujuh Bima Aksara, 1971.
- Notohamidjojo. *Demi Keadilan dan Kemanusiaan*. Salatiga: BPK Gunung Mulia, 1975.
- Packer, Herbert L. *The Limits of The Criminal Sanction*. California: Stanford University Press, 1968.
- Pendidikan dan Kebudayaan, Departemen (1989), *Kamus Besar Bahasa Indonesia*, Jakarta : Balai Pustaka, 1989.
- Pound, Roscoe. *An Introduction to the Philosophy of Law*, New Haven: Yale University Press, 1961.
- Prodjokiro, Wirjono *Perbuatan Melanggar Hukum*. Bandung: Mandar Maju, 2009.
- Projodikoro, Wirjono *Tindak-tindakan Pidana tertentu di Indonesia*. Bandung: Refika Aditama, 2002.
- Rahardjo, Sajipto. *Ilmu Hukum*. Bandung: Alumni, 1986.
- Rajagukguk, Erman. *Filsafat Hukum Ekonomi.*, Jakarta: Bahan Kuliah Tt, 2010.
- _____, *Peranan Hukum Dalam Pembangunan Ekonomi*, (Jakarta: Fakultas Hukum Universitas Indonesia, 2007,
- Rawls, John. *A Theory of Justice (Teori Keadilan)*. Yogyakarta: Pustaka Pelajar, 2006.
- Repley, John. *Understanding Development, Theory and Practice in The Third World*. Colorado: United Press of America, 2007.

- Ritzer, George. *Sociological Theory*, First Edition. New York USA: Alfred A. Knoff Inc, First Edition, 1983.
- Rothstein, Bo and Sven Steinmo. *Restructuring The Welfare State: Political Institution and Policy Change*. New York: Palgrave MacMillan, 2002.
- St. Laksanto Utomo, *Aspek Hukum Kartu Kredit Perlindungan Konsumen*, Bandung: Alumni, 1998.
- Salim HS dan Erlies Septiana Nurbani. *Penerapan Teori Hukum pada Penelitian Disertasi dan Tesis*, Jakarta: PT. RajaGrafindo, 2014.
- Scholten, Paul. *De Structuur Der Rechtswetenschap (struktur Ilmu Hukum)*, Alih Bahasa B. Arief Shidarta. Bandung : Alumni, 2005.
- Sembiring, Sentosa. *Hukum Perusahaan tentang Perseroan Terbatas*, Bandung : Nuansa Aulia, 2006.
- Soekanto, Soerjono *Pokok-Pokok Sosiologi Hukum*. Jakarta: PT. RajaGrafindo Persada, 2005.
- Sudarto. *Kapita Selekta Hukum Pidana*, Bandung : UNPAR, 1981.
- Sudarto. *Hukum dan Hukum Pidana*. Bandung : UNPAR, 1981.
- Suteki dkk. *Pendidikan Pancasila di Era Reformasi*, Semarang: Badan Penerbit UNDIP, 2001.
- Susetiawan. *Pembangunan Dan Kesejahteraan Masyarakat: Sebuah Ketidakberdayaan Para Pihak Melawan Konstruksi Neoliberalisme (Working Paper)* Ditulis untuk Studi Pembangunan Sosial dan Kesejahteraan. Yogyakarta: Fakultas Ilmu Sosial dan Ilmu Politik Universitas Gadjah Mada dan Pusat Studi Pedesaan dan Kawasan, 2009.
- Tabb, William K. *Tabir Politik Globalisasi*, Yogyakarta: Percetakan Lafandel Pustaka, 2003.
- Utrecht, E. *Pengantar Hukum Administrasi Negara Indonesia*. Surabaya : Pustaka Tinta Mas, 1988.
- Widjajati, Erna. *Hukum di Berbagai Negara (Suatu Pengantar)*. Jakarta : Roda Inti Media, 2007.
- _____, *Pengantar Ilmu Hukum*, Jakarta : Jalur, 2011.
- Widjaja, Gunawan dan Ahmad Yani. *Hukum Tentang Perlindungan Konsumen*. Jakarta: Gramedia, 2001.
- Yulia, Rena. *Victimologi*. Yogyakarta : Graha Ilmu, 2010.
- Yuswanto dan Eka Deviani, Pengawasan Terhadap Tera Ulang Pompa Ukur Bahan Bakar Minyak Oleh Dinas Koperasi Perindustrian Dan Perdagangan Provinsi Lampung, *Jurnal Bina Putri Ayu Kumalasari Universitas Lampung*.
- Zulkarnaini, dkk. *Pengukuran*. Medan : Universitas Sumatera Utara, 1993.
- Zulkarnain, Pelaksanaan Undang - Undang Nomor 2 Tahun 1981 Tentang Metrologi Legal Dalam Hubungannya Dengan Keberadaan Gula Pasir Timbang Di Mini Market Kota Pontianak, *Jurnal Fakultas Hukum Untan*, Vol. 4, No. 2, 2016.

B. The Regulation:

- Undang-Undang Dasar 1945
- Undang-undang Nomor 2 Tahun 1981 tentang Metrologi Legal (Lembaran Negara Tahun 1981 Nomor 11, Tambahan Lembaran Negara Nomor 3193)
- Undang-undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen (Lembaran Negara Republik Indonesia Tahun 1999 Nomor 42 Tambahan Lembaran Negara Republik Indonesia Nomor 3821)
- Undang-undang Nomor 40 Tahun 2007 tentang Perseroan Terbatas (Lembaran Negara Tahun 2007 Nomor 106 Tambahan Lembaran Negara Nomor 4756)
- Undang-undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah (Lembaran Negara Republik Indonesia Tahun 2014 Nomor 244, Tambahan Lembaran Negara Republik Indonesia Nomor 5587)
- Undang-Undang Republik Indonesia Nomor 20 Tahun 2008 Tentang Usaha Mikro, Kecil, Dan Menengah (Lembaran Negara Republik Indonesia Tahun 2008 Nomor 93, Tambahan Lembaran Negara Republik Indonesia Nomor 4866)
- Kitab Undang-Undang Hukum Pidana
- Kitab Undang-Undang Hukum Perdata
- Peraturan Menteri Perdagangan Nomor 46/M-DAG/PER/9/2009 tentang Perubahan Atas Peraturan Menteri Perdagangan Republik Indonesia Nomor 36/M-Dag/Per/9/2007 Tentang Penerbitan Surat Izin Usaha Perdagangan
- Peraturan Menteri Perdagangan Nomor 77/ M-DAG/PER/12/2013 tentang Penerbitan Surat Izin Usaha Perdagangan Dan Tanda Daftar Perusahaan Secara Simultan bagi Perusahaan Perdagangan.
- Keputusan Menteri Perindustrian dan Perdagangan Republik Indonesia Nomor 61/MPP/Kep/2/1998 Tentang Penyelenggaraan Kemetrolgian.

C. The Verdict

Direktori Putusan Mahkamah Agung Republik Indonesia. *Putusan Nomor: 104/Pid.B/2011/PN.MKD,2011.*<https://putusan.mahkamahagung.go.id>,

Direktori Putusan Mahkamah Agung Republik Indonesia. *Putusan Nomor: 30/Pid.Sus/2013/P.JBI, 2013.*
[https:// putusan.mahkamahagung.go.id](https://putusan.mahkamahagung.go.id),

Pengadilan Tinggi Bandung, *Putusan Nomor: 66/ Pid/ 2014/PT. Bdg, 2014.*<https://putusan.mahkamahagung.go.id>,

Direktori Putusan Mahkamah Agung Republik Indonesia. *Putusan Nomor: 212/ Pid.SUS/2013/PN.KPG, 2013.*<https://putusan.mahkamahagung.go.id>,