

**SUPERVISION OF THE NATIONAL STANDARDIZATION AGENCY (BSN)
RELATED TO THE RISING CIRCULATION OF HELMET THAT DOES NOT
ACCEPT THE INDONESIAN NATIONAL STANDARD (SNI) CASE STUDY IN
MEDAN CITY**



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Abstract

This research is motivated by the widespread distribution of non-SNI helmets in the city of Medan. Even though a helmet is a driving safety tool it is mandatory to use and pay attention to its quality. The aim and objective are to find out how far the role of BSN is in supervising the circulation of non-SNI helmets and what factors have caused the widespread circulation of non-SNI helmets in the Medan city market. The research method used in this research is qualitative research with an empirical legal approach based on a statutory approach - law and case approach. The data collection carried out in this research was a literature study where researchers used library research as a method of collecting data and information and also used semi-structured interviews so that researchers got specific answers related to problems. The results of the study are that there are still several helmet shops in Medan that sell cheap helmets and do not comply with the Indonesian National Standard due to the lack of knowledge about the regulations for selling SNI helmets. Then the lack of supervision and outreach by BSN and related agencies. The conclusion is that regulations regarding supervision are listed in Article 58 of Law Number 20 of 2014 concerning Standardization and Conformity Assessment. However, the implementation is still lacking. Helmets that do not meet SNI are still being traded in several shops in the city of Medan. Supervision and socialization from BSN or from the Service to helmet shops in Medan City is still minimal. The researchers' hope for the National Standardization Agency (BSN) and related agencies is to tighten supervision of cheap helmets that do not comply with the Indonesian National Standard (SNI) and also to actively disseminate information to shops and the public. Thus, the rules can be enforced and not detrimental to any party.

Keywords: Supervision, Helmet, SNI, BSN

INTRODUCTION

Safety when driving is a very essential obligation for everyone to pay attention to, especially for people who often ride motorbikes. One of the important efforts in maintaining the safety of motorcycle riders is by wearing an SNI helmet. SNI helmets are designed and tested based on safety standards set by the government, so they can provide maximum protection in the event of an accident. For this reason, it is mandatory to use a helmet that is of high quality and in accordance with SNI.

Related to SNI, Indonesia certainly has a non-ministerial institution engaged in the field of standardization, namely the National Standardization Agency (BSN). BSN is a body responsible for standardizing several products spread across Indonesia, one of which is a helmet. But the facts in the field are that there are still many helmets circulating that do not meet SNI and also use fake SNI stickers. Helmets that are traded in shops at low prices usually do not meet the standards. This of course can be detrimental to the people who will buy. The impact is not when buying, but when an accident occurs. Helmets that are not SNI are usually not strong enough to withstand impacts and will cause a very fatal risk to head safety.

There are several factors that have led to the rise of non-SNI helmet sales, namely the lack of strict supervision from the government regarding the circulation of SNI helmets. The government should tighten supervision of goods that are not suitable for use to be destroyed so as not to harm the community. In addition, there is low public awareness of the risks involved. Many motorists do not understand the importance of adequate head protection and how wearing the right helmet can protect them in an accident.

REVIEW OF LITERATURE

Supervision

According to experts, supervision is the process of monitoring, controlling, and directing activities, processes, or people within the organization to ensure that the goals and targets that have been set can be achieved efficiently and effectively (James AF Stoner, 2019). Supervision has a very important role for several reasons, including: a) helping to prevent violations or deviations from the plan and goals that have been determined; b) increasing efficiency; c) ensuring that the products or services produced are in accordance

with the standards that have been set; d) optimizing productivity; and e) helping organizations adapt quickly and change.

Helmet

Helmets are head protection devices specifically designed for use by motorcyclists, bicycles, scooters, or other vehicles that are prone to accidents and head injuries. In SNI 1811-2007, it is stated that the definition of a helmet for motorcyclists is part of a motorized vehicle's equipment in the form of a head protective cap which functions to protect the wearer's head in the event of a collision.

Indonesian National Standard

Indonesian National Standards commonly known as SNI are standards set by BSN and apply nationally (BSN, Introduction to Standardization First Edition, 2009). SNI aims to regulate various aspects of quality, safety, health, and environment, as well as interoperability of products, services, and processes in Indonesia. With the existence of SNI, the government and society can guarantee that the products and services circulating in the market meet certain standards, provide protection for consumers, and encourage the country's economic growth.

National Standardization Agency (BSN)

BSN is a non-ministerial government agency responsible for the development, harmonization, and preparation of national standards for various fields in Indonesia. This national standard covers various things such as products, processes, systems, services, and methods used in various economic and social sectors. BSN is also responsible for ensuring that products and services made in Indonesia meet the regulated requirements.

RESEARCH METHOD

The research method used is qualitative research. The approach used is empirical legal research. Empirical law research (empirical law research) also called sociological legal research, is a legal research that examines law based on actual behavior (actual behavior) (Muhaimin, 2020). Empirical legal research according to Peter Mahmud Marzuki (namely legal research conducted with the statutory approach and case approach) (Marzuki, 2015). This relates to cases of distribution of helmets that do not comply with the Indonesian National Standard (SNI). The collection of data used in this research is a

literature study, in which researchers use library research as a data and information collection technique to help describe and answer research questions. Then the researcher used semi-structured interviews to get specific answers about the problem of non-SNI helmets.

RESULTS AND DISCUSSION

Influence of The National Standardization Agency (BSN) Related to the Circulation of SNI Helmets

Legal Basis for Supervision of BSN

BSN is a non-ministerial State Institution with the main task of developing and fostering standardization activities in Indonesia, including metrology, standards, testing, and quality. In carrying out its duties, BSN refers to Law No. 20 of 2014 concerning Standardization and Conformity Assessment. Standardization activities in various organizations constitute national potential ties that need to be coordinated, synchronized, and synergized (BSN, Introduction to Standardization Second Edition, 2014).

Meanwhile, Supervision of Indonesian National Standards is regulated in Article 58 Paragraph 1 and Paragraph 2 of Law Number 20 of 2014 concerning Standardization and Conformity Assessment. Supervision of goods, services, systems, processes, or personnel regulated by SNI is very important to protect consumers and ensure that the products and services they receive meet the standards specified for safety and quality. With this supervision, the government can ensure that the products that are distributed on the market meet the regulated standards and do not endanger the public.

SNI supervision is carried out by Ministries, non-ministerial government institutions, and/or Regional Governments. The article shows the importance of coordination between various government entities, including Ministries and non-ministerial institutions, as well as Regional Governments in the implementation of supervision. This coordination aims to ensure that products, services, systems, processes, or personnel who have certificates or use SNI Marks and/or Conformity Marks comply with predetermined standards. By carrying out coordinative supervision, the government can protect consumer rights and encourage industrial growth based on good standards by ensuring that goods and services circulating in the market comply with established standards of conformity.

This article also indicates that the implementation of supervision must be in accordance with the provisions of laws and regulations. This includes legal aspects and relevant sanctions if violations of SNI provisions are found. This arrangement can encourage law enforcement against violators and provide a deterrent effect for parties who do not comply with the standards set.

Form of BSN Supervision

Usman Effendi said that supervision is the most important management function, no matter how good the work activities are without supervision, the work cannot be said to be successful (Effendi, 2014). Meanwhile, according to S.P Siagian, supervising means directly observing and monitoring operational activities, reading reports, and other methods. The goal is to find out whether predetermined plans and programs are being neglected or not (Siagian, 2004).

Supervision is one of the main things in maintaining the effectiveness of the application of SNI, both pre-market surveillance and market surveillance (post-market surveillance) (BSN, Introduction to Standardization Second Edition, 2014). Pre-market supervision is a measure to ensure that a product or service complies with the provisions set forth in the technical regulations before being circulated on the market or operated. Market supervision is the steps to observe and correct goods or services circulated in the market or operated to ensure conformity with the provisions of technical regulations.

Based on the data obtained by the researchers through the National Standardization Agency (BSN) Information Service, the National Standardization Agency (BSN) cooperates with ministries, institutions, and local regional governments to supervise circulating goods, especially for SNI which is mandatory. Supervision is directly carried out by ministries and local regional governments and will then be coordinated with the National Standardization Agency (BSN) if violations are found. Supervision of circulating goods is also carried out by the Ministry of Trade through the Directorate General of Consumer Protection and Orderly Commerce.

The National Standardization Agency also provides a complaint channel for the public who wish to make complaints regarding the services of the National Standardization Agency (BSN) or complaints about circulating goods through the website of the Bureau of Public Relations, Cooperation and Information Services of BSN. In addition, the National

Standardization Agency (BSN) continuously socializes mandatory SNI through the National Standardization Agency's (BSN) social media and the National Standardization Agency's website.

General Description of SNI & Non-SNI Helmet

SNI Helmet

The definition of a helmet for motorcycle users from the National Standardization Agency is listed in the 2007 Indonesian National Standard concerning Helmets for two-wheeled motorized vehicles, which are parts of motorized vehicle equipment in the form of a head protective cap that functions to protect the wearer's head in the event of a collision.

The government stipulates regulations through the Minister of Industry Regulation No. 40/M-Ind/Per/4/2009 concerning Amendment to the Regulation of the Minister of Industry Number 40/M-Ind/Per/6/2008 concerning Compulsory Implementation of the Indonesian National Standard (SNI) for Helmets for Two-Wheeled Motorized Vehicles. Through SNI 1811-2007 regulations, Helmets for Two-Wheeled Vehicle Riders are also mandatory.

SNI 1811-2007 regulates details for helmets for drivers and passengers of two-wheeled motorbikes, both full-face and open-face standard helmets. This SNI contains requirements including (a) construction and size; (b), materials and; (c) testing.

Construction

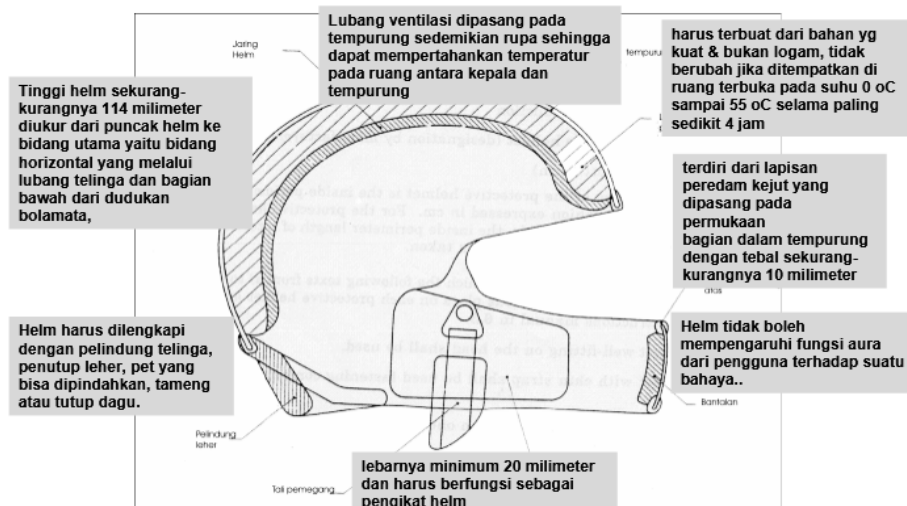


Figure 1

Closed Helmet Construction (Full Face)

Source: (BSN, Introduction to Standardization Second Edition, 2014)



Figure 2
Open Helmet Construction (Open Face)

Source: (BSN, Introduction to Standardization Second Edition, 2014)

With regard to helmet construction, both closed and open helmet construction must meet the following requirements: the shell (the outermost part of the helmet which is hard and smooth); protective lining (the inside of the helmet made of styrofoam); face shields (visors); comfort pads (padded material to provide user comfort); holding straps; helmet net (the inside of the helmet that is directly in contact with the head) and pet (additional shell that is above the eye).

Material

The helmet material is made of sturdy construction and not metal. In addition, the helmet material must meet weather, water, and temperature resistance requirements. This SNI also states that helmet materials that come in direct contact with the body must not be made of materials that can cause skin irritation or disease. And also does not reduce strength when impact or physical changes.

Testing

Based on the requirements stipulated in SNI 1811: 2007, helmet testing must meet the test requirements, namely: shock absorption test; penetration test; restraint system effectiveness test; test of the strength of the retaining system with the holding rope; test for shifting strap holder; wear resistance test of the holding rope; oblique impact test; chin guard test; flammability test. Helmets that pass the test will be marked with SNI. SNI mark is given to products that meet SNI requirements through tests carried out by a conformity assessment agency that has been accredited by the National Accreditation Committee.

The obligation to wear SNI helmets for motorbike riders and passengers in Indonesia is also regulated in Law Number 22 of 2009 concerning Road Traffic and Transportation. Article 106 paragraph (1) of the Law states that “Every motorcycle driver and passenger who is in a motorcycle vehicle must wear a helmet that meets the standards”. The standard in question is the Indonesian National Standard (SNI) which has been determined by BSN.

The purpose of implementing mandatory SNI for motorcycle helmets is to guarantee the safety and health of the Indonesian people. SNI also protects Indonesian industries and products from the threat of foreign products that do not meet standards and harm the market in Indonesia.

Helmet Not SNI

Helmets that are not SNI are defined as helmets that do not meet the quality and technical standards set by BSN. Some of the common problems associated with helmets that do not meet these SNI standards include:

Materials and Construction

Non-SNI helmets are usually made of materials that are less resistant to impact or have a weak construction. As a result, the helmet’s ability to protect the rider's head in the event of an accident can be reduced.

Design and Shape

Design or helmet that is not may not be effective in absorbing impact. The design also looks foreign and tends to prioritize aesthetics over safety. To prevent serious head injuries, a good helmet must spread the impact evenly.

Fastening System

The fastening system on non-SNI helmets may be less effective or unable to keep the helmet properly attached to the rider’s head. The fastening system on non-SNI helmets is usually prone to damage and easily weathered, so it is easy to cause the helmet to fall off during a collision.

Labels and Certifications

Helmets that do not meet SNI standards usually do not have a label and also use fake SNI labels.

As for the impact if you use a non-SNI helmet, namely:

Easily Cracked/Destroyed

Helmets that do not have a strong structure or suitable materials can easily crack or shatter on impact.

Accidents and Serious Injuries

The use of helmets that do not meet SNI standards can result in more severe accidents and serious injuries to the rider. This can lead to severe head injuries, including brain and skull injuries. Helmets that do not have a good fastening system can also run the risk of dislodging in a crash, increasing injuries to the face and head.

Law Violations

In Indonesia, motorcyclists are required to wear SNI helmets as part of traffic regulations. If you do not comply with these rules, you may be fined or other penalties.

The Circulation of Helmets Not Compatible with the SNI in Medan

Based on observations and research into several helmet shops in the city of Medan, the researchers drew the conclusion that there are still shops that sell helmets that are cheap and do not comply with the Indonesian National Standard. The researchers conducted interviews with shops that sell helmets in the Medan area, which still sell some non-SNI helmets. The interview used by the researcher is a semi-structured interview in which the seller gives free and unrestricted answers (Sugiyono, Metode Penelitian Kuantitatif, Kualitatif dan R&D., 2013). The data was taken from 6 helmet shops located in several locations in the city of Medan. Thus the results of the data found:

Regulations of SNI Helmet Sales

The researcher asked the helmet seller about the regulations for selling SNI helmets. Then the researchers got answers from them that they did not know the rules for selling SNI helmets because of the lack of legal knowledge about the sale of non-SNI helmets.

The existence of non-SNI helmets

The researcher found that in some of these shops, non-SNI helmets were traded under the pretext of lower prices which attracts the attention of consumers without regard to

the safety of these consumers. In fact, researchers found fraud where there were helmets that did not comply with SNI but affixed a fake SNI logo sticker.

Supervision

Regarding the supervision of SNI helmets, researchers obtained data where there was movement from the trade service which supervised the procedure for selling helmets. 2 shops have been supervised by the Medan city trade service, and 4 others have never been supervised either by the service or by the BSN itself.

Counseling/Socialization of SNI Helmet Sales Law

Of all the shops that the researchers visited, there was not a single statement that mentioned any counseling/socialization from BSN or related agencies “which the shop owner knew about”. This means that shop owners do not know directly about the outreach being carried out, but BSN has carried out outreach through the website and social media.

So, the factors that there are still many non-SNI helmets circulating in the city of Medan is due to the lack of supervision and socialization by BSN and related agencies. Even though the rules regarding supervision have been regulated in Law Number 20 of 2014 concerning Standardization and Conformity Assessment Article 58. If helmets are cheap and do not comply with SNI, they continue to be traded, of course, this will have a negative impact on the people who will buy helmets.

CONCLUSION

A helmet is one part of motorized vehicle equipment in the form of a head protective cap which functions to protect the wearer’s head in the event of a collision. Helmets are SNI products that are enforced compulsorily. Therefore, it is necessary to supervise helmets that have been registered with SNI and those that are not in accordance with SNI. Supervising goods in circulation, especially for SNI which is enforced, must be carried out by the National Standardization Agency (BSN) in coordination with ministries, institutions, and local regional governments.

The regulations regarding the use of Indonesian National Standard (SNI) helmets are quite clear and the rules regarding their supervision are also stated in Article 58 of Law Number 20 of 2014 concerning Standardization and Conformity Assessment. However, the implementation is still lacking. Helmets that do not meet the Indonesian National Standard

(SNI) are still being traded in several shops in the city of Medan. Supervision and socialization from the National Standardization Agency (BSN) or from the Service to helmet shops in the city of Medan are also minimal. The researcher's hope for the National Standardization Agency (BSN) and related agencies is to tighten the supervision of cheap helmets that do not comply with the Indonesian National Standard (SNI) and also to disseminate information to shops and the public. Thus, the rules can be enforced and not detrimental to any party.

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