

## **The Nature of Monitoring the Use of Measuring Instruments in Traditional Markets: A Legal Study in South Sulawesi**

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**Abstract:** The purposes of this study are to find out the nature of monitoring the use of measuring tools, measure, scales, and their equipment in traditional markets, to reveal the extent to which regulations on measuring tools, measure, scales, and their equipment are implemented in traditional markets, and factors that influence the implementation of measuring tools, measure, scales, and their equipment in traditional markets. This type of research is a combination of empirical legal research with normative research. To reveal what is the problem formulation and answer the hypothesis, this study uses qualitative data sourced from library research, while quantitative data will be obtained through field research with data collection techniques through questionnaires and in-depth interviews.

**Keywords:** Measure, Measuring Tools, Scales, Their Equipment, Traditional Market.

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### **I. INTRODUCTION**

Based on Article 1 section (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as The 1945 Constitution), regulates that “*Indonesia is a law-based state*”. Furthermore, based on Article 27 section (1) of the 1945 Constitution, regulates that “*All citizens are equal before the law and in government and duty to respect the law and government, with no exceptions*”.

As a rule of law, all citizens have the same human rights from birth even while still in the womb. Therefore, the state is obliged to protect the human rights and legal interests of all its citizens without discrimination. To protect legal interests without discrimination, legal instruments/laws and regulations that regulate balance and justice are needed in all areas of the life of citizens. Legislation has an important role in a rule of law, because in addition to being a guide for citizens in carrying out their activities, it is also a guideline for state administrators in carrying out their functions.

During the establishment of this country, various legal products in the form of statutory regulations have been formed and become positive law. With the enactment of laws and regulations by the competent authority, these regulations are binding on all citizens, including the state apparatus itself.

Trying to look at the law at a positivist-dogmatic level, various products of statutory regulations have been formed, both regulating and enforcing them. This positive law has rules in the form of orders and prohibitions. One of the products of the legislation in question is Law of the Republic of Indonesia Number 2 of 1981 on Legal Metrology (hereinafter referred to as Law No. 2 of 1981). Based on the considering of point of Law No. 2 of 1981, regulates that:

“*In order to protect public interests, it is necessary to guarantee the correctness of measurement as well as legal order and certainty in the use of the unit of measure, standard unit, measurement methods and measuring tools, measure, scales, and their equipment.*”

In order to protect the public interest and legal certainty in the use of measuring, measuring, weighing and equipment tools, it implies that the state orders to use measuring, measuring, weighing and their equipment in accordance with what is required in the legal metrology law. Both from specifications, measurement methods, size standards and the measuring instrument itself.

Whereas at the supposed level (*das sollen*), traders in traditional/people's markets must use measuring instruments as based on Article 12 of Law No. 2 of 1981, regulates that with a Government Regulation, it is stipulated on measuring tools, measure, scales, and their equipment (TMSE) which:

- a. Must be stamped and re-stamped;
- b. Freed from a stamp or re-stamp, or both;
- c. The conditions must be met.

## II. STATEMENT OF THE PROBLEM

1. What is the nature of monitoring in the use of measuring tools, measure, scales, and their equipment in traditional markets in South Sulawesi?
2. How is the implementation of regulations on measuring tools, measure, scales, and their equipment in traditional markets in South Sulawesi?
3. What factors affect the application of regulations on measuring tools, measure, scales, and their equipment in traditional markets in South Sulawesi?

## III. THEORETICAL FRAMEWORK

### A. Theoretical Basis

#### 1. Theory of Supervision

According to Sujamto (1994), supervision is any effort or activity to know and assess the actual reality of the implementation of tasks or activities, whether in accordance with the appropriate or not.

According to Puhulawa (2011) in goal orientation, supervision basically prevents mistakes and shows the right path and goal.

According to Hamidi &Lutfi (2011), supervision (*toezicht*) is a form of relationship with an independent legal entity, not an internal relationship with the same body. The supervisory relationship is only carried out on matters which are expressly determined by law.

According to Arifin (2014), supervision is one form of activity to evaluate the extent to which laws and regulations can be implemented, both by the government as the implementer and by the people involved in the implementation of these laws and regulations.

#### 2. Theory of Legal Protection

According to Rahardjo (2000), legal protection is providing protection for human rights that is harmed by other people and the protection is given to the community in order to enjoy all the rights given by law. Furthermore, Rahardjo (2000) stated that the interest of law is to regulate and protect human rights and interests. Legal protection must look at the stages which are basically community agreements, then delegated to the government to regulate relations between citizens.

According to Hadjon (1987), legal protection is the protection of dignity, as well as recognition of human rights that are owned by legal subjects based on legal provisions of arbitrariness, with “government action” as a central point, (associated with legal protection for the people).

Based on the description above, it can be concluded that legal protection for all people is a human right and an equal position before the law. Therefore, law enforcers as representatives of community members must guarantee these rights so that people as legal subjects get their rights in accordance with applicable legal norms.

#### 3. Theory of Legal Functions

Roscoe Pound as the originator of the function of law in the context of tools of social change or tools of social engineering (Fuady, 2014). According to Pound (1999), for law to function as a tool of social engineering, it must be designed professionally and logically. There is no doubt that legal products can affect and even change the joints of people’s lives.

Although the Roscoe Pound is the originator of the function of law as a tool for social change, there are differences of views by some experts. This difference can be seen, among others, from Friedman (1975), according to which the function of law is to supervise, control, resolve disputes, and social engineering.

Rahardjo (1986) argued that law is a necessity inherent in the social life of society, namely that the law will serve community members, both in the form of allocation of power, sharing of resources, and protecting the interests of community members themselves.

In terms of the function of law as an integration of interests, Husen (2019) argues that in the framework of the nation and state, law can coordinate and neutralize the interests that exist in society. Not only the rights and obligations of citizens but also the duties, functions, and authorities of government institutions. So with that, the law can minimize conflicts of interest.

#### 4. Theory of Legal Purposes

According to Algra (1983), the purpose of law is to create social order and balance. By achieving order in society, it is hoped that human interests will be protected. To achieve this goal, the law is tasked with dividing the rights and obligations of individuals in society, dividing authority and regulating ways of solving legal problems and maintaining legal certainty.

The purpose of our law is a positive law, namely protecting the entire Indonesian nation and all of Indonesia’s blood and advancing public welfare, educating the nation’s life and participating in implementing world order based on independence, eternal peace and social justice.

## **5. Theory of Legal Effectiveness**

The effectiveness of law consists of various schools of thought, for example positivism or adherents of basic legal theory (*grundnorm*), which do not question the validity of a legal norm. According to the followers of the basic legal theory (*grundnorm*), the norms contained in the law can be enforced because they are followed by legal sanctions for violators (Fuady, 2014).

According to Ali (2009), when he wants to know the extent to which the law applies, he must be able to measure the extent to which the majority of the people obey the law. However, even though it is said to be effective, the level of its effectiveness is still in doubt because someone can obey a rule based on their importance.

In the context of local wisdom, the people of South Sulawesi generally adhere to Islam and are cultivated from their ancestral heritage. Traditional markets traders uphold their values. They obey what has been agreed as long as the dreamer holds the trust and does not deviate from what has been agreed.

## **6. Concept of Rule of Law Theory**

According to Qamar *et al.* (2018a) based on the 1945 Constitution, the Republic of Indonesia is a rule of law (*rechtsstaat*) and not a power state (*machtsstaat*). Thus, it contains the meaning of recognition of the principle of the rule of law and the constitution. The ideals of a rule of law contained in the 1945 Constitution are not just laws. The desired law is a law that is just for all Indonesian people.

According to Husen (2019), several terms are found about the rule of law. For example in Indonesia it is usually called the State of Law of the Proclamation, the State of Law of Pancasila, the State of Law of Indonesia. Conceptually known as the *rechtsstaat* concept, rule of law, nomocracy, and socialist legality.

As based on Article 1 section (3) of the 1945 Constitution, Husen (2019) emphasized two indicators that must always exist in every rule of law, namely supervision and accountability. According to Husen (2019), as a rule of law both as a rule of law concept and as a concept of *rechtsstaat*, the government must always be responsible for attitudes, behavior, and actions towards society in carrying out government functions.

## **B. The Concept of Metrology Law**

According to Lailatus (2017), Metrology is a scientific discipline that studies broad measurements such as measurements based on measurement standards, measurement units, and measurement procedures on various measuring instruments. In metrology there are also several categories based on the scope of knowledge, namely legal metrology, industrial metrology and scientific metrology. In the context of this paper, the author discusses more about legal metrology.

In practice, metrology is divided into three types, namely:

1. Legal metrology as embodied in the general provisions of Law No. 2 of 1981, is a metrology that manages units of measure, measurement methods, and measuring instruments which are related to technical requirements and regulations based on laws aimed at protecting the public interest. in terms of truth.
2. Nuclear radiation metrology is metrology concerning technical requirements in the use of radioactive substances and/or other radiation sources which are regulated based on the prevailing laws and regulations.
3. Technical metrology is metrology which concerns the technical requirements for the development of measurement methods, maintenance and development of national standards for units of measure and measuring instruments in accordance with developments in science and technology to provide certainty and correctness in measurement.

Article 1 point a of Law No. 2 of 1981, explain that “*Metrology is the science of measuring broadly*”. According to his study, the United Nations Conference on Trade and Deployment (UNTAD) explain that “Metrology is the science of measurement including the unit of measure, standard unit, measurement methods and measuring tools, measure, scales, and their equipment.

Based on Article 12 of Law No. 2 of 1981, will be established Government Regulation of the Republic of Indonesia Number 2 of 1985 on Mandatory and Exemption for Stamped and/or Re-stamped as well as the Terms for Measuring Tools, Measure, Scales, and their Equipment.

Based on the description of the above opinion, it can be concluded that legal metrological human resources have the power and authority to carry out administrative actions in accordance with the duties and functions assigned by the state. Such action is a personal action having access to state institutions, so that the action is in accordance with the capacity of the office which must ultimately be accounted for.

## **C. Definition of Measuring Tools, Measure, Scales, and Their Equipment**

Measuring tools, measure, scales, and their equipment (TMSE) are tools that are directly or indirectly used or stored in a ready-to-use state for the purpose of determining the results of measurement, measurement or weighing for public, business, delivery or receipt of goods. Further determines wage costs, determines the final product in the company and enforces laws and regulations.

As for the definition of TMSE as based on Article 1 of Law No. 2 of 1981, explain that:

1. Point k, Measuring tools is a tool intended or used to measure quantity and/or quality.
2. Point l, Measure is a tool intended or used to measure a quantity or measure.
3. Point m, Scales is a tool intended or used to measure mass or weight.
4. Point n, Their Equipment are a tool intended or used as a complement or addition to TMSE, which determines the measurement, dosage or weighing results.

To carry out legal metrology affairs in a district/city, the Regency/city must first establish a Legal Metrology Unit (LMU). The establishment of the LMU is regulated in the form of a regional regulation or a regent/mayor regulation. For LMUs that are not yet conditional to carry out legal metrological affairs themselves, they can build cooperation with the nearest LMU in their respective regions.

One of the requirements for carrying out legal metrology affairs by yourself is in the sense of providing services in the form of re-calibration independently without having to collaborate with neighboring local governments, both re-calibration and supervision, an LMU must have standard tools as measures and supporting equipment, in addition to other requirements.

In the Annex to the Regulation of Minister of Trade of the Republic of Indonesia Number 115 of 2018 on Legal Metrology Unit (hereinafter referred to as Regulation of Minister of Trade No. 115 of 2018), there are 9 types of tools that must be owned by the Legal Metrology Union to carry out service tasks in the field of legal metrology. Thus these 9 types also become one of the requirements that must be had if a Regency/City submits an application to obtain a Certificate of Competence for Recalibrated Services at the Ministry of Trade.

#### **D. Definition and Classification of Traditional Markets**

According to Koentjaraningrat, market is an institution that regulates communication and interaction between sellers and buyers with the aim of carrying out transactions of exchanges of goods, economic services and money, as well as a place to deliver the results of transactions in the future, based on a set price (Siwani, 2015).

Based on Article 1 point 1 of Presidential Regulation of the Republic of Indonesia Number 112 of 2007 on Structuring and Fostering Traditional Markets, Shopping Center, and Modern Shop, explain that:

*“Market is an area where goods are bought and sold with more than one number of sellers, whether called a shopping center, traditional market, shops, malls, plazas, trade centers, or other names.”*

According to Azis (2008), a traditional market is a meeting place for sellers and buyers and is characterized by direct bargaining transactions. The building consists of stalls, booths, wider access for producers and open to sellers and market managers.

Based on Article 4 of Regulation of Minister of Internal Affairs of the Republic of Indonesia Number 20 of 2012 on Management and Empowerment of Traditional Markets, regulates that traditional market criteria include:

- a. owned, built and / or managed by local governments;
- b. transactions are made by bargaining;
- c. diverse and united business premises in the same location; and
- d. most of the goods and services offered are local raw materials.

#### **E. Concept of Consumer Protection Law**

In the framework of trade continuity, based on Article 29 section (4) of Law of the Republic of Indonesia Number 8 of 1999 on Consumer Protection (hereinafter referred to as Law No. 8 of 1999), regulates that fostering the implementation of consumer protection ... includes efforts to:

- a. creating a business climate and fostering healthy relationships between business actors and consumers;
- b. development of non-governmental consumer protection organizations;
- c. improve the quality of human resources and increase research and development activities in the field of consumer protection.

Based on Article 31 of Law No. 8 of 1999, regulates that “in developing consumer protection efforts a National Consumer Protection Agency is established”. Furthermore, based on Article 33 of Law No. 8 of 1999, regulates that *“The National Consumer Protection Agency functions to provide advice and considerations to the government in efforts to develop consumer protection in Indonesia”*. As for based on Article 34 section (2) of Law No. 8 of 1999, regulates that “in carrying out its duties ..., the National Consumer Protection Agency can cooperate with international consumer organizations”.

So important is consumer protection that normatively the threat of administrative sanctions and criminal sanctions is strictly regulated. Based on Article 60 section (2) of Law No. 8 of 1999, regulates that *“administrative sanctions in the form of stipulating compensation of not more than Rp. 200,000,000.00 (two hundred million rupiah)”*. Furthermore, based on Article 62 section (1) and section (2) of Law No. 8 of 1999, regulates that:

(1) Business actors violating the provisions referred to in Article 8, Article 9, Article 10, Article 13 section (2), Article 15, Article 17 section (1) point a, point b, point c, point e, section (2), and Article 18 shall be punished with imprisonment of 5 (five) years or a maximum fine of Rp. 2,000,000,000.00 (two billion rupiah).

(2) Business actors violating the provisions referred to in Article 11, Article 12, Article 13 section (1), Article 14, Article 16, and Article 17 section (1) point d and point f shall be punished with imprisonment of 2 (two) years or a maximum fine of Rp. 500,000,000.00 (five hundred million rupiah).

The National Consumer Protection Agency as a non-governmental organization in carrying out its duties and functions when collaborating with officers from legal metrology units in the regions is not a difficult thing, but this agency does not really exist at the district and city level. The management structure in the regency/city is not yet familiar.

The existence of the National Consumer Protection Agency is actually a state organ. According to Logemann (1948), officials who act because of their position are not as persons, so they represent the state. That is why officials can change but the people who change always represent the country in the same working environment. In terms of placing a position from the aspect of the state as an authority organization, it has interconnected functions in a certain work environment as a whole, so that the state is called an engagement of functions.

#### **IV. DISCUSSION**

##### **A. The Nature of Monitoring the Use of Measuring Tools, Measure, Scales, and Their Equipment in Traditional Markets**

The intensity of buying and selling in traditional markets is very high because its existence is needed by the community. Various basic household needs at relatively cheaper prices are available in traditional markets. In addition, in traditional markets there is social interaction between traders and consumers. With this interaction consumers can still bid on prices and can also get information, both information from the product itself and from the TMSE that will be used.

Monitoring of legal metrology, especially the use of TMSE is very important to ensure the accuracy of measurement results and legal certainty in terms of the correctness of value/quantity as consumer rights. This is important to do considering the increasing economic activity of the community, which requires accurate measurement according to established standards and regulations. Likewise, efforts to maintain the capacity of the national economy need synergy from all stakeholders, including consumers, to become smart consumers.

Supervision of employees of legal metrology units in traditional markets is not always in the form of repressive supervision, but preventive supervision as guidance for traders. Referring to the words of a wise man, transgression occurs because of two things, the first is intention and the second is opportunity.

Preventive supervision by employees of legal metrology units in traditional markets by continuously checking TMSE that are not suitable means that they can be repaired locally by authorized employees (fix minor defects). Such minor defects, such as repairing bent or misaligned literary walls, moving objects affecting TMSE that are not functioning properly.

From the descriptions and thoughts about the nature of monitoring the use of TMSE above, it can be concluded as follows:

1. Supervision of the use of TMSE in traditional markets is part of the protection efforts for all citizens of the Republic of Indonesia as mandated in the framework of national development, and is regulated in the Preamble to the 1945 Constitution, namely protecting the entire Indonesian nation and all Indonesian bloodshed;
2. One of the basic assets of implementing national development is human resources. Humans as members of society are consumers whose rights need to be protected from actions that can cause losses due to the behavior of illegal traders;
3. Traditional markets as a means of buying and selling use a lot of TMSE, most of which are local government facilities. Therefore, the Regional Government is obliged to guarantee the rights of consumers to obtain goods in accordance with applicable regulations;
4. The tendency to obtain high economic returns coupled with intense business competition has encouraged some business actors/traders to be dishonest in using TMSE. Therefore, supervision is needed so that these actions do not occur, at least reducing criminal acts;
5. Monitoring the use of TMSE at traders in traditional markets directly educates consumers to become smart consumers. The same applies to business actors/traders, in addition to the form of socialization and supervision of the use of TMSE, it is also a serious concern in carrying out their obligations properly.

## **B. Implementation of Regulations on Measuring Tools, Measure, Scales, and Their Equipment in Traditional Markets**

In order to reveal the implementation of the provisions on TMSE in traditional markets, first review the implementation of Law No. 2 of 1981, particularly regarding its relationship with Law of the Republic of Indonesia Number 9 of 2015 on the Second Amendment to Law Number 23 of 2014 on Local Government (hereinafter referred to as Law No. 9 of 2015), where metrological affairs are carried out down to the Regional Government level.

This effort is made so that legal metrology is not hampered, in which trading activities never stop. Traditional markets as a means of distributing goods and services continue to exist without questioning whose authority over metrology is in whose hands. Likewise with regulations related to the movement of personnel (legal metrology unit employees), equipment and budgets, all of which require processes and synergies between ministries and agencies.

Based on Article 16 section (1) of Regulation of Minister of Trade of the Republic of Indonesia Number 60/M-DAG/PER/8/2016 on Organization and Work Procedure of the Technical Implementation Unit in the Field of Metrological, and Standardization and Quality Control Sector at the Ministry of Trade (hereinafter referred to as Regulation of Minister of Trade No. 60/M-DAG/PER/8/2016), regulates that:

*“Legal Metrology Standardization Center, hereinafter abbreviated as LMSC, is a Technical Implementation Unit in the field of metrological standardization which is under and responsible to the Director of Metrology, Directorate General of Consumer Protection and Commerce, Ministry of Trade.”*

Based on Article 17 of Regulation of Minister of Trade No. 60/M-DAG/PER/8/2016, regulates that:

*“LMSC has the task of carrying out verification of the standard of unit of measure, legal metrology laboratory comparison test, facilitation of TMSE stamp and re-stamp, implementation of quality systems, technical guidance, counseling, monitoring, and metrological supervision.”*

Based on Article 22 of Regulation of Minister of Trade No. 60/M-DAG/PER/8/2016, regulates that:

*“LMSC consists of 4 (four) regional centers, namely Regional I, Regional II, Regional III, and Regional IV, each of which are located in North Sumatra Province, Yogyakarta Special Region, South Kalimantan, and South Sulawesi.”*

An overview of the implementation of regulations on legal metrology affairs in regencies/municipalities that gave birth to programs and activities to monitor the use of TMSE in traditional markets, especially in research locations, are as follows:

### **1. Wajo Regency**

The implementation of legal metrology affairs in Wajo Regency has taken place significantly since 2011, starting with the Regional Regulation of Wajo Regency Number 33 of 2011 on Retribution for Stamp/Re-stamp Services (hereinafter referred to as Regional Regulation of Wajo Regency No. 33 of 2011). Prior to the existence of this Regional Regulation, the Wajo Regency Government did not feel Regional Original Revenue, especially from Retribution for Stamp/Re-stamp Services. This is because the Wajo Regency Government has not fulfilled its obligations, especially in monitoring the use of TMSE in traditional markets. Furthermore, Andi Sahar said that:<sup>1</sup>

*“With the making of Law of the Republic of Indonesia Number 28 of 2009 on Local Taxes and Regional Retribution, Legal Metrology becomes the authority of the Regional Government. However, there is a conflict with the Provincial Government, especially in addressing the sizeable Regional Original Revenue from Legal Metrology. So that with the making of Regional Regulation of Wajo Regency No. 33 of 2011, the Wajo Regency Government can collect Retribution.”*

What Andi Sahar said is in accordance with Jeddawi (2005) statement, that *“although a region is given the authority to manage Regional Original Revenue, the Regional Government must regulate it in the form of a Regional Regulation”*. As based on Article 286 section (1) of Law No. 9 of 2015, regulates that *“Local Taxes and Regional Retribution are regulated by law, the implementation of which in the regions is further regulated by Regional Regulations”*.

### **2. Bone Regency**

Of the 27 sub-districts in Bone Regency, there are 83 traditional markets managed by the Bone Regency Government. The traditional market is under the guidance of the Bone Regency Trade Office, but the collection of market fees is carried out by the Regional Revenue Agencies.

Regarding the legal metrology problem in Bone Regency, it has been 2 years since the collaboration with the City Government of Pare-Pare based on the Memorandum of Understanding between the City

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<sup>1</sup>Interview with the Head of Trade, The Department of Industry, Trade, Cooperatives, SMEs of Wajo Regency, Andi Sahar, on July 21, 2020.

Government of Pare-Pare and the District Government of Bone Number 180.4/8/Hkm; Number 02/MoU/Pemkab Bone/II/2018 dated February 19, 2018. In the Memorandum of Understanding, the profit sharing from retribution is 70% for production areas and 30% for stamp implementers.

### 3. Parepare City

Since 2012, the Parepare City Government has made efforts to carry out metrological matters. Furthermore, Muh. Sabar said that:<sup>2</sup>

*“The Municipal Government of Pare-Pare is aggressively monitoring legal metrology in collaboration with LMSC Regional IV with a portion of 70% for implementers, 30% for the regions.”*

Regional Technical Implementation Unit (RTIU) of Parepare City has complete equipment, where there are 2 (two) storage rooms in one building. The space at the back is a storage area for equipment which is relatively small in size and has a container in the form of a bag and or box. The front room is a storage area for heavy equipment.

However, according to the principle of cooperation in the field of metrology in each field, including the supervision of the use of TMSE, it is very unlikely that it will be submitted to the RTIU of Parepare City.

### C. Legal Factors Affecting the Application of Provisions on Measuring Tools, Measure, Scales, and Their Equipment in Traditional Markets

To determine the factors that influence the implementation of regulations regarding TMSE, it is necessary to first describe the characteristics of the respondent who is one of the data sources, either through interviews or questionnaires.

#### 1. Respondent Characteristics

##### a. Age

Of the 92 respondents, they were grouped into 5 age categories, namely group I aged 11 to 20 years, group II aged 21 to 30 years old, group III aged 31 to 40, group IV 41 to 50 and group v above age 51 years, can be seen in the following table.

**Table 1. Characteristics of Respondents based on Age**

No	Age (years)	Number of People	Percentage (%)
1	11-20	1	1,08
2	21-30	9	9,78
3	31-40	22	23,91
4	41-50	38	41,31
5	51 above	22	23,92
<b>Total</b>		<b>92</b>	<b>100.00</b>

*Data Sources: Data processed results in 2020*

Based on table 1 above, it can be seen that the number of respondents in the adult category and classified as elderly is more dominant, where the age of 30-40 years is 22 people or 23.91%, aged 40-50 years are 38 people or 41.91%, and aged 50 years and over as many as 22 people or 23.91%. The number of respondents aged 11-20 years is only 1 person or 1.08%, and aged 21-30 years are 9 people or 9.78%.

This data also shows that trading activities in traditional markets are more dominated by people aged 30 years and over. Respondents aged 30 years and over, both sellers and consumers, were triggered by the type of sale of basic necessities.

##### b. Education

Characteristics of respondents based on education level were obtained through interview data and from questionnaire data then grouped into 6 classifications, can be seen in the following table.

**Table 2. Characteristics of Respondents based on Education**

No	Last Education	Number of People	Percentage (%)
1	Elementary School/Equivalent	11	11,96
2	Junior High School	12	13,04
3	Senior High School	41	44,57
4	Diploma	2	2,17
5	Bachelor	19	20,65

<sup>2</sup> Interview with Penera, LMSC City of Pare-Pare, Muh. Sabar, on July 28, 2020.

6	Postgraduate	7	7,61
<b>Total</b>		<b>92</b>	<b>100.00</b>

Data Sources: Data processed results in 2020

Based on table 2 above, it can be seen that the number of respondents with Senior High School education is more dominant, where as many as 41 people or 44.57%, 19 people or 20.65% have a Bachelor's degree, 12 people or 13.04% have Junior High School education, 11 people or 11.96% have Elementary School/Equivalent, 7 people or 7.61% have a Postgraduate's degree, and 2 people or 2.17% have a diploma's degree.

**c. Gender**

Characteristics of respondents based on gender were obtained through interview data and from questionnaire data then grouped into 2 classifications, can be seen in the following table.

**Table 3. Characteristics of Respondents based on Gender**

No	Gender	Number of People	Percentage (%)
1	Male	35	38,05
2	Female	57	61,95
<b>Total</b>		<b>92</b>	<b>100.00</b>

Data Sources: Data processed results in 2020

Based on table 3 above, it can be seen that the number of female respondents is more dominant, namely 57 people or 61.95%, while male are only 35 people or 38.05%. This shows that the activities of TMSE in traditional markets are dominated by women.

**2. Descriptive Statistical Analysis**

Statistical analysis of frequency distribution is used in this study to provide a brief and practical description of a group of data presented in a frequency table or list. This is intended to make it easier for readers to understand the results of the data in this study.

**a. Legal Substance**

The legal substance is related to the process of making legal products carried out by legislators. Values that have the potential to cause legal symptoms are formulated into legislation products that are influenced by the political atmosphere in a country. So that the existing rules of the game do not apply juridically, sociologically and philosophically. Meanwhile, according to Soekanto & Abdullah (1980), in the theory of legal science, three kinds of matters regarding the applicable law can be distinguished, namely juridical, sociological and philosophical.

Based on the theory of legal science above, to determine the effectiveness of the enactment of Law No. 2 of 1981 as a basis for monitoring the use of TMSE in traditional markets, it can be explained that the application of each of these legal principles is in the following explanation:

- 1) A rule applies juridically if the determination is based on a higher level regulation or determined on a predetermined basis.
- 2) A rule applies sociologically if they are effective, where the rules can be enforced by the authorities even though they are not accepted by society or applied because of recognition from society.
- 3) A rule applies philosophically, namely in accordance with the ideals of law as the highest legal value.

**b. Legal Structure**

The legal structure in this study is the Regional Government itself through its core tools. The local government agency in question is the Regional Apparatus Organization that handles legal metrology affairs. Handling is a regional apparatus organization whose duties and functions are planning, implementing, and evaluating legal metrology affairs at the Regency/Municipal Government level.

Technically operational, the implementation of legal metrology affairs in the Regency/Municipal is carried out by the Trade Office or by any other name in accordance with the Regional Regulation on Regency/Municipal Regional Apparatus Organizations. The Trade Office forms a Legal Metrology Regional Technical Implementation Unit.

According to Soekanto (2003), to carry out legal functions, the mentality or personality of law enforcement officials plays an important role. If the regulations themselves are good, but the quality of the officers is not good, then there is a problem. Therefore, one of the keys to successful law enforcement is the mentality and personality of law enforcers.

To find out respondents' perceptions about the ability to control TMSE in traditional markets in terms of the number of officers in charge of traditional markets, can be seen in the following table.



**Table 4. The Ability of Supervisors in Terms of Quantity**

No	Description	Frequency (f)	Percentage (%)
1	Incapable	71	77,18
2	Less Capable	21	22,82
3	Capable	-	0
<b>Total</b>		<b>92</b>	<b>100.00</b>

Data Sources: Data processed results in 2020

Based on table 4 above, it can be seen that as many as 71 people or 77.18% stated that they were incapable, as many as 21 people or 22.82% stated that they were less capable, and no one said they were capable. Furthermore, the table above also proves the inability of law enforcement officers (legal structure) to enforce regulations, especially in supervising the use of TMSE in traditional markets.

Law is always influenced by factors outside the law, so the role of the legal structure in this case the Legal Metrology Officer is always expected to be a neutralizer. The officers actually have to always be in the midst of society, in this case the traditional market, to monitor practices that are prohibited by law. On the other hand, officers actually always provide education to traders about how to use TMSE in accordance with statutory regulations.

**c. Legal Culture**

Culture is nothing but the habits of traders who practice life or socialize with the surrounding community, especially in traditional markets. Traders who run their business are considered normal as long as they use measuring instruments in the form of liters and/or scales. As for traders who use artificial liters from pipes, it is clearly contrary to Law No. 2 of 1981. Whereas TMSE are prohibited from being used other than referring to the Indonesian National Standard.

Furthermore, to find out consumers' understanding of the practices of traders who use TMSE but do not have Indonesian National Standards, can be seen in the following table.

**Table 5. Traders' Habits using TMSE but do not have Indonesian National Standards**

No	Description	Frequency (f)	Percentage (%)
1	No Problem	67	72,83
2	Less Problematic	25	27,17
3	Problem	-	0
<b>Total</b>		<b>92</b>	<b>100.00</b>

Data Sources: Data processed results in 2020

Based on table 5 above, it can be seen that as many as 67 people or 72.83% stated no problem, as many as 25 people or 27.17% stated that they were less problematic, and no one said that they were a problem. Furthermore, the table above also proves that consumers do not question the practice of traders using TMSE but do not have Indonesian National Standards. Thus, it is clear that legal cultural factors inhibit/influence the supervision of the use of TMSE in traditional markets, based Law No. 2 of 1981.

**d. Infrastructure**

That office space, service room, and warehouse are requirements that are quite easy to provide by local governments, because usually a building is arranged in such a way as to qualify as an office building. Responding to these conditions, the most important thing that must be addressed by every local government is to meet the requirements of the TMSE standard. TMSE is a technical requirement that is not easily fulfilled by the Regional Government, because in addition to the relatively high price and not many production actors involved in it, there are also standard specifications that this production line must meet. For example, a spring scale with a certain brand, the scale production company must have a production permit from the Director General of Consumer Protection and Trade, Ministry of Trade of the Republic of Indonesia.

In this regard, in the attachment to the Regulation of Minister of Trade No. 115 of 2018, it contains standard tools that must be owned by districts/cities before submitting an application for an assessment of management requirements and technical requirements to the Minister of Trade.

To determine the condition of the standard equipment owned by the Regency/Municipal in implementing legal metrology, the perception of correspondence can be seen in the following table.

**Table 6. Ownership of TMSE Quantity and Quality**

No	Description	Frequency (f)	Percentage (%)
1	Did not answer	80	86,94
2	Inadequate	4	4,37
3	Less Adequate	5	5,43
4	Adequate	3	3,26
<b>Total</b>		<b>92</b>	<b>100.00</b>

Data Sources: Data processed results in 2020

Based on table 6 above, it can be seen that as many as 80 people or 86.94% did not answer, as many as 4 people or 4.37% stated that they were inadequate, as many as 5 people or 5.43% stated that they were less adequate, and as many as 3 people or 3.26% stated that they were adequate.

**e. Budget**

Budget/money, is one element that should not be ignored in an organization. Money is a measure of value, the size of an activity can be measured by the amount of budget required. Therefore, the budget is an important tool to achieve organizational goals, including organizations whose names are local governments.

A budget is also needed in the socialization of Law No. 2 of 1981, particularly on consumer protection in monitoring the use of TMSE in traditional markets. The more intensity of outreach activities, the more budget is needed.

To find out the public perception of official travel costs in monitoring the use of TMSE in traditional markets can be seen in the following table.

**Table 7. Official Travel Budgeting in Monitoring the use of TMSE in Traditional Markets**

No	Description	Frequency (f)	Percentage (%)
1	Did not answer	5	5,43
2	No need, because ther is salary	24	26,09
3	Need, because on duty outside the office	63	68,48
<b>Total</b>		<b>92</b>	<b>100.00</b>

Data Sources: Data processed results in 2020

Based on table 7 above, it can be seen that as many as 5 people or 5.43% did not answer, 24 people or 26.09% said they did not need them because they had a salary, and as many as 63 people or 68.48% said they needed them because they were working outside the office. That the size is sufficient or not for someone is a relative thing.

**V.CONCLUSION**

1. The legal nature of monitoring the use of TMSE in traditional markets is examined through a philosophical approach to legal research, it can be concluded that:

a. Normatively based on Law Number 2 of 1981 concerning Legal Metrology with Theory of Supervision, Theory of Legal Protection, Theory of Legal Functions, Theory of Legal Purposes, Theory of Legal Effectiveness, and Concept of Rule of Law Theory are not only synchronous but also interrelated, namely protecting the public interest by guaranteeing their rights as citizens and as human beings created by Allah SWT.

b. The essence of monitoring the use of TMSE in traditional markets there are at least 4 protection interests, namely:

1) Spiritual importance, namely how to guarantee spiritual protection according to our belief that after this world there is a world of retribution. So it is expected that transactions that occur in accordance with religious teachings that require mutual benefit.

2) Legal interests education, namely the interests of traders as business actors to obey the law and educate consumers to become smart consumers who demand their rights according to the law.

3) Socio-Economic Interests which require that trade transactions, especially those that use TMSE, provide a balanced benefit for both traders as business actors and consumers.

4) Community Protection interest which demands the participation of the entire community to provide opportunities for consumers to obtain their rights and provide opportunities for traders as business actors to fulfill their obligations.

2. The application of laws and regulations governing the use of TMSE in traditional markets has been tried by Regency/Municipal Governments throughout South Sulawesi in various forms and developments. There

are Regency/Municipal that are only limited in their efforts to declare it, it is proven that they already have car facilities that will be used to transport metrology tools, but until this research there was no such tool. There are also regions that have metrological human resources but there are no regional work units. Regency/Municipal that have been assigned to re-stamp, but generally monitor the use of TMSE in traditional markets as part of the metrology application. Regional Regulations have not been implemented in accordance with the mandate of Law No. 2 of 1981, namely protecting the public interest in terms of legal certainty in the framework of correct measurement.

3. Legal factors that influence the implementation of regulations related to the use of TMSE in traditional markets include the legal structure, legal culture, facilities and infrastructure and budget. Basically, legal factors do not have a direct influence on the implementation of regulations regarding the supervision of the use of TMSE in traditional markets. Even though the legal substance of Law No. 2 of 1981 which intervenes in the use of TMSE in theory has fulfilled the elements of regulation because:

a. Legal principles are applied juridically because they are formed from higher principles, namely the 1945 Constitution of the Republic of Indonesia and the Decree of the People's Consultative Assembly Number IV/MPR/1978 on the Outlines of State Policy.

b. This rule is applied sociologically, because Law No. 2 of 1981 as a positive law which has legal norms for the implementation of actions, actions, scale and equipment is accepted by the community as positive law at least through its representative institutions in the DPR. So far there has been no form of protest from the public in the form of conveying aspirations against the enactment of Law No. 2 of 1981.

c. Legal principles apply philosophically because Law No. 2 of 1981, which among others regulates the supervision of the use of TMSE, has very high legal ideals. A very high and deep purpose of the law is to protect the public interest in terms of measurement accuracy. Protecting these interests is in accordance with the noble ideals of establishing this nation, among others, protecting the entire territory of Indonesia and all the blood spills of the Indonesian nation.

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