

Perlindungan konsumen pengguna pembalut wanita di Indonesia (kajian yuridis terhadap peredaran pembalut wanita berklorin) = Consumer protection for women sanitary pad users in Indonesia juridical study of chlorinated women sanitary pad distribution

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Abstrak

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Pembalut wanita adalah alat kesehatan luar, merupakan kebutuhan pokok bagi konsumen wanita yang digunakan saat siklus menstruasi setiap bulan. Hasil riset YLKI bulan Juli 2015, ditemukan beredarnya pembalut wanita berklorin di pasaran sehingga masyarakat memberikan usulan pada pemerintah agar segera melakukan revisi standardisasi produk SNI 16-6363-2000 tentang pembalut wanita. Konsumen wanita, sebagai populasi konsumen terbesar di Indonesia belum memiliki peraturan khusus dari pemerintah yang mengatur spesifikasi barang/jasa maupun ketentuan perlindungan konsumen khusus bagi konsumen wanita. Dibutuhkan ketegasan pemerintah untuk menerapkan prinsip perlindungan konsumen, ketentuan tentang standardisasi produk, serta pertanggungjawaban pelaku usaha/produsen sesuai Undang-Undang Perlindungan Konsumen, UU No. 8 Tahun 1999.

Metode : Menggunakan metode penelitian yuridis normatif yang didukung pendekatan socio-legal research (observasi dan wawancara langsung dengan narasumber) untuk melengkapi analisis. Kerangka konsep yang digunakan yaitu Teori Gustav Radburch yang menyatakan hukum memiliki aspek keadilan, kemanfaatan dan kepastian hukum, serta The Social Cost Theory sebagai dasar ajaran strict liability (tanggung jawab mutlak) dalam Hukum Perlindungan Konsumen.

Hasil : Pedoman teknis SNI 16-6363-2000 tentang Pembalut Wanita belum mencantumkan ketentuan ambang batas kadar zat klorin, sedangkan Permenkes No.472/Menkes/Per/V/1996 Tentang Pengamanan Bahan Berbahaya Bagi Kesehatan menyatakan klorin termasuk salah satu bahan berbahaya bagi kesehatan. Badan Standardisasi Nasional RI sedang melakukan proses revisi terhadap SNI 16-6363-2000 berdasarkan prosedur Undang-Undang tentang Standardisasi Dan Penilaian Kesesuaian, UU No. 20 Tahun 2014. Upaya ini diharapkan dapat mendukung terobosan perlindungan konsumen wanita yang lebih baik sebagaimana tujuan penegakan Hukum Perlindungan Konsumen di Indonesia.

ABSTRACT

Women sanitary napkins are external medical devices, is a basic requirement for consumers to use when the woman's menstrual cycle each month. YLKI research results in July 2015, discovered the circulation of sanitary napkins chlorinated in the market so that people make a proposal to the government to immediately revise the standardization of products SNI 16-6363-2000 about sanitary napkins. Female consumers, as the largest consumer population in Indonesia does not have specific regulations of government that regulate the specification of goods / services as well as consumer protection provisions specifically for the female consumer. It takes assertiveness governments to apply the principles of consumer protection, provisions on product standardization, as well as the accountability of businesses / manufacturers according to the Law on

Consumer Protection, UU

No. 8 Tahun 1999.

Methods: Using the method of normative juridical research supported approach to socio-legal research (observation and direct interviews with sources) to complete the analysis. The conceptual framework used is the Gustav Radburch Theory that states have the legal aspect of fairness, expediency and legal certainty, as well as The Social Cost Theory as the basic teachings of strict liability (absolute liability) in the Consumer Protection Law.

Results: Technical guidelines SNI 16-6363-2000 about Women Sanitary Pad have not included provisions threshold levels of chlorine, while Permenkes 472 / Menkes / Per / V / 1996 About Safety of Hazardous Materials for Health states including one of the ingredients of chlorine is harmful to health. National Standardization Agency of Republik Indonesia is conducting the process of revision of the SNI 16-6363-2000 accordance with the procedure of the Law on Standardization and Conformity Assessment, UU No. 20 Tahun 2014. This effort is expected to support breakthrough consumer protection better woman as the purpose of the Consumer Protection Law enforcement in Indonesia.</i>