

THE ROLE OF BPOM IN SUPERVISING THE DISTRIBUTION OF ILLEGAL COSMETICS ACCORDING TO CONSUMER LEGAL PROTECTION

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Article Info

Abstract

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qualitative research with data collection procedures used in namely observation, interviews and documentation by going directly to the field. The data analysis techniques for the data analysis stages used are reduction, presentation and drawing conclusions. The results of the research are that legal protection is an important effort to ensure legal certainty that protects consumers, because consumers are more likely to be targets of bad faith from business actors. The Food and Drug Supervisory Agency (BPOM) has 2 (two) monitoring systems as an effort, namely Pre-Market, a monitoring process before the circulation of a product which involves distribution permits and registration. And Post-Market, namely supervision of producers. The manufacturer in question is related to the production method and the product itself. The factors that cause the distribution of illegal cosmetics are internal obstacles, where Human Resources (HR) with area coverage and Human Resources (HR) with the number of commodities are checked, the next factor is external obstacles which include business actors and consumers.

The type of research used is

A. Introduction

Women will also more interested with product cheap cosmetics but own fast results , because they No know the dangers contained inside and can purchased with easy.¹ In connection with the high circulation of cosmetics as a public need, the government and the Food and Drug Supervisory Agency of the Republic of Indonesia (BPOM RI) have made provisions regarding the requirements for the circulation of cosmetics, namely a special distribution permit for cosmetic products that have been implemented since 2011. Therefore, business actors in carrying out their business activities, namely in carrying out marketing and sales activities of products must pay attention to consumer rights, as well as their obligations as business actors. As a manifestation of the good faith of business actors in economic activities, business actors must follow the rules and regulations in force in Indonesia.²

In the Law on Consumer Protection, Consumer Rights are regulated in Article 4, which states that Consumer Rights are:³

- a) Consumer comfort and security in consuming goods or services and transactions that consumers make.
- b) Consumer rights to choose and obtain goods according to exchange value.

Based on the information, it can be seen that the issue of consumer comfort, security, and safety is the most basic and primary thing in consumer protection. Business actors provide correct, clear, and honest information regarding the condition and guarantee of the product. ⁴The beauty products are very easy to reach at a very affordable price because they are already widely circulated in e-commerce, there is no permit number to ensure that they are safe

¹ Putri Ameliani, Hardian Iskandar, and Dodi Jaya Wardana, "Legal Protection for Consumers Against Cosmetic Products Not Registered with BPOM," *Al-Manhaj: Journal of Law and Social and Islamic Practices* 4, No. 2 (2022): 653–60, <https://doi.org/10.37680/Almanhaj.V4i2.2062>.

² Theresia Gabriella And Handar Bakhtiar, "Legal Protection for Consumers Regarding the Distribution of Illegal Cosmetics," *Jurnal Panorama Hukum* 8, No. 1 (2023): 17–23, <https://doi.org/10.21067/Jph.V8i1.8521>.

³ Republic of Indonesia, "Law of the Republic of Indonesia, 'Law Number 8 of 1999 Concerning Consumer Protection Article 4'" (1999).

⁴ Kusumadewi Yessy And Grace Sharon, *Consumer Protection Law* , Ed. Roslani Husein (Sleman, Yogyakarta: Fatimah Azzahrah Institute, 2022).

for distribution from BPOM, there is no expiration date listed and there is no composition of the beauty product so that there are many enthusiasts of beauty products that are not registered with BPOM among consumers. Legal protection for Indonesian consumers is regulated in the provisions of the Law, namely Law Number 8 of 1999 concerning Consumer Protection (UUPK).⁵

As explained above, it can be concluded that the Legal Protection given to Consumers for cosmetic products that do not have a distribution permit can harm consumers. That based on Article 106 paragraph 1 of Law Number 36 of 2009 concerning Health "Pharmaceutical preparations and Medical Devices can only be distributed after obtaining a distribution permit" that based on the Regulation cosmetic products can be distributed after obtaining a distribution permit from BPOM. And as regulated in Presidential Regulation of the Republic of Indonesia Number 80 of 2017 concerning the Food and Drug Supervisory Agency "BPOM's duties consist of drugs, drug ingredients, narcotics, psychotropics, active substances, traditional medicines, cosmetics and food".⁶ *skincare* products have occurred in many cities in Indonesia, one of which is Semarang. People become victims of this product because it is difficult to distinguish between legal and illegal *skincare*. Many foreign countries import *skincare* to Indonesia, including South Korea, Japan, Thailand, and several European countries. This is used by business actors as an opportunity to counterfeit products from imported brands that are already well-known and proven to be safe (already registered with BPOM), so that perpetrators can lower prices to make a profit. Throughout 2022, BPOM Semarang has taken action against eight suspects. They are suspected of Article 196, 197 of Law of the Republic of Indonesia Number 36 of 2009 concerning health in conjunction with Article 60 number 10 of Law of the Republic of Indonesia Number 11 of 2020 concerning job creation. Meanwhile, the destruction of the confiscated objects belonged to five suspects from Kudus, Salatiga, Brebes, and Tegal.⁷ So based on the description above, it is clear the duties and functions of BPOM in supervising cosmetics. In fact, based on practice in the field, there are still

⁵ Anak Agung Ketut Asti Pradnyandewi and Putu Dewi Yustisia Utami, "Consumer Protection Against Cosmetics Not Registered with BPOM Circulating on E-Commerce," *Kertha Desa Journal* 11, No. 9 (2023): 3266–75.

⁶ Constitution Republic of Indonesia Article 106 Paragraph 1 of Law Number 36 of 2009 concerning Health

⁷ Afzal Nur Iman, Production Cosmetics Illegal, 18-Year-Old Woman in Kudus Becomes Suspect, [/https://www.detik.com/jateng/hukum-dan-kriminal/D-6262344/Produk-Kosmetik-Ilegal-Wanita-18-Tahun-Di-Kudus-Jadi-Tersangka](https://www.detik.com/jateng/hukum-dan-kriminal/D-6262344/Produk-Kosmetik-Ilegal-Wanita-18-Tahun-Di-Kudus-Jadi-Tersangka), Accessed on October 14, 2024, at 20.11 WIT.

many cosmetic products without BPOM labels or permits that are sold freely. The dangerous impacts of illegal *skincare* start from skin that damaged to cancer. The skin will have different reactions to illegal *skincare*, depending on the sensitivity of each user's skin. One example of the dangers of illegal *skincare content* is a woman from Mamuju City using a *hand body* containing the dangerous ingredient mercury, within a month her skin did whiten, but over time her skin became reddish and black.⁸ as the main problem that the author encountered in one of the markets and shops in Mamuju City, the author is interested in conducting research with the title "**THE ROLE OF BPOM IN SUPERVISION OF ILLEGAL COSMETIC DISTRIBUTION ACCORDING TO CONSUMER PROTECTION LAW**". How is the role of BPOM in Supervising Cosmetics so that unlicensed products are sold freely in the shop.

B. RESEARCH METHODS

Method research used in study This is study legal empirical, which studies implementation provision law in practice real in society. Research This aiming For understand How applicable regulation applied and interpreted in life everyday. Approach this is also known as study law sociological Because focus on the facts that occur in the field through observation direct .⁹

In study this, the data used consists of from primary, secondary, and tertiary data. Primary data is obtained through interviews and observations directly on site research, while secondary data covers document laws, regulations and results study relevant past. As for tertiary data sourced from literature addition like dictionary laws and references academic others who support analysis.

Data collection techniques were carried out through studies bibliography, interview with party related, observation direct, and documentation. Interviews used For to obtain information direct from resource person, while observation allow researcher understand phenomenon in a way more in depth. Documentation complete the data with notes related official with object study. Data analysis in study This use approach descriptive qualitative, which aims For describe, analyze, and interpret role of the Supervisory Board Food and Drug

⁸ Syifa Aulia , “ Fake Hand Body Victims Go Viral , Be Careful Contents This Is In Cream Bleach ,” News Detik Health, 2021.

⁹Ronny Hanitijo Soemitro , Methodology Legal Research and Jurimetrics , (Jakarta: Ghalia Indonesia, 1990), Page 20

Administration (BPOM) in supervise circulation products that are not own permission circulate.¹⁰ Through approach this, research expected can give better understanding deep about protection law in circulation cosmetics illegal as well as effectiveness regulations applied.

C. Discussion

Supervisory Body Food and Drug Administration (BPOM) has role strategic in supervise circulation cosmetics in Indonesia. Supervision This aiming For ensure that product cosmetics circulating in society safe and appropriate with applicable regulations. In its implementation, BPOM applies two system main, namely pre-market and post-market. Pre-market includes the registration and licensing process. distribution before product for sale to society, while post-market involves supervision to products that have been circulating, including withdrawal product illegal which is not fulfil standard health.¹¹

However, even though supervision has done, still Lots product cosmetics illegally circulating in the market. Some factor the main cause circulation cosmetics illegal among other limitations source Power human beings in BPOM, indifference perpetrator more effort prioritize profit without notice security consumers, as well as lack of awareness public in choose safe products. Many consumers are interested buy cosmetics cheap with results instant without check permission distribution from BPOM, so that enlarge opportunity for perpetrator business naughty For Keep going market product illegal .

Case circulation cosmetics illegal in various areas, including Mamuju City, show that supervision need tightened . One of the example cases found is circulation product cosmetics containing material dangerous like mercury and hydroquinone, which can cause effect side Serious for health skin user. BPOM Mamuju has do various effort like patrol cyber and work The same with community For press circulation product illegal this, however Still Lots obstacles faced in the field .

In face challenge this, is required synergy between BPOM, the perpetrator business, and society. Strengthening regulation, improvement education consumers, as well as enforcement more laws firm to perpetrator an unlawful attempt rule become steps to be taken Keep going optimized. With existence good collaboration is expected circulation cosmetics illegal can reduced in a way significant in order to protect health public .
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¹⁰ Yudiono Os , “ Method Research ”, [Http://Digilib.Unila.Ac.Id/](http://Digilib.Unila.Ac.Id/), Accessed Date October 14, 2024

¹¹ Soeratin , Aat , Ed. *Edge Homeland : 92 Islands Indonesia's Frontier : Central Indonesia* . Pt Gramedia Pustaka Utama, 2011.

¹² Marasabessy , H. Abd Rahman I. *Creativity and Economic Development People* .

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D. Conclusion

Based on results research , the role of BPOM in supervision circulation cosmetics illegal has implemented in accordance with applicable regulations. However, supervision this Still face various obstacles, such as limitations source Power human, lowly awareness society, and action perpetrator steady effort

Absolute Media, 2021.

¹³Pom Body, <https://Www.Pom.Go.Id/Siaran-Pers/Kepala-Bpom-Taruna-Ikrar-Rilis-Daftar-Kosmetik-Yang-Dinyatakan-Containing-Prohibited-Or-Dangerous-In-Circulation-Including-In-Media-Online-Period-November-2023-SD-October-2024>.

market product cosmetics without permission circulation. Although BPOM has apply pre-market and post-market systems for control product before and after circulating, still found Lots product cosmetics illegal on the market.

Factor the main cause the rise circulation cosmetics illegal is lack of awareness public in choose safe product, indifference perpetrator business to regulations, as well as limitations supervision from BPOM. In in practice, many product cosmetics illegally using fake barcodes or BPOM labels, so that difficult distinguished by consumers. Reinforcement regulation, improvement education consumers, as well as more supervision strict become steps to be taken Keep going reinforced .

Suggestion

For increase effectiveness supervision, BPOM is recommended For strengthen Work The same with agency related, including apparatus enforcer law and organization society. Besides that, intensity field supervision need improved with patrol routine as well as further action firm to offender. For perpetrator effort, need existence more sanctions strict for those who are proven to distribute cosmetics illegal. The government also needs to push perpetrator business For follow applicable procedures in to obtain permission circulate .

The community is expected more selective in choose product cosmetics with inspect permission distribution through the official BPOM website and implement "Click Check" principle (Check Packaging, Label, Permit Circulation, and Expiration). With existence greater awareness tall from all parties, it is expected circulation cosmetics illegal can minimized for protection consumers and health society.

References

JOURNAL

- Putri Ameliani , Hardian Iskandar, and Dodi Jaya Wardana , " Legal Protection for Consumer To Product Cosmetics That Don't Registered Bpom ,” *Al-Manhaj : Journal of Islamic Law and Social Institutions* 4, No. 2(2022):653–60, <https://doi.org/10.37680/Almanhaj.V4i2.2062>.
- Theresia Gabriella And Handar Bakhtiar , “ Legal Protection to Consumer Related Circulation Cosmetics Illegal ,” *Jurnal Panorama Hukum* 8, No. 1 (2023): 17–23, <https://doi.org/10.21067/Jph.V8i1.8521> .
- The Great Child of Ketut Asti Pradnyandewi And Putu Dewi Justice Utami , “ Protection Consumer To Cosmetics No Registered BPOM Circulating in E-Commerce,” *Jurnal Kertha Village* 11, No. 9 (2023): 3266–75.

CONSTITUTION

Republic of Indonesia, “ Law Republic of Indonesia, ' Law Number 8 of 1999 Concerning Protection Consumer Article 4” (1999).

Constitution Republic of Indonesia Article 106 Paragraph 1 of Law Number 36 of 2009 concerning Health

BOOK

The Greatest Yessy And Grace Sharon, Protection Law Consumers , Ed. Roslani Husein (Sleman , Yogyakarta: Fatimah Azzahrah Institute , 2022).

Ronny Hanitijo Soemitro , Methodology Legal Research and Jurimetrics , (Jakarta:Ghalia)

Soeratin , Aat , Ed. Edge Homeland : 92 Islands Indonesia's Frontier : Central Indonesia. Pt Gramedia Pustaka Utama, 2011.

Marasabessy , H. Abd Rahman I. Creativity and Economic Development People . Absolute Media, 2021.

WEBSITE

Afzal Nur Iman, Production Cosmetics Illegal , 18- Year-Old Woman in Kudus Becomes Suspect , /<https://www.detik.com/jateng/hukum-dan-kriminal/d-6262344/produk-kosmetik-illegal-wanita-18-tahun-di-kudus-jadi-tersangka>, Accessed on October 14 , 2024, at 20.11 WIT.

Syifa Aulia , “ Fake Hand Body Victims Go Viral , Be Careful Contents This Is In Cream Bleach ,” News Detik Health, 2021.

Ronny Hanitijo Soemitro , Methodology Legal Research and Jurimetrics , (Jakarta: Ghalia

Indonesia, 1990), Page 20

Pom Body, <https://www.pom.go.id/Siaran-Pers/Kepala-Bpom-Taruna-Ikrar-Rilis-Daftar-Kosmetik-Yang-Dinyatakan-Containing-Prohibited-Or-Dangerous-In-Circulation-Including-In-Media-Online-Period-November-2023-SD-October-2024>