

EFFECTIVENESS OF LEGAL PROTECTION FOR CONSUMERS OF DANGEROUS COSMETIC PRODUCTS IN BANDA ACEH BY THE FOOD AND DRUG SUPERVISORY AGENCY OF ACEH

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Abstract

Many unlicensed cosmetic products continue to circulate without official distribution permits and contain hazardous chemicals such as mercury, hydroquinone, and lead in the city of Banda Aceh. According to official data from the Food and Drug Supervisory Office (*Badan Pengawasan Obat-obatan dan Makanan* [BPOM]) Aceh, for the period from November 2023 to October 2024, 55 cosmetic products containing hazardous substances were identified and withdrawn from circulation. This paper aims to assess the effectiveness of the legal protection efforts implemented by BPOM Aceh in addressing the issue of harmful cosmetics for consumers. The research employs a juridical-empirical method with a sociological approach, involving in-depth interviews with five victims and discussions with BPOM officials. The findings indicate that although BPOM Aceh has carried out supervision at both the pre-market and post-market stages, including online monitoring or cyber patrol, the legal protection provided has not been entirely adequate. This is due to the generally low level of legal awareness among the public, where victims often do not understand their rights, are unfamiliar with proper complaint procedures, and rarely check BPOM registration numbers before purchasing products. Moreover, the sanctions imposed on business operators are considered insufficient to create a deterrent effect. Based on these findings, the study concludes that the legal protection system in Banda Aceh remains less than fully adequate and therefore requires strengthened public education initiatives, more rigorous law enforcement, and improved inter-agency collaboration to ensure consumer safety.

Keywords: BPOM, Consumer Protection, Dangerous Cosmetics and Legal Effectiveness,



Abstrak

Masih banyak beredar kosmetik ilegal tanpa izin edar yang mengandung zat kimia berbahaya seperti Merkuri, Hidrokuinon, serta Timbal di Banda Aceh. Menurut data resmi BPOM Aceh pada periode November 2023 hingga Oktober 2024, telah ditemukan sebanyak 55 produk kosmetik yang terbukti mengandung bahan berbahaya dan ditarik dari peredaran. Tulisan ini bertujuan menilai sejauh mana efektivitas perlindungan hukum yang dijalankan BPOM Aceh dalam menangani persoalan kosmetik berbahaya bagi konsumen. Penelitian menggunakan metode yuridis-empiris dengan pendekatan sosiologis, melibatkan wawancara mendalam terhadap lima korban dan dialog dengan pihak BPOM. Temuan penelitian menunjukkan bahwa walaupun BPOM Aceh sudah melaksanakan pengawasan pada tahap sebelum edar (pre-market) maupun setelah edar (post-market), termasuk patroli dunia maya atau cyber patrol, perlindungan hukum yang diberikan belum berjalan optimal. Hal ini disebabkan oleh rendahnya tingkat pemahaman hukum di masyarakat, di mana korban umumnya belum menyadari haknya, tidak mengetahui prosedur pengaduan yang tepat, serta jarang memeriksa nomor izin BPOM sebelum membeli produk. Selain itu, sanksi yang diberikan kepada pelaku usaha dinilai belum cukup memberikan efek jera. Berdasarkan hal tersebut, penelitian ini menyimpulkan bahwa sistem perlindungan hukum di Banda Aceh masih belum sepenuhnya efektif sehingga perlu diupayakan peningkatan edukasi kepada masyarakat, penegakan hukum yang lebih kuat, serta sinergi antar lembaga demi menjamin keamanan konsumen.

Kata Kunci: Efektivitas Hukum, BPOM, Perlindungan Konsumen, Kosmetik berbahaya

INTRODUCTION

Beauty products have become an integral part of people's daily lives, especially among women. However, the rampant circulation of illegal cosmetics that lack official licenses and contain hazardous ingredients, such as hydroquinone, mercury, and lead, raises serious concerns in the community and threatens consumers' rights to obtain safe and reliable products. Although the Indonesian government has established regulations in Law Number 8 of 1999 concerning Consumer Protection, this problem shows a gap between existing legal provisions and their implementation in the field. Article 8 paragraph (1) letter a of Law Number 8 of 1999 states that "business actors are prohibited from producing and/or trading goods and/or services that do not



meet the required standards and the provisions of laws and regulations."¹ Additionally, personal care products have become an integral part of people's lifestyles, particularly among women. However, the proliferation of illegal cosmetics that circulate without official licenses and contain harmful ingredients, such as hydroquinone, mercury, and lead, has triggered widespread public concern and jeopardized consumers' rights to obtain safe and high-quality products. Although Indonesia has regulated this matter through the legal basis of Law Number 8 of 1999 on Consumer Protection, this case reveals a real discrepancy between the existing regulations and their application in the field. Article 8, paragraph (1) letter a of Law Number 1999 explicitly states that "business actors are prohibited from producing and/or trading goods and/or services that do not meet the required standards and the provisions of laws and regulations."

In the Banda Aceh area, the number of beauty product users continues to grow in line with the increasing understanding of the community, especially among women, about the importance of taking care of their appearance. This development is influenced by social media and pop culture, which encourage the creation of specific beauty standards, leading many women to try to imitate this look. This is evident from the results of supervision conducted by the Food and Drug Supervisory Agency (BPOM) in Aceh, which revealed that many hazardous cosmetics were still being sold freely in various shops and beauty clinics in the Banda Aceh area. Products such as glowing day cream, collagen day and night cream, and temulawak cream, which contain harmful chemicals, especially mercury, are still widely circulated and used by the public, despite the BPOM's strict ban on their circulation. Typically, cosmetics containing these harmful ingredients are sourced from traditional markets, grocery stalls, or even through various digital platforms, including social media and online stores. Consumers prefer to buy in these places because they are considered more accessible and offer more affordable prices compared to purchases at drugstores or official stores that sell pharmaceutical and skincare products, which are guaranteed to be safe.²

¹ Article 8 paragraph 1 letter a of Law Number 8 of 1999 concerning Consumer Protection

² Priaji, Sekar Ayu Amiluhur. "Legal Protection Against the Distribution of Cosmetics that Harm Consumers." (2018).

The Food and Drug Administration (BPOM) consistently conducts strict monitoring of cosmetic products that contain harmful substances. This step is based on the provisions written in Article 3, paragraph (1) letter d of Presidential Regulation No. 80/2017 on the Food and Drug Supervisory Agency, which emphasizes that BPOM is responsible for carrying out supervisory functions both at the stage before and after the product is circulated to the broader community.³ Although various prohibition and control efforts have been implemented, the reality is that many similar products continue to circulate in the market, including in several shops and beauty clinics. This situation highlights weaknesses in the supervision system and the application of the law, as well as low legal awareness among the public or consumers regarding their rights to obtain safe and standardized products, and inadequate supervision of online product trading.

Law No. 8/1999 on Consumer Protection regulates consumers' rights to obtain safe products and comply with the standards of use. In Article 4, the regulation emphasizes that every consumer has the right to feel comfortable, get security guarantees, and obtain protection from potential hazards when using goods or services.⁴ However, the implementation of this policy still faces various challenges. One of the primary issues is the limited consumer understanding of the rights they should have when using cosmetic products. Many people are not fully aware of the importance of checking distribution permits, ingredients, and product labels before purchasing cosmetics. Additionally, the low level of awareness about the risks of hazardous chemicals in cosmetics is also a contributing factor to the high consumption of potentially harmful products.

This study aims to examine the extent of legal protection efforts provided to users of dangerous cosmetics in the Banda Aceh area, especially those carried out by the Aceh Food and Drug Supervisory Agency (BPOM). This study focuses on the various types of legal protection applied by BPOM based on the provisions in Law No. 8 of 1999 on Consumer Protection, as well as how the implementation of the supervisory function regarding the distribution of hazardous cosmetics operates in the field, including the obstacles that arise during the process. The author argues that the success of legal protection is not only determined by the existence of regulations, but also

³ Article 3 paragraph (1) letter d of Presidential Regulation Number 80 of 2017 concerning the Food and Drug Supervisory Agency.

⁴ Article 4 of Law Number 8 of 1999 concerning Consumer Protection.



depends on the active role of supervisory institutions, such as BPOM, the compliance of business actors with established rules, and public awareness of the importance of choosing safe products that have obtained an official distribution permit from BPOM. By adopting this approach, it is hoped that this article will contribute constructive ideas to enhance legal protection for cosmetics consumers in Banda Aceh.

DATA AND METHODS

This research uses a juridical-empirical method with a sociological approach as an analytical framework. This approach was chosen to examine the extent to which the implementation of Law No. 8/1999 on Consumer Protection can be effectively applied in practice in the field, especially in the context of consumer protection from hazardous cosmetic products in the Banda Aceh area. This study was conducted through an in-depth analysis of the applicable legal norms as well as the supervision mechanism carried out by BPOM Aceh. Additionally, the study collected data directly from victims to assess the effectiveness of the implemented supervision.

In its implementation, this research relies on two primary data sources: primary data and secondary data, each of which plays an important role. Primary data was collected through interviews with five women who were victimized by the use of cosmetics containing hazardous ingredients and experienced adverse health impacts. The selection of respondents was conducted using a purposive sampling technique, where subjects were selected based on their personal experience of being directly affected by the use of risky substances in cosmetic products. The interview process was conducted ethically, beginning with the obtaining of participants' informed consent, maintaining the confidentiality of their identities, and was based on the willingness and voluntariness of the interviewees.⁵ As for secondary data, it includes primary legal sources such as Law No. 8/1999 on Consumer Protection, various regulations issued by the Food and Drug Supervisory Agency (BPOM), as well as additional legal sources in the form of various legal literature. The literature includes books, scientific articles, academic journals, research results, theses, and official documents related to consumer protection, as well as documents issued by BPOM obtained through access from the Information and Documentation Management Officer (PPID). This

⁵ Interview with five consumers who used dangerous cosmetics in Banda Aceh, February 5 2025.

secondary data has an essential function in supporting the analysis of legal norms and policies that apply in institutional supervision.⁶

The data collection process in this research involves primary data collection conducted through in-depth interviews, aimed at obtaining detailed information and contextual descriptions of the consumer experience and the implementation of applicable legal protections. Secondary data were collected through library research, which involved reviewing various laws and regulations, as well as other relevant literature sources.

RESULTS AND DISCUSSION

A. Legal Protection for Consumers of Dangerous Cosmetics

Legal protection for consumers of cosmetic products is regulated in Law Number 8 of 1999 on Consumer Protection. This law guarantees the main rights of users, such as "the right to obtain a sense of comfort, security, and safety when using a good or service, as well as safety when using goods and/or services".⁷ In Article 8 paragraph (1) letter e of the regulation, it is emphasized that "business actors are strictly prohibited from producing and trading goods that do not meet the standards of quality, composition, and information stated on the packaging, including cosmetic products that have the potential to endanger the health of consumers".⁸ In Article 4, consumers have the right to obtain accurate, transparent, and honest information about the condition and warranty of the goods or services they are using. Furthermore, Article 4 states that every consumer has the right to obtain accurate, transparent, and honest information about the condition and warranty of the products or services they use. On the other hand, Article 7 contains provisions on the obligation of business actors to provide appropriate information and be responsible for maintaining the quality and safety of the products they offer to the public.⁹

Consumer protection in Indonesia is comprehensively implemented through "Law Number 8 of 1999 on Consumer Protection (UUPK)". This regulation emphasizes various principles of consumer protection, including aspects of expediency, principles of justice, elements of security, and

⁶ Ferdian, Lucky Rahul, Komang Febrinayanti Dantes, and Si Ngurah Ardhy. "Legal protection for consumers against the circulation of dangerous cosmetics (Case Study of the Food and Drug Supervisory Agency in Buleleng)." *Journal of Sui Generis Law* 3.4 (2023) , p. .216

⁷ Article 4 of Law Number 8 of 1999 on Consumer Protection.

⁸ Article 8, paragraph (1), letter e of Law Number 8 of 1999 on Consumer Protection

⁹ Article 7 of Law Number 8 of 1999 on Consumer Protection



guarantees of legal certainty in transactions. In the cosmetics sector, supervision is carried out by BPOM as an official institution, which has specific regulations, including "BPOM Regulation Number 2 of 2020" on the procedures for supervising cosmetics production and distribution activities, and "Regulation 1175/MENKES/PER/VIII/2010" which regulates cosmetics production licensing. These provisions stipulate the responsibility of business actors to produce and distribute cosmetics that are guaranteed to be safe, of good quality, and have obtained a valid distribution permit.¹⁰ All cosmetics in circulation must have a distribution license issued by the "Food and Drug Administration (BPOM)" as stipulated in "Law Number 36 of 2009 concerning health". In addition, BPOM also issues technical regulations regarding the supervision of cosmetics, for example "BPOM Regulation No. 18 of 2024," which contains provisions on cosmetics labeling, promotion, and advertising, with the primary objective of protecting consumers from potential fraudulent information and the use of products that could pose a health risk.

Business actors in the cosmetics sector have a significant responsibility to ensure the quality, safety of use, and accuracy of information about the products they produce and market. Based on the rules issued by the Food and Drug Administration (BPOM), manufacturers and distributors must comply with the provisions governing the marking, promotion, and advertising of cosmetic products. The aim is to prevent consumers from experiencing misunderstandings regarding the benefits or how to use the product, as well as to ensure that the products sold in the market meet the established safety and quality standards. In terms of administrative completeness, every business actor is required to have a Business Identification Number as their legal identity. In addition, they must also conduct a cosmetic product notification process with BPOM, as stipulated in "BPOM Regulation Number 12 of 2020". This procedure involves reviewing the ingredients used in the formulation, assessing the benefit claims included in the product, and examining the label to ensure the information provided complies with the regulations before the product is officially marketed.¹¹ In addition, businesses must ensure that the production stages are carried out in accordance with "proper cosmetics manufacturing standards" to maintain the quality and

¹⁰ Regulation of the Minister of Health of the Republic of Indonesia Number 1175/MENKES/PER/VIII/2010 on Cosmetics Production License

¹¹ Food and Drug Administration Regulation Number 12 of 2020 concerning Procedures for Submitting Notifications of Cosmetics



safety of the products produced. Suppose business actors distribute or sell products without obtaining a valid or official "distribution permit". In that case, they risk legal sanctions, which can include fines or even criminal detention, as stipulated in applicable Indonesian laws.

Although the legal basis is firm, the fact remains that many cosmetics containing hazardous substances continue to circulate in the market, both through offline and online channels. These products are often found to contain harmful ingredients, such as mercury and hydroquinone, that can endanger health.¹² This situation highlights a discrepancy between the rule of law and its implementation in the field. The penalties applied have not had a deterrent effect on business actors, so they still dare to produce and distribute cosmetic products containing hazardous ingredients. The implementation of law enforcement against these violations is relatively weak and inconsistent. Business actors who are proven to violate rarely receive strict sanctions, both in terms of administrative and criminal sanctions, as stipulated in Article 62 of the Consumer Protection Law.¹³

One of the factors contributing to this uneven implementation is the lack of coordination between various supervisory agencies, along with limited resources at agencies such as BPOM and health offices, which hinders their ability to comprehensively monitor the distribution of cosmetics.¹⁴ This imbalance is further exacerbated by the lack of public education on the risks associated with using illegal cosmetics, which keeps demand for these products high among the public. This condition highlights that, although legal norms exist, their implementation has not been optimal, resulting in inadequate legal protection for consumers. Therefore, the existence of legal norms without consistent implementation will render them ineffective. Thus, improvements are needed in the areas of law enforcement, public awareness, and inter-institutional collaboration to ensure that consumer protection against dangerous cosmetics in Banda Aceh can be implemented effectively and fairly.

The types of violations often identified by BPOM Aceh include the circulation of products without distribution permits, violations of labeling and

¹² Simbala, Natanael Alfius Jolly. 2024. "Legal Protection of Consumers on the Circulation of Mercury Cosmetics According to Law Number 8 Year 1999 on Consumer Protection." *Lex Administratum* 12 (4).

¹³ Article 62 of Law Number 8 Year 1999 on Consumer Protection

¹⁴ Wiyono, Tri Sulismuji. "Legal Protection of Consumers against Food Products Containing Hazardous Ingredients." *Journal of Legal Science: ALETHEA*) 4.1 (2020): 21-40.



advertising regulations, and the discovery of products that do not meet quality standards due to the presence of hazardous substances. In recent years, BPOM has consistently found cases of cosmetics being circulated that contain dangerous ingredients, both in physical stores and through online platforms. To suppress the circulation of illegal cosmetics online, BPOM actively conducts cyber patrols, monitors online buying and selling sites, and conducts routine field operations. If dangerous cosmetic products are found, BPOM immediately confiscates the products for follow-up and imposes sanctions on business actors, ranging from stern warnings to criminal penalties. This law enforcement is carried out in an integrated manner, together with Satpol PP, the Police, the Health Office, and Customs.¹⁵

B. Dangerous Cosmetics Monitoring by BPOM Aceh

The Food and Drug Supervisory Agency, commonly abbreviated as "BPOM," is an official agency of the Indonesian government responsible for regulating, setting quality standards, and certifying products such as food, medicines, cosmetics, and other goods related to public health and consumer safety. This institution has a vast scope of duties, ranging from the initial stages of production and distribution in the field to the use of these products by consumers, and ensuring their safety. BPOM operates as a "Non-Ministerial Government Institution (LPNK)", and all of its supervisory activities are based on Indonesian laws and regulations. Based on Article 4 of "Presidential Regulation No. 80/2017", BPOM has several authorities, including: first, to issue distribution permits and certificates for products that have met the requirements of safety, quality, and benefits, based on test results by legal provisions; second, to carry out investigations into violations in the field of drug and food control by applicable regulations; and third, to impose administrative sanctions on parties who violate the rules, by binding legal provisions.¹⁶

In carrying out its functions, NA-DFC holds a significant responsibility in formulating national policies related to the supervision of drugs and food. In addition to designing these policies, BPOM is also responsible for

¹⁵ Interview with Endang Yuliawati, Chair of Information Team and Documentation BPOM Aceh, Banda Aceh, 4 June 2025.

¹⁶ Gelong, Hendrik Ruben, and Tasman Agung Prahaditama. 2024. "BPOM Supervision of the Distribution of Dangerous Cosmetics in Baubau City." *Kanturuna Wolio Journal of Law*, pp.49.

implementing them effectively, as well as compiling and establishing norms, standards, procedures, and criteria that serve as a reference in supervision at the stage before products circulate in the market ("pre-market") and when they are already on the market ("post-market"). This supervision process includes various interrelated steps, starting from product registration and laboratory testing, to examination or inspection of production facilities and distribution channels, and ultimately, legal action against those who violate the provisions or regulations applicable in the drug and food sector.¹⁷

Based on the interview with the "Head of Information and Documentation Team of BPOM Aceh", it was stated that the supervision process is carried out thoroughly through two main approaches: "pre-market" and "post-market". In the "pre-market" phase, NA-DFC conducts in-depth evaluations of product registrations, checks the legality of "industrial certificates", and provides various considerations or "recommendations" regarding "import and export" activities before a product is allowed to circulate in the market. Meanwhile, in the "post-market" phase, supervision includes direct inspection of production and distribution facilities, review of "advertising" materials or content, and implementation of counseling or "education" programs to improve public understanding of product safety.¹⁸

In the stage known as pre-market, the registration process is carried out online through the BPOM's "electronic platform". At this stage, businesses are required to apply for product notification by completing several essential documents. These include the "Business Identification Number (NIB)", details of the product formula, test results from an accredited laboratory, and the label design planned for the packaging. After the application is completed and the files are uploaded to the system, BPOM then conducts a thorough examination to assess the safety, quality, and claimed benefits or efficacy of the product.

One of the main focuses in the assessment process is an in-depth review of the content or composition of the ingredients, including checks to ensure the product is entirely free of harmful ingredients such as "mercury", "hydroquinone", and various other prohibited chemical substances that are banned from use in the manufacture of cosmetics. If the product successfully meets all applicable provisions, requirements, and regulatory standards, the

¹⁷ Article 3 of Presidential Regulation of the Republic of Indonesia Number 80 of 2017 on the Food and Drug Supervisory Agency

¹⁸ Interview with Endang Yuliawati, Chair of Information Team and Documentation BPOM Aceh, Banda Aceh, 4 June 2025.

“BPOM” will grant an official distribution permit. This permit serves as proof of legality required by the manufacturer or distributor to legally market their products in the Indonesian jurisdiction.¹⁹ Although the pre-market mechanism is strictly regulated, studies and reports in the field reveal that some business actors still attempt to market products without distribution permits or use hazardous chemicals for personal gain. This condition highlights the need for more intensive supervision and strict law enforcement.

After the products are available in the market, BPOM continues to monitor them through post-market activities, which include routine checks on distribution sites such as cosmetic shops, beauty clinics, and storage warehouses. The inspection aims to ensure that products on the market comply with the distribution license and are free from hazardous chemicals. In addition to inspection, BPOM also conducts random sampling of products to be tested in the laboratory. This test is designed to ensure that products with distribution permits continue to meet quality and safety standards while in circulation in the community. If violations are found, such as products containing hazardous materials or those without distribution permits, BPOM has the authority to withdraw the products from circulation, destroy them, and take legal action against the business actors.²⁰ In reality, BPOM Banda Aceh often encounters violations in the form of cosmetic products that circulate without a distribution permit and fail to comply with established quality standards and labeling requirements. Violating business actors will be subject to administrative or criminal penalties as outlined in applicable regulations. In addition to conducting direct supervision, BPOM Banda Aceh is also actively conducting cyber patrols to monitor and handle the circulation of illegal cosmetics on digital platforms, which are increasingly numerous and complex to control.²¹

According to data from the Banda Aceh Food and Drug Monitoring Center (BBPOM), 2,920 cosmetic products containing hazardous substances were found in Banda Aceh, Lhokseumawe, North Aceh, and Aceh Besar. The products include various types of cosmetics, such as lipsticks, face masks, and eyebrow pencils, that contain harmful substances like mercury and lead. These

¹⁹ Interview with Endang Yuliawati, Chair of the Information Team and Documentation of BPOM Aceh, Banda Aceh, 4 June 2025.

²⁰ Regulation of the Head of the Food and Drug Supervisory Agency of the Republic of Indonesia Number 28 of 2017 on Post-Circulation Supervision of Drugs and Food .

²¹ Interview with Endang Yuliawati, Head of Information Team and Documentation BPOM Aceh, Banda Aceh, 4 June 2025.

ingredients have the potential to cause allergies, skin irritation, and damage to the skin and organs, such as the kidneys and nervous system, if used for an extended period. The findings reveal that at least 52 sales locations in Aceh continue to market illegal cosmetics containing hazardous substances, with an estimated economic value of IDR 51.1 million.²² A similar incident occurred in Bireun District, where a person with the initials YN was arrested for allegedly selling illegal cosmetic products found in his shop. In a joint raid conducted by BPOM Aceh, Bireun Police, and Aceh Police, unlicensed cosmetic products were found in a shop on Jalan Laksamana Malahayati, Kuala District. The evidence confiscated included lotion concoctions from Thailand as well as various cosmetic brands such as Vit-E, MYHO Blush Stick, and other products that lacked distribution permits. The suspect, YN, is suspected of violating Article 435 of Law Number 17 of 2023 concerning Health, with a penalty of 12 years' imprisonment and a maximum fine of 5 billion rupiah.²³

A report from BPOM Banda Aceh in 2023 revealed that more than 200 cases related to illegal cosmetics had been identified and handled in the Banda Aceh area, indicating the rampant circulation of cosmetic products that are harmful to consumers.²⁴ BPOM continues to remind manufacturers and business players not to make overclaims and to comply with distribution permit regulations to protect consumers from potential health hazards. Although the Food and Drug Monitoring Agency (BPOM) has carried out supervision of drug, food, and cosmetic products by applicable regulations, the agency still faces several challenges in this field. One of the main obstacles is the rampant online trade of illegal cosmetic products. Sales through e-commerce platforms and social media continue to increase, but the supervision of products sold online remains suboptimal.

BPOM Banda Aceh continues to collaborate with various agencies, including Satpol PP, the Police, the Health Office, and Customs, in carrying

²² Republika. "BPOM Banda Aceh Confiscates 2,920 Illegal Cosmetics in Aceh Province." *Republika*. 2024. Accessed December 20, 2024. https://news.republika.co.id/berita/rfzk_mi484/bbpom-banda-aceh-sita-2920-illegal-cosmetics-in-aceh-province.

²³ Serambi News, "Case of Woman Selling Illegal Cosmetics Containing Dangerous Ingredients in Bireun to Kejari, this is the product," *Serambi News*, July 19, 2024, <https://aceh.tribunnews.com/2024/07/19/kasus-wanita-jual-kosmetik-illegal-mengandung-bahan-berbahaya-di-bireun-ke-kejari-ini-produknya>, accessed December 28, 2024.

²⁴ Rahmawati, Fitri. *Supervision Strategy of the Banda Aceh Food and Drug Supervisory Center (BPOM) Against the Distribution of Illegal Cosmetics Through Social Media in Banda Aceh City*. Diss. UIN Ar-Raniry Banda Aceh, 2019.

out supervision and action against illegal products.²⁵ This collaboration strengthens monitoring efforts while providing a deterrent effect for business actors who violate the rules. In addition, BPOM Banda Aceh also focuses on public education and empowerment. Through social media platforms, podcasts, and the BPOM Mobile application, BPOM provides information and complaint facilities that are easily accessible to the public. The public is invited to routinely check KLIK (Packaging, Label, Edar License, and Expiration) before purchasing cosmetic products and immediately report any suspicious products so that BPOM can take follow-up action.

However, BPOM Banda Aceh acknowledges that the challenges in supervision remain substantial. The lack of public awareness and understanding regarding the importance of choosing safe products, combined with the rise of online transactions, are the main obstacles to adequate supervision. Therefore, BPOM continues to improve its supervisory capacity, strengthen cooperation with related agencies, and expand educational activities to achieve more effective consumer protection.

C. Effectiveness of Legal Protection of Dangerous Cosmetics by BPOM in Banda Aceh

Legal protection for users of dangerous cosmetic products in the Banda Aceh area has been pursued through strict supervision and decisive action by the Food and Drug Supervisory Agency (BPOM). Although several regulations and control systems have been implemented, the effectiveness of this protection still faces various obstacles, as evident from the real-life experiences of victims who have used dangerous cosmetics. The level of understanding among the Banda Aceh community regarding the legal and safety aspects of cosmetic products remains relatively low. Many users are unaware of the importance of distribution permits from BPOM as a safety standard. The younger generation, in particular, often overlooks the legality of the products they use, making them vulnerable to becoming victims of the circulation of illegal cosmetics containing hazardous ingredients.

Several factors cause this low level of legal awareness. First, legal counseling from relevant agencies remains general and has not been specifically targeted at the cosmetics user community. Second, the massive

²⁵ Interview with Endang Yuliawati, Chair Team Information and Documentation BPOM Aceh, Banda Aceh, 4 June 2025.

promotion of illegal cosmetics on social media platforms is often more attractive and convincing than official government information. Third, a consumptive lifestyle that is easily tempted by promises of quick results and low prices makes consumers prioritize product benefits over safety. This finding aligns with Pratiwi's research, which indicates that the majority of users do not recognize the BPOM distribution permit number as proof of a product's legality and safety.²⁶

Based on interviews with several users of dangerous cosmetics in Banda Aceh, it was found that the majority of them lack a sufficient understanding of their consumer rights and the regulations governing cosmetic safety. For example, NM (22 years old) stated that she never checked BPOM as a distribution permit when buying products because she did not realize the importance of it. After experiencing irritation and adverse effects, NM did not report the incident because she was unsure who to report it to. A similar experience was also reported by RU (21 years old), who purchased illegal products online. She said she bought the product based on her friend's recommendation. RU did not report the side effects she experienced because she did not understand the complaint procedure or government regulations related to dangerous cosmetics.²⁷ Several other survivors, such as RS (19 years old) and FK (22 years old), expressed their distrust of the available complaint system mechanism. They felt that the reports they submitted would not receive serious attention, so they chose not to report, despite having experienced adverse impacts. In addition, the victim HRA (20 years old) argued that the supervision of the circulation of illegal products is still less than optimal, so dangerous goods are still easily found by the public. This condition shows weaknesses in the implementation of BPOM regulations and supervision in the field.²⁸

The impact of ignorance not only causes physical damage but also mental stress, including feelings of shame, anxiety, and decreased self-confidence. Some victims feel helpless and reluctant to share their experiences because they consider it a personal mistake. The interviews revealed a

²⁶ Padmayani, Ni Putu Gita, I. Nyoman Putu Budiartha, and Ni Made Puspasutari Ujianti. "Legal Protection of Consumers for Users of Illegal Cosmetics Advertised by Influencers on Social Media." *Journal of Legal Preference* 3.2 (2022): 312-317.

²⁷ Interview with one of consumers (RU) users of dangerous cosmetics Banda Aceh, 10 March 2025.

²⁸ Interview with one of consumer (HRA) users of dangerous cosmetics Banda Aceh, 14 March 2025.

consistent pattern of ignorance among consumers. In addition to the lack of awareness related to education, the absence of access to information, and a lack of trust in state institutions, it is evident that the protection of consumers' legal rights has not been optimized. This situation demonstrates that one of the key elements in the success of law, namely public legal awareness, has not been fully maximized.

In terms of supervision, BPOM Banda Aceh has taken various essential actions, including the withdrawal and destruction of cosmetic products containing hazardous ingredients, as well as legal action against business actors who violate distribution permit regulations. However, limited workforce and challenges in supervision in the digital era, especially with the rise of sales through marketplaces such as Shopee, TikTok Shop, and social media, are the main obstacles in effectively addressing the circulation of dangerous cosmetic products. This suggests that the existing legal protection has not been entirely adequate and requires strengthening from multiple angles.

According to Soerjono Soekanto, legal effectiveness is strongly influenced by five primary elements, namely legal content, law enforcement officials, supporting facilities, society, and legal culture. In this case, the role of the community appears to be less significant because consumers lack sufficient information and legal awareness to effectively claim their rights. Without the active involvement of the community as a legal subject, the application of the law will not provide significant protection. These results indicate that, although regulations related to consumer protection and cosmetics supervision by BPOM already exist, their implementation remains limited by low consumer legal awareness, inadequate public education, and constraints in law enforcement. Therefore, increased socialization, ease of filing complaints, and transparency in law enforcement are crucial factors in strengthening consumer protection in practical terms. Thus, the lack of consumer knowledge and low legal awareness are the leading indicators that the implementation of Law No. 8/1999, in terms of protecting dangerous cosmetics, in Banda Aceh has not been maximized.

CONCLUSION

The results of the study related to the effectiveness of legal protection for consumers of hazardous cosmetics carried out by BPOM in Banda Aceh show that the legal protection applied has been based on clear regulations and organized supervision mechanisms, both at the stage before the product enters

the market (pre-market) and after the product circulates (post-market). However, the implementation in the field still encounters various obstacles, such as limited resources, challenges in monitoring online sales, a lack of education, and low public awareness of the importance of the safety and legality of cosmetic products. Additionally, a legal culture that does not fully support compliance with regulations is also a significant obstacle. Data from the field and interviews with victims show that illegal and risky cosmetic products are still widely circulated, and the available legal protection has not been entirely adequate and has not been able to prevent losses experienced by consumers. Therefore, although BPOM Banda Aceh has carried out various supervision and enforcement actions, the legal protection of consumers of hazardous cosmetics must be strengthened by increasing synergy between related agencies, enhancing the supervisory capacity, as well as continuous education and empowerment of the community so that consumer protection becomes more optimal and risks due to the use of hazardous cosmetics can be minimized.

REFERENCES

- BPOM. 2020. "Regulation of the Food and Drug Administration No. 12 of 2020 on the Procedure for Submitting Cosmetics Notification." Food and Drug Administration of the Republic of Indonesia, no. 661, 1-31.
- Ferdian, Lucky Rahul, Komang Febrinayanti Dantes, and Si Ngurah Ardhya. 2023. "Legal Protection of Consumers Against the Distribution of Dangerous Cosmetics (Case Study of the Food and Drug Supervisory Agency in Buleleng)." *Journal of Sui Generis Legal Science* 3 (4): 216-24. <https://doi.org/10.23887/jih.v3i4.2786>.
- Gelong, Hendrik Ruben, La Ode Abdul Hamid, and Tasman Agung Prahaditama. 2024. "Bpom Supervision of the Distribution of Dangerous Cosmetics in Baubau City." *Journal of Legal Science, Kanturuna Wolio* 5(1): 49-58. <https://doi.org/10.55340/kanturunawolio.v5i1.1447>.
- Ministry of Health. 2010. "Regulation of the Minister of Health of the Republic of Indonesia Number 1175/MENKES/PER/VIII/2010 Concerning Cosmetics Product License." Directorate General of Pharmaceuticals and Medical Devices, no. 396, 1-32.
- News, Serambi. 2024. Case of Woman Selling Illegal Cosmetics Containing Dangerous Ingredients in Bireun to Kejari, Here are the Products. <https://doi.org/https://aceh.tribunnews.com/2024/07/19/kasus-wanita-jual-kosmetik-illegal-mengandung-bahan-berbahaya-di-bireun-ke-kejari-ini-produknya>.
- Ni Putu Gita Padmayani, I Nyoman Putu Budiartha, and Ni Made Puspasutari Ujianti. 2022. "Legal Protection of Consumers for Users of Illegal Cosmetics Advertised by Influencers on Social Media." *Journal of Legal Preference* 3 (2): 312-17. <https://doi.org/10.55637/jph.3.2.4936.312-317>.



- Perpres. 2017. "Presidential Regulation of the Republic of Indonesia Number 80 of 2017 on the Food and Drug Administration." President of the Republic of Indonesia, articles 1, 2, and 4.
- President of the Republic of Indonesia. 1999. "Law of the Republic of Indonesia Number 8 of 1999 Concerning Consumer Protection." Government Regulation of the Republic of Indonesia 2003 (1): 1-46.
- Priaji, Sekar Ayu Amiluhur. 2018. Legal Protection Against the Distribution of Cosmetics that Harm Consumers. Universitas Islam Idonesia, Yogyakarta.
<https://doi.org/10.1016/j.mfglet.2017.12.003> <http://dx.doi.org/10.1016/j.cirpj.2011.06.007> <http://dx.doi.org/10.1016/j.procir.2016.02.316> <https://doi.org/10.1016/j.jmapro.2018.03.033>
- Rahwmawati, Fitri. 2019. Supervision Strategy of the Banda Aceh Food and Drug Monitoring Center (BPOM) Against Illegal Cosmetics Distribution Through Social Media in Banda Aceh City. Ar-Raniry State Islamic University.
- Republic. 2024. BPOM Banda Aceh Confiscates 2,920 Illegal Cosmetics in Aceh Province.
<https://doi.org/https://news.republika.co.id/berita/rfzkm484/bpom-banda-aceh-sita-2920-kosmetik-ilegal-di-provinsi-aceh>.
- Simbala, Natanael Alfius Jolly, Deine R. Ringkuangan, and Meiske Mandey. 2024. "Legal Protection of Consumers on the Circulation of Mercury Cosmetics According to Law Number 8 of 1999 on Consumer Protection." Journal of the Faculty of Law UNSRAT Lex Administratum 12 (4).
<https://ejournal.unsrat.ac.id/v3/index.php/administratum/article/view/55732>.
- Wiyono, Tri Sulismaji. 2020. "Legal Protection of Consumers Against Food Products Containing Hazardous Ingredients." Journal of Legal Science: ALETHEA 4 (1): 21-40. <https://doi.org/10.24246/alethea.vol4.no1.p21-40>.

