

The Effectiveness of Skincare Laws and Regulations Can Jeopardize the Condition of the Human Body

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ABSTRACT

Determining the legal framework and liability of skincare manufacturers for skin health is a critical issue. Normative legal research examines the structure, foundation, and components of the regulatory system, providing shape and boundaries to its application. Deviant behaviors, such as crimes, continue to exist in society. The application of law as a means to address these issues is expected to yield appropriate and effective solutions. The form and nature of criminal offenses or violations should reflect fairness and appropriateness in their resolution.

Keywords: Effectiveness of Legislation, Crime, Skin Care.

I. Introduction

Power is not the only foundation for the rule of law in Indonesia. This is clearly stated in the General Explanatory Memorandum, Affirmation, and Justice. Indonesia adheres to the principle of rule of law, where every citizen is subject to the law. According to Soerjono Soekanto, as cited by Zainuddin Ali, citizens who know, understand, and obey the law will respect it. In other words, they truly believe that the law ensures security and order. The law governs both the inner and outer aspects of human beings (Zainuddin Ali, 2019). Legal relations are governed by law. These relationships are structured and often involve organized interactions. At times, they are defined by events that arise. Life is guided by normative rules, including those related to punishment. The law helps individuals live harmoniously in society by establishing moral guidelines to ensure that things proceed smoothly (R. Soeroso, 2021).

Crime can be viewed as an element that raises awareness. It occurs in various places across Indonesia. Social events that unfold within different layers of society are often referred to as crimes. Additionally, many types of crimes in Indonesia are frequently reported in both online and offline newspapers (Nandang Sambas, Dian Ansari, 2019). These crimes are part of criminal offenses, and they involve methods that are improper and violate the law in order to fulfill personal interests within society. One of the reasons people violate the rules to fulfill their needs is financial problems. Most offenders do not realize that their criminal actions go against the moral principles that should "govern and compel" behavior. All crimes that occur today must be legally reviewed in relation to the perpetrators of these offenses. Development in the health sector is essential, as it is outlined in the statement: "Protecting the entire Indonesian nation and all of Indonesian territory, promoting the general welfare, educating the nation's life, and participating in implementing world order

based on independence, lasting peace, and social justice." Improving health is a key aspect of public health. According to the Health Law, health is essential for life. Progress in health is beneficial for improving health status, ensuring justice, promoting gender equality, and respecting rights and obligations. However, improper health development can have detrimental effects. With progress, more knowledge about health has emerged. However, mistakes are often made, such as the circulation of dangerous skincare products that can damage people's skin.

Guidelines for informational documents on cosmetic products, especially perfumes and skincare, are essential. Skincare, as part of cosmetics, refers to a regimen aimed at maintaining healthy and youthful facial skin. Since skincare is a long-term commitment, it often involves higher costs. Investing in skincare to maintain youthful skin can also be seen as an investment in overall skin health. This industry often contains harmful substances or ingredients, such as mercury, which can damage the face and skin. In a study involving 40 respondents, mostly Household Assistants (ART) aged 20-30 years, Lita Rosa presented the results of student work related to the respondents' level of knowledge. The findings revealed that the respondents surveyed were using products containing mercury (Lita Rosa, 2021). The use of mercury in skincare products can affect various parts of the human body.

In 2022, BPOM discovered cosmetics worth thirty-two billion rupiah, including skincare products. Four products were identified and reported. Further investigations conducted from October 2023 to August 2024 revealed hazardous ingredients in skincare products, as reported on the official BPOM website. "Any person who intentionally produces or distributes pharmaceutical preparations and/or medical devices that do not meet the standards and/or requirements for safety, efficacy, usefulness, and quality, as referred to in Article 98, paragraphs (2) and (3), shall be punished with a maximum imprisonment of 10 (ten) years and a maximum fine of Rp1,000,000,000.00 (one billion rupiah)." Pharmaceutical preparations used in skincare must be administered after obtaining the necessary approvals. "Pharmaceutical preparations and medical devices can only be circulated after receiving a distribution license." One of the factors that encourage the circulation of products is their price, especially when compared to those that have a distribution permit. Additionally, many individuals lack sufficient knowledge about the consequences of selling skincare products without proper authorization and the sanctions that may be imposed on them. The problem formulations of this research are as follows:

- a. How can criminal regulations related to skincare pose a threat to human health?
- b. How do skincare products endanger consumers' skin health?
- c. What efforts can be made to prevent skincare products from harming the human body?

II. Research Method

This research is of a normative legal type, focusing on how principles or standards in positive law are applied. The study is conducted using a normative juridical approach, also known as doctrinal legal research. The normative juridical approach views the law as what is written in legal texts, and systematic research can be carried out based on specific legal books or laws and regulations.

III. Result and Discussion

3.1. Criminal regulations governing skincare can endanger human health

Basic regulations are enforced because they have a foundation, structure, and continuous functioning parts that shape and set boundaries for the whole system (Guntur Rambey, 2022). Deviant behavior, including criminal acts, still exists in society. It is expected that the law, in its form and nature, addresses such behavior. The implementation of fair and appropriate legal measures is essential to prevent acts that may be detrimental to society. One of the main conditions that allows for the imposition of punitive

measures is certainty, where a person can clearly understand the consequences (Asliani Harahap). The principle "No act can be punished unless it has been regulated in a statutory regulation" is the provision contained therein. In relation to the circulation of skincare products that are harmful to health, the author connects several criminal offenses, including the following: "Whoever sells, offers for sale, delivers, or distributes goods that they know to be dangerous to life or health, while the nature of the danger has not been disclosed, shall be punished with a maximum imprisonment of fifteen years." As the circulation of dangerous skincare products increases, Penny K. Lukito reported in 2019 that BPOM discovered cosmetics containing banned ingredients worth thirty-two billion rupiah. Additionally, BPOM Jakarta has been collaborating in efforts to combat illegal and health-hazardous cosmetic products. On Thursday, March 9, 2023, BPOM took action, resulting in the confiscation of evidence related to these products.

The investigation revealed that skincare products containing furoate and fluocinolone, along with bottles worth 164 million rupiah, were found. Additionally, finished products such as night lotions and face creams without brand names, valued at 1.2 billion rupiah, were also discovered. It is estimated that the perpetrators have been engaged in this production practice for a significant period. These skincare products, which are widely circulated, pose serious concerns regarding safety and usability. Furthermore, the hygiene and sanitation practices in the production facilities were found to be extremely poor. Based on the investigation into the manufacturing process of cosmetic products and the production or distribution business, it is stated that: "Any person who intentionally produces or distributes pharmaceutical preparations and/or medical devices without a distribution permit, as referred to in Article 106 paragraph (1), shall be punished with a maximum imprisonment of 15 (fifteen) years and a maximum fine of Rp1,500,000,000.00 (one billion five hundred million rupiah)." Second, the manufacture or distribution that provides benefits is mentioned in the crime.

3.2. Against Skincare Products That Threaten Consumers' Skin Health

A business actor is defined as any individual or business entity, whether established as a legal entity or not, that is based in or conducts activities within the jurisdiction of the Republic of Indonesia. This includes both individuals and entities acting jointly under an agreement to engage in business activities across various economic sectors. Providing information, such as through advertisements, brochures, or promotions, is not considered a criminal offense. However, distributing products without obtaining the required distribution permit constitutes a criminal violation. A key condition for imposing penalties is that the offender must be proven to have clear knowledge of the nature of the offense.

a. Producer's Liability to Consumers

Business actors are responsible for compensating consumers for damages, pollution, or losses arising from the consumption of goods and/or services they produce or trade. Regarding harmful and unsafe products, compensation may take the form of:

- 1) Refunds or replacements with goods and/or services of similar or equivalent value.
- 2) Healthcare services.
- 3) Other compensation as stipulated under applicable laws and regulations.

This issue often underscores the gap between the regulatory standards set by the state and the community's demand for justice and consumer protection under existing laws. Producers now face new challenges in addressing the risks of potential lawsuits. There are three main approaches:

- 1) A "track system," which involves criminal sanctions exclusively.
- 2) The application of both basic and additional penalties when criminal sanctions are imposed.
- 3) The use of imprisonment and fines as primary penalties.

Sellers of dangerous skincare products may be subject to criminal charges, but only if investigations confirm that the products pose harm to skin health.

3.3. Efforts to prevent skin care from harming the human body

a. Countermeasures for Harmful Additives

Countermeasures refer to actions taken to address harmful additives in skincare products. Companies involved in the production and distribution of cosmetics must ensure their products meet basic requirements, which include:

- 1) Compliance with Good Manufacturing Practices (GMP) for cosmetics.
- 2) Obtaining certification from the Head of the relevant Agency.
- 3) Proper application and regulation of cosmetics.

Before starting production, companies must obtain a production license, which includes:

- 1) A Cosmetics Production License.
- 2) This license applies to both the cosmetics industry and the manufacturing of cosmetics.

b. Adherence to Standards in Production and Distribution

The production and distribution of cosmetics must comply with established standards, ensuring that products are manufactured using appropriate methods.

c. Protection of Consumer Rights

Consumer rights must be fundamentally protected and clearly communicated. However, in practice, these rights are often overlooked in favor of pursuing significant financial gains.

IV. Conclusion

The principle of strict liability governs the illegality of certain activities. There are two types of companies involved: First, entities that, according to the law, can and may be criminalized. Sanctions may be imposed for activities that cause harm, including the revocation of business licenses. To prevent the circulation of harmful cosmetic ingredients, it is crucial to regulate and ensure the benefits of cosmetics. Furthermore, both preventive and repressive protections can be implemented to safeguard users. According to a BPOM report, many cases of dangerous skincare products in Indonesia remain unresolved. The author emphasizes that the community plays a vital role in reporting illegal activities related to the ingredients used in skincare manufacturing. Prevention must be carried out through the enforcement of applicable laws and regulations. Additionally, supervision of the purchase of pharmaceutical devices or materials from unauthorized sources is essential for ensuring consumer safety.

References

- Ainul Syamsu, M. (2016). *Penjatuhan pidana dan dua prinsip dasar hukum pidana* (Cet. 1). Jakarta: Prenadamedia Group.
- Ali, Z. (2019). *Sosiologi hukum* (Cet. 13). Jakarta: Sinar Grafika.
- Ameliani, P., Iskandar, H., & Wardana, D. J. (2022). Perlindungan hukum bagi konsumen terhadap produk kosmetik yang tidak terdaftar BPOM. *Almanhaj: Jurnal Hukum dan Pranata Sosial Islam*, 4(2), 653–660.
- Anggraini, D. K., Armono, Y. W., & Mayasari, H. (2023). Implementasi kewenangan dari Badan Pengawas Obat dan Makanan dalam peredaran produk kosmetik yang dinilai berbahaya menurut Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen. *Jurnal Pendidikan Dasar dan Sosial Humaniora*, 2(7), 777–786.

- Arkisman, & Sholihah, M. (2022). Kosmetik ilegal ditinjau dari Pasal 197 Undang-Undang Nomor 36 Tahun 2009 tentang Kesehatan.
- Asikin, Z. (2019). Pengantar tata hukum Indonesia (Cet. 4). Depok: PT RajaGrafindo Persada.
- Azayaka, A. R., & Wahyudi, E. (2023). Perlindungan hukum kepada konsumen terhadap produk skincare tanpa izin edar yang dijual secara online. *Jurnal Hukum, Politik dan Ilmu Sosial*, 2(2), 147–159.
- Aziz, A. (2022). Manajemen produk efektif dan efisiensi produk (Cet. 1). Purbalingga: Eureka Media Aksara.
- Dominika, N., & Hasyim, H. (2019). Perlindungan hukum terhadap konsumen atas penjualan kosmetik berbahaya di Indonesia: Suatu pendekatan kepustakaan. *Jurnal Niagawan*, 8(1), 60–67.
- Eddie, L. A. (2020). Merajut asa meraih mimpi jadi penulis: Antologi cerpen, esai, dan puisi (Cet. 1). Yogyakarta: Deepublish Publisher.
- Fatmawati, F. A. (2020). Tanggung gugat produsen kosmetik ilegal atas kerugian konsumen (Doctoral dissertation, Universitas Wijaya Kusuma Surabaya).
- Firmansyah, A. (2019). Pemasaran produk dan merek (Planning dan Strategy). Medan: CV Qiara Media.
- Gabriella, T., & Bakhtiar, H. (2023). Perlindungan hukum kepada konsumen terkait peredaran kosmetik ilegal. *Jurnal Panorama Hukum*, 8(1), 17–23.
- Guntur, R. (2022). Penegakan hukum pidana terhadap tindak pidana pencucian uang di bidang perpajakan. *Juris Studia: Jurnal Kajian Hukum*, 3(2), 1–10.
- Hakim, L. (2020). Asas-asas hukum pidana (Cet. 1). Yogyakarta: Deepublish.
- Hanifah, I., & Faisal, dkk. (2018). Pedoman penulisan tugas akhir mahasiswa Fakultas Hukum Universitas Muhammadiyah Sumatera Utara. Medan: Pustaka Prima.
- Harahap, A. (2020). Penegakan hukum pidana terhadap pelaku yang dengan sengaja menjual sediaan farmasi tanpa izin edar. *Juris Studia: Jurnal Kajian Hukum*, 1(1), 1–6.
- Hukrim. (2023). BPOM Mamuju musnahkan 949 pot kosmetik night cream Wasila. <https://indigo99.com>
- Hutauruk, O. W. S., & Tanaya, P. E. (2023). Perlindungan hukum terhadap pengguna produk perawatan wajah dengan sistem share in jar di e-commerce. *Jurnal Kertha Desa*, 11(5), 2390–2404.
- Irmawanti, N. D., & Arief, B. N. (2021). Urgensi tujuan dan pedoman pemidanaan dalam rangka pembaharuan sistem pemidanaan hukum pidana. *Jurnal Pembangunan Hukum Indonesia*, 3(2), 217–227.
- Isnina, Z., dkk. (2021). Pengantar ilmu hukum (Cet. 1). Medan: UMSU Press.
- Jufri, S. O. (2019). Buku ajar kesehatan masyarakat (Cet. 1). Yogyakarta: Deepublish Publisher.
- Juwita, A. N. N., & Wiryadarma, I. M. (2022). Buku ajar hukum pidana (Cet. 1). Bali: Nilacakra Publishing House.
- Kementerian Agama Republik Indonesia. (2023). Al-Qur'an per ayat: Surah 3. <https://quran.kemenag.go.id>
- Mangkeprijanto, E. (2019). Hukum pidana dan kriminologi (Cet. 1). Guepedia.
- Melarnani. (2022, Oktober 14). BPOM temukan 16 produk kosmetik dengan bahan berbahaya, ini daftarnya. *Kompas.com*. <https://money.kompas.com/read/2022/10/14/134140226>
- Mertokusumo, S. (2010). Mengenal hukum (Suatu pengantar). Yogyakarta: Cahaya Atma Pustaka.
- Muclisin, R. (2013). Pengertian, klasifikasi, dan tingkatan. *Kajian Pustaka*. <https://www.kajianpustaka.com/2013/09/pengertian-klasifikasidan-tingkatan.html>
- Nadia, F. (2023). Definisi sehat menurut WHO dan Kemenkes, tidak hanya soal penyakit. *Kompas.com*. <https://www.kompas.com>
- Nandang, S., & Ansari, D. (2019). Kriminologi perspektif hukum pidana. Jakarta Timur: Sinar Grafika.
- Pittara. (2023). Ketahui hal-hal yang berkaitan dengan perawatan kulit. *Alodokter*. <https://www.alodokter.com>
- Riza, F. (2020). Hukum pidana teori dasar (Cet. 1). Depok: PT Rajawali Buana Pustaka.
- Rosa, L. (2021). Penilaian pengetahuan dan sikap terhadap informasi tentang merkuri yang ditemukan dalam produk kosmetik dan potensi risikonya bagi kesehatan. *Journal of Education, Humaniora and Social Sciences (JEHSS)*, 3(3), 944–954.
- Ruba'i, M. (2021). Buku ajar hukum pidana. Media Nusa Creative (MNC Publishing).
- Sampoerna University. (2023). Pengertian dan contoh kajian teori dalam makalah dan karya ilmiah. <https://www.sampoernauniversity.ac.id>
- Saputri, E. N. (2022). Perlindungan hukum bagi pengguna kosmetik perawatan kulit berlabel BPOM palsu ditinjau dari Peraturan BPOM Nomor 23 Tahun 2019 tentang Persyaratan Teknis Bahan Kosmetik.
- Soeroso, R. (2021). Pengantar ilmu hukum (Cet. 22). Jakarta: Sinar Grafika.
- Sriwidodo, J. (2019). Kajian hukum pidana Indonesia (Cet. 1). Yogyakarta: Kepel Press.
- Undang-Undang Nomor 1 Tahun 1946 tentang Kitab Undang-Undang Hukum Pidana.
- Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen.
- Undang-Undang Nomor 36 Tahun 2009 tentang Kesehatan.

Peraturan Badan Pengawas Obat dan Makanan Republik Indonesia Nomor 14 Tahun 2017 tentang Pedoman Dokumen Informasi Produk.

Wajdi, F., & Lubis, S. (2020). Hukum ekonomi Islam (Cet. 1). Jakarta: Sinar Grafika.

Wikipedia. (2023). Pidana. <https://id.wikipedia.org/wiki/Pidana>

Wikipedia. (2023). Perawatan kulit. https://id.wikipedia.org/wiki/Perawatan_kulit

Winata, M. G. (2022). Perlindungan hukum bagi korban pengguna produk kosmetik ilegal berbahaya. *Jurnal Sapientia et Virtus*, 7(1), 34–43.

Windiyati. (2019). Perawatan kulit kecantikan. Medan: Gramedia Pustaka Utama.

Wulandari, E. D. V. (2018). Uji kandungan merkuri (Hg) pada kosmetik krim pemutih wajah yang dipasarkan di Pasar Petisah Kota Medan. *Jurnal Dunia Farmasi*, 3(1).

Zein, U., & El Newi, E. (2019). Buku ajar ilmu kesehatan (Memahami gejala, tanda, dan mitos) (Cet. 1). Yogyakarta: Deepublish Publisher.