

## LEGAL REFORM TO RAISE PUBLIC AWARENESS OF ILLEGAL SKIN CARE PRODUCTS

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### **Abstract**

The rampant circulation of illegal skin care products in Indonesia shows the weak effectiveness of existing regulations. This phenomenon is caused by psychological and social factors, such as pressure to meet beauty standards and conformity. On the other hand, the rapid growth of the cosmetics industry has made skin care products a primary need, thereby increasing the risk of crime. This condition shows that there are structural gaps in the system of supervision, law enforcement, and consumer protection. The research method used was secondary legal research conducted by examining literature. This study found that the rampant use of illegal skin care products was caused by three main factors: first, social and psychological factors such as beauty standards, conformity, and Fear of Missing Out, which encourage people to ignore health risks; second, weak supervision and loopholes in regulations and law enforcement that allow illegal products to continue to circulate; and third, low public literacy regarding the dangers of illegal cosmetics and minimal access to information on reporting mechanisms. These three factors reinforce each other, resulting in high circulation rates of illegal cosmetics despite existing regulations and supervisory agencies. Therefore, more comprehensive legal reforms and increased public legal awareness are needed to curb the circulation of illegal beauty products in Indonesia.

**Keywords:** Legal Reform, Public Awareness, Skin Care Products, Illegal

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### **INTRODUCTION**

The strong motivation of women who want to look more beautiful does not always stem from a lack of self-confidence or feeling inadequate. Lack of self-confidence or a negative view of oneself can arise from a person's concern that others have something "more" that they do not. This understanding is known as the *Fear of Missing Out* or FOMO phenomenon. When experiencing FOMO, there is a drive motivated by the desire to improve oneself. We think that when we get what we want, our lives will be better (McGinnis, 2020).

However, *Fear of Missing Out* also has a strong relevance to how someone feels inadequate about themselves. *Fear of Missing Out* causes fear and anxiety in a person if they miss out on new things, and they perceive that other people are happier, more attractive, and more successful because they have something that they do not have (Taswiyah, 2022). The proliferation of advertising campaigns in various media, especially social media, forces people to accept a lot of information in a short time. With various strategies, the advertisements that circulate follow the behavior patterns of people who tend to accept information that interests them, including women who receive information about beauty and various cosmetic products.

The more frequently one receives similar information, the greater the urgency to possess such cosmetics, especially if the information is deliberately designed to evoke fear and anxiety, prompting the recipient to take action. The more people consume these cosmetics, the more they will be talked about, until eventually women who are not yet consumers feel the *Fear of Missing Out* and conform to also using these cosmetics regardless of their legality. In fact, conformity in this case can occur without being based on a lack of self-confidence, but rather conformity causes a lack of self-confidence among women so that they are willing to spend money to buy illegal cosmetics.

Given the large number of consumers of cosmetics whose safety and legality are in question, manufacturers will continue to produce these cosmetics due to high customer demand. It is also becoming clearer what kind of consumers are buying these products, how illegal products are advertised, and many other ways to entice people to buy them. Therefore, the licensing of these illegal products is also questionable because, ideally, products that do not meet the applicable rules and standards should not be allowed to circulate.

The fact that the circulation of illegal cosmetics is supported by a campaign launched by an *influencer* in 2024 who used TikTok as a medium to spread awareness about the prevalence and dangers of illegal cosmetics. Dokter Detektif, better known as Doktif (@dokterdetektif), honestly and openly exposed

cosmetic brands whose safety and legality are questionable. Doktif's content immediately went viral on social media, even leading to a defamation lawsuit filed by the producers who felt wronged. However, Doktif's exposure of illegal brands proves that the legality of cosmetic production, which falls under the health sector, remains unregulated. Many brands already in circulation, some of which even dare to collaborate with famous *Brand Ambassadors* or run ads on various *online* and *offline* platforms, have not obtained the necessary legal permits to operate.

Consumers who use illegal cosmetics face significant risks, as these products often lack distribution permits and may contain prohibited ingredients. Many factors contribute to the rampant sale and purchase of illegal cosmetics, despite public warnings about the risks that can arise. One of the main factors is economic constraints. For people who have economic difficulties and are reluctant to spend a lot of money, buying illegal cosmetics is an alternative because the prices tend to be cheaper. This is one of their efforts to keep up with increasing social demands (Haryati, 2020). Illegal cosmetics can be sold at low prices because they do not go through the licensing process. Moreover, imported illegal cosmetics often bypass legal procedures, meaning there is no obligation to pay taxes or distribution fees (Putri et al., 2024). Indonesia has legal regulations prohibiting the production of illegal cosmetics. Article 1, point 12 of Law Number 17 of 2023 on Health. Furthermore, Article 142, paragraph (4) of Law Number 17 of 2023 concerning Health.

As an institution that specifically regulates medicines and food circulating in Indonesia, the Food and Drug Supervisory Agency also issues specific regulations related to cosmetics. Regulations issued by the Indonesian Food and Drug Administration, such as Regulation Number 12 of 2023 concerning the Supervision of Cosmetic Manufacturing and Distribution and Regulation Number 18 of 2024 concerning the Labeling, Promotion, and Advertising of Cosmetics, provide more specific and detailed regulations for cosmetic products.

The Food and Drug Supervisory Agency is an institution established by the government with the task of carrying out government duties in the field of drug and food supervision in accordance with the provisions of laws and regulations. The Food and Drug Supervisory Agency is the authority responsible for formulating national policies related to drug and food supervision, coordinating the implementation of drug and food supervision with central and regional government agencies, taking action against violations of laws and regulations related to drug and food supervision, and so on.

There have been many cases of illegal skin care products being reported to the courts. One such case was a criminal offense in 2016, in which KADEK ARDITA was charged with intentionally producing and distributing pharmaceutical and cosmetic products without a distribution permit, violating Article 106 paragraph (1) of Law Number 17 of 2023 concerning Health. The products distributed included Lien Hua Day Cream, Ling Shi Night Cream, Special UV Whitening, and NXY Lipstick, sold in the Karangasem and Buleleng regencies. The defendant had previously been warned and advised by the Food and Drug Supervisory Agency not to sell illegal cosmetics, but continued to distribute products, some of which had had their licenses revoked in accordance with BPOM Warning Number KH.00.01.43.2503 dated June 11, 2009. Laboratory test results showed the presence of mercury in several unlabeled cosmetic creams, rendering the products unfit for use. The defendant's actions were deemed valid and conclusive evidence of guilt for the criminal offense of distributing illegal pharmaceutical products.

A study also revealed the factors why people who are aware of illegal cosmetics do not take further action, such as reporting *the brand* to the authorities. The first source said that he did not know the reporting mechanism and which government institution to contact (Rihi et al., 2024). Some feel ashamed and afraid of being gossiped about by others for using illegal cosmetics. The sources felt ashamed because they were worried that others would perceive them negatively, such as not prioritizing their health to follow beauty standards. Not only that, some were also afraid of facing legal consequences if they reported it. Seeing this controversy, it is clear that Indonesia needs legal reform related to illegal cosmetics.

This is in stark contrast to Singapore, which has successfully reduced the sales of illegal cosmetics in the country due to stronger supervision and a focus that is not only on sellers. *The Health Sciences Authority* (HSA), the agency specifically responsible for cosmetics regulation in Singapore, uses a market surveillance approach, production facility inspections, and law enforcement. The criminal penalties imposed are also more severe. For consumers, *the Health Sciences Authority* regularly conducts awareness campaigns so that the public is aware and understands the dangers of illegal cosmetics and knows how to check the legality of production before buying. This approach has proven successful because the trend of illegal cosmetics cases in Singapore has decreased significantly from 2023 to 2024, from 89 cases in 2019 to only 11 cases

in 2024. Despite having the Criminal Code, laws and regulations from the Food and Drug Supervisory Agency that regulate supervision, distribution, and sanctions for violators involved in illegal cosmetics, Indonesia still desperately needs better laws and approaches to achieve the desired results.

Based on the above background, the author intends to discuss this in a study entitled "Legal Reform for Public Awareness of Illegal Skin Care Products." The researcher first analyzes the factors that cause illegal skin care products to still be widely distributed and used by the public, which is certainly related to the success of the implementation of the above articles. Then, the researcher will analyze what kind of legal reform needs to be applied to these legal regulations.

## RESEARCH METHOD

This type of research is normative. Normative research is a process of finding rules, principles, or legal doctrines to answer existing legal problems, so that new theories or arguments can be produced as prescriptions to solve these problems (Marzuki, 2017). The research was conducted in DKI Jakarta. The researcher chose this location because it was considered most suitable for the research object. The research was conducted over a period of 6 months, from November 2024 to May 2025. The approaches used were *the statute approach* and *the conceptual approach*. The data collection technique for this research was a literature study. The researcher conducted a literature study to find a basis for obtaining and developing a theoretical foundation, a framework of thinking, and determining hypotheses, so that the researcher could understand and organize them into their research. According to Mardalis, a literature study collects information and data with the help of various materials or materials that are already in the library, such as documents, books, and magazines (Aqil, 2020). Researchers explore library materials, then analyze them based on the underlying philosophical framework (Magdalena et al., 2021). The analysis method used in this study is the empirical qualitative method.

## RESULT AND DISCUSSION

### Factors Contributing to the Use of Illegal Skin Care Products

The circulation of illegal skin care products in Indonesia is rampant, both sold directly in stores and online. Skin care products take a long time to develop because they must meet various safety and effectiveness standards, including through trials and licensing processes. In Indonesia, the Food and Drug Supervisory Agency (BPOM) is responsible for supervising and licensing products that meet the requirements. Legal products will have an official distribution number that can be verified publicly through the official BPOM website, complete with company information and the date of license issuance. This system is a government effort to protect the public from the risks of using unsafe products.

However, the government's efforts are often hampered by parties that circumvent regulations, resulting in illegal products still being widely available on the market. These illegal products pose a risk because their safety is not guaranteed, unlike legal products whose ingredients and manufacturing processes have been inspected according to standards. The public plays a crucial role in avoiding illegal skin care products by understanding how to check the legality and safety of products. The Indonesian Food and Drug Administration (BPOM) promotes the KLIK method—Packaging, Label, Distribution Permit, and Expiration Date—to help the public assess whether a product is safe to use. This awareness is increasingly relevant due to numerous cases circulating, such as the experience of a TikTok user named Nur Tya @nurnnyas who suffered skin damage after using an unlicensed product containing mercury. Mercury is highly dangerous to skin health and the nervous system, yet it is still frequently used by illegal manufacturers due to its ability to whiten skin instantly (Langford & Ferner, 1999).

The high demand for illegal products is also driven by their extremely low prices, despite containing dangerous ingredients such as mercury, hydroquinone, and dexamethasone. These products are widely available both online and offline, sold by unlicensed vendors without regard for their harmful effects. Another major factor is the influence of social media. Indonesia has around 143 million active users, making it a fertile market for advertising and promoting illegal products. Through algorithms, posts that are frequently viewed by users will continue to appear, making it easier for advertisements for illegal products to spread.

Sellers often use public figures, influencers, or even their videos without permission to attract buyers. It is also not uncommon for influencers themselves to accept endorsements without checking the safety of the product for financial gain. In addition, illegal companies also produce fake testimonials using ordinary people to make promotions appear more natural and convincing. All of these strategies make the public

increasingly susceptible to influence, so consumer awareness and literacy are essential to avoid the risks of illegal skin care products.

The ease of internet access in Indonesia provides a positive experience for users, buyers, and sellers, but it also serves as an effective tool in increasing public conformity towards certain things, including illegal skin care products (Statista, 2025). Legally, Indonesia applies the principle of product liability to protect consumers, with legal considerations such as consumer rights, the balance of interests between producers and consumers, the limitations of traditional law, and the function of law in society (Pieris, 2007). Although written regulations exist, their implementation in the field is still ineffective, especially in dealing with the circulation of illegal products, which are considered less important than other cases, while certain individuals facilitate the circulation of illegal products for personal gain.

Cases such as Mira Hayati Cosmetic Lightening Skin show how illegal manufacturers can exploit legal loopholes by adding hazardous ingredients such as mercury to products that have already received official distribution permits (Sagita, 2025). These products are then distributed through agents, resellers, and online/offline stores at very low prices, making them attractive to the lower-middle-class market. Social factors, such as beauty standards that emphasize appearance, low prices, and ease of access, also encourage people to buy illegal products despite the high risks. Promotional strategies are also sophisticated, including the use of public figures, influencers, and fake testimonials to make the products appear trustworthy and desirable.

Low public awareness of the law is a major factor in the continued circulation of illegal products. Low legal literacy, lack of education, limited economic resources, and social influences make it difficult for the public to critically evaluate the information in advertisements. The BPOM's educational efforts and legal awareness campaigns have not been effective because the public does not yet feel it is important to ensure that the products they use are legal and safe. This ignorance affects legal compliance, because a person is considered to be compliant with the law if they have awareness and responsibility for the applicable rules, which is currently still low, especially among the target market for illegal skin care products (Solikin, 2019).

Compliance with the law is the highest form of public legal awareness, but achieving this level is often hindered by low legal awareness and knowledge, as well as inadequate law enforcement, especially in the digital realm. In the digital age, people are constantly exposed to various information and advertisements from various individuals that capture their attention. The lack of awareness to question the legality and safety of products encourages people, especially the right target market, to try products that promise instant results, even if they are illegal.

Testimonials published through social media further reinforce conformity behavior. When many people in their social environment or group try a product, others are encouraged to join in, either out of curiosity or a desire to achieve the same results (Pratiwi, 2025). This phenomenon creates a circle of conformity, where the more people buy and use illegal products, the stronger the social influence on others to follow suit.

The role of advertising, especially through influencers or public figures, is very significant in shaping the consumptive behavior of society. Influencers are often considered role models in certain social groups, so product promotion through them exploits social pressure and the individual's desire to be accepted into the group. This phenomenon is in line with the theory of conformity by Cialdini and Bond, which states that social pressure encourages individuals to imitate behavior that is advertised on a mass scale, even if the product is illegal and poses a risk to health.

### **Regulatory Oversight of the Circulation of Illegal Skin Care Products in Indonesia**

Improvements in Indonesia's legal system regarding illegal skin care products are urgently needed, given the large number of manufacturers still selling skin care products whose safety for consumer use is unguaranteed. Irresponsible manufacturers often use substances that are unsafe for skin exposure to reap profits with cheap and easy capital (Setiyani et al., 2023). Without a distribution permit number from the Food and Drug Supervisory Agency, the products do not contain information that is very important for consumers to know, such as cosmetic ingredients and expiration dates. Consumer ignorance about the potential side effects of these products is one reason why they continue to use them (Setiyani et al., 2023). Reform must also address various aspects, such as regulations and legal institutions as the enforcement bodies for these rules.

## 1. Reform of Legal Substance and Sanctions

The distribution of skin care products is largely determined by the applicability of regulations related to skin care products. These regulations are stipulated in Law Number 17 of 2023 concerning Health, Food and Drug Administration Regulation Number 12 of 2023 concerning Supervision of the Manufacture and Distribution of Cosmetics, Food and Drug Administration Regulation Number 18 of 2024 concerning Labeling, Promotion, and Advertising of Cosmetics, and others. Regulations determine the requirements that manufacturers must meet to ensure that their products have passed the required tests to ensure their safety for use by buyers. Through legal instruments, manufacturers are also required to fulfill various administrative requirements before products can be legally distributed, and sanctions can be imposed if manufacturers are found to be in violation. Although Indonesia has quite a number of regulations governing both general and specific aspects of the production and distribution of skin care products, in reality we still often encounter cases of illegal distribution of skin care products year after year. In 2025, the Food and Drug Supervisory Agency intensified its supervision of illegal cosmetics from February 10-18, 2025 throughout Indonesia. Of the 709 facilities inspected, 340 were found to be non-compliant.

Indonesian laws regulating the distribution of illegal skin care products need to include an explicit definition of "illegal cosmetics." The lack of a clear definition of "illegal cosmetics" in Indonesian laws has created loopholes that lawbreakers can exploit. The ambiguity of the definition has a direct impact on the effectiveness of supervision, as violators can argue that the products they distribute do not clearly violate existing regulations. In practice, this loophole opens up opportunities for various forms of misconduct that are increasingly diverse and difficult to prosecute. For example, there is a method of falsifying the distribution permit number of the Food and Drug Supervisory Agency in order to distribute illegal skin care products.

One of the most common methods currently found is the falsification of Food and Drug Administration distribution permit numbers. Perpetrators include fictitious registration numbers that appear to be official, even though they were not issued by the Food and Drug Administration. This finding was also revealed in the results of intensified supervision by the Food and Drug Supervisory Agency in early 2025, where the Head of the Food and Drug Supervisory Agency, Taruna Ikrar, explained that several manufacturers and distributors deliberately falsified the distribution permit numbers of other products to legitimize the production and distribution of illegal cosmetics. According to Law Number 8 of 1999 concerning Consumer Protection, every consumer has the right to obtain accurate, honest, and clear information about the products they purchase, including the legality and registration status of the product with the Food and Drug Supervisory Agency. When business actors falsify registration numbers, this action directly violates the basic consumer rights because the information provided becomes misleading. As a result, consumers may be deceived into purchasing products that are actually dangerous, contain banned substances, or lack guaranteed quality, safety, and efficacy (Sholehah & Ambarwati, 2024).

Strengthening regulations is necessary to ensure that skin care products containing risky ingredients such as mercury and hydroquinone are subject to stricter oversight. One option is to classify these products separately from others, for example, as "high-risk cosmetics," so that the licensing, evaluation, and monitoring processes can be carried out with much stricter standards than for regular cosmetics. With such a classification system, any product with the potential to cause serious side effects will automatically undergo a more comprehensive monitoring procedure before it can be distributed to the public.

In addition, laboratory tests covering stability, microbiology, toxicity, and other safety evaluations must be carried out before products containing active ingredients such as hydroquinone can be distributed. These tests are important to ensure that the product formulation is safe for short- and long-term use, does not contain contaminants, and does not cause harmful reactions when applied to the skin. Without a rigorous testing process, the risk of low-quality or dangerous products being distributed is greater, especially given the large number of manufacturers trying to market instant whitening products.

As part of a transparency and verification mechanism, marketing authorization reform could encourage the implementation of a Quick Response Code or digital tracking system integrated with the official database of the Food and Drug Administration so that consumers, health workers, and distributors can directly check the authenticity of marketing authorization numbers. This system is important because in various surveillance operations, the Food and Drug Supervisory Agency has found many illegal products that use fake distribution permit numbers or copy numbers from other products, thereby deceiving consumers and allowing dangerous products to remain in circulation. With Quick Response Codes or

digital tracking systems, the potential for counterfeiting can be reduced, distribution channels can be more easily audited, and the accountability of manufacturers and importers can be strengthened in order to protect consumers.

Not only are there violations of distribution permits or hazardous ingredients in skin care products, but many products on the market also make exaggerated claims. According to Article 1(2) of the Indonesian Food and Drug Administration Regulation Number 3 of 2022 concerning Technical Requirements for Cosmetic Claims, a claim is a statement in the form of information regarding the benefits, safety, and/or other statements related to cosmetics. Article 3 paragraph (2) of the Food and Drug Supervisory Agency Regulation No. 3 of 2022 concerning Technical Requirements for Cosmetic Claims explains that claims on labeling and claims in advertisements must contain legal compliance, truthfulness, honesty, fairness, be provable, clear, and easy to understand, and must not claim to be a medicine or aim to prevent a disease. Business actors who violate this regulation are considered to have made overclaims, which is when business actors make excessive claims that exceed the functions of skin care products as stipulated in legal provisions. Beauty products are often promoted as being able to whiten skin in a short time, remove acne instantly, and even cure certain skin diseases, even though these claims have no medical or legal basis.

This practice harms consumers by creating false expectations, encouraging long-term use of products that have not been clinically tested, and increasing the risk of exposure to active ingredients that should be classified as drugs. Overclaiming is also explicitly prohibited in Regulation of the Head of the Food and Drug Supervisory Agency No. 23 of 2019 concerning the Supervision of Cosmetic Advertising, which prohibits the dissemination of misleading information or claims without scientific evidence. This fact underscores the urgency of regulatory reform, including the need for an explicit definition of the boundaries between cosmetics and drugs, to ensure more effective enforcement and close loopholes for misuse of claims (Sinaga et al., 2025).

#### Reform of Regulatory Agencies

The Food and Drug Supervisory Agency is the main institution entrusted by the government with responsibility for pharmaceutical preparations and processed foods. The mission of the Food and Drug Supervisory Agency in the context of skin care or cosmetic products and pharmaceutical preparations can be understood as an effort to strengthen supervision and enforcement of violations in this sector through cooperation between the government, business actors, and the community, while supporting the development of the cosmetics and pharmaceutical preparations industry, including Micro, Small and Medium Enterprises (MSMEs), to be of higher quality and more competitive. In addition, the Food and Drug Supervisory Agency also plays a role in increasing public understanding and awareness of product safety and use, through partnerships with stakeholders, supported by transparent, accountable, and governance that is capable of providing optimal public services in the field of cosmetics and pharmaceutical product supervision.

Civil Servant Investigators (PPNS) of the Food and Drug Supervisory Agency play a very important role in the implementation of supervision because their authority and capacity directly affect the effectiveness of law enforcement (Apriansyah et al., 2020). In addition to carrying out investigative functions, Civil Servant Investigators of the Food and Drug Supervisory Agency are also equipped with intelligence analysis capabilities to detect and prevent the entry of illegal drugs and food at an early stage. The performance of this supervision has a broad impact on the flow of import trade, considering that the Food and Drug Supervisory Agency is the agency with the second largest issuance of prohibited and restricted commodity permits out of a total of 14 authorized agencies (Apriansyah et al., 2020). The existence of Civil Servant Investigators at the Food and Drug Supervisory Agency can be viewed as valuable human capital for the institution, as they bring knowledge, skills, experience, and analytical capacity that directly contribute to the effectiveness of the organization (Apriansyah et al., 2020). The concept of human capital itself refers to the knowledge, information, ideas, skills, and conditions of individuals that can be developed through learning and institutional strengthening processes. In this context, Civil Servant Investigators at the Food and Drug Supervisory Agency, as individuals and as part of a law enforcement unit, have a significant influence on the quality of supervision of illegal skin care products, because their competence determines the accuracy of detection of violations, the speed of response, and the strength of the enforcement process (Apriansyah et al., 2020).

The Food and Drug Supervisory Agency, as the primary authority responsible for regulating the circulation of skin care products in Indonesia, requires adequate budgetary support from the government.

In fact, by 2026, the Food and Drug Supervisory Agency will experience a budget efficiency of 41.67%, reducing its total budget from Rp2.56 trillion to approximately Rp1.4 trillion (Nasdem DPR RI, 2025). Nurhadi, a member of Commission IX of the Indonesian House of Representatives, stated that this efficiency has the potential to directly impact the rampant circulation of illegal skin care products and further threaten the health of the Indonesian people, given that the Food and Drug Supervisory Agency is at the forefront of drug and food supervision throughout Indonesia (Nasdem DPR RI, 2025). Therefore, increasing the operational budget for the Food and Drug Supervisory Agency is an urgent matter that cannot be delayed, especially to support raids, investigations, and enforcement actions that require the mobilization of resources, laboratory facilities, surveillance technology, and inter-agency coordination.

### **Legal Reform to Increase Public Awareness and Compliance with the Law in Efforts to Reduce the Circulation of Illegal Skin Care Products**

Legal reform is a renewal process that aims to improve the performance of the legal system so that it can respond to the ever-evolving needs of society. Reform not only includes updating legislation, but also reforming law enforcement institutions and transforming the legal culture of society (Setiyani & Indriasari, 2023). The effectiveness of law depends on the balance between legal substance, legal structure, and legal culture. First, the need for reform of legal substance and sanctions is an important aspect because the distribution of skin care products is highly dependent on the enforcement of regulations, including Law Number 17 of 2023 concerning Health, BPOM Regulation Number 12 of 2023 concerning Supervision of the Manufacture and Distribution of Cosmetics, and BPOM Regulation Number 18 of 2024 concerning Labeling, Promotion, and Advertising of Cosmetics. These regulations set requirements for manufacturers to ensure their products are safe for use and stipulate sanctions for violators. However, despite the existence of various regulations, cases of illegal product distribution continue to occur, indicating that law enforcement in the field is not yet effective.

BPOM monitoring data shows the prevalence of these illegal practices. In February 2025, out of 709 facilities inspected, 340 did not meet the requirements, including factories, importers, distributors, beauty clinics, and resellers. In addition, previous findings of illegal cosmetics reached thousands of types with an economic value of billions of rupiah, both through physical and digital monitoring. For example, from 2016 to early 2025, thousands of illegal products were seized, and more than 200,000 sales links on digital platforms were taken down. This fact proves that even though regulations are in place, supervision and law enforcement against illegal skin care products still need to be strengthened so that the law can work effectively.

The legal aspects in Indonesia related to the circulation of illegal skin care products need to be reformed, one of which is through clarifying the definition of illegal cosmetics. Based on Article 1 paragraph 1 of BPOM Regulation Number 18 of 2024, cosmetics include ingredients or preparations used on the outside of the body, such as the skin, hair, nails, and lips, for the purpose of cleaning, protecting, maintaining, or changing appearance. Skin care products, including moisturizers, serums, sunscreens, and exfoliators, fall into this category. Meanwhile, Article 138 paragraph (2) of Law Number 17 of 2023 emphasizes that illegal pharmaceutical preparations or skin care products are products that do not meet safety, efficacy, and quality standards, so that everyone is prohibited from producing, storing, promoting, or distributing these products.

Compliance with safety, efficacy, and quality requirements is further regulated in BPOM Regulation No. 23 of 2019, which emphasizes evidence through laboratory test results or relevant scientific/empirical references. Legal products must have a distribution permit in the form of a notification in accordance with Article 4 paragraph (1) of BPOM Regulation Number 12 of 2020 and meet the requirements in the Indonesian Cosmetics Code as explained in Minister of Health Regulation Number 1175/MENKES/PER/VIII/2010. A production permit must be obtained before cosmetics are distributed, and all regulations emphasize aspects of quality, safety, efficacy, labeling, and product claims. Although various regulations already exist, the definition of "illegal cosmetics" has not been explicitly explained, causing disharmony between different regulations. This has the potential to confuse producers and the public and create loopholes that can be exploited by irresponsible individuals. Clarifying the definition is an important step in legal reform to make regulations more effective, minimize illegal practices, and provide legal certainty for manufacturers and protection for consumers.

In addition, many illegal skin care products contain medicinal ingredients that should only be used under a doctor's prescription, such as steroids, antibiotics, tretinoin, or retinoic acid. These products often

"disguise" themselves as ordinary cosmetics, including the use of blue labels that should only be used for dermatologist prescriptions. BPOM findings show that many products distributed through beauty clinics or illegal means contain hazardous ingredients worth billions of rupiah, thereby increasing public health risks.

Legal reform must emphasize harmonizing the definition of "cosmetics" in existing regulations and establishing an explicit definition of "illegal cosmetics." With a clear definition, manufacturers, distributors, and consumers will find it easier to understand which products are permitted for distribution. Additionally, monitoring of active ingredient content, prohibiting the marketing of cosmetics containing medicinal ingredients as regular cosmetic products, and enforcing criminal and administrative sanctions can be carried out more effectively. This will minimize the risk of consumer health and ensure more stringent and consistent law enforcement.

Furthermore, the reform of skin care product regulations in Indonesia needs to strengthen safety standards, distribution licensing systems, and claim monitoring. Although a legal framework is already in place through Law No. 17 of 2023 on Health, BPOM regulations, the Consumer Protection Law, and the ASEAN Cosmetic Directive, its effectiveness is still limited. Illegal skin care products are still found to contain microbial contamination, heavy metals such as mercury, or chemical contamination, and many manufacturers escape supervision due to the administrative nature of the distribution permit system. Reforms are needed to tighten toxicology testing, stability and microbiology testing, and Good Manufacturing Practices (GMP) audits for both large and small manufacturers so that quality standards can be applied uniformly.

The distribution permit system must also be strengthened to prevent permit number counterfeiting and product misrepresentation, for example through the implementation of Quick Response (QR) Codes or a digital tracking system integrated with the BPOM database. This measure will facilitate product authenticity verification, strengthen the accountability of manufacturers and importers, and minimize loopholes for illegal products to circulate. Monitoring of blue labels and composition verification are also important to ensure that products that should only be available through a doctor's prescription are not misused as ordinary cosmetics.

Product claims also need to be reformed so that consumers are not deceived by exaggerated claims. Regulations must set clear limits on cosmetic claims, require businesses to provide scientific evidence for claims such as "brightening" or "anti-aging," and prevent claims that the product can cure diseases. Comprehensive reforms in the three aspects of safety standards, distribution permits, and claims will close the legal loopholes that have been exploited by businesses, reduce the circulation of illegal cosmetics, and significantly improve consumer protection.

Furthermore, reforms are also needed at the Food and Drug Supervisory Agency (BPOM), which plays a central role in supervising skin care products and pharmaceutical preparations in Indonesia, including promoting the quality and competitiveness of the cosmetics industry and MSMEs. BPOM is not only tasked with enforcing regulations, but also with raising public awareness about product safety through partnerships with various stakeholders. The role of BPOM's Civil Servant Investigators (PPNS) is crucial because their analytical and supervisory capabilities determine the effectiveness of detection, response speed, and enforcement processes. Therefore, increasing the number of and the competence of PPNS as BPOM's human capital is essential to address the complexity of illegal product circulation and cross-border challenges.

In addition, adequate budget support is key to effective supervision. BPOM's budget efficiency plan for 2026 of 41.67% to around IDR 1.4 trillion has the potential to weaken supervision of the circulation of illegal cosmetics, considering that raids, investigations, laboratories, and cross-agency coordination require sufficient resources. Increasing the operational budget is a strategic urgency to ensure that BPOM can carry out responsive, comprehensive, and effective supervision throughout Indonesia, while protecting consumers, maintaining market stability, and supporting the cosmetics industry that complies with regulations.

Effective coordination with other law enforcement agencies such as the police and prosecutors is an important factor in strengthening law enforcement. The current low level of coordination, public awareness, and the gap between regulations and scientific developments pose challenges to the effectiveness of supervision. Through adequate funding and interagency synergy, BPOM can conduct more in-depth distribution chain investigations, prosecute violations to the criminal level, and create a deterrent effect for illegal businesses. This reform ensures that supervision does not stop at administrative

sanctions but provides strict legal consequences and reduces the willingness of perpetrators to distribute illegal skin care products.

## CONCLUSION

Low-income communities are more vulnerable to overclaims and misinformation about illegal skin care products due to aggressive marketing on social media, especially through influencers. Limited knowledge, access to education, and social and economic pressures make them more likely to purchase affordable illegal products. Low legal awareness, coupled with suboptimal law enforcement, further exacerbates the situation. Indonesia actually has a number of regulations related to cosmetics, including the Health Law, Consumer Protection Law, and various regulations from BPOM and the Ministry of Health. The government, through BPOM, has full authority in supervising skin care products, while consumers also play a role by checking product labels and expiration dates. Reform efforts can be carried out by improving the integrity and professionalism of law enforcement officials, simplifying bureaucracy, and strengthening inter-agency coordination. It is also necessary to develop a culture of law through education, role modeling, and internalization of ethical values. From a legal substance perspective, reforms include harmonization of regulations, updating the definition of illegal cosmetics, safety standards, and distribution permit and claim systems. In addition, it is necessary to strengthen the position and authority of BPOM, including improving the quality of investigators and the budget for raids and surveillance.

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