



Legal protection for consumers (A juridical analysis of cosmetic products without halal label)

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ABSTRACT

Along with the advancement of science, human needs have grown and are not limited to food and clothing. Self-care and appearance have also become important, not only for women but also for men. Many people use skin care products to keep their skin looking brighter and healthier. Caring for and beautifying yourself has become a trend. These products are easy to find and provide instant results at affordable prices. However, the Food and Drug Supervisory Agency (BPOM) warns that some cosmetics contain dangerous ingredients if used without a doctor's recommendation. Unscrupulous law enforcement and small fines make economic actors reluctant and afraid to distribute illegal cosmetics due to weak sanctions. The Consumer Protection Act number 8 of 1999 provides legal protection for consumers who experience losses and has a positive effect on the business world by taking action against business actors who break the law and harm society. This is expected to reduce risks for Indonesian consumers from fraudulent acts.

Keywords: Legal Protection, Consumer, Juridical Analysis, Halal Label.

1. INTRODUCTION

With the continuous progress of the times, many skincare products, commonly known as skin beauty products, have emerged for various parts of the body such as the face, body, hands, and so on. Skincare products are now very popular among both the young and older generations. With such high demand, it's not surprising that many people have started businesses and introduced new products to the market. However, it's important to note that not all freely marketed skincare products have distribution permits, as it must be ensured that they don't contain harmful substances. The Food and Drug Monitoring Agency (BPOM) plays a crucial role in protecting consumers from such beauty products. Therefore, there needs to be a legal framework that regulates the distribution permit of product brands. As a rule, the general public does not understand the ingredients contained in these products. Both men and women always want to look their best with their face and skin, and many people want cheap products that give quick results. Therefore, they choose shortcuts without considering the impacts of the products and whether they meet legal requirements and standards. Having a BPOM number and expiration date for a product positively affects consumers, as regulated in the Consumer Protection Act No. 8 of 1999, which

serves as a legal framework to limit arbitrary actions by unscrupulous business actors. It aims to ensure that consumers are legally protected in Indonesia. These efforts require the government to act as a mediator between the interests of traders and consumers, so that trading activities can operate with integrity and comply with applicable regulations, without causing losses to others.

2. METHODOLOGY

To have the necessary materials, an appropriate research method that corresponds to the designed problem topic is needed. For clarity, we will outline our planned research method as follows:

Research Method

This legal research uses a normative law approach, which is a method used in legal research by analyzing existing documents and using primary, secondary, and tertiary legal sources.

Type of Research

Our research is descriptive because it aims to provide as accurate data as possible on how the Food and Drug Monitoring Agency

(BPOM) consults and supervises cosmetic products produced by small industries, manufacturers, and the form of consumer protection for those who use these cosmetics.

Types and Sources of Data

In this research, the types of data used by the authors are as follows:

a. Primary data is information or facts obtained directly from the source where the research is conducted. b. Secondary data is information that supports or complements the primary data. Secondary data is obtained through the exploration and analysis of literature relevant to the research topic we have previously studied. c. Tertiary data is information used to provide additional explanation about primary and secondary data. Tertiary data is often referred to as third-party data, which is obtained through gathering information from various sources, then reassembled and summarized.

Data Collection Techniques

In this research, we utilize the following data collection methods:

a. Literature Review: This is a technique for collecting secondary data by reviewing legislation and regulations issued by authorized agencies. This includes papers, conferences, bulletins, and articles related to ongoing research. b. Interviews: This is a data collection technique through in-depth and comprehensive question-and-answer sessions conducted with informants.

3. RESEARCH AND DISCUSSION

Consumer Protection Law

Az Nasution stated that consumer protection law includes principles or rules that govern and have characteristics to protect consumer interests. Therefore, it can be concluded that rights are requests protected by law to ensure the fulfillment of consumer needs. Consumer rights have been regulated in "Article of Law Number 8 of 1999 concerning Consumer Protection". This article provides protection to consumers and provides them with the following rights: a. The right to feel comfortable, safe and secure in consuming goods and/or services. b. The right to choose goods and/or services and receive them in accordance with the promised exchange rate, conditions and guarantees. c. The right to obtain accurate, clear and honest information about the conditions and guarantees of goods and/or services. d. The right to express opinions and complaints regarding goods and/or services used and to be heard. e. The right to obtain appropriate advocacy, protection and efforts to resolve consumer protection disputes. f. The right to receive consumer coaching and education. g. The right to be treated or served correctly, honestly and without discrimination. h. The right to obtain compensation, compensation and/or reimbursement if the goods and/or services received are not in accordance with the agreement or do not meet the proper standards. i. The rights regulated in other laws and regulations."

In addition, "article 8 of the Consumer Protection Law No. 8 of 1999" contains a number of actions that are prohibited for organizers, including: Economic actors do not produce or trade goods or services that: a) Does not meet or does not comply with required standards and legal regulatory requirements. b) "Not in

accordance with the net weight, net content, or the amount stated on the label or packaging of the product." c) Does not match the actual size, dosage, weight, and amount as stated on the product. d) Not in accordance with the conditions, warranties, features, or effectiveness as described on the label, packaging, or product and service information. e) Does not comply with the quality, grade, composition, processing, style, mode, or use of a particular style stated on the label or information on the product and service. f) Failure to fulfill promises stated on labels, packaging, information, advertisements, or sales promotions for such products and services. g) Does not include the expiration date or the best use/use period for certain products. h) Does not follow the provisions of halal production as stated on the label. i) Does not include a label or make a product description that includes the product name, size, weight/net, composition, usage rules, production date, side effects, name and address of the business actor, and other information that must be installed/made in accordance with the provisions. j) Does not include instructions for using products and/or services in the Indonesian language in accordance with the applicable laws and regulations.

BPOM

"BPOM" stands for the Indonesian Food and Drug Supervisory Agency. This agency has a similar role to the European Medicines Agency (EMA) and the Food and Drug Administration (FDA), primarily responsible for overseeing the general distribution of medicines and food throughout Indonesia. The purpose of drug and food control is to ensure product safety and protect consumers from the dangers that may arise from consuming these products. Therefore, it is important to pay attention to whether the product to be purchased is registered with the Food and Drug Supervisory Agency (Badan POM). After the product is registered, it can be ensured that the product is safe for consumption. Registration fees at the BPOM vary depending on the type of product registered. This rule refers to "Government Regulation Number 32 of 2017 concerning types and rates of tax on tax-free government income". The permit from the POM Agency is valid for 5 years and can be extended at the relevant agency.⁵

Case Chronology

In this case several people have become victims of beauty products that are not BPOM, victim I with the initials KS 20 years (retail face cream case) victim II with the initials DA 20 years (the Body Lotion case) some of these cases have not or never made it to trial because the parties the victim does not want to prolong the problem.

Chronology of events, (Victim I)

Brother KS has been using face cream since he was in junior high school. At that time, brother KS received a recommendation from a friend about facial skin with acne that was getting worse, then the victim was tempted because of the effect of the changes so quickly and bought 2 non-BPOM products after 4 months of use, at the beginning of use the victim felt the effects received so quickly and the victim felt very satisfied however, After several months the victim began to feel symptoms such as sunburn when exposed to sunlight and the victim's skin turned red and then turned white but not uniformly. the victim realized that at that time the spots on her face were not due to fungus but because the victim's skin pigment had been damaged since using the cream, since then the victim stopped using the product and consulted doctor Sp.KK.⁶

Chronology of events, (Victim II)

The victim, DA, used non-BPOM body lotion which was used on her hands and feet, DA applied this body lotion every day. At the beginning of use the victim felt an extraordinary effect, his thighs and hands turned white and the victim felt very satisfied and addicted to using this product. after 2 months of use, stretch marks appeared in the thigh area, but over time the stretch marks became more and more and have reached the feet. Victims do not think that the impact of using the product is that serious As for the fact that the contents of the body lotion were obtained from lab results, namely; These products contain steroids that can interfere with skin regeneration and supporting tissue, making it easier for stretch marks to form. Steroid according to is an anti-inflammatory cream that has a hypopigmentation effect or can lighten. Manufacturers of illegal cosmetics often abuse this effect. At the beginning of the application there is an extraordinary effect, where the facial skin looks shiny, radiant and blush. However, long-term use may cause skin irritation. Lay people often know the expression thin skin, blood vessels become visible, skin becomes sensitive, the face becomes red or the face becomes dark (spots) that cannot be completely removed (reversal). When the cream is suddenly stopped, pimples usually appear and the skin turns red. Rules for using topical steroids should not be used for a long time. It is given for a maximum of 14 days and is only obtained with a doctor's prescription. The product also contains hydroquinone. Hydroquinone is one of the most effective whitening agents compared to other whitening agents because of its ability to lighten the skin in a relatively short time and only in small concentrations. However, due to the regulations of the Food and Drug Administration of the Republic of Indonesia and the Food and Drug Administration (FDA), the use of hydroquinone in whitening cosmetics is prohibited because of its negative health effects and intolerance. a substance known as bleach (hydroquinone) is dangerous if not applied according to the dosage recommended by the doctor.

"Juridical Analysis of Consumer Protection Against Beauty Products That Are Not BPOM"

In Indonesia, which is a constitutional state, there are several laws that regulate consumer protection, for example "UU NO.8 of 1999 concerning Consumer Protection", there are also several articles in "Health Law No. 36 and Presidential Decree No. 80 of 2017 concerning BPOM. Business actors who harm consumers through these actions are regulated in article.

1. Business actors are responsible for compensating for losses, pollution and/or damage suffered by consumers as a result of consuming or using the goods and/or services they produce or trade.
2. The compensation referred to in point (1) can be in the form of a refund, replacement with goods and/or services of the same type or equivalent value, or provision of medical equipment and/or compensation in accordance with the provisions of the applicable laws and regulations.
3. Business actors must provide compensation within a maximum period of 7 (seven) days from the date of the transaction.
4. The provision of compensation as referred to in points (1) and (2) does not exclude the possibility of a criminal charge, provided that there is further evidence of wrong doing.

5. The provisions mentioned in point (1) and point (2) do not apply if the business actor can prove that the error occurred is the fault of the consumer.

In this case, an entrepreneur who deliberately sells or trades his business without special advice and can harm consumers, can sue the consumer in district court. supervision and guidance is carried out by BPOM on behalf of the government, and the government is responsible for supervision and guidance to ensure the realization of consumer rights and business rights.

4. CONCLUSION

This study shows that many consumers experience losses and need better legal protection to ensure that their rights are thoroughly protected. However, it is also necessary to pay attention to the protection of producers who have an important role in the country's economy. Therefore, laws and regulations are needed that can provide balanced protection for producers and consumers. Laws related to consumer rights related to cosmetic products that harm consumers have been regulated in "Consumer Protection Law Number 8 of 1999", "Health Law Number 36 of 2009", and Presidential Decree Number 80 concerning the Supervisory Agency Drugs and Food (BPOM) 2017. Through this regulation, it is expected to strengthen consumer protection and apply safety and quality standards for cosmetic products marketed. Currently, there are many entrepreneurs who market dangerous cosmetic products. To prevent unwanted consequences, consumers, law enforcement officials and the government need to work together in efforts to eradicate illegal cosmetic products. This can be done by increasing supervision, imposing strict law enforcement against violations, and increasing public awareness regarding consumer rights and the risks of using unsafe cosmetic products. With good collaboration between consumers, law enforcement officials and the government, it is hoped that a safer environment can be created for consumers and producers in the cosmetics industry. In addition, this will also encourage compliance with applicable regulations to protect the interests of all parties involved.

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