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Legal protection for consumers against illegal cosmetic products

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Abstract---In recent years, there has been a lot of news in several electronic media about the sale of illegal products both directly and online in the health sector, especially cosmetic products. The sale of illegal products is rife in Indonesia and the average consumer is housewives and teenage girls. This research is a literature review to explore consumer protection for cosmetic products circulating in Indonesia. Circulation of Cosmetics Containing Hazardous Materials is still common in the community, therefore several efforts to overcome legal protection for consumers against the circulation of cosmetics containing hazardous materials must be controlled from oneself, the community, and the government.

Keywords---legal protection, consumers, illegal cosmetic products.

Introduction

The demand to look fresh and attractive for every woman is one of the things that is mandatory in this era. Women as consumers usually do not properly research a product, especially in this case cosmetics before buying, this is one of the factors why there are still many cosmetic products made from harmful ingredients that are still in demand by many women without first considering the effects obtained when using these products (Ahmadi, 2011) .

This factor encourages business actors who have bad intentions to continue to run their business even though the cosmetic products traded can have a bad effect on consumers and also due to the weak position of consumers because there is no balanced protection to protect the rights of consumers (Untari et al, 2017) Protection of consumers increasingly feels very important considering the progress of science and technology which is the driving force for the productivity

and efficiency of producers for the goods or services they produce in order to achieve business goals. In order to pursue and achieve these two things in the end, either directly or indirectly, it is consumers who in general will feel the impact

Buying and selling activities are activities that are usually carried out by business actors and consumers. Along with the times, buying and selling activities are not only carried out directly, namely by bringing together business actors and consumers, but can also be done through electronic media (online) (Untari, 2019). With the ease of carrying out buying and selling activities, this has both positive and negative impacts. The positive impact is that it saves time, while the negative impact is that many goods are traded without a distribution permit due to the lack of good communication between business actors and consumers and the lack of supervision from related parties (Andi, 2008).

In recent years, there has been a lot of news in several electronic media about the sale of illegal products both directly and online in the health sector, especially cosmetic products (Untari, 2020). The sale of illegal products is rife in Indonesia and the average consumer is housewives and teenage girls. Some examples of illegal products being traded are weight loss drugs, make-up tools, and skin care products. On average, consumers are interested in buying these products based on several reasons, one of which is because the product is currently viral and another reason is because the price of the product is relatively cheap (Untari and Satria, 2021).

But unfortunately, after being traced, there are several cosmetic products that are not registered or registered with the Food and Drug Administration (BPOM), so that these products can be categorized as illegal products. Clarity of information on a product or goods being traded is very important for consumers, because it will affect their health and safety. If consumers do not get enough information about the products they buy, it can endanger the safety of consumers if in the future the product causes side effects for its users. For this reason, it is necessary to have legal protection for consumers, especially in the matter of selling illegal products, especially products in the health sector. The legal protection is regulated in the Consumer Protection Act and the Health Act (Zulham, 2013)

Method

The type of research in writing this journal is to use an empirical juridical method where a legal writing is based on legal theories, literature, and legislation that applies in society. Meanwhile, the empirical legal research method is examining the law from an external perspective with the object of research being social attitudes and behavior towards the law.

In writing this scientific journal, a fact approach is used to show the truth of information, which means that the thing or event is proven to actually exist or occur, which in this study examines the background and development of consumers in the use of cosmetics that contain hazardous ingredients in general, as well as the legislative approach. Invitation is carried out by reviewing the laws

and regulations relating to the legal issue being researched. The legal materials used are:

1. Sources of Primary Legal Materials are legal materials that are binding. In this study, the primary legal material is sourced from Law Number 8 of 1999 concerning Consumer Protection.
2. Secondary legal materials, namely legal materials that provide explanations of primary legal materials, such as research designs, the work of legal circles, and so on.
3. Tertiary legal materials are legal materials that support primary and secondary legal materials, such as dictionaries and cumulative indexes.

Discussion

According to the Consumer Protection Act

In Law Number 8 of 1999 concerning Consumer Protection in Article 8 paragraph (3) it reads "Business actors are prohibited from trading damaged, defective or used and contaminated pharmaceutical and food preparations, with or without providing complete and correct information." In accordance with the contents of the article, every business actor is asked to be honest with all information related to the products to be traded to consumers. Especially for the sale of health products such as weight loss drugs, make-up tools, and skincare products. If the product does not have a distribution permit from the Food and Drug Supervisory Agency (BPOM), then this should be informed beforehand to consumers before carrying out buying and selling activities (Celina, 2008).

If there is a violation of the provisions of Article 8 paragraph (3) of Law Number 8 of 1999 concerning Consumer Protection, then the business actor can be sued under Article 62 paragraph (1) of Law Number 8 of 1999 concerning Consumer Protection which reads "Actor business that violates the provisions as referred to in Article 8, Article 9, Article 10, Article 13 paragraph (2), Article 15, Article 17 paragraph (1) letter a, letter b, letter c, letter e, paragraph (2), and Article 18 is sentenced to a maximum imprisonment of 5 (five) years or a maximum fine of Rp. 2,000,000,000.00 (two billion rupiahs)."

According to the Health Act

In Law Number 39 of 2009 concerning Health in Article 106 paragraph (1) it reads "Pharmaceutical preparations and medical devices can only be circulated after obtaining a distribution permit." In accordance with the contents of the article, any health product that does not have a distribution permit is an illegal product because it does not have a distribution permit from the Food and Drug Administration (BPOM) and is not in accordance with the laws and regulations. Article 105 paragraph (1) of Law Number 39 of 2009 concerning Health reads "Pharmaceutical preparations and in the form of drugs and drug raw materials must meet the requirements of the Indonesian pharmacopoeia or other standard books." In accordance with this article, every health product that is traded to the public must meet Indonesian pharmacopoeial standards as well as other requirements.

If there is a violation of Article 106 paragraph (1), it can be sued under Article 197 which reads "Everyone who intentionally produces or distributes pharmaceutical preparations and/or medical devices that does not have a distribution permit as referred to in Article 106 paragraph (1) shall be punished with imprisonment for a maximum of 15 (fifteen) years and a maximum fine of Rp. 1,500,000,000.00 (one billion five hundred million rupiah)."

So based on the explanation above, the rights and obligations for every consumer are guaranteed in the law, so that if in the future consumers feel aggrieved by the illegal products they buy, they can sue with the articles above (Peter, 2005). However, it would be better if as consumers we can be smart buyers when they want to buy a health product, please pay attention and be careful in reading and looking for information about the health product you want to buy, so that you are not deceived by the cheap price but it turns out the product. The product does not have a marketing authorization and will endanger our own safety as consumers (Johnny, 2012).

Conclusion

The regulation is needed to protect Indonesian consumer, so that their rights can be enforced, but on the other hand, such protection must also protect the existence of producers which are very essential in the country's economy. Circulation of Cosmetics Containing Hazardous Materials is still common in the community, therefore several efforts to overcome legal protection for consumers against the circulation of cosmetics containing hazardous materials must be controlled from oneself, the community, and the government.

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