

## Criminal Law Enforcement of Consumer Rights of Victims of Dangerous Cosmetics in Pekanbaru Based on Law No. 8 of 1999

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Article Info	ABSTRACT
<b>Keywords:</b> Cosmetics, Consumer Rights, Business Actors.	The enforcement of criminal law on consumer rights for victims of hazardous cosmetics in the jurisdiction of the Riau Police, particularly in Pekanbaru City, under Law Number 8 of 1999 on Consumer Protection, faces significant challenges. Article 4 of the Consumer Protection Law grants consumers the right to comfort, security, and safety in using products, along with accurate, clear, and honest information. However, hazardous cosmetics containing substances like mercury and hydroquinone continue to circulate freely, both in physical stores and online, indicating that law enforcement intended to protect consumers remains inadequate. Using a sociological legal approach, this research reveals a gap between the law and its implementation, as unsafe cosmetics are widely available, contradicting consumer rights as defined in the Consumer Protection Law. Key obstacles include low public awareness and participation, as many victims fail to report cases; limited inter-agency coordination, particularly with the Food and Drug Supervisory Agency (BPOM); and restricted access to data on the distribution and sale of dangerous cosmetics, especially those sold online. To address these enforcement challenges, it is necessary to improve institutional coordination, create an online complaint platform for consumers to report cases directly and anonymously, strengthen legal evidence and investigative depth in cases involving hazardous cosmetics, and conduct regular market surveillance to prevent the distribution of illegal and harmful products. These measures are essential to bridging the gap between the legal framework and practical enforcement, ultimately ensuring better consumer protection against the risks posed by hazardous cosmetics.
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### INTRODUCTION

Pekanbaru, the capital city of Riau Province, Indonesia, has experienced rapid development over the past few decades. As one of the economically dynamic cities in Sumatra, Pekanbaru has

become not only a center for trade, industry, and commerce but also a city embracing a modern lifestyle. One indicator of this modernization is the increasing number of beauty salons in the city. This growth in beauty salons reflects the broader economic expansion of the city and shifts in social norms. As Pekanbaru continues to grow, the beauty industry is likely to remain an important part of its urban culture, catering to a population increasingly aware of style and modern trends. This trend highlights the importance of services that adapt to a modern lifestyle, offering economic opportunities and personal empowerment for the city's residents. Of course, this does not pose a problem for women who have sufficient funds to afford expensive beauty treatments.

Cosmetics are everyday beauty tools used by women to enhance or care for themselves. According to BPOM, cosmetics are products applied externally to areas such as the hair, face, and nails to enhance appearance and make one look more attractive. Cosmetics are highly sought after and essential to society, with many types available in the market. Many business actors produce cosmetics for profit by attracting consumers through promotional efforts on TV, radio, or various other media, encouraging them to buy beauty products.<sup>1</sup>

However, certain cosmetics contain dangerous ingredients, such as collagen. Collagen is commonly used as an anti-aging agent in cosmetic formulations, such as skincare and soap, and even in supplement drinks (collagen drinks). Due to its benefits, collagen products remain popular and continuously attract interest, as it serves not only as an anti-aging agent but also provides various other benefits that can support skin health and beauty.

Due to the lack of implementation and oversight regarding quality standards of cosmetic products, consumer protection is insufficient, and many cases arise where cosmetics purchased for the purpose of achieving ideal beauty end up harming consumers' health. This violates Article 4(a) of Law No. 8 of 1999 on Consumer Protection, which states that consumers have the right to comfort, safety, and security in consuming goods or services. Ironically, these cosmetics are often sold without genuine customer service contact information or anyone to address potential risks or side effects associated with using the products.<sup>2</sup>

Various marketing strategies are employed by business actors, such as claiming their products have passed BPOM inspection or by making the cosmetics cheaper by including collagen as an ingredient. Common abuses in the cosmetics field include the use of additives or hazardous substances, where additives refer to materials that, when consumed by living organisms, can cause biological

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<sup>1</sup> Dian Tirta Ramadani, Perceptions of Young Women Users of Skin Care Products Regarding Beauty, *Journal of Legal Studies*, Vol 1(2), 2007, p. 4.

<sup>2</sup> Purwanto, <https://adev.co.id/kosmetik/bahan/collagen/>, accessed on October 25, 2024.

reactions, resulting in psychological dependence, skin tissue damage, and physical dependency, making it difficult to break free from the effects.<sup>3</sup>

Legal protection refers to the protection provided by law to uphold human rights and obligations. Legal protection for consumers aims to safeguard their rights. The Consumer Protection Law states that consumers are in a weaker position. Legal protection for consumers is outlined in Article 1(1) of Law No. 8 of 1999 on Consumer Protection, which defines consumer protection as "all efforts to ensure legal certainty to protect consumers." The law aims to guarantee legal certainty and provide protection to consumers. Consumer protection is crucial in the advancement of technology and science, making it a legal framework designed to protect consumers' rights.

With Law No. 8 of 1999 on Consumer Protection in place, consumers, who are still relatively disadvantaged compared to cosmetic producers, are protected. This legislation is intended to safeguard consumers' dignity and help prevent negative impacts from cosmetic usage. The law indirectly encourages business actors to take responsibility for their marketed products.

In a healthy business environment, there should be balanced legal protection between consumers and business actors. However, due to an imbalance in protection, consumers attracted to cheap cosmetics with limited product information can be exploited by business actors who monopolize the market, potentially harming consumers' health.<sup>4</sup>

According to Article 1(3) of Law No. 8 of 1999 on Consumer Protection, a business actor is "any individual or business entity, whether a legal entity or not, established and domiciled or engaged in activities within the jurisdiction of the Republic of Indonesia, either independently or jointly, under an agreement to conduct business activities in various economic fields." Meanwhile, Article 1(2) defines a consumer as "any person who uses goods and/or services available in the community for personal, family, or other living creature's interests, and not for trade." Consumers are an essential target for business actors to maximize profits. While business actors aim for profit from their business activities, some fail to meet consumer expectations and focus only on profit. Given the vulnerable position of consumers, they deserve legal protection as outlined in Article 1(1) of Law No. 8 of 1999 on Consumer Protection.<sup>5</sup>

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<sup>3</sup> Ricard Lee, 9 Beauty Products High in Mercury, <https://pangandaran.pikiran-rakyat.com/gaya-hidup/pr-101211759/dr-richard-lee-bongkar-9-produk-kecantikan-tinggi-merkuri-rusak-bagi-kulit-cek-skincare-kamu>, accessed October 25, 2024.

<sup>4</sup> Maulita, Implementation of Problem Based Learning Model with Picture Media on Addictive Substances Material, Banda Aceh, 2019, p. 49.

<sup>5</sup> Ni Putu Januaryanti Pande, Consumer Protection Against Imported Cosmetic Products That Are Not Registered at BBPOM Denpasar, Udayana Law Magister Journal, Vol. 6, No. 1, 2017, p. 18.

## METHOD

This research is classified as sociological legal research, focusing on the enforcement of criminal law concerning consumer rights for victims of hazardous cosmetics within the jurisdiction of the Riau Police, Pekanbaru City, based on Law Number 8 of 1999 on Consumer Protection. The research approach employed to address issues in sociological legal studies involves several methods.

The Statute Approach is utilized to examine all relevant legislation related to the legal issues at hand. Additionally, the Case Approach is applied by analyzing cases related to the legal issues in this study. The cases examined are those with final and binding court decisions that directly pertain to the research problem.

## RESULTS AND DISCUSSION

### **Enforcement of criminal law related to consumer rights of victims of dangerous cosmetics in the jurisdiction of the Riau Police, Pekanbaru City based on Law Number 8 of 1999 concerning consumer protection**

Consumer protection is essential to uphold individual rights in an economic system. In Indonesia, Law Number 8 of 1999 on Consumer Protection (UUPK) serves as the foundation to protect consumers from harmful business practices, particularly in the cosmetics sector. This law emphasizes consumer rights, including comfort, safety, and access to accurate information. The rise of hazardous cosmetics in the market poses a threat to these rights, particularly as many products contain untested or harmful substances.

The rapid economic development and variety of products available, both domestically and internationally, offer consumers greater choice but also increase the potential for exploitation by irresponsible business actors. The imbalance in power between consumers and businesses leaves consumers vulnerable, turning them into objects for profit through promotional and sales tactics that may mislead or harm them.<sup>6</sup>

Consumer Protection Law in Indonesia, though influenced by global standards, has deep roots in Indonesia's customary legal framework. This law covers consumer rights, obligations of business actors, and the enforcement of these rights. Effective enforcement requires collaboration among

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<sup>6</sup> Guidelines for Writing a Thesis for the Master of Law Program, Postgraduate Program, Lancang Kuning University, 2019, p. 16

agencies, including BPOM (the Food and Drug Supervisory Agency) and regional police forces. BPOM is responsible for monitoring and inspecting cosmetics to ensure safety standards, while the police are tasked with prosecuting violators.

However, challenges remain, including low consumer awareness, limited resources for investigations, and inconsistent enforcement. Consumer awareness of rights is crucial, as is their responsibility to follow usage instructions. Key consumer rights, as outlined in the UUPK, include the right to safety, information, choice, and to be heard.

To achieve effective consumer protection, inter-agency cooperation must be strengthened, consumer education expanded, and law enforcement against violators intensified. This approach aims to ensure consumers feel safe and informed in their product choices, fostering a balanced and fair marketplace.<sup>7</sup>

#### **Obstacles in enforcing criminal law related to consumer rights of victims of dangerous cosmetics in the jurisdiction of the Riau Police, Pekanbaru City based on Law Number 8 of 1999 concerning consumer protection**

The enforcement of criminal law on consumer rights in hazardous cosmetics cases within the jurisdiction of the Riau Police in Pekanbaru City faces several challenges that hinder effective action against violations by producers or distributors. Indonesia's Consumer Protection Law (UUPK) outlines not only the rights and obligations of consumers but also the rights and obligations of business actors. According to Article 1, Paragraph 3 of Law No. 8 of 1999, a business actor is defined as any individual or business entity, whether or not a legal entity, that operates within the Republic of Indonesia, either individually or collaboratively through agreements to conduct economic activities. This includes companies, corporations, state-owned enterprises, cooperatives, importers, traders, and distributors, among others.

To ensure a balanced business environment and protect consumer rights, the UUPK grants certain rights to business actors under Article 6. These rights include the right to receive fair payment, protection from malicious consumers, the ability to defend themselves in disputes, the right to reputation rehabilitation if consumer harm is not due to their products, and other rights under applicable regulations. Business actors also have obligations as outlined in Article 7, including conducting business in good faith, providing accurate information on products, treating consumers

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<sup>7</sup> Happy Susanto, *Consumer Rights If Harmed*, Jakarta, 2008, p.. 1

fairly, ensuring product quality, offering compensation for damages, and honoring warranties.

The demand for fast-acting cosmetic products remains high, particularly among women, leading to increased use of harmful ingredients like mercury, which, while delivering quick results, poses significant health risks, including skin cell damage and potential cancer. The popularity of these inexpensive, quick-result products makes consumers easy targets for unscrupulous business actors, especially as online marketplaces offer broader platforms for distribution.

Challenges in enforcing consumer protection laws include low public awareness, lack of cross-agency coordination—especially with BPOM (the Indonesian FDA)—and limited access to data on the distribution and sale of hazardous cosmetics, particularly online. The rising demand for cosmetics, coupled with promotional strategies featuring attractive models, entices consumers to try potentially harmful products in the hope of achieving the same results as seen in advertisements.

The Indonesian government, through BPOM, has established regulatory oversight for cosmetics and pharmaceuticals, collaborating with the Ministry of Health and Ministry of Social Welfare to monitor the circulation of these products across provinces. However, the widespread availability of illegal cosmetics, especially unlicensed imports from countries like China, shows gaps in regulatory enforcement. These unregulated products often lack safety certifications from BPOM, posing significant risks to public health.

Ultimately, effective enforcement of consumer rights against hazardous cosmetics in Pekanbaru requires greater public awareness, enhanced agency coordination, stricter law enforcement, and preventive measures. This approach aims to protect consumers and maintain a fair, safe market environment, empowering consumers to make informed choices and ensuring business actors are held accountable for their products.<sup>8</sup>

#### **Efforts to overcome obstacles in enforcing criminal law related to consumer rights of victims of dangerous cosmetics in the jurisdiction of the Riau Police, Pekanbaru City based on Law Number 8 of 1999 concerning consumer protection**

The presence of makeup products is highly appealing to society, especially for women seeking to enhance their appearance to look elegant and attractive. However, many of these products contain unsafe chemical mixtures that should not be in cosmetics. The tendency of consumers to prioritize low

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<sup>8</sup> Gunawan Widjaja & Ahmad Yani, *Law on Consumer Protection*, Gramedia Pustaka Utama, Jakarta, 2001, pp. 11-12

prices often leads to risky choices, a tendency exploited by unscrupulous cosmetic producers who promise quick results, such as fairer and smoother skin, without regard for safety.

Legal and safe cosmetics should bear responsible, accurate labeling. Unfortunately, consumers often lack knowledge about the production process or the safety of chemical compositions, which makes them vulnerable to misleading claims, including fake BPOM (Indonesian FDA) labels. Consequently, there is a need for legal frameworks that protect consumers and hold businesses accountable for producing and marketing unsafe products.

Despite knowing some cosmetics are unsafe, certain consumers continue to purchase cheaper alternatives from unauthorized sources or dubious online shops, enticed by significantly lower prices. Unscrupulous sellers may also falsely claim that products have BPOM approval, capitalizing on the perception that imported products from a brand's country of origin are safe. Small-scale producers, in particular, often avoid BPOM registration due to its rigorous requirements, making illegal and hazardous cosmetics more accessible, especially through online platforms.

Popular makeup products include skin brightening creams and lotions, which are widely available commercially and are intended to smooth and lighten the skin. Quick-acting brightening products are especially appealing to consumers who desire instant results. These products are heavily advertised, often featuring models with flawless skin, and this drives consumers to seek similar outcomes, disregarding potential health risks.

The pursuit of instant beauty leads some consumers to compromise safety standards for desired aesthetics, which unscrupulous producers take advantage of. To combat these issues, efforts to enhance consumer protection in Pekanbaru's jurisdiction under Law No. 8 of 1999 on Consumer Protection include improved inter-agency coordination, developing an online complaint platform for consumers to report hazardous cosmetics anonymously, and strengthening legal evidence and investigations while conducting regular market monitoring to prevent the distribution of illegal products.

To protect society from illegal cosmetics, it is crucial for the public to shift focus from price to safety. The government can contribute by providing awareness programs, both in-person and online, through relevant agencies, to educate the public on the dangers of unverified cosmetics. Such measures would help increase consumer knowledge, potentially reducing the risks associated with

unsafe cosmetic products.<sup>9</sup>

## **CONCLUSION**

First, the enforcement of criminal law concerning consumer rights for victims of hazardous cosmetics within the jurisdiction of the Riau Police in Pekanbaru City, based on Law No. 8 of 1999 on Consumer Protection, has not been effectively implemented. Hazardous cosmetics remain readily accessible to the public, which contradicts the rights protected under Article 4 of the Consumer Protection Law, which guarantees consumer rights to comfort, safety, and security in consuming goods and/or services. Despite the law's clear provisions on consumer rights and business actors' obligations, violations continue to occur frequently, especially in the sale of hazardous cosmetics that are easily available in the market. This phenomenon highlights a gap between the existing legal framework and its practical implementation. Law No. 8 of 1999 aims to protect consumers from products that may endanger their health and safety, mandating that business actors provide accurate and clear information on the products they sell, including cosmetics. However, in Pekanbaru, cosmetics containing harmful substances, such as mercury and hydroquinone, are still widely available, both in physical stores and online. This situation indicates that the enforcement of laws meant to protect consumers from the risks of hazardous products remains weak, leaving consumers vulnerable to health risks such as skin irritation, organ damage, and other severe health issues.

Second, the challenges to effective enforcement of criminal law regarding consumer rights for victims of hazardous cosmetics in Pekanbaru include, firstly, a lack of public awareness and participation, as many consumers affected by harmful cosmetics fail to report incidents to the authorities. Secondly, there is limited cross-agency coordination, especially with the Food and Drug Supervisory Agency (BPOM) and other organizations involved in cosmetic product oversight. Thirdly, there is restricted access to data on the distribution and sale of hazardous cosmetics, particularly those sold online through social media or e-commerce platforms.

Finally, to overcome these challenges, several measures are proposed to strengthen criminal law enforcement related to consumer rights in cases of hazardous cosmetics in Pekanbaru. These include improving inter-agency coordination, developing an online complaint platform that enables consumers to report cases related to hazardous cosmetics directly and anonymously, and enhancing the collection of legal evidence as well as conducting deeper investigations into cases involving dangerous cosmetics. Regular market monitoring is also necessary to prevent the circulation of illegal and hazardous cosmetics.

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<sup>9</sup> Az Nasution, *Consumers and Law: Social, Economic and Legal Review of Indonesian Consumer Protection*, Pustaka Sinar Harapan, Jakarta, 1995, p. 72



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