

## LEGAL PROTECTION FOR CONSUMERS OF NON-STANDART PRODUCTS IN INDONESIA

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### Abstract

This study aims to analyze legal protection for consumers against the distribution of cosmetic products that do not meet safety and quality standards in Indonesia using a normative legal research method based on literature studies. Through a review of various journals, BPOM reports, and related regulations, this study found that the development of digital commerce has accelerated the spread of illegal cosmetics, including products that do not have BPOM distribution permits, contain hazardous ingredients, and make exaggerated claims without scientific basis. The literature shows that weak pre- and post-product supervision in the digital space, regulatory loopholes related to marketplace responsibility, and low consumer literacy are the main factors contributing to the increased circulation of substandard products. Although legal frameworks such as the Consumer Protection Law and BPOM regulations have regulated product safety aspects, their implementation is still ineffective in dealing with the dynamics of digital commerce. This study emphasizes the importance of more adaptive regulatory reform through strengthening digital product verification, increasing marketplace obligations, and developing an integrated monitoring system to prevent the circulation of dangerous cosmetics. In addition, improving consumer education is an important element in strengthening comprehensive legal protection.

**Keywords:** *Consumer Protection, Illegal Cosmetics, BPOM, Digital Commerce, Safety Standards*

### INTRODUCTION

The development of modern trade, especially through digital platforms, has created widespread access to various products, but this has also increased the risk of goods circulating that do not meet consumer safety, quality, and security standards. The rapid growth of the skincare industry in Indonesia in recent years has created a complex market dynamic. Easy access to cosmetic products through digital platforms such as Instagram, TikTok, Shopee, and Facebook has encouraged innovation while also increasing the risk of overclaiming in promotions, which can mislead consumers and undermine public trust (Sulistyaningsih & Siswanto, 2023). Intense competition among businesses has led to the use of exaggerated claims such as "instant whitening" or eliminating acne in a single use without adequate scientific evidence, thereby harming consumers financially, physically, and psychologically. The phenomenon of numerous cases involving dangerous cosmetic

products, fake supplements, and electronic components without SNI certification reflects the weak supervision and compliance of business actors with quality regulations. This situation leaves consumers in a vulnerable position and without adequate information to ensure that the products they purchase meet the required standards (Santoso et al., 2024).

According to the Food and Drug Supervisory Agency (BPOM), there are a number of cosmetics that contain hazardous ingredients that can harm the human body. These ingredients include drugs such as antibiotics, dexamethasone, and hydroquinone. Therefore, hazardous ingredients in cosmetics are defined as chemicals that are prohibited from being used in cosmetic raw materials because they can damage human organs. For this reason, the use of hazardous ingredients in cosmetics is strictly prohibited. These hazardous ingredients have caused consumers to complain of irritation and a burning sensation on their skin due to using cosmetics containing hazardous ingredients, which has led to incidents that have put them at risk and endangered their safety (Faradilla et al., 2024). In this case, the author is interested in examining how legal protection applies to consumers who obtain products that do not meet standards in Indonesia.

## **LITERATURE REVIEW**

The development of digital commerce over the past five years has driven significant changes in cosmetic consumption patterns in Indonesia. The increased use of social media such as TikTok, Instagram, and large marketplaces such as Shopee and Tokopedia has created a new and highly dynamic space for the distribution of beauty products. The past 2-5 years have shown that the digitization of commerce has accelerated the spread of cosmetic products, including those that do not meet safety and quality standards. This situation poses new challenges for consumer protection, especially since monitoring products distributed online through social media is far more complicated and difficult than monitoring products distributed through direct sales.

Recent research on cosmetic safety confirms that high consumer demand, ease of access, and viral marketing practices have led to a large number of cheap imported cosmetic products entering the Indonesian market without BPOM distribution permits (Pageno, 2025). Cosmetics without BPOM registration often contain hazardous ingredients such as mercury, hydroquinone, and synthetic dyes that should be prohibited in cosmetic formulations (Marchella et al., 2025). BPOM inspection reports during the 2020-2024 period also consistently recorded a significant increase in the discovery of illegal cosmetics marketed digitally, including products from China that entered through the cross-border e-commerce system. This indicates weak pre-distribution supervision and the unpreparedness of the legal system to deal with the rapid pace of digital distribution. This incident has also highlighted the role of influencers and practices. Overclaiming in shaping consumer perceptions. Viral cosmetic promotions generally use claims that are not supported by scientific evidence. Content analysis by Lestari (2023) of 120 TikTok posts shows that more than 60% of viral cosmetic content does not include information on composition, distribution permits, and the risk of side effects. This reduces consumer caution and increases the potential for health risks. In this context, consumers become

highly vulnerable due to information asymmetry, while businesses exploit regulatory loopholes to aggressively and rapidly promote products (Susanti Sembiring & Putra Pratama, 2022).

The Pinkflash cosmetics case, which went viral in 2023-2024, reinforces the literature's findings regarding weak digital supervision. Several variants of these products were reported to not have BPOM permits, did not list accurate compositions, and caused skin irritation and eye problems in a number of consumers. This phenomenon indicates a normative vacuum, as there are no specific regulations governing the verification of the safety and authenticity of imported cosmetic products sold through marketplaces. In addition, there is normative ambiguity regarding the obligations of marketplaces, as regulations do not explicitly define the responsibility of platforms in ensuring the legality of the products sold. The imbalance between BPOM's enforcement capacity and the speed of digital product distribution also creates a regulatory gap, where existing regulations are unable to keep pace with market practices. From a legal theory perspective, consumer protection literature places the obligation of business actors to provide accurate, clear, and honest information as the main foundation for preventing losses (Juni Desiani, 2023).

However, in the digital world, this principle often does not work because businesses can operate without a clear identity, use intermediary systems, or market products from abroad without regulatory monitoring mechanisms. Traditional administrative oversight is no longer adequate in the context of digital commerce, necessitating regulatory reforms such as the implementation of shared liability between marketplaces and sellers, pre-listing verification requirements, and data collaboration between platforms and the Indonesian Food and Drug Administration (BPOM). Overall, the literature review confirms that the problem of substandard cosmetics in Indonesia is not only a matter of licensing violations, but also a structural problem in the form of regulatory loopholes in digital commerce, weak cross-border supervision, and uncontrolled viral marketing practices (Dewi Rahmawati et al., 2024). Therefore, research on legal protection for consumers should focus on identifying weak norms, analyzing the effectiveness of digital oversight, and establishing new accountability mechanisms capable of addressing the challenges of the current cosmetic trade ecosystem.

## **RESEARCH METHOD**

This research is a legal study using a descriptive qualitative approach. Normative legal research using a literature review is used with the aim of understanding how legal protection for consumers works in practice, particularly in relation to the sale and distribution of cosmetic products that do not meet safety and quality standards sold on digital platforms (Setianingsih et al., 2023).

This approach allows researchers to explore the direct experiences of consumers, business actors, BPOM supervisors, and marketplace parties. This provides a realistic picture of the effectiveness of the practice and the obstacles encountered in its implementation. This study encompasses all parties involved in the sale, distribution, and

use of non-compliant cosmetic products in Indonesia, namely consumers, online sellers, and government regulators.

## **RESULT AND DISCUSSION**

Legal protection for consumers against substandard products in Indonesia is very important, because the proliferation of substandard cosmetic products in Indonesia is dangerous and can cause significant losses to consumers. The results of this study show that the circulation of substandard cosmetic products in Indonesia is still very high especially sales on digital platforms. This puts consumers in a vulnerable position. Based on the results of existing data processing, it was found that out of ten consumers, most of them experienced side effects in the form of skin irritation, where they felt a burning sensation, redness, and breakouts after using cosmetics they bought online. They said that they were attracted to buy these products because of promising promotions, more affordable prices, and the viral influence of social media content, so consumers were even more convinced to buy these products (Marchella et al., 2025). They also admitted that they did not check the BPOM distribution permit in detail as they should have because many consumers felt that popularity was enough to be an indicator of safety, even though there have been many examples of side effects that have occurred in other consumers who have been victims of cosmetics that do not have a BPOM distribution permit (Soraya et al., 2024). These products turned out to lack distribution permits or had compositions that did not match what was displayed on the labels. This shows a significant information gap between businesses and consumers, as well as a lack of awareness among consumers to verify the safety of the products they buy. Based on the available literature and data, it can be seen that the increasing demand for cosmetic products that are going viral on marketplace platforms is often followed by the rampant circulation of products without valid distribution permits. The phenomenon of high consumer interest in viral products has encouraged many businesses to market these cosmetics massively without regard for legality, particularly regarding the obligation to have a BPOM distribution permit.

Based on research conducted on previous data and studies, it appears that many sellers in the marketplace tend to ignore licensing issues as long as the product is in high demand by consumers and can generate quick profits.

In addition, various studies on e-commerce supervision e-commerce reveal that the inspection mechanism hv marketplaces is generalls administrative in nature, which only requires the uploading of product photos along with distribution permit numbers without verifying the authenticity and validity of these numbers in the BPOM system, so that the inspection is only a formality. This allows products without distribution permits or with fake permit numbers to continue to circulate widely and be freely purchased by consumers. These findings show that weak verification of legality on marketplace platforms, coupled with the behavior of business actors who only chase trends without regard for legal provisions, are the main factors causing the high circulation of illegal cosmetic products in the realm of electronic commerce.

Based on data and information obtained from BPOM, supervision of cosmetic products is carried out in two stages, namely supervision during pre-distribution and post-distribution. However, supervision of products on digital platforms still faces many obstacles and challenges.

BPOM also explained that the speed of cosmetics distribution through social media and marketplaces far exceeds the capabilities of e-commerce, so in this case, it does not go through the BPOM inspection mechanism. In addition, limited human resources and technological limitations are also obstacles to conducting comprehensive monitoring of the thousands of products available every day on digital sales platforms. Therefore, even though BPOM regularly releases findings on illegal products, recalls dangerous products, and issues public warnings, these actions are often too late because the products have already been consumed by the public and widely distributed. Field analysis through marketplace observation also shows promotional patterns that do not comply with consumer protection regulations.

Many products make exaggerated claims, such as stating that the product can make skin bright and white in a short period of 3 days, without mercury and safe for all skin types, without listing the complete composition or actual clinical test evidence (Ameliani et al., 2022). Some products even dare to list false ingredients or do not include the ingredients at all. From observations made on 30 random products, the results found that more than half of the products did not have BPOM distribution permits. Some of them also used invalid permit numbers when verified on the official BPOM website. This reality reinforces the finding that cosmetic promotions on social media are prone to misleading consumers, causing them harm, and that the provisions regarding the obligation of business actors to provide accurate, clear, and honest information as stipulated in Article 7 of the Consumer Protection Law have not been effectively implemented in the digital space (Siratni & Yoseva, 2025).

In the context of legal protection, the results of this study have shown that normative legal protection is actually available, both in preventive and repressive forms.

Preventive protection is provided through regulations on product standardization, while repressive protection is available through mechanisms such as Compensation, sanctions, and even criminal penalties for business actors who violate the law. However, what happens in the field shows that its effectiveness is still very low because consumers rarely take legal action and the BPOM's enforcement process is still not comparable to the speed of digital product circulation. Thus, it can be concluded that there is still a gap between the law and its actual implementation. Based on the results of data collection and its integration with theory and previous data research, it appears that a more adaptive legal protection model for the digital ecosystem is needed. The theory of consumer protection, which has so far focused on a two-party relationship (business operators and consumers), needs to be modified to include the role of digital platforms as third parties that should also be responsible for ensuring product legality. These findings support the new idea of applying shared liability in digital commerce, namely joint responsibility between the marketplace and the seller, as is already the case in several countries. Thus, this data

research not only confirms existing theory but also offers the development of a more relevant consumer protection theory to address the challenges of modern cosmetics trading.

## **FIGURES AND TABLES**

The results of the study show that the circulation of non-standard cosmetic products on digital platforms is still very high. From the samples observed, around 60% of products did not have a valid BPOM distribution permit. Many of them did not list a distribution permit number, and some listed numbers that turned out to be invalid when verified in the official database. In addition, about 40% of products made exaggerated claims such as "whitening in three days" or "100% safe for all skin types," even though these claims had no scientific basis. The study also found that about one-third of the products had compositions that did not match the labels, or did not list the compositions at all. Not only that, some of the other products were illegal imports that entered through the cross-border system without any safety verification mechanisms. These findings show that supervision on digital platforms is still weak and that loopholes in online trade regulations are often exploited by businesses to sell products that do not meet standards.

From the consumer side, the impact is also quite significant. Of the ten consumers who responded, six experienced mild skin irritation such as redness, itching, and a burning sensation after using products purchased online. Two consumers experienced severe irritation to the point of peeling skin and a burning sensation, which ultimately forced them to seek additional medical treatment. In addition to the physical impact, eight consumers suffered financial losses because the products they purchased could not be used and they had to incur additional costs to buy new products or undergo treatment. From a psychological perspective, four consumers admitted to experiencing fear, embarrassment, and a loss of trust in beauty products. This shows that the losses experienced by consumers are not only physical and material, but also have an impact on their emotional state.

Supervision of the distribution of illegal cosmetics has also been found to be ineffective. At the pre-distribution stage, many products enter Indonesia through digital channels without official inspection, making it difficult for authorities such as BPOM to conduct comprehensive monitoring. At the post-distribution stage, although BPOM takes action against illegal products, the number of products that have been successfully dealt with is still far less than the speed at which new products appear on the marketplace. Meanwhile, verification carried out by digital platforms also tends to be administrative in nature, without in-depth examination of distribution permits or product composition. On the other hand, consumers must also have better legal awareness, especially regarding the Consumer Protection Law, in order to take appropriate steps when they encounter indications of fraud or irregularities (Dewi et al., 2024). Complaint handling on digital platforms is indeed fast, but the solutions provided are often only temporary compensation and do not address the root cause of product safety issues. This situation

highlights that consumer protection in the digital space requires a stronger, more comprehensive, and integrated oversight system.

The study also revealed patterns in the distribution of illegal cosmetic products across various marketplaces. Most non-compliant products were found on large platforms such as Shopee and TikTok Shop, especially those sold by unofficial stores and overseas sellers. The surge in illegal products often occurs during major promotional events such as 11.11 and 12.12, when many sellers upload large quantities of products without adequate verification. In addition, there are also various factors that contribute to weak consumer protection in the digital trading ecosystem. These factors include a weak verification system in marketplaces, limited supervision from BPOM, the rampant use of misleading viral claims to influence consumers, and low public literacy regarding product safety. These four factors are interrelated and create conditions that allow illegal products to circulate widely without significant obstacles.

The distribution flow of illegal cosmetic products also reveals structural problems that occur from the initial stage of importing goods to the point of sale to consumers. Illegal products generally enter through unofficial importers and are then distributed to online sellers who utilize social media and viral marketing strategies to attract consumers. Influenced by attractive advertisements, consumers often make impulsive purchases without checking the product's distribution permit or composition. After using these products, many consumers experience side effects and file complaints, but the resolutions provided are often inadequate. This flow shows that the main problem does not only occur at the final stage, but begins from the process of bringing products to market to uncontrolled digital distribution.

Overall the results of this study confirm that the circulation of substandard cosmetics in Indonesia is a complex problem involving many parties. To overcome this, regulatory reform is needed that can adapt to the dynamics of digital commerce. These field findings show that legal protection for consumers is not yet optimal due to weak verification, limited supervision, and a lack of consumer literacy and caution when conducting transactions on digital platforms.

## **CONCLUSION**

Based on the results of this study on legal protection for consumers of substandard cosmetic products in Indonesia, it can be concluded that digital commerce has expanded consumer access to various products, but at the same time has increased the circulation of illegal and dangerous cosmetics that do not meet safety and quality standards. This study shows that most consumers do not have adequate information and tend to be influenced by viral promotions and exaggerated claims, making them vulnerable to physical, financial, and psychological losses. Findings in the field show that many cosmetic products circulating in the marketplace do not have BPOM distribution permits, list inaccurate compositions, or rely on misleading marketing systems. The supervision carried out by BPOM and marketplaces has also been unable to keep pace with the speed of digital product circulation, so that the legal protection that should be the right of

consumers has not been effectively implemented. Thus, there is a significant gap between consumer protection regulations that are complete in normative terms and their implementation in digital trade practices.

The results of this study have important practical implications. The government needs to strengthen digital surveillance mechanisms through rapid reporting systems, integration of BPOM marketplace data, and expansion of product verification requirements before products are displayed on e-commerce platforms. Marketplaces must also increase their responsibility through the implementation of pre-listing verification mechanisms, enforcement against sellers who violate regulations, and product safety education for users. Meanwhile, consumers need to improve their literacy regarding product safety by checking distribution permits and compositions, as well as understanding the risks of illegal cosmetics. This study also provides theoretical implications that the classic consumer protection theory, which only places businesses and consumers as the main actors, is no longer adequate in the context of digital commerce. Therefore, it is necessary to develop a consumer protection theory that includes marketplaces as parties that are also responsible for ensuring product safety.

This study has several limitations that may be considered for further research. First, the number of informants is still limited, so it may not describe the full diversity of consumer and business actor experiences in the digital trade ecosystem. Second, this study only focuses on cosmetic products, so it does not yet cover other sectors such as supplements, traditional medicines, or electronic products, which are also widely available without safety standards. Third, this study relies on marketplace observation data within a certain period, so rapid changes in digital product trends may not have been fully captured. In addition, limited access to internal marketplace data means that analysis of verification and complaint handling still relies on information from sellers and consumers. Given these limitations, future research should involve more informants from various regions and cover other types of products that also pose high safety risks. Further research could also develop an artificial intelligence-based digital monitoring model to automatically detect illegal products in the marketplace. In addition, research is needed to assess the effectiveness of shared liability policies between marketplaces and businesses if implemented in Indonesia. With more comprehensive and interdisciplinary further research, it is hoped that legal protection for consumers can be strengthened and able to respond to the increasingly complex challenges of modern trade.

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