

PREVENTIVE EFFORTS OF THE NATIONAL CENTER FOR DRUG AND FOOD CONTROL (BBPOM) TO TACKLE THE CIRCULATION OF ILLEGAL BEAUTY COSMETICS PRODUCTS

Harmono^{1*}, Irma Maulida², Ratu Mawar Kartina³, Tina Marlina⁴, Dessy Ika Putri⁵, Arthur Kusuma Atmaja Manurung⁶

^{1,2,3,4,5,6}Fakultas Hukum, Universitas Swadaya Gunung Jati, Cirebon, Indonesia

harmono@ugj.ac.id^{1*}, irma.maulida@ugj.ac.id², ratu.mawar@ugj.ac.id³, tina.marlina@ugj.ac.id⁴, dessyikaputri525@gmail.com⁵, arthurkusuma123@gmail.com⁶



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Abstract: This research is motivated by a growing phenomenon in society, where many people use and/or consume cosmetic products without knowing whether the product has a distribution permit or not, therefore the beauty service or product advertises itself as a quality product, is cheap, and can be easily reached or accessed. In this context, the Center for Food and Drug Control (BBPOM) has a very crucial role in realising a safe, healthy and clean Indonesia and free from all kinds of circulation of illegal beauty services or products. BBPOM in carrying out its duties, functions and authorities has been normatively regulated based on Law Number 88 of 1999 concerning Consumer Protection, along with the Implementing Regulations of the Law in the form of Presidential Regulation Number 80 of 2017 concerning the Center for Food and Drug Supervision. This research aims to find out how the role of BBPOM in order to prevent and overcome the circulation of illegal cosmetic products based on Law Number 88 of 1999 concerning Consumer Protection and Presidential Regulation Number 80 of 2017 concerning the Center for Food and Drug Supervision. The approach used in this research is to use the normative juridical method by examining and analysing between sources of material or literature data related to the role of BBPOM in preventing and overcoming illegal cosmetic products. Thus, the results of the study show that BBPOM has been equipped with the authority based on the Law to screen services or products both before circulation through fulfilling the prerequisites for product permits and after circulation through direct supervision and inspection along with follow-up in the form of administrative sanctions in the form of fines and revocation of distribution permits if products containing hazardous materials or not having an official distribution permit from BBPOM are found.

Keywords: Preventive, BBPOM, Beauty Cosmetics, Illegal

I. INTRODUCTION

Changes in people's lifestyles including consumption patterns that tend to continue to increase towards cosmetic products, and with public knowledge that is still unable to choose and use products properly, correctly and safely. As well as most people who want low prices with fast visible results, many business people who do not have good intentions take advantage of this by producing illegal beauty products on the market. As well as most people who want low prices with fast visible results, many business people who do not have good intentions take advantage of this by producing illegal beauty products on the market (Sahrudin, 2022).

The Food and Drug Monitoring Centre (BBPOM) revealed a list of illegal cosmetic products that are still widely circulated in Indonesia. The products are dominated by face creams that are proven to contain harmful ingredients including mercury, a substance that can cause negative effects such as skin cancer. There are 13 illegal cosmetic products still on the market and according to BBPOM, these illegal cosmetics are part of 1,541 cases found during surveillance (Kompas, 2023).

According to Nurdjana, preventive actions or efforts are preventive measures so that violations of applicable norms do not occur, namely by trying to prevent the factors of intention and opportunity from meeting so that the situation of security and public order is maintained, safe and controlled (Nurdjana, 2010).

In the context of illegal cosmetic products, the Center for Food and Drug Control (BBPOM) is a representative of the government by adhering to the principle of deconcentration and the medebewind function of local governments to protect and safeguard the rights of the public both to legal certainty, legal protection, and legal expediency for unlawful acts regarding products in the form of drugs and food.

The function of implementing supervision of cosmetic products is an effort made by the Center for Food and Drug Control (BBPOM) in providing legal protection for consumers. Legal protection is all efforts to fulfil rights and provide assistance to provide security to witnesses and / or victims, legal protection of victims of crime as part of community protection, can be realised in various forms, such as through the provision of restitution, compensation, medical services, and legal assistance. Legal protection provided to legal subjects in the form of good tools that are preventive (Rahayu, 2022).

II. RESEARCH METHOD

This study aims to determine how the protection of consumers over the circulation of illegal beauty products in Indonesia and the form of supervision of the government itself with the existence of various illegal beauty products that have spread in Indonesia. This research uses the Normative Juridical method because the target of this research is law or methods including legal principles, methods in a narrow sense (value), concrete legal regulations. Normative juridical research is normative legal research in the form of legal principles, legal systems, vertical and horizontal synchronisation levels (Sugiyono, 2018).

III. RESULT AND DISCUSSION

The definition of cosmetics according to the Big Indonesian Dictionary is a drug (material) to beautify the face, skin, hair, and so on such as powder and lip rouge (kbbi, 2023). Meanwhile, cosmetics is the science of beauty, the science of how to beautify the face, skin, and hair. Etymologically, cosmetics comes from the Greek word *kosmetikos* which means to decorate, arrange.

Cosmetics according to PERMENKES Number 1175/MENKES/PER/VIII/2010 are materials or preparations intended for use on the external parts of the human body such as the epidermis, hair, nails, lips and external genital organs, or teeth and oral mucous membranes

mainly for cleaning, perfuming, changing appearance and/or improving body odour or protecting or maintaining the body in good condition (Pafi, 2023).

Illegal cosmetics are cosmetics that do not have a distribution licence from BBPOM (Food and Drug Monitoring Centre). Generally, these cosmetics contain harmful ingredients that are not allowed by BBPOM so they are not authorised for sale or have not been inspected.

The process of monitoring cosmetics is regulated in Law No. 88/1999 on Consumer Protection regarding the guidance and supervision of the implementation of consumer protection with the aim of protecting the interests of consumers from any adverse effects caused by the circulation of goods and services. Consumer protection against the circulation of illegal cosmetics involves the Food and Drug Monitoring Centre (BBPOM). BBPOM is a government agency that has the authority to monitor the circulation of food products and medicines (Malik, 2022). Balai Besar POM is also responsible for the circulation of cosmetic beauty and skin care products. In today's era, it is possible for humans to create new inventions including cosmetics, foodstuffs, medicines and all pharmaceutical products.

Main Tasks of BBPOM. Based on Article 2 of Presidential Regulation No. 80/2017 on the Food and Drug Monitoring Centre: BBPOM has the task of carrying out government duties in the field of Food and Drug control in accordance with the provisions of laws and regulations.

Based on Article 4 of Presidential Regulation No. 80/2017 on the Centre for Food and Drug Supervision. In carrying out the task of monitoring Food and Drugs, BBPOM has the authority (Malik, 2022):

- 1) Issue product distribution permits and certificates in accordance with standards and requirements for safety, efficacy/benefit and quality, as well as drug and food testing in accordance with the provisions of laws and regulations;
- 2) Conduct intelligence and investigation in the field of Food and Drug control in accordance with the provisions of laws and regulations; and
- 3) Providing administrative sanctions in accordance with the provisions of laws and regulations.

BBPOM must also fulfil its function, which is to conduct supervision before and during circulation. The pre-circulation supervision function relates to preventive measures to ensure that drug and food products that will be in circulation comply with safety standards and requirements. Meanwhile, the function of supervision after circulation relates to actions to ensure that consumer products are still guaranteed standards and safety requirements. BBPOM's functions in drug and food supervision In carrying out its main tasks, BBPOM must always carry out a number of functions including formulating and implementing national policies in the field of drug and food supervision Developing and stipulating norms, standards, procedures and criteria in the field of pre-circulation supervision and supervision during circulation Carrying out pre-circulation supervision and supervision during circulation Coordinating the implementation of drug and food supervision with central and regional government agencies Providing technical guidance and supervision in the field of drug and food supervision Taking action against violations of the provisions of laws and regulations in the field of drug and food supervision.

Coordinating the implementation of tasks, coaching, and providing administrative support to all organisational elements within BBPOM Managing goods and/or state assets

that are the responsibility of BBPOM Supervising the implementation of tasks within BBPOM Performing substantive support to all organisational elements within BBPOM.

IV. CONCLUSIONS

The role of the Center for Food and Drug Supervision (BBPOM) in its urgency is very important to be carried out continuously to protect the public from the circulation of illegal cosmetic products that can cause losses both in terms of material and immaterial losses and losses from the health aspect itself.

BBPOM is a form of screening and supervision and direct control of the government in the circulation of drugs and food. Thus, BBPOM has the authority based on Law No. 88/1999 on Consumer Protection regarding guidance and supervision of the implementation of consumer protection with the aim of protecting the interests of consumers from any adverse consequences caused by the circulation of goods and services.

Following the implementing regulation of the Law, namely Presidential Regulation No. 80/2017, the Food and Drug Supervisory Centre has the right to take preventive and repressive actions against the circulation of a service or product concerning drugs and food.

Thus, in order to increase the effectiveness and efficiency in carrying out its functions and duties, BBPOM must also synergise with other agencies related to the countermeasures of services or products of drugs and food, in cooperation with the Indonesian National Police (POLRI) in the follow-up of normative law enforcement along with the settlement of field findings on services or products of illegal drugs and food at the stage of investigation, investigation, and even up to the court. Or in another example, synergise with the Indonesian Ulema Council (MUI) in the halal certification programme by jointly establishing substance quality standards or standardisation where a service or product can be declared halal and safe for consumption for citizens.

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