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CONSUMER PROTECTION AGAINST IMPORTED COSMETIC PRODUCTS THAT HAVE NOT BEEN CERTIFIED BY THE INDONESIAN FOOD AND DRUG AUTHORITY ON *TOKOPEDIA* PLATFORM

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ABSTRACT

E-commerce platforms in Indonesia have made it easier for consumers to access various products through an application, including imported cosmetic products. However, many imported cosmetic products that have not been certified by the Indonesian Food and Drug Authority (BPOM) continue to circulate on the Tokopedia platform, posing a risk to consumers. This research aims to find out: 1) Regulations governing the circulation of imported cosmetics in Indonesia, and 2) Consumer protection against illegal cosmetic products on *Tokopedia*. This research uses a normative juridical method with a qualitative approach that focuses on analyzing laws and regulations and case studies. The data used consists of primary data, namely Law No. 8 of 1999 on Consumer Protection, Law No. 11 of 2008 in conjunction with Law No. 1 of 2024 on Electronic Information and Transactions, and Regulation of the Indonesian Food and Drug Authority No. 12 of 2023 on the Supervision of the Manufacture and Distribution of Cosmetics, while secondary data includes journals and cases related to cosmetics without Indonesian Food and Drug Authority certification on e-commerce platforms. Data collection is done through literature study and legal document analysis. Furthermore, the data was analyzed using descriptive qualitative analysis method to interpret the regulations and literature study. The results show that although regulations related to consumer protection and electronic commerce already exist, their implementation still faces various obstacles. Consumers have the right to obtain safe and legal products, but supervision of products in e-commerce is still weak. *Tokopedia* as a marketplace organizer has a role in filtering products that are traded, but it has not been fully effective in suppressing the circulation of illegal imported cosmetics. Therefore, it is necessary to strengthen regulations, increase supervision, and the active role of e-commerce platforms in maintaining consumer safety.
Keywords: E-commerce, Imported Cosmetics, *Tokopedia* Regulation.

INTRODUCTION

At this time the digital era is experiencing very rapid development, especially in the use of technology. One of the technological developments is the internet media where Indonesian people find it easier to get information and insights about various things, one of which is information about the products of necessities that can be accessed through the E-COMMERCE (electronic commerce) platform (Yustanti & Novita , 2019). With the advancement of technology and widespread internet access, e-commerce has become an integral part of everyday life, allowing consumers to purchase various products and services easily through digital platforms without having to think about the distance that must be traveled (Barkatullah, 2019). The main factors driving the growth of digital commerce are the increasing use of smartphones, easy access to digital payment platforms, and changes in consumer behavior that prioritize convenience and efficiency in shopping (Febriani & Dewi, 2019). Various marketplaces such as

Tokopedia, Shopee, and *Lazada* have become the first choice for people to make online transactions, offering various conveniences such as discounts, cashback, and fast and safe delivery services. In addition, social media also plays a role in the development of digital commerce, where platforms such as *Instagram*, *Facebook*, and *TikTok* are not only used as a means of communication, but also as an effective marketing tool through features such as live shopping and paid advertising. The increase in online transactions is also driven by the growing digital payment systems, such as e-wallets (*GoPay, OVO, Dana*) and paylater payment methods that make it easier for consumers to make purchases without having to have a credit card (Angela, 2022). The function of e-commerce in the world of trade has an impact on society both domestically and internationally, especially during a pandemic where people cannot carry out outdoor activities, so people have to rack their brains to get income even though they do not have to travel outside the home.

However, behind this rapid growth, there are challenges that must be faced, such as data security issues, online fraud, and increasingly fierce competition among digital businesses (Wulan , Selsa;, 2024). Therefore, innovation and adaptation to technology are key for businesses to maintain their competitiveness in the evolving digital market. With more mature regulations and wider adoption of technology, digital trade is predicted to continue to grow and make a major contribution to the global economy.

The best consumer protection is preventive, for example by educating businesses and the general public about consumer protection laws in various regions (Aditya, 2024). This will help reduce the use of products that do not comply with local regulations. Integrated consumer clinics and training of local consumer protection motivators are other ways to educate consumers. The objective of this stage is to develop consumers who are critical, astute, and cautious in their choice of goods and/or services. Therefore, to ensure that every consumer has a guarantee of legal certainty in online transactions, legal protection for consumers in e-commerce transactions is needed.

In Indonesia, legal protection for consumers is regulated in Law No. 8 of 1999 concerning Consumer Protection. With this regulation, it is expected that every consumer who transacts online can feel safe and get legal certainty in the transaction process (Awaludin, 2021). Based on Law Number 8 Year 1999 on Consumer Protection, Article 1 Paragraph 3 defines a business actor as any individual or business entity, whether in the form of a legal entity or not a legal entity established and domiciled or conducting activities within the jurisdiction of the Republic of Indonesia. These business actors can carry out business activities either alone or jointly through agreements in various economic fields. Meanwhile, Article 1 Paragraph 2 states that a consumer is every person who uses goods and/or services available in the community, both for the benefit of themselves, their families, other people, and other living beings and not for trade (Wibisana, et al., 2023)

Legal issues in e-commerce are very important, especially in providing protection to parties transacting over the internet. Due to this importance, Indonesia passed Law Number 11 of 2008 on Electronic Information and Transactions (ITE Law), a unique piece of legislation, in 2008. In addition, Law No. 7 of 2014 on Trade, particularly chapter seven, which regulates trade through electronic networks, contains laws relating to business in Indonesia (Koynaj, et al., 2019).

In today's modern era, many people spend money to beautify themselves through beauty salons, spas, and clinics. Businesses are competing to create and market cosmetics of all types and qualities that are beneficial to society to meet the demands of consumers who are increasingly dependent on beauty products (Gabriella & Bakhtiar, 2023).

Consumers who purchase imported cosmetic products through digital platforms face various risks, especially if the products do not have certification from the Indonesian Food and Drug Authority. One of the main risks is the potential content of harmful ingredients in unregistered cosmetics, such as mercury, hydroquinone, or other chemicals that can cause irritation, allergies, or even long-term effects such as skin damage and serious health problems. Cosmetic products without Indonesian Food and Drug Authority certification also do not go through rigorous safety and effectiveness tests, so consumers have no guarantee that the product is completely safe to use. In addition, since imported products often do not include Indonesian-language labels, it is difficult for consumers to understand the composition, usage rules, and side effects that may occur (Putri & Imanullah, 2023).

Another important risk is the rampant circulation of counterfeit or imitation products packaged to resemble well-known brands, making it difficult to distinguish them from the real thing. E-commerce platforms and social media, which are the main means of selling cosmetic products, are also often used by irresponsible people to offer products with exaggerated claims and fake testimonials to attract buyers' attention.

The lack of strict supervision in online transactions makes consumers more vulnerable to losses, both in terms of product quality and possible side effects. Therefore, before purchasing imported cosmetics online, consumers should be more cautious by ensuring the legality of the product, reading reviews from other buyers, and choosing a trusted seller. The government and e-commerce platforms also have an important role to play in monitoring and limiting the circulation of illegal cosmetic products to protect the health and safety of consumers from the negative effects of using products that do not meet standards.

Based on the problems stated above, there are two problem formulations in this study, namely: ***First***, how is the regulation of consumer protection in digital platforms? ***Second***, how is consumer protection against imported cosmetic products that have not been certified by the Indonesian Food and Drug Authority on the *Tokopedia* online shop platform?

This research is related to previous research, namely: research conducted by (Mareza & rizka , 2023) which examines the legal protection for users of skincare products that have not obtained a distribution permit from the Indonesian Food and Drug Authority and according to the view in Islam. The results obtained in this study explain that consumers are protected by the Consumer Protection Act, according to the view in Islam that skincare products should use ingredients made from safe and halal ingredients.

Next research conducted by (Han & Ukas , 2021) which examines the factors that influence Indonesian consumers to buy illegal cosmetics online and how the responsibility of online business actors towards consumers. The results of this study show that legal protection for consumers of cosmetics that are not registered with the Indonesian Food and Drug Authority where the government has issued laws and regulations related to consumer protection and the Electronic Information and Transaction Law. Agenc However, until now the government has not been able to stop the circulation of these cosmetics.

Reviewing previous research, there are differences in this research, namely: Normative research that focuses on discussing consumer protection regulations for imported cosmetic products that have not been certified by the Indonesian Food and Drug Authority on the Tokopedia platform. This research aims to analyze the regulations on consumer protection and imported cosmetic products that have not been certified by the Indonesian Food and Drug Authority in the *Tokopedia* online shop platform.

RESEARCH METHOD

The research method used in this research is a qualitative approach with a focus on analyzing the applicable rules of law and literature study of relevant regulations. The type of research used is normative research with a statutory approach (Sahetapy & Astutik, 2023). The data used consists of primary data, namely Law No. 8 of 1999 concerning Consumer Protection, Law No.1 of 2024 concerning Electronic Information and Transactions (Simamora, et al., 2022), and Indonesian Food and Drug Authority Regulation No. 12 Year 2023 on the Supervision of the Manufacture and Distribution of Cosmetics, while secondary data includes journals and cases related to cosmetics without Indonesian Food and Drug Authority certification on e-commerce platforms. Data collection was conducted through literature study and legal document analysis.

Furthermore, the data is analyzed using descriptive qualitative analysis method to interpret the regulations and literature study.

RESULT AND DISCUSSION

Consumer Protection Arrangements in Digital Platforms

Consumer Protection Law No. 8/1999 is a regulation designed to protect consumer rights in various transactions, including in the rapidly growing digital trade (Sari, 2023). In the context of e-commerce, the Consumer Protection Law provides a legal foundation that regulates the relationship between businesses and consumers, ensuring that consumers get products and services that comply with safety, quality, and clear information standards (Izazi, at al., 2024). On the other hand, the Consumer Protection Law also regulates the obligations of business actors, including the prohibition of disseminating misleading information, selling dangerous products, or taking advantage of consumer ignorance for unilateral gain. In digital commerce, where transactions are often conducted without face-to-face contact, consumer protection challenges are increasingly complex, especially in relation to online fraud, distribution of illegal products, and inadequate after-sales service. Therefore, the government together with various parties, including e-commerce platforms and business associations, continues to strengthen supervision and law enforcement to ensure that the Consumer Protection Law remains relevant in protecting consumers in the digital era. With this regulation, it is expected that consumers can transact more safely and comfortably, while businesses are also encouraged to conduct business ethically and responsibly, creating a healthier and more sustainable digital trade ecosystem.

Electronic Information and Transaction Law No. 11/2008 is a regulation that governs the use of information technology, electronic transactions, and legal protection in the digital realm in Indonesia. This law was created to provide legal certainty for business actors, consumers, and the general public in utilizing information technology, including in digital trading activities (Akhmaddhian & Agustiwi, 2016). Along with the rapid development of the digital world, the Electronic Information and Transaction Law has been amended through Law No. 1 Year 2024 to adjust to new dynamics, especially in terms of data protection, cybersecurity, and strengthening consumer protection in electronic transactions. One of the important points in the Electronic Information and Transaction Law is the recognition of electronic transactions as valid evidence in law, so that agreements or contracts made digitally have the same legal force as conventional transactions. In addition, this law also regulates personal data security, protection from cybercrime, as well as provisions related to defamation, the spread of false news (hoaxes), and hate speech in digital media. In the context of digital trade, the Electronic Information and

Transaction Law is the legal basis for handling cases of online fraud, misleading product information dissemination, and violations of consumer rights due to non-transparent electronic transactions. With clearer law enforcement and strict supervision, the Electronic Information and Transaction Law is expected to create a safer, fairer, and more reliable digital ecosystem for all users in Indonesia.

Government Regulation (PP) No. 80/2019 on Trading Through Electronic Systems (PMSE PP) is a regulation designed to regulate the digital trade ecosystem in Indonesia, including e-commerce and electronic transactions (Bahtiar, 2020). This Government Regulation aims to create legal certainty for business actors, consumers, and the government in overseeing and developing the increasingly rapid digital trade industry. One of the main aspects regulated in the Government Regulation on Electronic Commerce is the obligation for business actors who carry out electronic commerce, both domestically and from abroad, to fulfill provisions related to licensing, consumer protection, and tax collection.

This Government Regulation also stipulates that every business actor operating in Indonesia, including foreign marketplaces, must have a physical presence or authorized representative in Indonesia to be more easily monitored and responsible for transactions that occur. In addition, the Government Regulation on Electronic Commerce emphasizes the importance of information transparency in digital transactions, including the seller's obligation to provide clear information about products, prices, payment methods, and return policies (Cahyono, et al., 2024)

Consumer protection is also a major concern in this regulation, especially in dealing with cases of fraud, circulation of illegal products, and harmful trade practices. This regulation is expected to create a healthier, fairer, and more competitive digital trading environment, while providing better protection for consumers from the risks of unsafe online transactions. With the Government Regulation on Trade Through Electronic Systems, the government has a stronger legal basis in monitoring and optimizing the growth of the e-commerce sector, so that it can make a positive contribution to the national economy and encourage the sustainable development of the digital industry.

As one of the largest e-commerce providers in Indonesia, *Tokopedia* has a big responsibility in protecting consumers and ensuring safe and reliable transactions on its platform. As a marketplace, *Tokopedia* not only functions as an intermediary between sellers and buyers, but also has a role in overseeing trading activities to comply with applicable regulations, including provisions related to consumer protection, product safety, and information transparency. One of the main policies implemented by Tokopedia is a product and seller verification system to ensure that the goods sold are in accordance with the standards set by

Tokopedia (Octaviani, 2024). Sellers are required to provide clear and accurate product information, including descriptions, prices, and images that match the items being sold. In addition, *Tokopedia* has a mechanism to mark products that have certain certifications, such as health products and cosmetics that have been registered with the Indonesian Food and Drug Authority, to help consumers choose safe products.

In an effort to monitor the circulation of illegal or uncertified products, *Tokopedia* implements an automated monitoring system and works closely with authorities to remove or block products that violate policies. Consumers are also given access to report suspected non-conforming products through the complaint feature, which enables quick action against sellers who violate the rules. In addition, *Tokopedia* provides customer service that can help resolve disputes between buyers and sellers, including a refund mechanism or goods if there is a discrepancy in the transaction. With these various policies, Tokopedia seeks to create a safer and more reliable digital trade ecosystem, while ensuring that consumer rights remain protected in every transaction made on its platform.

Consumer Protection against Illegal Cosmetic Products on *Tokopedia*

Consumer protection against illegal cosmetic products on *Tokopedia* is becoming an increasingly important issue as e-commerce transactions increase in Indonesia. Consumers have the right to get products that are safe, according to standards, and do not endanger health. However, in reality, there are still many merchants who sell illegal cosmetic products without a distribution permit from the Indonesian Food and Drug Authority, which are at risk of containing harmful ingredients such as mercury, hydroquinone, and other hazardous chemicals. The existence of these illegal products poses a serious threat to consumer health, including the risk of skin irritation, hormonal disruption, and long-term effects such as skin cancer. Therefore, consumer protection in this context includes several key aspects, namely regulation, supervision, and law enforcement (Samosir, 2023).

From a regulatory perspective, Law No. 8/1999 on Consumer Protection regulates the rights and obligations of consumers and the responsibilities of business actors. Based on Article 4 of the Law, consumers are entitled to comfort, security, and safety in consuming a good or service. Meanwhile, in the context of cosmetics, Law No. 36 of 2009 on Health and the Indonesian Food and Drug Authority Regulation on Cosmetics Supervision also regulate the safety standards of products circulating in the market. Unfortunately, on e-commerce platforms such as *Tokopedia*, many merchants ignore these regulations by selling illegal cosmetics that do not have a distribution permit.

Monitoring the circulation of illegal cosmetic products on *Tokopedia* is a challenge given the marketplace business model that allows anyone to become a seller. Although *Tokopedia* has a policy to prohibit the sale of illegal products, in practice, there are still many cosmetic products without distribution permits that are sold online. Supervision from e-commerce platforms is needed, for example by tightening the product verification system before marketing, working with the Indonesian Food and Drug Authority to identify illegal products, and opening a complaint channel for consumers who find suspicious goods. In addition, the active role of the community is also needed in reporting illegal products in the distribution (Turnip, 2021).

In terms of law enforcement, the government needs to increase strict action against sellers and distributors of illegal cosmetic products in the marketplace. More severe sanctions, such as high fines or blocking the accounts of merchants who repeatedly sell illegal goods, can be an effective measure to prevent the circulation of unsafe products. Education to consumers is also important so that they are more aware of the dangers of illegal cosmetic products and are able to distinguish which products have been officially registered and which are not. In addition, cooperation between *Tokopedia*, the Indonesian Food and Drug Authority, and law enforcement officials must be strengthened to crack down on sellers who continue to violate the rules (Nurdiyanti, et al. , 2024).

In the context of cosmetic products, Tokopedia must ensure that every item in circulation meets the safety standards set by the Indonesian Food and Drug Authority given the rampant circulation of illegal cosmetic products that do not have distribution permits, contain hazardous ingredients, or are falsified (Rahardian, et al., 2023). Based on Law Number 8 of 1999 concerning Consumer Protection (Consumer Protection Law), digital platforms such as *Tokopedia* can also be categorized as business actors who have an obligation to ensure the safety of products sold on their platforms. Therefore, *Tokopedia* must have a strict product screening policy so that consumers are not harmed due to the use of illegal cosmetic products.

To improve the safety of products sold on its platform, *Tokopedia* has made various efforts, both independently and through cooperation with external parties. One of the steps taken is to improve the verification system for products sold, especially for high-risk categories of goods such as cosmetics. Tokopedia has also begun working with Indonesian Food and Drug Authority and other related institutions to ensure that the products sold have official distribution permits. In addition, *Tokopedia* has a blocking policy for seller accounts that repeatedly violate the provisions by selling illegal products. Another effort made is to educate consumers to be more vigilant in choosing products, for example by providing a feature to check the distribution permit number of the Indonesian Food and Drug Authority before making a purchase. Despite these efforts, improvements are still needed in the supervisory system to be more responsive to the growing circulation of illegal cosmetic products.

The case study on the sale of illegal cosmetics on *Tokopedia* shows that even though policies have been implemented, there are still loopholes that allow dangerous products to circulate. One example of a case that had surfaced was the findings of the Indonesian Food and Drug Authority regarding cosmetic products without distribution permits that were widely sold in marketplaces, including *Tokopedia*. As a follow-up, *Tokopedia* removed a number of products deemed not in accordance with regulations and gave warnings to offending sellers. However, in some cases, the illegal cosmetic products continue to reappear under different names or through new seller accounts. This shows that although measures have been taken, there are still weaknesses in the monitoring system that allow violations to continue to occur.

Given the challenges in filtering illegal cosmetic products, *Tokopedia* needs to improve the effectiveness of its policies and monitoring systems. With stricter and more effective measures, *Tokopedia* can maximize its responsibility to provide safe products for consumers and minimize the circulation of illegal cosmetic products on its platform.

CONCLUSION

This research concludes that applicable regulations, such as Law No. 8/1999 on Consumer Protection and regulations from the Indonesian Food and Drug Authority, regulate product safety standards that must be complied with by businesses, including marketplace platforms such as *Tokopedia*. The implementation of these regulations in e-commerce still faces major challenges, especially in monitoring and enforcing the law against the sale of illegal cosmetic products. Although *Tokopedia* has a policy of banning products that do not have distribution permits and implementing an automatic filtering system, its effectiveness is still questionable because there are still many illegal cosmetic products that have managed to escape into the market.

Legal protection for consumers should provide a guarantee of safety for the goods purchased, but in practice, many consumers still use dangerous products due to weak detection mechanisms and action against irresponsible sellers. As a platform provider, *Tokopedia* has a moral and legal responsibility to ensure the safety of products sold on its marketplace, including by tightening product verification, working more closely with the Indonesian Food and Drug Authority, and increasing transparency and education to consumers. Therefore, there is a need for stricter supervision and strict action against violations, circulation of illegal cosmetic products in e-commerce that can harm consumers and reduce trust in digital commerce in Indonesia.

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