

The Effectiveness of the Consumer Protection Law in Providing Legal Certainty and the View of Islamic Law on Consumers of Dangerous Cosmetics: A Normative Evaluation

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Abstract:

Cosmetics have become a necessity for modern society, and their growth has experienced significant increases. However, currently, many cosmetics contain hazardous materials that require legal action. On the other hand, is the Consumer Protection Law, which provides legal certainty and Islamic legal perspectives for society, effective? Because many problems still occur to this day. Transformation is needed, both from its legal basis that needs to be adjusted, supervision and law enforcement by stakeholders, and massive education for consumers and producers. This study aims to analyze the effectiveness of the Consumer Protection Law, identify obstacles in its implementation, and what recommendations need to be made to improve consumer protection, especially for cosmetics consumers. This research is normative juridical legal research, which uses a legislative and conceptual approach, with qualitative analysis techniques employing systematic, grammatical, and teleological interpretation methods on relevant legal norms. The conceptual approach examines the doctrines and principles of Islamic law, especially *maqāṣid al-sharī'ah*, as well as the values of *ḥifẓ al-nafs* and *ḥifẓ al-māl*. Qualitative analysis using descriptive-analytical methods to describe the effectiveness of UUPK and Islamic law in protecting cosmetics consumers, then evaluated normatively to find the ideal reformulation.

Keywords: consumer protection law; dangerous cosmetics; Islamic law; legal effectiveness.

INTRODUCTION

Cosmetics have become an integral part of modern society. The use of cosmetics is no longer limited to women; it has also become a necessity for men to support cleanliness, health, appearance, and body care. Various types of cosmetics are used in daily life, ranging from products for cleansing the body, providing fragrance, caring for the skin, improving appearance, to protecting and maintaining a healthy body. Thus, cosmetics serve not only an aesthetic function but also relate to people's needs for self-care and health. In the context of Indonesian regulations, cosmetics are essentially preparations used on the outside of the human body for purposes such as cleansing, perfuming, changing appearance, correcting body odor, and protecting or maintaining the body in good condition. Along with increasing public awareness of the importance of self-care, the cosmetics industry in Indonesia has experienced quite rapid development. This growth is marked by the

increasing diversity of cosmetic products available on the market, both produced by domestic industries and products from abroad. The development of digital technology and e-commerce has also made it easier for consumers to obtain various cosmetic products. Consumers can purchase products through conventional stores as well as various digital platforms and social media. This situation provides convenience and expands consumer choice. However, on the other hand, the expanding cosmetics market also presents challenges in terms of oversight, product safety, and consumer protection (Alyahya et al., 2025).

The rapid growth of the cosmetics industry has not always been accompanied by adequate oversight and legal compliance. One issue that remains a concern is the circulation of cosmetics that do not meet safety standards and statutory provisions. Hazardous cosmetic products can contain ingredients that pose health risks if used improperly or in prohibited amounts. Some ingredients that are often of concern in illegal or dangerous cosmetic products include mercury, retinoids, hydroquinone, and certain other ingredients whose use must comply with safety regulations. In addition to ingredient content issues, there are also cosmetic products that lack marketing authorizations, do not include accurate information, or are marketed without meeting the requirements set by authorized agencies (Kicińska & Kowalczyk, 2025).

The distribution of cosmetics that do not meet applicable safety regulations and requirements has the potential to cause various forms of harm to consumers. These losses are not only related to economic aspects, such as purchasing products that do not comply with the information or claims provided by business actors, but can also impact consumer health and safety. These risks are exacerbated when cosmetic products contain prohibited ingredients, do not have a distribution permit, or are marketed without providing adequate information regarding their contents and safety. Essentially, consumers do not have the same ability as business actors to directly know the ingredient composition, quality, safety standards, or production process of a cosmetic. This condition creates an information imbalance between the two parties and places consumers in a relatively weaker position in a transaction (Alyahya et al., 2025).

This imbalance demonstrates the importance of a legal protection mechanism that guarantees consumer rights while ensuring clarity regarding business actors' responsibilities. Legal protection is not only necessary after a consumer experiences a loss, but must also be directed at preventative measures through oversight of the production, distribution, marketing, and circulation of cosmetics. Therefore, a comprehensive consumer protection system needs to be developed to prevent the circulation of potentially harmful products and provide a resolution mechanism once losses have occurred. In the national legal system, one of the main instruments underlying consumer protection is Law Number 8 of 1999 concerning Consumer Protection (UUPK). The UUPK demonstrates the state's commitment to providing legal protection and certainty to the public in their capacity as consumers. This regulation essentially serves to create a balanced relationship between consumers and businesses, allowing each party to exercise its rights and obligations proportionally. Consumer protection also reflects the state's responsibility to ensure that trade activities are conducted fairly and safely, and do not expose the public to preventable risks. Therefore, the implementation of the UUPK is expected to support the creation of a conducive trade climate and contribute to improving public welfare.

In the context of cosmetics, the provisions of the Consumer Protection Law (UUPK) are highly relevant because these products are used directly on consumers' bodies and, under certain conditions, can impact their health. The UUPK provides several rights to consumers, including the right to comfort, security, and safety when using goods and/or services, as well as the right to receive correct, clear, and honest information regarding the condition and guarantees of the goods and/or services. These rights are crucial because before purchasing and using cosmetics, consumers need information regarding the ingredients, benefits, usage instructions, risks, expiration dates, and the legality of the product. The availability of complete and accurate information enables consumers to make more informed decisions and reduces the likelihood of harm.

In addition to providing protection in the form of consumer rights, the Consumer Protection Act also stipulates obligations and responsibilities for business actors. Business actors are required to conduct trade activities in good faith and provide correct, clear, and non-misleading information regarding the products offered. In relation to cosmetics, this obligation includes the responsibility to ensure that the products produced and distributed meet safety standards and do not contain substances that could harm consumers. Thus, the legal relationship between consumers and business actors is not only based on the interest in obtaining profits through transactions, but also includes an obligation to maintain consumer safety, honesty, and interests. If business actors neglect these obligations and cause consumers to suffer losses, legal consequences may arise in accordance with statutory provisions. Therefore, the effectiveness of the Consumer Protection Act in protecting cosmetics consumers depends heavily on the consistent application of norms, supervision, and the

responsibilities of business actors (Rahmawati et al., 2019). In the context of cosmetics, business actors must ensure that the products produced and distributed meet the safety, quality, and legality requirements stipulated by statutory regulations. This responsibility becomes increasingly important because consumers essentially rely on the information provided by business actors in making product choices.

Although legal instruments governing consumer protection exist, their implementation still faces various challenges. The effectiveness of the Consumer Protection Law in protecting consumers from hazardous cosmetics still requires further study. In practice, problems persist, including the circulation of illegal cosmetic products, the use of non-compliant ingredients, products without distribution permits, and promotions that have the potential to mislead consumers. This situation indicates that the existence of legal norms does not automatically guarantee optimal consumer protection. The issue of legal effectiveness is also related to the aspect of law enforcement. When violations of consumer rights occur, effective mechanisms for monitoring, inspection, imposing sanctions, and accountability are required. The weakness of any of these elements can prevent legal provisions from achieving their intended goals. Furthermore, limited public knowledge of their rights as consumers can also be a factor in why cases of consumer losses are not always reported or resolved through available legal mechanisms (Arlina, 2018). Thus, consumer protection depends not only on the existence of regulations, but also on effective supervision, law enforcement, public legal awareness, and business compliance.

This problem demonstrates the gap between *das sollen*, the conditions that should be realized based on legal provisions, and *das sein*, the actual conditions that occur in society. Normatively, the Consumer Protection Law (UUPK) has provided a basis for consumer protection and regulated the rights and obligations of the parties. However, empirically, some consumers still experience losses due to the use of cosmetics that are unsafe or do not comply with legal provisions. This gap is an important reason to evaluate the extent to which the UUPK is able to provide real legal certainty and protection. Based on this description, the issue of the circulation of dangerous cosmetics cannot be viewed solely as a health or trade issue, but also as a legal issue closely related to the fulfillment of consumer rights. The state has a responsibility to ensure that products circulated in the community meet safety standards and do not cause harm to consumers. At the same time, business actors must be aware of and comply with legal provisions governing the safety and legality of cosmetic products (Supardi & Hutabarat, 2025).

Therefore, this research is important to conduct to examine and evaluate the effectiveness of Law Number 8 of 1999 concerning Consumer Protection in providing legal certainty and protection to consumers, particularly in addressing the issue of the circulation of dangerous cosmetics in Indonesia. This research is expected to provide an overview of the conformity between the normative provisions in the Consumer Protection Law and consumer protection practices in the field, including various obstacles in supervision and law enforcement. The results of the research are expected to provide academic contributions to the development of consumer protection law studies as well as provide input for the government, supervisory institutions, business actors, and the public in strengthening the consumer protection system so that the rights to security, comfort, safety, and correct information can be realized more effectively.

METHOD

The research entitled "The Effectiveness of the Consumer Protection Law in Providing Legal Certainty to Consumers of Dangerous Cosmetics: A Normative Evaluation" is a normative legal research with descriptive-analytical characteristics. Normative legal research is used to examine the law as a norm or rule that applies in the positive legal system, especially provisions related to consumer protection and the distribution of cosmetics. This research is not oriented towards collecting empirical data directly in the field, but rather focuses on the study of laws and regulations, legal concepts, legal principles, and various literature sources relevant to the research problem. The descriptive-analytical nature in this research is used to provide a systematic overview of the regulations and mechanisms of legal protection for cosmetics consumers, especially consumers who experience losses due to the use of cosmetic products that are dangerous or do not meet legal requirements (Creswell, 2016). Furthermore, these legal provisions and concepts are critically analyzed to determine the extent to which Law Number 8 of 1999 concerning Consumer Protection (UUPK) is able to provide legal certainty and optimal protection for consumers. The analysis also focuses on Islamic law to examine the principles of consumer protection in Islam, such as justice, public interest, honesty, the prohibition of fraud, and the obligation to protect the public from harmful products. This research uses a statute approach. And conceptual approach. The legislative approach is carried out by examining various regulations related to consumer protection, cosmetic safety and distribution, and other legal provisions relevant to the legal issue being studied. This approach is

necessary to identify legal norms governing the rights and obligations of consumers and business actors, forms of legal responsibility, oversight mechanisms, and provisions regarding sanctions for violations (Sugiyono, 2019).

Meanwhile, a conceptual approach is used to analyze various concepts and principles that form the basis of consumer protection. This approach allows the researcher to understand the meaning of legal certainty, legal protection, business actor responsibility, product safety, and the concept of benefit in Islamic law. Both approaches are used in an integrated manner to identify the suitability and potential gaps, weaknesses, or inconsistencies between legal norms and the objectives of consumer protection. The legal materials in this study are analyzed qualitatively using legal interpretation methods, including grammatical, systematic, and teleological interpretation. Grammatical interpretation is used to understand the meaning of a provision based on the language and formulation of the norm. Systematic interpretation is used by connecting a norm with other legal provisions within a unified legal system. Teleological interpretation is used to understand the goals and values to be realized through a legal provision (Miles et al., 2014). The results of this analysis are then used to evaluate the effectiveness of consumer protection regulations and formulate an ideal legal reformulation to provide certainty, justice, and protection for consumers of hazardous cosmetics.

RESULTS AND DISCUSSION

The Effectiveness of the Consumer Protection Law in Providing Legal Protection Against Consumers of Cosmetics Containing Hazardous Ingredients

According to Richard M. Steers, effectiveness can be understood as the ability of a program or system to achieve predetermined goals and objectives through the utilization of available resources and means. Effectiveness is not only related to the achievement of the final result, but also to how the process of achieving those goals is carried out appropriately and efficiently. A program is said to be effective if it is able to optimize available resources without hindering the sustainability of the system or causing undue pressure on those implementing the program. Thus, Steers' concept of effectiveness emphasizes the balance between the goals to be achieved, the resources used, the supporting means, and the implementation process. In a legal context, effectiveness can be seen from the extent to which a regulation is able to achieve its predetermined protection goals (Richard, 1990).

Effectiveness can generally be understood as the degree of success in achieving predetermined goals or objectives. If formulated goals and plans are effectively implemented, an activity or policy can be categorized as effective. Conversely, if these goals are not achieved, its implementation can be deemed ineffective. Therefore, the greater the number of goals successfully achieved, the higher the level of effectiveness of a policy. Ali Achmad, in his study, explained that to determine the effectiveness of a law, one initial indicator that can be used is the level of public compliance with applicable regulations. In the context of consumer protection, this compliance can be seen from the behavior of business actors in fulfilling legal obligations and consumer awareness in exercising and claiming their rights. However, the level of compliance does not fully indicate the degree of legal effectiveness. This is because individuals may comply with regulations not solely based on legal awareness, but also due to interests, benefits, pressure, or specific considerations (Ali, 2021).

According to Soerjono Soekanto, the effectiveness of a law in society is influenced by several interrelated factors. First, the legal factor, namely the quality and clarity of the laws and regulations that form the basis for regulation. Second, the law enforcement factor, which relates to the ability, integrity, and consistency of officials in implementing legal provisions. Third, the infrastructure and facilities factor, in the form of the availability of various resources to support the law enforcement process. Fourth, the societal factor, specifically the level of public awareness and compliance with regulations. Fifth, the cultural factor, namely the values, norms, and customs that develop in society. These five factors determine the extent to which a rule can be implemented effectively (Aswar & Willem, 2023).

This view aligns with Romli Atmasasmita's thinking, which asserts that the effectiveness of law enforcement is not solely determined by the quality and performance of law enforcement officers. Another crucial factor is the process of legal socialization within the community. Good legal provisions will not function optimally if the public, as legal subjects, does not receive adequate information and understanding of these regulations. Lack of socialization can lead to low public knowledge, awareness, and compliance with the law. Therefore, efforts to improve the effectiveness of law enforcement must be accompanied by ongoing, easily understood socialization that reaches various community groups (Muharrozi et al., 2025). Therefore, it can be concluded that legal effectiveness means discussing the effectiveness of the law in regulating or even compelling the wider community to comply with the law.

Law Number 8 of 1999 concerning Consumer Protection is the main umbrella in protecting consumer rights including in cosmetic products. In addition, there is also Law Number 36 of 2009 concerning Health, to

BPOM Regulations regarding cosmetic product safety standards. In Law Number 8 of 1999 concerning Consumer Protection, many mentions regarding the rights and obligations of the parties involved (Consumers and Producers), such as in Article 4 explaining that there is a consumer right to the safety of the products they buy, Article 7 regarding the obligation of producers to guarantee the absence of dangerous raw materials, Article 8 regarding the prohibition of producing/distributing defective/dangerous goods, to Article 19 regarding administrative sanctions to criminal penalties for naughty producers. If seen, the aspect of legal certainty that applies is very clear in regulating, how the existing Law is already quite firm in regulating consumer rights and producer obligations, up to reporting to BPOM or other authorities such as the police, the Consumer Dispute Resolution Agency or BPSK to the judicial process. Consumers can also sue manufacturers for compensation, as regulated by Law Number 8 of 1999 concerning Consumer Protection. Under existing regulations, the BPOM, as the supervisory authority, also has the authority to withdraw products from circulation and impose administrative sanctions such as permit revocation and fines.

However, in its implementation, there are still ineffective aspects and obstacles in the field. For example, weak law enforcement, as can be seen, there are still many illegal cosmetic products circulating in the market, added to by imported products from abroad that do not have distribution permits in Indonesia. For example, in December 2024, the BPOM discovered illegal cosmetics worth IDR 8.91 billion spread across 69 different brands, these products originated from China, Korea, Malaysia, and India and contained hazardous materials such as mercury and rhodamine B, which are included in hazardous raw materials for cosmetics. Furthermore, the legal process is still slow to ineffective sanctions such as low fines and perpetrators who repeat violations. In Article 62 of Law Number 8 of 1999 concerning Consumer Protection, it is explained that business actors who violate the provisions will be subject to a maximum of five years' imprisonment and a maximum fine of IDR 2 billion. This figure will seem small if we look at the profits that business actors get, because it is not comparable to the suffering of the victims out there, and it is not uncommon for business actors who have been sanctioned to repeat their actions, either reproducing or changing the brand of their products to appear different from the previous ones (Vieira et al., 2024).

Based on the foregoing, it can be concluded that, from a normative standpoint, Indonesia possesses a relatively adequate legal framework for consumer protection, including for consumers of cosmetic products. Various provisions govern consumer rights, the obligations of business operators, prohibitions against the distribution of hazardous products, and liability mechanisms for resulting damages. However, the existence of these regulations has not yet been matched by effective implementation. Issues persist regarding law enforcement, the widespread circulation of illegal cosmetics, limited oversight by stakeholders, and low public awareness regarding the identification of product safety and legality. This situation reveals a gap between legal provisions and actual practice. Yet, the fundamental purpose of cosmetics is to support hygiene, health, and personal care, rather than to pose risks through the use of hazardous ingredients. Therefore, enhancing the effectiveness of consumer protection requires strengthening law enforcement, oversight, and public education, alongside ensuring the sustained accountability of business operators.

Normative and Implemented Obstacles

Legal protection, especially for cosmetics consumers, is a matter that must be considered, given the rampant circulation of illegal and dangerous cosmetics in Indonesia, despite the low level of public awareness. Enforcing legal protection for cosmetics consumers in Indonesia faces numerous obstacles, both normative obstacles such as legal frameworks and so on, and implementation grounds such as ineffective implementation in the field. Regarding normative obstacles, we can examine the sanctions imposed on business actors that are not as severe as they should be, and could even be said to be completely ineffective. As previously stated, Article 62 of Law Number 8 of 1999 concerning Consumer Protection states that business actors who violate the provisions will be subject to a maximum of five years' imprisonment and a maximum fine of IDR 2 billion. This figure will seem very small, considering the losses suffered by consumers and the profits of business actors that are far from that figure, making this unfair. From a consumer perspective, many are disadvantaged because not all problems with dangerous cosmetics can be treated. Many cases report consumers experiencing permanent disabilities, even experiencing serious illnesses such as cancer (Othman et al., 2024).

Furthermore, there is still overlapping regulation in force. Law Number 8 of 1999 concerning Consumer Protection, Law Number 36 of 2009 concerning Health, and BPOM Regulations are still considered to overlap in regulating hazardous cosmetics, which is exacerbated by the lack of clear harmonization. For example, BPOM has the authority to confiscate hazardous products from the market, but in taking legal action it must go through the police based on Law Number 8 of 1999 concerning Consumer Protection, which often makes the process

even slower due to the lack of coordination between sectors. In addition, there is also the problem of ambiguity regarding the definition of "hazardous materials", in Law Number 8 of 1999 concerning Consumer Protection, the term does not specifically include a list of chemicals that are prohibited in cosmetic ingredients, so it depends on BPOM regulations, this often creates uncertainty in the interpretation of applicable positive law.

Furthermore, other normative obstacles exist in existing e-commerce regulations. With increasingly sophisticated technological developments, cosmetics sales on digital platforms in Indonesia are increasingly prevalent, and these cosmetics often lack distribution permits or are even considered dangerous due to their ingredients. Sales in marketplaces are still not explicitly regulated by Law Number 8 of 1999 concerning Consumer Protection. Platforms' responsibilities are limited to providing information, as stipulated in Article 9 of Law Number 27 of 2022 concerning Personal Data Protection, but they are not obligated to filter out dangerous products on their services, creating information asymmetry due to the difficulty of verifying their safety. Regulatory updates regarding this matter should be made to remain relevant, given today's rapidly evolving technology. Islamic jurisprudence (Fiqh) does not explicitly address cosmetics, but rather generally through the prohibition of dharar (harm), tadelis (fraud), and the principle of hifzh al-nafs (protecting the soul). This complicates direct legal implementation. Diverse legal interpretations → Scholars have differing views on cosmetic ingredients (e.g., the use of alcohol or certain chemicals). This lack of uniformity has the potential to hinder legal certainty (Supardi & Hutabarat, 2025).

In addition to normative issues, the effectiveness of cosmetics consumer protection also faces various obstacles during the implementation phase. One major issue is the suboptimal coordination between stakeholders in the supervision and law enforcement process. The Food and Drug Monitoring Agency (BPOM) plays a crucial role in overseeing the safety and distribution of cosmetic products, while the police play a role in taking initial action against suspected violations of the law. Furthermore, the Attorney General's Office (AGO) plays a role in the prosecution process for cases that have entered the law enforcement stage. In practice, suboptimal coordination can slow down the case handling process and potentially hinder case resolution. Furthermore, the BPSK's authority in resolving consumer disputes is also limited because it does not include the imposition of criminal sanctions. BPSK focuses more on dispute resolution and restitution of consumer losses within its authority. These issues are further complicated by limited human resources, budget, and oversight, particularly regarding the distribution of cosmetics in remote areas.

Furthermore, information and outreach are limited, especially in remote areas. Consumers, especially those using cosmetics in remote areas, often lack an understanding of their rights, such as the right to know the ingredients and the right to sue businesses, which allows these illegal businesses to continue operating. Many people also consider the complaint mechanism complicated. Consumers must go through the Consumer Dispute Resolution Agency or the courts to obtain compensation, but as we know, the complaint process is highly bureaucratic and time-consuming. Furthermore, many victims, particularly those from the lower middle class, do not understand the existing mechanisms. This occurs due to a lack of legal awareness in society. This is further compounded by a culture of not reporting when something happens due to the cosmetics they buy. This legal culture is evidenced by a 2022 survey by the Indonesian Consumers Foundation, which found that 70% of victims of dangerous cosmetics in Indonesia do not report their cases due to a lack of knowledge and fear of the legal process. This demonstrates the continued need for public outreach to minimize future losses (Digiovanni et al., 2006).

Another obstacle to consumer protection in cosmetics relates to the limited evidence consumers can use to prove that a product has caused negative health impacts. Losses in the form of health problems, including serious skin damage, require medical evidence and professional testimony. Inspection, laboratory testing, and expert testimony are often relatively expensive and complicated procedures for consumers. This situation is further complicated when businesses, particularly micro, small, and medium-sized businesses, have limited product liability and do not provide protection or insurance for the cosmetic products they market. As a result, consumers may experience difficulties in obtaining compensation for their losses. This situation highlights the need for protection and evidence mechanisms that better support consumers, who are in a relatively vulnerable position. The government and relevant institutions need to provide effective solutions by simplifying complaint mechanisms, strengthening business actors' accountability, and providing evidence support for consumers. These steps are crucial to minimize the number of victims of the circulation of dangerous cosmetics.

Efforts to improve regulations and legal implementation that can increase legal certainty for consumers in cases of the circulation of dangerous cosmetics

Various improvements are needed to strengthen the regulation and implementation of consumer protection laws, particularly considering the significant potential losses for consumers and the state in the

distribution of cosmetic products. One strategic step the government can take is to revise Law Number 8 of 1999 concerning Consumer Protection to make it more adaptable to industrial developments and modern trade patterns. This revision could be directed at strengthening provisions regarding sanctions for business actors who commit violations, both in the form of criminal and civil sanctions, to provide a preventative effect while ensuring redress for consumer losses. Furthermore, the development of digital commerce through marketplaces demands stricter regulations regarding platform responsibilities in preventing and prosecuting the distribution of illegal or dangerous cosmetics. Regulations also need to provide clearer definitions and parameters for the category of "dangerous products," referring to the safety standards and technical provisions of the Food and Drug Supervisory Agency (BPOM). Thus, regulatory updates are expected to create a more responsive, effective consumer protection system that is in line with technological developments and the dynamics of the cosmetics trade (Nayak et al., 2023).

In addition to regulatory reforms, strengthening the oversight system for the circulation of illegal cosmetics also needs to be a priority to increase the effectiveness of consumer protection. This effort can be implemented through the establishment of a task force or special coordination mechanism involving the Food and Drug Monitoring Agency (BPOM), the Directorate General of Customs and Excise, and the Indonesian National Police. Inter-agency synergy is needed to ensure that the monitoring, inspection, enforcement, and supervision of illegal cosmetics can be carried out in an integrated manner. The government also needs to develop an integrated reporting system that allows for data integration between BPOM, the Police, and Customs, especially regarding products that do not have distribution permits, contain hazardous substances, or have been withdrawn from circulation. This integration can support the process of identifying and blocking risky imported products before they enter the Indonesian market. Furthermore, collaboration with digital platforms or marketplaces needs to be strengthened through a mechanism to block the sale of cosmetics that do not have a BPOM distribution permit. Institutional strengthening can also be achieved by increasing the role of the Consumer Dispute Resolution Agency (BPSK) in imposing administrative sanctions within its authority. Integrated multi-sector collaboration is expected to narrow the scope for violations and facilitate monitoring of cosmetics distribution in Indonesia (Apandy et al., 2021).

The final step that needs to be strengthened is increasing education and outreach to the wider community, including consumers in remote areas. This program can be implemented through massive campaigns, both through face-to-face activities and through the use of social media and digital platforms. Educational materials should include how to check the legality of cosmetics, identify products that potentially contain hazardous substances, understand information on packaging, and understand the complaint procedures if consumers experience losses. Consumer protection literacy also needs to be directed at business actors, especially micro and small businesses, through guidance on safety standards and BPOM requirements as well as the legal consequences of producing or distributing cosmetics that do not meet regulations. These various efforts are expected to increase public legal awareness, reduce potential consumer losses, and narrow the scope for irresponsible business actors. However, the application of an Islamic legal perspective to modern consumer protection still faces regulatory limitations. Not all Muslim-majority countries have consumer protection systems that comprehensively integrate sharia principles. This situation can make it difficult for law enforcement officials to use Islamic norms as a formal basis for law enforcement processes, although principles such as honesty, prohibition of fraud, harm, and benefit remain relevant as ethical foundations (Salamiah, 2014).

A business orientation that prioritizes economic profit over consumer safety and interests fundamentally conflicts with Islamic ethical principles. From the perspective of Islamic law, commercial activity is not solely aimed at generating profit; it must also uphold honesty, justice, and the public interest, while strictly avoiding the infliction of harm upon others. The principle of *la dharar wa la dhirar* asserts that it is impermissible to engage in actions that endanger oneself or cause harm to others. This principle is highly relevant to the protection of cosmetics consumers, particularly regarding products that contain hazardous ingredients or fail to meet safety standards. Furthermore, there is a prohibition against *tadlis*—the act of concealing information or engaging in deception during transactions—which includes providing false statements regarding a product's quality, ingredients, safety, or legal status. The principle of *hifzh al-nafs* (preservation of life) also establishes human safety as a vital interest that must be safeguarded. Consequently, cosmetics production and trade practices that endanger consumers contravene not only positive law but also Sharia values. However, regulatory limitations and weak implementation remain obstacles to achieving optimal consumer protection based on Islamic principles.

Legal effectiveness cannot be measured solely by the existence of a statutory regulation. A law can be considered effective if the established norms are able to achieve the intended goals and can be implemented in society. Richard M. Steers views effectiveness as the ability of a system to achieve goals and objectives by

utilizing available resources and means. Thus, the success of a rule is determined not only by the quality of its normative formulation but also by the legal system's ability to implement it effectively. Meanwhile, Ali Achmad emphasized that one indicator of legal effectiveness can be seen in the level of public compliance with the law. Although this compliance still requires further study because individuals may comply with rules not solely due to legal awareness, but also due to certain interests or pressures (Disemadi & Nadia, 2021).

In the context of cosmetics consumer protection, this approach demonstrates that the effectiveness of Law Number 8 of 1999 concerning Consumer Protection (UUPK) must be viewed from two perspectives: normative and implementative. Normatively, the UUPK provides a fairly clear foundation for consumer protection. The law regulates consumers' rights to safety, comfort, and security when using goods and/or services. Furthermore, businesses are obligated to conduct their business activities responsibly and not to market products that endanger consumers. Provisions prohibiting the production and distribution of defective or dangerous goods, as well as provisions regarding business liability, demonstrate that consumers have a legal basis for obtaining protection and seeking redress when they suffer losses. Therefore, if effectiveness is assessed solely from the comprehensiveness of the provisions, the UUPK can be said to provide a relatively adequate foundation. Consumers have the right to obtain accurate, safe, and clear information about the products they use. Businesses also do not have unlimited freedom to produce and distribute cosmetics, as these activities are limited by safety regulations and legal liability (Apandy et al., 2021). Furthermore, there are complaint and dispute resolution mechanisms available through authorized institutions. This means that, from a formal legal certainty perspective, consumers have access to legal instruments to protect their interests.

Problems arise when the effectiveness of the law is measured based on real-world conditions. The continued discovery of illegal and dangerous cosmetics demonstrates a gap between legal norms and practice. Research documents note that in December 2024, the Indonesian Food and Drug Authority (BPOM) discovered illegal cosmetics worth approximately IDR 8.91 billion, spread across 69 brands and originating from several countries, with some products containing hazardous ingredients such as mercury and rhodamine B. This phenomenon indicates that the existence of regulations has not been fully able to prevent the entry and distribution of cosmetics that have the potential to harm consumers. This condition shows that the effectiveness of the law is greatly influenced by factors outside the text of the law. Soerjono Soekanto mentions five factors that influence the effectiveness of the law: the law itself, law enforcement, facilities or infrastructure, society, and culture. This view is relevant to explaining the issue of consumer protection for cosmetics. If one of these elements does not function properly, legal norms that are textually sound can lose their effectiveness. Romli Atmasasmita even emphasized the importance of legal socialization because people who do not understand the law will experience difficulties in exercising their rights (Wulandari & Syahriar, 2026).

The first obstacle that can be analyzed is a normative issue. One issue that arises is the effectiveness of sanctions against business actors. The criminal provisions in the Consumer Protection Law (UUPK) impose criminal penalties and fines on business actors who commit violations. However, from a legal policy perspective, these sanctions need to be evaluated in terms of their deterrent effect. If the economic benefits from selling illegal cosmetics far outweigh the legal risks, then the sanctions have the potential to fail to produce an optimal deterrent effect. This issue is further complicated by the possibility that business actors who have been subjected to legal action may still commit violations again, for example by changing brands or using different marketing channels. Therefore, the effectiveness of sanctions is not solely determined by the severity of the punishment, but also by the certainty that violations will be detected, processed, and consistently sanctioned. In other words, the principle of certainty of punishment in law enforcement is as important as the severity of the sanction itself (Erni & Hasuri, 2025).

Another obstacle to realizing consumer protection for cosmetics relates to the relationship between Law Number 8 of 1999 concerning Consumer Protection (UUPK) and various sectoral regulations governing the safety and distribution of cosmetic products. Consumer protection in the cosmetics sector cannot solely refer to the provisions of the UUPK, but also relates to regulations in the health sector, provisions regarding drug and food supervision, and regulations issued by the Food and Drug Monitoring Agency (BPOM). The existence of these various legal instruments essentially demonstrates the state's seriousness in ensuring the safety of products circulating in the community. However, the multitude of regulations and institutions involved can also create problems if the division of authority, oversight mechanisms, and enforcement procedures are not implemented in a coordinated and integrated manner.

Coordination issues can arise when one agency has the authority to supervise, inspect, or confiscate products suspected of violating regulations, while the investigation and criminal law enforcement process requires the involvement of other law enforcement agencies. If information exchange and coordination between agencies

are not swift, case handling can be delayed. This situation has the potential to reduce the effectiveness of consumer protection because problematic products can still be in circulation before comprehensive legal action is taken. Therefore, a coordination mechanism is needed that can more effectively link administrative oversight functions with law enforcement processes. In addition to regulatory complexity, developments in information technology and e-commerce also present new challenges in protecting cosmetics consumers. Changes in consumer behavior in conducting transactions have led to an increasing number of cosmetics being marketed through marketplaces, social media, and various digital platforms. This situation expands the marketing reach of products but also increases the risk of the circulation of illegal cosmetics, cosmetics that lack distribution permits, or cosmetics that do not meet safety standards. Consumers may also experience difficulties in verifying the identity, legality, and source of products offered by sellers.

In such situations, conventional oversight, focused solely on physical stores, becomes inadequate. Consumer protection needs to adapt to developments in digital commerce through technology-based oversight, seller verification, online product monitoring, and blocking mechanisms for products found to violate regulations. Marketplace platforms also need to be involved as part of the consumer protection ecosystem by implementing obligations to take action against the sale of illegal or dangerous cosmetics. With regulatory integration, inter-agency coordination, and digital oversight, the gap in the circulation of non-compliant cosmetics can be narrowed, enabling more effective consumer protection (Kashuri, 2025). In such circumstances, conventional oversight is no longer sufficient. Consumer protection systems must be able to adapt to technological changes by positioning digital platforms as part of the oversight ecosystem.

Beyond normative issues, more significant obstacles lie in the implementation phase. Consumer protection requires coordination between the Food and Drug Monitoring Agency (BPOM), the police, the prosecutor's office, the Consumer Protection and Assessment and Application Agency (BPSK), the government, and other relevant parties. If coordination between institutions is not swift and integrated, the enforcement process can be delayed. In the case of hazardous cosmetics, delays in handling have more serious consequences than for ordinary trade violations, as problematic products can continue to be consumed by the public until they are withdrawn from circulation. Limited human resources and budget are also significant factors. The vast number of cosmetic products in circulation is significant, while government oversight capabilities are limited. This problem is exacerbated in remote areas that are geographically more difficult to reach (Kamila & Faslah, 2025). Therefore, oversight cannot rely solely on direct inspections but needs to be developed through digital systems, risk-based oversight, and community participation.

Societal factors also significantly influence the effectiveness of legal protection. Consumers who are unaware of their rights tend to be passive when experiencing harm. Research documents indicate a lack of public understanding regarding the right to information, the right to file a complaint, and the right to claim compensation. The complexity of complaint procedures can also lead consumers to choose not to report their cases. In fact, the document cites the results of a 2022 YLKI survey, which found that 70% of victims of hazardous cosmetics do not report their cases due to lack of knowledge and concerns about the legal process. The issue of proof is also a significant barrier. Consumers who experience harm from cosmetics are not always able to prove a link between the product they used and the health harm they experienced. Medical examinations and laboratory testing can require significant costs and expertise. This situation highlights the unequal position between consumers and businesses. Consumers generally have limited information about products, while businesses possess information regarding ingredients, production processes, distribution, and product safety. Therefore, proof and accountability mechanisms need to be designed with consumers' position as the weaker party in mind (Simbolon et al., 2025).

Cosmetic consumer protection can also be analyzed through the perspective of Islamic law. Although classical jurisprudence does not specifically address modern cosmetics, its basic principles can be applied to the issue. Some of the relevant principles are the prohibition of *dharar* or harm, the prohibition of *tadlis* or fraud, and the principle of *hifzh al-nafs* or preserving the soul. These three principles are closely related to the goal of modern consumer protection. The principle of *la dharar wa la dharr* provides a normative basis that an economic activity should not result in actions that endanger oneself or others (Hakim et al., 2025). In the context of cosmetics, business actors are not allowed to sell products that they know contain dangerous ingredients or hide product risks from consumers. Such actions are not only a violation of positive rules, but also contrary to the ethical principles of Islamic *muamalah*.

The principle of *tadlis* is also relevant because the sale of illegal cosmetics is often associated with concealment or misinformation. If business actors make inaccurate claims, conceal certain ingredients, or give the impression that a product is safe when it does not meet safety standards, an imbalance of information occurs

that is detrimental to consumers. From an Islamic perspective, fraudulent transactions contradict the principles of honesty and justice in muamalah (transactions). Meanwhile, *hifz al-nafs* places human safety as one of the essential goals of sharia. Therefore, protecting cosmetics consumers can be seen as part of efforts to safeguard the lives and well-being of society. However, the application of Islamic legal principles within the positive legal system still faces limitations. These norms are principled and require a process of interpretation to be applied to modern cosmetics issues (Darnia et al., 2023). Furthermore, differing views regarding some cosmetic ingredients can lead to varying interpretations.

Based on this analysis, the main problem with cosmetics consumer protection is not simply the absence of regulations, but rather the gap between norms, supervision, enforcement, and public awareness. Therefore, policy reformulation needs to be directed at strengthening the entire system. First, an evaluation of the Consumer Protection Law (UUPK) is needed to address developments in modern trade, including the trade of cosmetics through marketplaces. Responsibilities within the digital ecosystem need to be clarified so that platforms serve not only as transaction platforms but also as mechanisms to prevent the circulation of non-compliant products. Second, the definition and parameters of hazardous products need to be formulated in a more integrated manner with the BPOM technical standards to avoid ambiguity in their application. Third, supervision needs to be carried out through multi-sectoral collaboration. BPOM, the police, Customs, local governments, and digital trading platforms need to build an integrated monitoring system. Combining data on distribution permits, distribution, violations, and product recalls can expedite the process of identifying and blocking hazardous products. Strengthening the authority of consumer dispute resolution institutions can also be considered to expedite the restoration of consumer rights (Julyano & Sulistyawan, 2019).

Fourth, increasing public legal literacy must be an integral part of consumer protection policies. Consumers need to be educated on how to check product legality, read cosmetic information, recognize indications of illegal products, and use complaint mechanisms. Business actors, particularly small and medium enterprises, should also be educated on safety standards and the legal consequences of marketing products that endanger consumers. Therefore, the effectiveness of the Consumer Protection Law (UUPK) in protecting cosmetics consumers can be considered suboptimal. Normatively, the UUPK has provided a sufficient legal basis for rights, obligations, prohibitions, responsibilities, and dispute resolution mechanisms (Wijayanta, 2014). However, its substantive effectiveness still faces challenges such as weak oversight, limited resources, inter-institutional coordination, the development of digital trade, low consumer legal literacy, issues of proof, and the deterrent effect of sanctions, all of which require evaluation.

Ultimately, consumer protection in cosmetics requires an approach that is not only repressive but also preventive. An Islamic legal perspective strengthens this argument through the principles of *la dharar wa la dhirar*, *tadlis*, and *hifz al-nafs*. These principles emphasize that economic activity must be oriented towards honesty, justice, safety, and the public interest. By integrating positive legal certainty, strong oversight, consistent law enforcement, business actor responsibility, consumer literacy, and the public interest values of Islamic law, the cosmetics consumer protection system can be directed towards a model that is more responsive to current developments while being more capable of providing certainty and justice for consumers (Tjandra, 2012).

CONCLUSION

To date, the effectiveness of Law Number 8 of 1999 concerning Consumer Protection in providing legal safeguards for consumers of cosmetics containing hazardous ingredients remains low. This is due to various normative and implementation-related obstacles, such as regulations deemed irrelevant to the current digital era, weak law enforcement, sluggish legal processes, and ineffective sanctions—such as low fines that allow offenders to repeat their actions. Additionally, there is a lack of public awareness and legal literacy regarding consumer rights and obligations. Several measures can be taken to improve this situation, including updating the Consumer Protection Law and its implementing regulations, imposing stricter sanctions, aligning regulations with the digital age, fostering inter-agency collaboration in market surveillance, and raising public awareness. From an Islamic legal perspective, consumer protection aligns with the principles of *maqāṣid al-syarī'ah*—specifically *hifz al-nafs* (protection of life) and *hifz al-māl* (protection of property)—which mandate that business actors be honest (*ṣidq*) and trustworthy, and ensure the safety of the products they trade. The distribution of hazardous cosmetics is categorized not only as a legal violation but also as a *ḥarām* (forbidden) act, as it endangers health and violates consumer rights. Thus, effective consumer protection can only be achieved through synergy between the Consumer Protection Law (as the national legal framework) and Islamic legal values (as the moral and ethical

foundation). Policy reformulation that strengthens oversight and imposes firm sanctions, alongside the education of both consumers and producers, constitutes a crucial step toward realizing fair and equitable consumer protection for cosmetics that adheres to Sharia principles.

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