

ABSTRAK
PERLINDUNGAN KONSUMEN TERHADAP PROMOSI PRODUK
KOSMETIK ILEGAL

(Studi Kasus Promosi Produk MH Cosmetics)

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Peningkatan kesadaran masyarakat terhadap penampilan mendorong pesatnya industri kosmetik, namun di sisi lain memicu maraknya peredaran produk tanpa izin edar yang membahayakan konsumen. Kasus MH Cosmetics menunjukkan bagaimana produk perawatan kulit mengandung merkuri dan tidak memiliki izin Badan Pengawas Obat dan Makanan (BPOM) dapat merugikan konsumen. Permasalahan dalam penelitian ini adalah bagaimana pengaturan perlindungan konsumen terhadap promosi produk kosmetik ilegal serta bagaimana pertanggungjawaban pelaku usaha atas kerugian yang ditimbulkan.

Jenis penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan dan studi kasus. Pendekatan perundang-undangan digunakan untuk menelaah ketentuan hukum yang mengatur perlindungan konsumen, khususnya yang berkaitan dengan peredaran dan promosi produk kosmetik. Sementara itu, pendekatan studi kasus digunakan untuk mengkaji secara mendalam kasus MH Cosmetics sebagai contoh konkret penerapan norma hukum dalam praktik.

Hasil penelitian menunjukkan bahwa perlindungan konsumen terhadap promosi produk kosmetik ilegal diatur dalam Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen, Undang-Undang Nomor 17 Tahun 2023 tentang Kesehatan, serta peraturan Badan Pengawas Obat dan Makanan. Ketiga regulasi tersebut saling sinkron dan tidak tumpang tindih dalam mengatur hak dan kewajiban pelaku usaha, keamanan produk, serta perizinan dan pengawasan kosmetik. Pertanggungjawaban pelaku usaha dilakukan secara perdata, pidana, dan administratif atas kerugian akibat produk ilegal. Namun, penegakan hukum masih terkendala lemahnya pengawasan dan sanksi, sehingga diperlukan penguatan peran BPOM, edukasi konsumen, dan penerapan sanksi tegas.

Kata Kunci : Perlindungan Konsumen, Promosi Kosmetik Ilegal, Tanggung Jawab Pelaku Usaha.

ABSTRACT

CONSUMER PROTECTION AGAINST THE PROMOTION OF ILLEGAL COSMETIC PRODUCTS

(A Case Study on the Promotion of MH Cosmetics Product)

By

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The increasing public awareness of appearance has driven the rapid growth of the cosmetic industry. However, this development has also led to the widespread circulation of products without distribution permits, which pose risks to consumer safety. The case of MH Cosmetics illustrates how skincare products containing mercury and lacking authorization from the Food and Drug Supervisory Agency (BPOM) can cause harm to consumers. The problems addressed in this study are how consumer protection regulations govern the promotion of illegal cosmetic products and how business actors are held accountable for the resulting losses.

This research employs a normative legal research method using a statutory approach and a case study approach. The statutory approach is used to examine legal provisions governing consumer protection, particularly those related to the distribution and promotion of cosmetic products. Meanwhile, the case study approach is applied to analyze the MH Cosmetics case as a concrete example of the implementation of legal norms in practice.

The results of the study indicate that consumer protection against the promotion of illegal cosmetic products is regulated under Law Number 8 of 1999 on Consumer Protection, Law Number 17 of 2023 on Health, and regulations issued by the Indonesian Food and Drug Authority. These three regulations are synchronized and do not overlap in regulating the rights and obligations of business actors, product safety, as well as cosmetic licensing and supervision. The liability of business actors for losses caused by illegal products may be pursued through civil, criminal, and administrative mechanisms. However, law enforcement in the cosmetic sector remains constrained by weak supervision and sanctions therefore, strengthening the role of BPOM, enhancing consumer education, and imposing strict sanctions are necessary to reinforce consumer protection in Indonesia.

Key Words : **Consumer Protection, Illegal Cosmetic Promotion, Business Actor Liability.**