

ABSTRAK
PENEGAKAN HUKUM TERHADAP PELAKU TINDAK PIDANA
PENGEDARAN BISNIS SKINCARE ATAU KOSMETIK
YANG MENGANDUNG BAHAN BERBAHAYA
DI BANDAR LAMPUNG
(Studi Kasus Wilayah Hukum Bandar Lampung)

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Peredaran kosmetik berbahaya masih kerap ditemukan di masyarakat, terutama produk skincare yang mengandung zat seperti merkuri, hidrokuinon, dan rhodamin B. Produk-produk ini dijual secara bebas, baik offline maupun online, sehingga mudah dijangkau konsumen. Banyak di antaranya tidak memiliki izin edar BPOM, yang berarti belum melalui pengujian keamanan dan tidak terjamin kelayakannya. Padahal, kandungan bahan berbahaya tersebut dapat menimbulkan dampak serius bagi kesehatan, seperti iritasi kulit, kerusakan organ, hingga risiko penyakit kronis. Meskipun peraturan perundang-undangan telah melarang peredaran kosmetik berbahaya dan tanpa izin edar, pelanggaran masih terus terjadi. Hal ini menunjukkan bahwa keberadaan aturan hukum belum sepenuhnya efektif dalam menekan peredaran kosmetik ilegal. Penegakan hukum pun menghadapi berbagai hambatan, seperti keterbatasan sumber daya, kesulitan mengawasi penjualan daring, serta kendala koordinasi antar instansi, sehingga perlindungan masyarakat dari produk berbahaya belum berjalan optimal.

Metode penelitian yang digunakan adalah penelitian yuridis empiris dengan pendekatan peraturan perundang-undangan dan pendekatan kasus. Data diperoleh melalui studi kepustakaan dan wawancara dengan pihak terkait, kemudian dianalisis secara kualitatif.

Hasil penelitian dan pembahasan menunjukkan bahwa penegakan hukum terhadap pelaku tindak pidana pengedaran bisnis skincare atau kosmetik yang mengandung bahan berbahaya di Bandar Lampung telah dilakukan melalui tindakan preventif dan represif oleh aparat terkait seperti Dinas Kesehatan dan BPOM. Bentuk penegakan hukum yang ditemukan antara lain berupa pengawasan lapangan, penertiban produk, teguran, penyitaan barang bukti, serta pemberian sanksi administratif seperti peringatan tertulis dan penghentian sementara kegiatan usaha. Namun, penegakan hukum pidana secara formal belum sepenuhnya diterapkan.

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Penegakan hukum terhadap peredaran kosmetik berbahaya masih belum efektif karena sebagian besar kasus hanya ditindak melalui sanksi administratif oleh PPNS BPOM dan jarang dilanjutkan ke tahap penyidikan kepolisian maupun pelimpahan perkara ke Kejaksaan. Keterbatasan jumlah PPNS, kurangnya sarana pendukung, serta belum optimalnya koordinasi antara BPOM dan Kepolisian menjadi hambatan utama sehingga penyidikan formal tidak berjalan maksimal. Akibatnya, ketentuan pidana dalam Pasal 62 ayat (1) Undang-undang Perlindungan Konsumen, yang sebenarnya memungkinkan penerapan pidana penjara hingga lima tahun atau denda dua miliar rupiah, jarang digunakan. Selain itu, efektivitas penegakan hukum juga dipengaruhi oleh faktor undang-undang, aparat penegak hukum, masyarakat, sarana-prasarana, serta budaya konsumtif yang membuat masyarakat tetap membeli produk murah tanpa memperhatikan keamanan. Keseluruhan hambatan ini menyebabkan rendahnya efek jera bagi pelaku usaha pengedaran skincare yang mengandung bahan berbahaya.

Saran dalam penelitian ini adalah Penegak hukum perlu bertindak lebih tegas dan konsisten dalam menindak pelaku usaha yang mengedarkan kosmetik berbahaya, tidak hanya sebatas penyitaan dan pemberian sanksi ringan, tetapi juga disertai pengawasan rutin dan publikasi hasil penindakan agar menimbulkan efek jera. Untuk mengatasi berbagai hambatan penegakan hukum, diperlukan koordinasi yang lebih baik antar lembaga, penguatan sarana dan prasarana pengawasan, serta edukasi masif kepada masyarakat mengenai bahaya penggunaan kosmetik ilegal. Masyarakat juga diharapkan lebih selektif dalam membeli produk kecantikan dan aktif melapor jika menemukan produk yang dicurigai berbahaya.

Kata kunci : Penegakan Hukum, Skincare atau Kosmetik, Bahan Berbahaya

ABSTRACT
LAW ENFORCEMENT AGAINST PERPETRATORS OF THE
CRIMINAL ACTS OF DISTRIBUTION OF SKINCARE OR COSMETIC
BUSINESS CONTAINING DANGEROUS MATERIALS
IN BANDAR LAMPUNG
(Study Case of the Bandar Lampung Jurisdiction)

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The circulation of dangerous cosmetics is still frequently found in the community, especially skincare products containing substances such as mercury, hydroquinone, and rhodamine B. These products are sold freely, both offline and online, making them easily accessible to consumers. Many of them do not have a BPOM distribution permit, meaning they have not undergone safety testing and are not guaranteed to be safe. However, these hazardous ingredients can cause serious health impacts, such as skin irritation, organ damage, and the risk of chronic disease. Although laws and regulations have prohibited the circulation of dangerous cosmetics without a distribution permit, violations continue to occur. This shows that the existence of legal regulations has not been fully effective in suppressing the circulation of illegal cosmetics. Law enforcement also faces various obstacles, such as limited resources, difficulties in monitoring online sales, and obstacles to coordination between agencies, so that public protection from dangerous products is not optimal.

The research method used is empirical juridical research with a statutory regulation approach and a case approach. Data was obtained through literature study and interviews with related parties, then analyzed qualitatively.

The results of the research and discussion show that law enforcement against perpetrators of criminal acts in the business of distributing skincare or cosmetics containing dangerous ingredients in Bandar Lampung has been carried out through preventive and repressive measures by related authorities such as the Health Service and BPOM. Forms of law enforcement found include field supervision, product control, warnings, confiscation of evidence, as well as giving administrative sanctions such as written warnings and temporary suspension of business activities. However, formal criminal law enforcement is not yet complete fully implemented.

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fully implemented. Law enforcement against the distribution of dangerous cosmetics is still ineffective because most cases are only prosecuted through administrative sanctions by PPNS BPOM and rarely proceed to the police investigation stage or transfer the case to the prosecutor's office. The limited number of PPNS, lack of supporting facilities, and inadequate coordination between BPOM and the Police are the main obstacles so that formal investigations do not run optimally. As a result, the criminal provisions in Article 62 paragraph (1) of the Consumer Protection Law, which actually allows for imprisonment of up to five years or a fine of two billion rupiah, are rarely used. Apart from that, the effectiveness of law enforcement is also influenced by factors such as laws, law enforcement officers, society, facilities and infrastructure, as well as consumer culture which makes people continue to buy cheap products without paying attention to safety. All of these obstacles result in a low deterrent effect for businesses distributing skincare that contains dangerous ingredients.

The research suggest that law enforcement needs to act more decisively and consistently in prosecuting businesses distributing hazardous cosmetics, not just through confiscation and light sanctions, but also through regular monitoring and publicizing the results of these actions to create a deterrent effect. To overcome various obstacles to law enforcement, better coordination between institutions, strengthening of monitoring facilities and infrastructure, and massive public education regarding the dangers of using illegal cosmetics are needed. The public is also expected to be more selective in purchasing beauty products and actively report products suspected of being hazardous.

Keywords: Law Enforcement, Skincare or Cosmetics, Hazardous Materials