

ABSTRAK

PERLINDUNGAN HUKUM KONSUMEN TERHADAP PRODUK *SKINCARE* *OVERCLAIM* MELALUI PENGAWASAN BADAN PENGAWAS OBAT DAN MAKANAN (BPOM) (Studi pada Balai Besar Pengawas Obat dan Makanan Bandar Lampung)

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Peredaran produk *skincare* dengan klaim berlebihan (*overclaim*) masih ditemukan di masyarakat dan berpotensi merugikan konsumen karena informasi yang disampaikan tidak sesuai dengan fakta atau tidak didukung bukti ilmiah. Praktik tersebut bertentangan dengan hak konsumen untuk memperoleh informasi yang benar sebagaimana diatur dalam Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen. Penelitian ini bertujuan untuk menganalisis bentuk perlindungan hukum konsumen terhadap produk *skincare overclaim* melalui pengawasan Badan Pengawas Obat dan Makanan (BPOM), serta mengidentifikasi kendala dan upaya penanganannya.

Jenis penelitian yang digunakan yaitu penelitian hukum normatif-empiris, dengan tipe penelitian deskriptif dan pendekatan peraturan perundang-undangan serta wawancara langsung dengan pihak BBPOM Bandar Lampung. Metode pengolahan data yang digunakan yaitu tahap pemeriksaan data, rekonstruksi data dan penyusunan data yang dianalisis secara kualitatif.

Hasil penelitian menunjukkan bahwa perlindungan hukum konsumen dilakukan melalui mekanisme perlindungan hukum preventif dan represif. Perlindungan hukum preventif diwujudkan dalam pengawasan *pre-market* dengan membuat regulasi terkait pengaturan tentang produk *skincare*, evaluasi izin edar, dan edukasi publik. Perlindungan hukum represif diwujudkan dalam pengawasan *post-market* dengan pengambilan sampel, pengujian produk, pengawasan iklan, pengawasan label, monitoring efek samping serta penindakan terhadap pelanggaran yang dilakukan oleh pelaku usaha. Namun dalam praktiknya, pengawasan terhadap produk *skincare* masih menghadapi sejumlah kendala, diantaranya maraknya promosi produk *skincare* melalui media digital yang menyulitkan proses pengawasan, keterbatasan sumber daya dalam kegiatan pengawasan, serta rendahnya kesadaran hukum pelaku usaha dan konsumen.

Kata Kunci : BBPOM, *Overclaim*. Perlindungan Konsumen, *Skincare*.

ABSTRACT

LEGAL PROTECTION FOR CONSUMERS AGAINST SKINCARE PRODUCTS WITH EXAGGERATED CLAIMS (OVERCLAIM) THROUGH THE SUPERVISION OF THE FOOD AND DRUG SUPERVISORY AGENCY (BPOM) (Study at the Bandar Lampung Food and Drug Supervisory Agency)

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The circulation of skincare products with exaggerated claims (overclaim) is still found in society and has the potential to harm consumers because the information conveyed is not in accordance with the facts or is not supported by scientific evidence. Such practices contradict consumers' rights to obtain accurate information as stipulated in Law Number 8 of 1999 concerning Consumer Protection. This study aims to analyze the forms of consumer legal protection against overclaim skincare products through the supervision carried out by the National Agency of Drug and Food Control (BPOM), as well as to identify the obstacles and the efforts taken to address them.

This research employs a normative-empirical legal research method, using a descriptive research type with a statutory approach and direct interviews with officials of the Balai Besar Pengawas Obat dan Makanan (BBPOM) Bandar Lampung. The data processing methods used include data examination, data reconstruction, and data organization, which are then analyzed qualitatively.

The results of the study indicate that consumer legal protection is implemented through preventive and repressive legal protection mechanisms. Preventive legal protection is realized through pre-market supervision, including the establishment of regulations related to skincare products, evaluation of distribution permits, and public education. Meanwhile, repressive legal protection is implemented through post-market supervision, including product sampling, product testing, advertisement monitoring, label supervision, monitoring of side effects, and enforcement actions against violations committed by business actors. However, in practice, the supervision of skincare products still faces several challenges, including the widespread promotion of skincare products through digital media which complicates the supervision process, limited resources in conducting supervision, and the low level of legal awareness among business actors and consumers.

Keywords: *BBPOM, Consumer Protection, Overclaim, Scincare.*