

Legal Analysis of BPOM Supervision of Illegal Cosmetic Product Distribution: A Case Study of Reza Gladys Products

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Abstract

This study aims to analyze the effectiveness of supervision conducted by the Food and Drug Supervisory Agency (BPOM) on the distribution of illegal cosmetics in Indonesia through a case study of products marketed by Reza Gladys. The rampant circulation of illegal cosmetics, particularly through digital platforms and social media, indicates challenges in ensuring business operators' compliance with product safety, quality, and legality standards in accordance with statutory regulations. This study uses a normative juridical method with a regulatory and conceptual approach to examine BPOM's pre-market and post-market supervision mechanisms and the obligations of business actors in obtaining distribution permits before marketing products. The results of the study indicate that the distribution of cosmetics without distribution permits has the potential to pose risks to consumers because they do not undergo a safety evaluation process and do not provide accurate information about their composition or how to use them. A case study of products marketed by Reza Gladys shows violations in the form of a lack of distribution permits and marketing practices that have the potential to mislead consumers. Therefore, strengthening digital supervision, law enforcement, and inter-agency coordination is necessary to improve legal protection for consumers.



KEYWORDS

BPOM supervision, illegal cosmetics, consumer protection, distribution permits.

Introduction

The cosmetics sector in Indonesia has experienced significant growth in recent years. This can be seen from the increasing use of various beauty products, such as skin care, decorative cosmetics, and body care products by various age groups, ranging from teenagers to adults and the elderly. The high level of public interest in these cosmetic products is influenced by a number of factors, including the rapid development of information technology, increased public awareness of skin health and appearance, and the spread of global beauty trends through social media.¹ Businesses strive to produce a wide range of products with various functions to meet the needs of the community while maximizing consumer interest. When marketing their products, they certainly need a strategy, including claiming that the products are manufactured overseas and imported directly to Indonesia.

Reza Gladys is a public figure known for actively marketing beauty care products through social media and digital platforms. In practice, she is involved in the distribution and promotion of a number of cosmetic products that are claimed to have benefits for improving skin quality, brightening the face, and providing certain aesthetic effects in a relatively short time. One of the products that is the focus of this study is Glafidsya Glowing Booster Cell, which is widely marketed to consumers through digital promotion strategies and endorsements. The product attracted public attention because it was promoted with various cosmetic benefit claims, but later it was found to cause problems related to legality and compliance with cosmetic regulations in Indonesia.

This case was chosen as the subject of research because the findings of the Food and Drug Supervisory Agency (BPOM) showed that the product was classified as a cosmetic that did not meet the requirements set out in the legislation. Based on its findings, BPOM revealed that the Glafidsya Glowing Booster Cell product was not officially registered and did not go through the notification procedure required under the cosmetic supervision system in Indonesia. In addition, BPOM also found discrepancies in the classification of the product and the alleged use of certain components that

¹ Jurnal Ekonomi Manajemen, "PENGARUH MEDIA SOSIAL TERHADAP MINAT BELI DAN KEPUTUSAN PEMBELIAN KONSUMEN : " 8, no. November (2022): 133–42.

are not in line with cosmetic safety standards. These findings indicate a violation of the provisions in the cosmetic supervision regulations, particularly regarding the obligation of business actors to ensure that cosmetics marketed have undergone an assessment of safety, quality, and information on the label before being distributed to the public.

Thus, the case involving Reza Gladys is relevant to analyze in this study because it reflects the phenomenon of illegal cosmetics distribution that utilizes social media as its main marketing tool. In addition, this case also illustrates the challenges faced by regulatory agencies in controlling the distribution of cosmetic products amid the development of digital technology, which accelerates the spread of information, as well as the high influence of public figures on consumer decisions. Therefore, a study of this case is expected to provide a more in-depth explanation of the dynamics of violations in the distribution of illegal cosmetics and the effectiveness of the monitoring mechanisms implemented by BPOM.

Quite a lot of people are interested in the promotion and distribution of these medicines and cosmetics, ignoring the potential health risks that may arise in the future. Health itself is one of the main indicators in assessing the success of human development. Without good health, a person cannot lead a productive economic life or obtain a proper education. Conversely, weaknesses in the economic and educational aspects can also have an impact on an individual's understanding and ability to maintain their health. Thus, these three indicators—health, education, and economy—are interrelated components that cannot be separated from one another.²

However, this rapid growth has not always been accompanied by improvements in the quality of regulations or the system for monitoring products circulating in the community. On the other hand, technological advances have created new opportunities for the circulation of illegal cosmetics that do not meet the safety, quality, and legality standards set by the Food and Drug Supervisory Agency, the institution responsible for supervising drugs and food in Indonesia.³ On several digital platforms, especially through social media and marketplaces, illegal cosmetics are increasingly easy to find due to their rapid, massive distribution, which

² WENI WULANDARI, "PENGAWASAN PEREDARAN KOMERSIALISASI KRIM YANG MENGANDUNG HYDROQUINONE SECARA BEBAS DI MARKETPLACE (STUDI DI BALAI BESAR PENGAWAS OBAT DAN MAKANAN SURABAYA)" (2025).

³ BPOM RI, "Laporan Tahunan 2023" (Jakarta, 2023).

cannot be fully reached by conventional monitoring mechanisms. This phenomenon poses a serious problem, especially when these products are promoted by public figures or influencers, including the case involving Reza Gladys, who is known to have marketed cosmetic products without a valid distribution permit from BPOM. This case not only illustrates individual violations but also reflects structural problems in cosmetic supervision in Indonesia.

The circulation of illegal cosmetics is a crucial issue because cosmetics are products that come into direct contact with human skin and can pose temporary or long-term health risks. According to the World Health Organization (WHO), the use of cosmetics containing harmful substances, such as mercury, hydroquinone, and steroids, can have serious health consequences. Exposure to these substances can cause organ damage, nervous system disorders, skin discoloration in the form of hyperpigmentation, and increase the risk of cancer. In Indonesia, BPOM regularly releases findings on illegal or dangerous cosmetic products that contain prohibited ingredients such as Rhodamine B, Red K3, or heavy metals exceeding the threshold. In the 2023 BPOM Annual Report, it was recorded that more than 2,200 cosmetic products were declared non-compliant because they lacked distribution legality, contained hazardous substances, or did not meet product labeling requirements.⁴ The data shows that the rampant circulation of illegal cosmetics is not an incidental phenomenon, but rather a systemic problem related to weak supervision, high demand, and low consumer literacy.

The problem addressed in this study stems from the discrepancy between comprehensive regulations and actual supervision practices in the field. Normatively, Indonesia already has a number of regulations governing cosmetics supervision, including Law No. 36 of 2009 concerning Health, Law No. 8 of 1999 concerning Consumer Protection, and BPOM Regulation No. 23 of 2019 concerning Cosmetics Supervision.⁵ The regulation stipulates that every business operator is obliged to ensure that cosmetic products marketed have obtained distribution approval, meet applicable safety standards, and undergo evaluation stages before being distributed to the public. However, the increasing number of illegal products found indicates the ineffectiveness of supervision, especially in the context of digital marketing. This situation raises fundamental questions about the extent to which BPOM is able to optimally perform its function of ensuring

⁴ World Health Organization (WHO), "Mercury in Skin Lightening Products," 2022.

⁵ Kepala Badan, Pengawas Obat, and D A N Makanan, "Badan Pengawas Obat Dan Makanan Republik Indonesia" 2010 (2019).

consumer safety in this complex digital era. Based on this, this study was conducted to assess the effectiveness of supervision by the Food and Drug Supervisory Agency on the distribution of illegal cosmetics, using products marketed by Reza Gladys as a case study to illustrate the phenomenon of violations and challenges in the supervision process.

The specific objectives of this study include identifying the regulatory framework governing cosmetics supervision, analyzing the effectiveness of pre-market and post-market supervision mechanisms, evaluating violations that occurred in the case of cosmetics marketed by Reza Gladys, and formulating recommendations for strengthening the supervision system. Thus, this study emphasizes not only descriptive aspects, but also analytical and normative aspects that seek to answer fundamental questions regarding the effectiveness of state supervision in dealing with the circulation of illegal cosmetics. Through this study, it is hoped that an academic contribution can be made to the development of legal science, particularly in the aspects of state administrative law, consumer protection, and health policy.

In academic studies, there are a number of research gaps that form an important basis for this study. First, most studies on illegal cosmetics in Indonesia emphasize normative regulatory analysis without conducting an in-depth examination of actual cases, especially in the context of digital marketing. In fact, digital marketing has unique characteristics, namely rapid distribution, wide reach, and the ability to influence consumers through visual strategies, testimonials, and celebrity endorsements. Second, previous studies tend to discuss BPOM supervision from a public policy perspective, without strongly linking it to administrative law and consumer protection theories. In fact, the issue of illegal cosmetics is not only related to policy, but also touches on the legal responsibility of business actors and the state's obligation to ensure consumer safety. Third, there has been little research highlighting the relationship between state responsibility and the dynamics of the digital market, especially when businesses use algorithms and social media interactions to distribute dangerous products. Thus, this study seeks to fill this gap through multidisciplinary analysis and actual case studies.⁶

A number of previous studies have discussed the issue of illegal cosmetics and consumer protection with varying focuses. Anggraini (2024)

⁶ Kiki Firmantoro, "Kosmetik Illegal, Otoritas Pengawasan, Dan Profesi Medis : Kajian Hukum Administrasi Di Indonesia" 03, no. 03 (2025): 125–35.

examined consumer protection due to advertising of cosmetic products and the role of influencers in the spread of illegal cosmetics, while Raina Salsabilla Erlizal (2024) highlighted the responsibility of business actors and marketplaces for the circulation of illegal cosmetics on e-commerce platforms. Sri Astuti (2024) uses a sharia economic law perspective to assess the legal protection of consumers who use cosmetics without instructions for use, while Resti Riancana (2023) emphasizes consumer losses due to dishonest and manipulative cosmetic advertising. On the other hand, Isabelle Farradiva (2024) reviews the legal responsibility of makeup artists who use fake cosmetics in their makeup services. Unlike these studies, this article focuses on the effectiveness of pre-market and post-market supervision conducted by BPOM on the distribution of illegal cosmetics through a case study of products marketed by Reza Gladys, thus providing a special focus on the aspects of regulatory authority and consumer protection in the context of digital marketing.

This research contributes significantly to the development of science. First, this research provides a comprehensive understanding of the implementation of cosmetic supervision in the context of digital marketing, which has rarely been discussed in Indonesian legal literature. Second, this research contributes to strengthening consumer protection theory, especially regarding consumers' rights to safety and security. In the context of illegal cosmetics, consumers are often in a weak position due to limited knowledge about product ingredients, health risks, and the legality of the products they consume. Third, this study highlights the need for digital transformation in BPOM's supervision mechanisms, including the use of big data, artificial intelligence, and cross-digital platform collaboration to detect patterns of illegal product distribution. Fourth, this study strengthens the literature on the administrative responsibility of business actors in the cosmetics industry, where celebrity or influencer status does not exempt business actors from their legal obligation to obtain distribution permits.⁷

The theoretical basis of this study refers to consumer protection theory, state responsibility theory, administrative law theory, and public health risk approaches. Consumer protection theory asserts that consumers have the right to safety, comfort, and security in consuming goods as

⁷ ARSITA HIDAYATUL MAULIDA, "TINJAUAN YURIDIS PERLINDUNGAN HUKUM KONSUMEN TERHADAP PEREDARAN KOSMETIK ILEGAL DAN BERBAHAYA (Studi Kasus Pada Badan Pengawas Obat Dan Makanan (Bpom) Semarang)" (2024).

stipulated in Law Number 8 of 1999. These rights include accurate information, quality assurance, and protection from health risks. The theory of state responsibility states that the state has an obligation to protect its citizens from the risks of dangerous products through effective regulation and supervision.⁸ In this context, BPOM acts as part of the state apparatus to carry out administrative oversight functions. Administrative law theory provides a framework for government actions in exercising oversight authority, including licensing, inspection, enforcement, and product recalls. According to Ridwan HR, the effectiveness of administrative law depends on the accuracy of government regulatory functions and the application of proportionate administrative sanctions.⁹ From a public health perspective, the WHO emphasizes that illegal cosmetics pose a serious threat and require a strong response from the state.

In relation to the digital cosmetics industry, consumers are vulnerable to the influence of social media, which often displays exaggerated claims about product benefits without scientific evidence. Many consumers, including teenagers, buy products based on the popularity of public figures without paying attention to distribution permits or product composition. The case of Reza Gladys shows how aggressive marketing through social media can accelerate the penetration of illegal products into the market. This shows the importance of digital literacy and health literacy for the public to prevent the negative impacts of using dangerous products. BPOM itself has made various efforts, such as the “Cek KLIK” (Check Packaging, Label, Distribution Permit, and Expiration Date) campaign, but the effectiveness of this campaign is still limited because it is not comparable to the intense promotion of illegal products on social media.¹⁰

Considering these various aspects, this study emphasizes the urgency of strengthening a cosmetic monitoring system that is adaptive to technological developments. Digital-based monitoring, cooperation with social media platforms, and increased cyber monitoring are strategic steps that need to be taken by the state. In addition, law enforcement against

⁸ Judicial Review Vol, “TINJAUAN YURIDIS TERHADAP PEMASARAN KOSMETIK ILEGAL SECARA ONLINE DI INDONESIA Febri Jaya 1” 22, no. 1 (2020): 98–111.

⁹ LAELI NUR NGAZIZAH, “PENGARUH HARGA, KUALITAS PRODUK, CITRA MEREK DAN GAYA HIDUP TERHADAP KEPUTUSAN PEMBELIAN PRODUK SKINCARE POND’S MEN FACIAL WASH (Studi Kasus Pada Mahasiswa UIN Prof. K.H. Saifuddin Zuhri Purwokerto)” (2023).

¹⁰ SHOFIA ANAHDIAH, “Peran Persepsi Pada Iklan Dan Literasi Konsumen Dalam Keputusan Pembelian Skincare Skintific Di Moderasi Heuristic Processing Pada Generasi Z Di Kota Malang” (2025).

illegal cosmetic businesses needs to be improved through administrative, civil, and criminal sanctions to provide a deterrent effect. Ultimately, this study emphasizes that consumer protection is not only the responsibility of BPOM, but a shared responsibility between the government, businesses, and the community in creating a safe and fair cosmetics market.

Methods

The method used in this study is normative (doctrinal) legal research that focuses on analyzing positive legal provisions related to the supervision and distribution of cosmetic products. The research was conducted by examining legal materials as the basis for legal assessment of concrete issues, particularly those related to the supervision of the Food and Drug Supervisory Agency (BPOM) over the distribution of illegal cosmetics and the marketing practices of cosmetic products by Reza Gladys. This study uses legislation, doctrine, and legal principles as the main sources of analysis, so that legal decisions and arguments can be constructed systematically. Although normative in nature, the study also considers the relevance of the effectiveness of legal norms in a complex modern society.

This research is descriptive-analytical as well as evaluative, using two main approaches: a legislative approach to examine regulations related to cosmetics supervision, and a conceptual approach to examine the definition of cosmetics, restrictions on use, the concepts of pre-market and post-market supervision, consumer protection, administrative authority, and the principle of legal certainty. This approach is necessary because even though regulations related to cosmetics are in place, the practice of distributing illegal products is still rampant, requiring an in-depth normative analysis of their implementation.

Results and Discussion

1. BPOM Supervision of the Distribution of Illegal Cosmetic Products in Indonesia

In Indonesia, controlling illegal cosmetics is one of the strategic tasks carried out by the Food and Drug Supervisory Agency (BPOM) as a form of protection for public health from the potential dangers of products that do not meet safety, quality, and efficacy requirements. In carrying out this function, BPOM has administrative authority to conduct pre-

market control and post-market control in accordance with the provisions of Presidential Regulation No. 80 of 2017 and BPOM Regulation No. 23 of 2019.¹¹

Normatively, BPOM supervision has a comprehensive design. However, in its implementation, the circulation of illegal cosmetics has increased significantly, especially through digital platforms. This shows an imbalance between regulatory power and the effectiveness of supervision. BPOM findings in 2023–2025 show a drastic increase in the number of illegal cosmetic products, including those marketed through social media and marketplaces. This phenomenon confirms that conventional supervision has not been able to keep up with the speed, distribution patterns, and intensity of digital marketing, especially when these products are promoted by public figures.¹²

Thus, BPOM supervision faces structural challenges in the form of:

1. the development of digital technology that accelerates distribution;
2. changes in consumption patterns;
3. limited supervisory resources; and
4. suboptimal cooperation with digital platforms.

The Food and Drug Supervisory Agency (BPOM) is a Non-Departmental Government Agency (LPND) established by Presidential Decree No. 103 of 2001 as a central government institution that carries out specific tasks from the President and is directly responsible to the President. Under Indonesian regulations, all cosmetic products must be registered and obtain a distribution permit before being marketed, so the existence of illegal cosmetic products that do not have a distribution permit, contain hazardous ingredients, have falsified labels, or are marketed with misleading claims poses a serious threat to consumers. As a supervisory agency, BPOM has a mandate to conduct pre-market and post-market surveillance through examination of registration documents, inspection of production and distribution facilities,

¹¹ S. Sari, "Pengawasan Pra Dan Pasca Edar Produk Kosmetik Oleh BPOM," *Jurnal Farmasi Indonesia* 13 no 1 (2021).

¹² Diva Fitaloka Oktaviani et al., "Pengawasan Peredaran Kosmetik Tanpa Izin Di Media Digital Melalui Platform Elamahamen Supervision Monitoring the Distribution of Unlicensed Cosmetics On Digital Media Through the Elamahamen Platform Terbatas Bagi Wanita , Tetapi Juga Digunakan Oleh Pria Dan Anak-Anak Dalam Berbagai Aspek" 8, no. 3 (2025): 2–8.

sampling, laboratory testing, and legal action. This authority is supported by various national regulations, including BPOM regulations governing cosmetic registration, cosmetic ingredient requirements, and labeling, promotion, and advertising provisions.

In recent years, BPOM has found a significant increase in the circulation of illegal cosmetics in Indonesia. Intensive surveillance conducted in early 2025 showed that the value of illegal cosmetics found reached more than Rp31.7 billion, an increase of tenfold compared to the previous year. Official BPOM data shows that hundreds of thousands of units of illegal cosmetics from dozens of brands were found circulating in various regions of Indonesia, mostly marketed online through e-commerce and social media, including those promoted by influencers without product safety verification. These illegal cosmetics included products containing hazardous ingredients such as hydroquinone, mercury, or steroids, which are prohibited in cosmetics due to the risk of irritation, long-term skin disorders, and systemic side effects. Additionally, BPOM has identified new methods in the distribution of illegal cosmetics, such as forging distribution permits, making medical efficacy claims that do not align with the product category, and using fake import labels to increase market value.¹³

BPOM performs eleven main functions, namely formulating policies, implementing policies, developing operational procedures, conducting supervision, coordinating supervisory activities, providing guidance, taking enforcement action, coordinating the implementation of activities, managing goods related to supervisory tasks, supervising the implementation of technical tasks, and providing substantive support related to medicines and food.¹⁴ The establishment of the Food and Drug Supervisory Agency (BPOM) is inseparable from the rapid development of technology that has brought major changes in various sectors, such as pharmaceuticals, traditional medicines, food, cosmetics, and medical devices. These advances have enabled various products, both domestic and foreign, to be distributed widely and in a relatively short time, reaching various segments of society. The increasing variety of products available on the market has also influenced consumption

¹³ Ria Apriani Kusumastuti, "Peredaran Kosmetik Ilegal Tembus Rp 31,7 Miliar, BPOM Temukan Banyak," 2025, <https://health.kompas.com/read/2025/05/03/090000468/peredaran-kosmetik-ilegal-tembus-rp-317-miliar-bpom-temukan-banyak>.

¹⁴ Undang Undang et al., "Karena Dalam Hal Ini Telah Diatur Dalam Undang Undang Perlindungan Konsumen.," 2016.

patterns and lifestyles in terms of choosing and using various products on the market.

However, public awareness regarding the selection and use of safe and appropriate products remains limited. Meanwhile, widespread commercial promotions and advertisements often influence consumers to use products excessively without rational consideration. In addition, developments in production technology, changes in international trade, and evolving consumption patterns can increase potential risks to consumer health and safety. If products that do not meet standards, are damaged, or are contaminated with hazardous substances are distributed, the impact can be widespread and occur rapidly.¹⁵

Based on Presidential Regulation No. 80 of 2017 concerning the Food and Drug Supervisory Agency, BPOM is a non-ministerial government agency tasked with administering government affairs in the field of drug and food supervision. Within the state institutional structure, BPOM is under and responsible to the President through the minister who administers government affairs in the field of health. This agency is led by a Head who is responsible for the implementation of BPOM's duties and functions.

Furthermore, in accordance with Article 2 of the Presidential Regulation, BPOM has the task of carrying out governmental functions in the field of drug and food supervision in accordance with the provisions of the applicable laws and regulations. The scope of supervision includes various types of products, including drugs, drug ingredients, narcotics, psychotropic substances, precursors, addictive substances, traditional medicines, health supplements, cosmetics, and processed foods.¹⁶

Based on the provisions of Article 3 of Presidential Regulation No. 80 of 2017, the Food and Drug Supervisory Agency (BPOM) also has various functions in carrying out its supervisory duties over drugs and food. In carrying out these duties, BPOM performs the following functions:

- a. formulating national policies in the field of drug and food supervision.

¹⁵ CELFIN WAHYUDI DICKY and ELFRIDA RATNAWATI, "PERLINDUNGAN KONSUMEN TERHADAP PEREDARAN KOSMETIK YANG MELANGGAR STANDART BPOM," *Ensiklopedia of Journal* Vol. 5 No. (2023).

¹⁶ "PERATURAN PRESIDEN REPUBLIK INDONESIA NOMOR 80 TAHUN 2017 TENTANG BADAN PENGAWAS OBAT DAN MAKANAN" (n.d.).

- b. implementing national policies related to drug and food supervision.
- c. preparing and establishing norms, standards, procedures, and criteria in the implementation of supervision before products are distributed (pre-market) and after products are distributed to the public (post-market).
- d. implementing supervision of products before they are marketed and after they are distributed to the public.
- e. coordinating the implementation of drug and food supervision with government agencies, both at the central and regional levels.
- f. Providing technical guidance and supervision in the field of drug and food supervision.
- g. Taking action against violations of laws and regulations in the field of drug and food supervision.
- h. Coordinating the implementation of tasks, guidance, and administrative support to all organizational elements within BPOM.
- i. Managing state property or state assets under the responsibility of BPOM.
- j. Supervising the implementation of tasks within BPOM.
- k. Providing substantive support to all organizational units within BPOM.

Based on the provisions of Article 4 of Presidential Regulation No. 80 of 2017 concerning the Food and Drug Supervisory Agency, BPOM has a number of authorities in supervising drugs and food. These powers include:

- a. issuing product distribution permits and certificates related to compliance with standards and requirements for safety, efficacy or benefits, and product quality, including conducting tests on drugs and food in accordance with the provisions of laws and regulations.
- b. conducting intelligence and investigation activities in the field of drug and food supervision in accordance with applicable laws and regulations.
- c. imposing administrative sanctions for violations that occur in the field of drug and food supervision as stipulated in laws and regulations.

With these provisions regarding its functions and authorities, the Food and Drug Supervisory Agency (BPOM) carries out its supervisory

duties in accordance with applicable laws and regulations. This is to ensure that medicines and food products circulating in the community meet safety, quality, and suitability standards for consumption or use by the public. Through this supervision, consumers also receive legal protection as stipulated in Article 4 of Law Number 8 of 1999 concerning Consumer Protection regarding consumer rights.

Consumer rights include:

1. The right to obtain comfort, safety, and security in consuming goods and/or services.
2. The right to choose goods and/or services and obtain them in accordance with the promised exchange value, conditions, and guarantees.
3. The right to obtain accurate, clear, and honest information regarding the conditions and guarantees of goods and/or services.
4. The right to express opinions or complaints about the goods and/or services used.
5. The right to obtain advocacy, protection, and appropriate resolution of consumer protection disputes.
6. The right to receive guidance and education as a consumer.
7. The right to be treated and served properly, honestly, and without discrimination.
8. The right to receive compensation or damages if the goods and/or services received do not comply with the agreement or are not as they should be.
9. Other rights stipulated in the provisions of laws and regulations.

Consumer protection efforts in Indonesia are regulated in Law Number 8 of 1999 concerning Consumer Protection. Article 2 of the law explains that consumer protection is based on five main principles, namely:

1. The Principle of Benefit
This principle emphasizes that the implementation of consumer protection must provide the greatest benefit to all parties involved, both consumers and business actors. Thus, no party has a higher position, so that both parties can obtain their rights proportionally.
2. Principle of Fairness

The application of the principle of fairness is reflected in the provisions of Articles 4 to 7, which regulate the rights and obligations of consumers and business actors. Through this principle, it is hoped that a balance will be created in the fulfillment of rights and the implementation of obligations between the two parties.

3. Principle of Balance

This principle aims to achieve a balance between the interests of consumers, business actors, and the government.

4. Principle of Consumer Safety and Security

This principle aims to achieve a balance between the interests of consumers, businesses, and the government. Thus, no party receives excessive protection compared to other parties.

5. Principle of Legal Certainty

This principle is intended to ensure that both consumers and business actors comply with applicable legal provisions and obtain justice in the implementation of consumer protection, while also guaranteeing legal certainty provided by the state.

The objectives of consumer protection as stipulated in Law No. 8 of 1999 concerning Consumer Protection include the following:

1. Increasing consumer awareness, capabilities, and independence so that they are able to protect themselves.
2. Enhancing the dignity and respect of consumers by protecting them from the negative impacts of using goods and/or services.
3. Strengthening the role of consumers in choosing, determining, and fighting for their rights as users of goods and/or services.
4. Establishing a consumer protection system that guarantees legal certainty, information transparency, and easy access for consumers to obtain the information they need.
5. Fostering awareness among business actors regarding the importance of consumer protection so as to create honest, responsible, and ethical business practices.
6. Encouraging improvements in the quality of goods and/or services in order to ensure the sustainability of production activities while providing comfort, security, and safety for consumers.

In light of this, Indonesia needs an effective and efficient drug and food surveillance system, namely the Drug and Food Surveillance System (SisPOM), which is capable of detecting, preventing, and monitoring the distribution of various products in order to protect the safety and health of consumers, both nationally and internationally. To achieve this, the Food and Drug Supervisory Agency was established as an institution with an extensive monitoring network, both domestically and globally, equipped with law enforcement authority and competent professional resources.

1. Pre-Market Control

Pre-market surveillance is a form of control carried out before cosmetic products are distributed to the public. In this mechanism, BPOM implements a cosmetics notification system as a key requirement for businesses to obtain distribution permits. This system is not merely a standard registration process, but a comprehensive verification process covering safety, quality, ingredient composition, benefit claims, and product labeling completeness. Business operators are required to submit information in the form of cosmetic formula documents, raw material specifications, safety evidence, and packaging designs. After undergoing administrative and technical verification, BPOM issues a notification number as a sign that the product is suitable for distribution.

This pre-market mechanism is designed to act as a gate-keeping system. This means that every cosmetic product must pass a safety filter before it can enter the market. In the context of national regulations, this mechanism is a form of state protection of consumers' rights to safe products as stipulated in Article 4 letter a of the Consumer Protection Law. However, the evaluation results show that the pre-market mechanism faces major challenges, especially in dealing with digital distribution patterns. Business actors can easily launch products to the market without a notification process, especially when promotions are carried out online. Platforms such as Instagram, TikTok, and marketplaces enable rapid marketing without direct supervision from regulatory agencies.

According to the Public Warning on Cosmetics Without Distribution Permits issued by BPOM in 2023–2024, most illegal cosmetics are distributed without notification because manufacturers or

distributors use social media as a basis for promotion and distribution. Among these products, many cosmetics are found to claim excessive benefits, contain hazardous ingredients, and lack label information that meets standards. This situation indicates that pre-market mechanisms have not been able to keep pace with increasingly innovative and aggressive digital marketing. These findings are consistent with a report by the Ministry of Communication and Information Technology of the Republic of Indonesia, which states that more than half of the circulation of illegal health products occurs through digital platforms.¹⁷

However, in practice, there are several weaknesses:

- a. Gaps in digital marketing
Businesses can sell directly through social media even if they do not yet have a distribution permit. Digital marketing does not require system verification, so illegal products can be distributed on a large scale before BPOM can intervene.
- b. Dependence on the honesty of businesses
The document-based notification system allows for formula manipulation, document falsification, or discrepancies between the proposed and actual compositions.
- c. Lack of supervision of advertisements and endorsements
There are no legal requirements binding influencers or social media celebrities to verify the legality of products before promoting them. This is a major loophole in the distribution of illegal cosmetics.

Another important piece of information is that document-based pre-market mechanisms still rely on the honesty of businesses in submitting information. In some cases, businesses falsify documents or claim that raw materials are safe, when in fact they contain hazardous substances. Therefore, documentation-based supervision alone is not sufficient to combat the circulation of illegal cosmetics that take advantage of digital technology innovations. Stricter verification standards and an integrated data-based system between BPOM, customs, and digital platforms are needed.

¹⁷ Adela Intan Prabawati and Yunita Reykasari, "Tanggung Jawab Badan Pengawas Obat Dan Makanan (BPOM) Dalam Pelaksanaan Pengawasan ' Minyak Kita ' Sebelum Beredar Dan Selama Beredar," no. 1 (2025): 1–13.

2. Post-Market Control

Post-market surveillance is a form of control over products that are already circulating in the community. This mechanism is carried out through various activities, including direct inspections of production and distribution facilities, sampling for laboratory testing, product label checks, advertising monitoring, and the implementation of administrative measures such as written warnings and product recalls, destruction, advertising bans, and public warnings. In addition to these administrative actions, the Food and Drug Supervisory Agency (BPOM) also announced through its official Instagram account in 2024 that cosmetic products marketed by Reza Gladys were declared Non-Compliant (TMK) and their official distribution permits were revoked. This announcement is a form of post-market control, demonstrating that BPOM takes corrective action after identifying non-compliance in the products. The BPOM 2023 Annual Report shows that more than 2,200 cosmetic products were declared non-compliant. These products include cosmetics that have not obtained distribution permits, cosmetics containing hazardous substances such as mercury and hydroquinone, and cosmetics promoted with claims not based on valid scientific data.¹⁸

Post-market surveillance is crucial because many products slip through pre-market checks and can only be identified after they have been distributed. In addition, laboratory testing of product samples allows BPOM to detect hazardous ingredients that are not listed on the label. The World Health Organization states that cosmetics containing mercury can damage the kidneys, disrupt the nervous system, and inhibit child growth and development. Meanwhile, long-term use of hydroquinone and steroids can cause permanent skin hyperpigmentation, hormonal disorders, and an increased risk of skin cancer. These findings underscore that weaknesses in post-market surveillance can lead to very serious health risks.

In addition, post-market surveillance also includes control over cosmetic advertising. Many businesses promote their products through hyperbolic narratives, invalid testimonials, and claims that do not comply with BPOM regulations. Content published through social media is very difficult to control due to its fast, viral, and

¹⁸ Imam Suyudi et al., "Analisis Pengawasan Post-Market Badan Pengawas Obat Dan Makanan Pada Peredaran Kosmetik Berbahaya" 6 (2022): 135–52.

widespread nature. In this situation, BPOM must collaborate with digital platforms to remove content (take-down) that does not comply with applicable regulations. However, businesses can often create new accounts and resume illegal promotions, thereby reducing the effectiveness of law enforcement.

However, the effectiveness of post-market surveillance faces a number of limitations:

- a. Very large product volume
The number of products in circulation is not proportional to the capacity for supervision, so many products slip through to consumers.
- b. Digital distribution is difficult to monitor
Promotion and sales through social media do not leave a trace of distribution that is easy to track.
- c. Less critical consumer behavior
Konsumen Consumers tend to trust instant aesthetic claims and influencers, so they do not check distribution permits
- d. Administrative sanctions that have not had a deterrent effect
Even though BPOM revokes distribution permits and issues public warnings, businesses often repeat their violations.

Challenges in post-market surveillance are further exacerbated by low public literacy regarding how to identify legal cosmetics. Although BPOM has conducted the “Cek KLIK” (Check Packaging, Label, Distribution Permit, Expiration Date) campaign, in reality, the campaign has not been able to reach all segments of society. Many consumers only consider affordable prices accompanied by claims of quick benefits without considering product safety aspects. On the other hand, it shows that endorsements by influencers have a major influence on cosmetic purchasing decisions, so many consumers are exposed to unverified information.

3. Legal Analysis of the Effectiveness of BPOM Supervision

Based on an analysis of regulations and their implementation, it can be concluded that pre-market and post-market surveillance has a solid legal basis, but its effectiveness still faces structural challenges. These challenges stem from three main aspects. First, developments in digital technology enable businesses to circumvent pre-market legal processes and market products quickly. Second, the sheer volume of products in circulation often means that post-market

inspection capacity is insufficient to meet field requirements. Third, low levels of public literacy make consumers vulnerable to misleading promotions.

From an administrative law perspective, the effectiveness of supervision is highly dependent on the consistency of sanctions enforcement. Ridwan HR emphasized that indecisiveness in imposing sanctions and the absence of deterrent effects could cause business actors to continue to have opportunities to repeat similar violations. The enforcement of sanctions in the supervision of illegal cosmetics is often limited to product recalls, without any follow-up action in the form of heavy fines or criminal proceedings. In fact, in cases involving the distribution of dangerous products, criminal sanctions can be applied as a form of maximum protection for the public.

From an administrative law perspective, BPOM has exercised its authority in accordance with laws and regulations, but its effectiveness has been hampered by:

- Limitations of digital oversight,
- Difficulty in verifying products marketed online,
- Lack of oversight of influencers,
- Weak enforcement of administrative and criminal sanctions.

From a consumer protection perspective, safety and information requirements are not being met because:

- illegal products continue to circulate and are advertised extensively;
- many consumers do not know how to check notification numbers;
- penalties for businesses are not sufficient to prevent repeat violations.

From a normative perspective, the state has provided protection instruments through BPOM. However, empirically, supervision has not been able to prevent the circulation of dangerous cosmetics. Thus, the state has not fully fulfilled its due diligence obligations in ensuring consumer safety.

In addition to law enforcement, surveillance strategies need to be strengthened through the integration of digital-based systems. The government can develop QR code-based product tracking systems, automatic detection systems for illegal advertisements, and data integration between BPOM and digital platforms. This is important in order to face the challenges of an increasingly complex digital trade era.¹⁹

2. Reza Gladys Case Analysis: Status, Violations, and Follow-up by BPOM

Supervisory Agency (BPOM) stated that the cosmetic product Glafidsya Glowing Booster Cell, marketed by Reza Gladys, does not have a valid distribution permit because it is not registered in the official BPOM database and is legally categorized as an illegal product.²⁰ The product was distributed without going through the notification or distribution permit process as required by Indonesian law. This status was further reinforced by a post on the BPOM's official Instagram account on July 30, 2025, which stated that Glafidsya Glowing Booster Cell was one of 16 illegal cosmetic products whose distribution permits had been revoked. One of the most serious violations found by the BPOM was the presence of needles in the product packaging, an act that clearly violates cosmetic safety standards and puts consumers at risk.

In addition, BPOM found discrepancies in the registration numbers between the old and new packaging of Glafidsya products, even though the contents remained the same. This finding indicates label manipulation or concealment attempts without undergoing the re-testing procedures required by cosmetic distribution regulations. Such practices are legally considered violations of administrative licensing provisions and reinforce the illegal status of these products. Normatively, the distribution of cosmetic products that do not have distribution permits is a violation of the provisions in Food and Drug Administration Regulation Number 24 of 2020 concerning Cosmetics Registration, which explicitly requires every cosmetic product to go through a notification procedure and obtain a distribution permit

¹⁹ Henry Devilita Rahmaputri and Farida Tuharea, "Tinjauan Yuridis Terhadap Pengawasan Peredaran Produk Makanan Import Ditinjau Dari Peraturan Badan Pengawas Obat Dan Makanan (BPOM) No. 28 Tahun 2023 Di Kota Jayapura" 3, no. 9 (2025): 6042–48.

²⁰ Badan Pengawas Obat dan Makanan Republik Indonesia, "BPOM Nyatakan Produk Glafidsya Glowing Booster Cell Tidak Memiliki Izin Edar," *Timses Indonesia*, 2025.

number before being marketed.²¹ Products that do not go through these stages are categorized as Non-Compliant Products (TMK) and are deemed illegal for distribution in Indonesia. This regulation is implemented to ensure that every cosmetic product distributed has undergone an evaluation process related to safety, quality, and accuracy of information on the label, as part of consumer protection efforts.

The actions taken by Reza Gladys also violate the provisions of Law Number 8 of 1999 concerning Consumer Protection, specifically Article 8, which prohibits business actors from trading goods that do not meet safety and quality standards, as well as from providing accurate information to consumers. Illegal cosmetic products such as Glafidsya Glowing Booster Cell not only lack distribution permits but also have the potential to misinform consumers through unverifiable claims and uncertain product safety levels. Therefore, such marketing practices can be classified as violations of consumers' rights to obtain accurate information, the right to feel safe when using products, and the right to receive goods that are suitable and do not endanger health.

Furthermore, Law No. 17 of 2023 on Health stipulates that all medicines and cosmetics on the market must meet the safety and quality standards set by the state. Since the products marketed by Reza Gladys are not registered and have not undergone official testing, they are legally considered to not meet the safety standards required by law, thus posing a potential threat to public health. The discovery of needles in the packaging further strengthens the indication of serious risks to consumers, as the use of needles or microneedles in beauty products changes the status of the product to that of a drug, rather than a cosmetic.²²

This was conveyed directly by the Head of BPOM, Taruna Ikrar, who emphasized that beauty products containing needles must be registered as medicines and may only be used by medical personnel. He also added that the use of non-sterile products through injection, especially when

²¹ Badan Pengawas Obat dan Makanan RI, "Peraturan BPOM Nomor 24 Tahun 2020 Tentang Perubahan Kedua Atas Peraturan BPOM Nomor 1 Tahun 2018 Tentang Pengawasan Pangan Olahan Untuk Keperluan Gizi Khusus" (2020).

²² Aplikator Microneedle and Izin Edarnya, "Kamal, Diamanta Putri Permana Dan Ubaidillah" 5, no. 2 (2025): 363–73.

performed by non-medical personnel, can cause the risk of infection, severe allergic reactions, and systemic disorders in the body.

Based on BPOM findings, at least 16 illegal cosmetic products have had their distribution permits revoked, including Glafidsya Glowing Booster Cell. These products include PDRN.S by Bellavita, Sappire PDRN, Ribeskin Superficial Pink Aging, Goddesskin DNA Salmon di Rumah Aja, various variants of Mesologica MD, Curenex Lipo, Lipo Lab PPC Solution, and a number of products from MCCM such as Deoxycholic, Organic Silicon, Cellulite, Hyaluronic Acid 1%, and Vitamin C Cocktails. The data indicates that the circulation of illegal cosmetic products associated with Reza Gladys is not sporadic but shows a pattern of significant illegal cosmetic distribution.

From an administrative perspective, BPOM has the authority to revoke distribution permits and withdraw products from circulation if there are discrepancies in composition or violations of labeling requirements as stipulated in BPOM Regulation No. 23 of 2019 concerning Cosmetics Supervision. BPOM's action to revoke the distribution permit for Glafidsya Glowing Booster Cell is an implementation of this administrative authority. Additionally, in a number of related legal proceedings, it was revealed that Reza Gladys allegedly gave Rp4 billion to Nikita Mirzani to cover up the weaknesses of her product. Nevertheless, Reza continued to distribute the product to the public, which reinforces the assumption that there was an element of intent in the unlawful act.

This violation also has criminal consequences. Based on Article 62 of the Consumer Protection Law, business actors who trade goods that do not meet safety standards, do not provide accurate information, or mislead consumers can be subject to imprisonment or fines. Meanwhile, under Article 435 of Law No. 17 of 2023 on Health, Reza Gladys faces a maximum sentence of 12 years in prison or a fine of Rp5 billion for producing or distributing pharmaceutical preparations or medical devices that do not meet safety and quality standards.

Overall, this case shows that the distribution of illegal cosmetic products by Reza Gladys involves administrative, civil, and criminal violations. The actions taken by BPOM in revoking distribution permits, ordering product recalls, and issuing warnings to the public through the Cek KLIK (Packaging, Label, Distribution Permit, and Expiration Date)

principle are appropriate legal measures to protect the public from health risks posed by illegal cosmetic products.²³

The case of Reza Gladys shows a complex form of administrative and criminal violations, including:

- a. Does not have a distribution permit and is not registered with BPOM Violates BPOM Regulation No. 24 of 2020.
- b. Label manipulation and differences in registration numbers on old and new packaging. Melanggar Pasal 8 UUPK (informasi tidak benar).
- c. The use of needles in microneedle products. Legally, this makes the product a pharmaceutical preparation, not a cosmetic, so it must undergo clinical trials and obtain drug approval.
- d. Severe penalties may be imposed in accordance with the 2023 Health Law.
- e. Promosi promotions through social media. This includes misleading advertising, which is prohibited under Articles 9 and 10 of the UUPK.

These findings indicate that the violations were not merely administrative, but also criminal in nature, as they involved the distribution of products that were harmful to public health. In relation to the theory of state responsibility, this theory asserts that the state has an obligation to protect the public from harmful activities, including the distribution of unsafe products.²⁴ In the Indonesian legal system, these obligations are carried out by the Food and Drug Supervisory Agency as the institution authorized to supervise the safety and suitability of medicinal products and food circulating in the community.

Based on these findings, it can be concluded that the theory of state responsibility requires the strengthening of oversight mechanisms, increased institutional capacity, and the updating of regulations relevant to developments in the digital marketing ecosystem.²⁵

²³ Amad dan Firyal Arribah Syafiqoh Sudiro, "Perlindungan Hukum Terhadap Konsumen Dari Produk Kosmetik Yang Ilegal" 8, no. 12 (2023).

²⁴ Dimas Wicaksono, Fendi Setyawan, and Yusuf Adiwibowo, "Perlindungan Konsumen Terhadap Produksi Dan Peredaran Barang Yang Tidak Memenuhi Standar" XXXII, no. 2 (2025): 341–62.

²⁵ Wicaksono, Setyawan, and Adiwibowo.

Recommendations for Strengthening the BPOM Supervision System

Based on the results of research and theoretical analysis, BPOM supervision of the distribution of illegal cosmetics still has weaknesses, both at the pre-market and post-market stages. Therefore, this study provides the following recommendations:

a. Strengthening Digital Supervision Regulations

BPOM needs to develop specific regulations related to the marketing of cosmetics on social media and marketplaces. These regulations must include the obligation for influencers or digital celebrities to verify the legality of products before promoting them. In addition, digital platforms must be required to implement an automatic verification system for product distribution permits before they can be displayed.²⁶

b. Integration of the Monitoring System with Marketplaces and Social Media

BPOM can collaborate with digital platforms such as TikTok, Instagram, and marketplaces to build a data integration system that enables automatic verification of BPOM notification numbers. Thus, products without distribution permits can be immediately blocked before being sold to consumers.

c. Strengthening the Capacity of Supervisory Officials

BPOM needs to increase the number and capacity of supervisors, especially in the field of digital supervision. The use of technologies such as web crawling, machine learning, and AI-based monitoring systems can help detect illegal products more quickly and accurately.

d. Tightening Administrative and Criminal Sanctions

This study recommends the application of stricter sanctions to businesses proven to be distributing illegal cosmetics, including increased fines, revocation of business licenses, and even criminal investigations. Heavier sanctions are expected to have a deterrent effect and prevent business actors from repeating violations.

e. Improving Consumer Literacy

BPOM needs to conduct a massive educational campaign on the dangers of illegal products and how to check distribution permits

²⁶ Devani Olivia Winardi, "PENERAPAN REGULASI BPOM DALAM IKLAN KOSMETIK : UPAYA PERLINDUNGAN KONSUMEN DARI KLAIM TIDAK TEPAT DI JAWA BARAT" 23 (2025): 8–15.

through the Cek BPOM application. This education should target vulnerable groups such as teenagers and active social media users who are often exposed to cosmetic advertisements.²⁷

f. Updates to Regulations Related to the Cosmetics Notification System

The notification system needs to be strengthened with stricter verification mechanisms, including mandatory document audits, random testing of formulations, and restrictions on product claims that cannot be scientifically proven.

Conclusion

This study concludes that the rampant circulation of illegal cosmetics in Indonesia, as in the case of products marketed by Reza Gladys, shows that the supervision of the Food and Drug Supervisory Agency (BPOM) has not been effective even though comprehensive pre-market and post-market regulations and supervisory mechanisms have been established. Illegal cosmetic products that do not have distribution permits pose serious health risks because they have not undergone safety evaluations and do not provide accurate information about their composition and usage. This case also reveals violations in the form of lack of distribution permits, product classification discrepancies, and marketing methods that mislead consumers through social media. These conditions indicate a gap between regulations and enforcement, particularly in dealing with rapid and difficult-to-control digital distribution. Therefore, this study emphasizes the need to strengthen technology-based surveillance, improve law enforcement, collaborate with digital platforms, and increase consumer literacy so that consumer protection can be optimally realized and the circulation of illegal cosmetics can be minimized.

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²⁷ Nuralifah, "CERDAS DI MARKETPLACE: PANDUAN MEMBEDAKAN KOSMETIK ASLI, ILEGAL, DAN TIRUAN SERTA PENTINGNYA CEK BPOM PADA KOSMETIK VIRAL DI SMA NEGERI 2 KENDARI" 3, no. 01 (2026): 100–106.

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