

The Evidentiary Power of BPOM's Digital Supervision of Illegal Cosmetic Products in Civil Justice Practice

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Abstract

This study aims to analyze the digital supervision mechanism carried out by the Food and Drug Supervisory Agency (BPOM), as well as to assess how effective the proof of digital data made by the civil justice process is. As part of empirical juridics, this study uses a study of laws and regulations and interviews with judges and BPOM officials. The results of the study showed that cyber patrols, link takedown requests, and account profiling were used to identify perpetrators and distribution networks. The resulting digital data includes the classification of the breach, the identity of the account, screenshots, URLs, and metadata recorded in the internal electronic system. Based on Law Number 11 of 2008 concerning Electronic Information and Transactions, and its amendments, the data must meet the requirements for validity as electronic evidence. However, its strength in civil justice practice relies heavily on proving that the data is true, consistent, and relevant, as well as judges' beliefs in a mixed evidentiary system. To improve legal certainty and consistency of decisions, this study suggests the establishment of technical guidelines for strengthening digital forensic capacity and electronic evidence.

KEYWORDS

civil proof, BPOM digital supervision, cyber patrols, electronic evidence.

Introduction



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With the rapid growth of the cosmetics industry, cosmetic manufacturers are increasingly competing with each other, which in turn results in opportunities for better products in terms of quality and variety. However, this development has also led to increasingly fierce competition among manufacturers, which makes it difficult to monitor the circulation of cosmetics.¹ The weakening of supervision causes many problems to arise. One of them is the large number of illegal cosmetic products, which generally do not meet the standards of safety, quality, and benefits set out in laws and regulations. Illegal cosmetic products usually do not have a distribution permit or notification from the Food and Drug Control Agency (BPOM) and even have the potential to contain harmful ingredients that can endanger consumer health. The circulation of illegal cosmetics not only endangers consumers, but also creates fierce business competition and weakens public trust in the cosmetics industry as a whole.² The results of the intensification of BPOM supervision carried out from February 10 to February 18, 2025 showed that 91 illegal cosmetic brands were imported, mostly without a distribution permit, and widely marketed via the internet, with a value of more than Rp31.7 billion. These results show how large the circulation of illegal cosmetics is in the community.³

Illegal cosmetics usually contain harmful ingredients that can cause side effects such as allergies, irritation, redness, and long-term health problems. Businesses use a variety of tactics to market their goods; One of them is to say that the cosmetics they sell come from abroad. Cosmetic products are often sold cheaper if they do not have a BPOM distribution permit number. The main characteristics that distinguish legal and illegal products are the absence of a BPOM number, the absence of a composition label, an expiration date, or a safety seal.⁴ Both the manufacturer and the distributor of beauty products are responsible for ensuring that each product marketed has gone through thorough testing and meets standards.⁵ Instead, it is the business actor's responsibility to provide customers with precise and

¹ Tiara Siska Okta and Susilo Toto Raharjo, "Analysis of Lamooi Beautycare Skincare Business Development Strategy in Indonesia," *Scientific Journal of Islamic Economics* 10, no. 1 (2024): 1175–1184.

² Diva Fitaloka Oktaviani *et al.*, "Supervision of Unauthorized Cosmetic Circulation in Digital Media Through E-Understanding Platforms," *USM Law Review Journal*, Vol. 8, No. 3 (2025), pp. 1930–1942.

³ *BPOM Finds 91 Illegal Cosmetic Brands Imported during February 10-18, 2025*. Tribatanews Polri. February 22, 2025.

⁴ Susanti Sembiring and Bisma Putra Pratama, "Protection of Illegal Cosmetic Consumers Containing Harmful Substances," *Scientific Journal of Ekotrans & Erudisi* 2, no. 1 (2022): 83–87.

⁵ S. Fariza and S. N. Agustin, "Civil Legal Liability of Illegal Skincare Producers Containing Harmful Ingredients to Consumer Losses," *Journal of Law and Citizenship (CAUSA)* 16, no. 2 (2025).

clear instructions on how to use, side effects, and warnings about the negative effects of the information that may occur. Regulation of the Minister of Health of the Republic of Indonesia Number 445/MENKES/PER/V/1998 prohibits cosmetics that contain harmful substances. Therefore, legal protection is necessary for consumers. Law Number 8 of 1999 concerning Consumer Protection provides legal protection for consumer rights.

A sense of security, comfort, and legal protection are the rights of consumers. According to Law Number 8 of 1999 concerning Consumer Protection, business actors are required to ensure the safety and quality of products and provide true, clear, and honest information about the composition of ingredients and potential risks.⁶ Consumers are entitled to legal protection, including compensation for physical and financial damages, if the business is negligent. The circulation of illegal cosmetics, however, continues to increase both in physical stores and online platforms, making the surveillance and investigation of manufacturers more difficult. Conversely, dishonest labels and promotions increase risks for customers and deter them from making informed decisions. (Elfrida Mayang Sari, 2021)

Basically, consumers have the right to lodge a complaint directly with the authorized consumer service unit if they feel aggrieved by the use of illegal cosmetics. However, in reality, most customers are afraid to tell what they are experiencing. Consumers usually choose to immediately get treatment from a beauty doctor or medical personnel if there is a health impact without reporting to BPOM. As a result, many cases of illegal cosmetics are not officially recorded in consumer reports.⁷ Therefore, BPOM more often handles cases of illegal cosmetics through independent investigations derived from reports from informants and supervisory agents. If the findings are supported by more than two sources that are considered accurate and accountable, BPOM will

⁶ Pembayun, Eys Putri, and Arifin Faqih Gunawan. 2025. "Legal Protection of Consumers in Digital Transactions: A Review of the Implementation of the Consumer Protection Law in Marketplace". *Journal of Legal Facts* 3(2):84-94.

⁷ Erlinda Putri Nurdianti *et al.*, "Consumer Protection Against Illegal Online Cosmetic Buying and Selling Through E-Commerce," *Journal of Law and Human Rights Wara Sains* 3, no. 3 (2024): 213–219. The footnotes in this article not only serve as a reference source point, but also provide space for the author to present critical arguments and reviews regarding the weak consumer protection in e-commerce-based illegal cosmetics transactions. The author emphasizes that the effectiveness of legal protection is not enough only through normative arrangements in the Consumer Protection Law, but also demands synergy between BPOM, e-commerce platforms, and law enforcement officials. Thus, the supervision and enforcement of illegal cosmetics must be understood as a shared responsibility in a digital trading system.

continue law enforcement actions through conventional and online monitoring mechanisms.

Every cosmetic product in circulation must have a distribution permit in the form of a cosmetic notification issued by the Food and Drug Supervisory Agency (BPOM), which shows the registration approval issued by BPOM and shows the results of inspections, surveys, and tests carried out on products produced and distributed to the public. Food and Drug Control Agency Regulation Number 12 of 2020 concerning Procedures for Submitting Cosmetic Notifications stipulates that cosmetics can only be sold after receiving a notification from BPOM. Thus, the circulation of cosmetic products without a distribution permit from BPOM violates laws and regulations and can be dangerous.⁸

It is possible that digital data created by the Food and Drug Supervisory Agency (BPOM), including notifications or data on cosmetic distribution permits, laboratory test results, public warnings, product disclosure actions (recalls), and cyber patrol findings about the distribution of cosmetics on online platforms, can be used as evidence in civil lawsuits related to the distribution of cosmetic products that do not have a distribution permit and are dangerous. This data includes electronic evidence that is recognized in accordance with the Electronic Information and Transactions Act because it is created by state agencies based on their permission. On the other hand, there are no consistent technical guidelines in the civil procedure law, so civil justice practices still face problems related to the evidentiary power of BPOM's digital data, especially related to the authenticity, confidentiality of electronic systems, and the relationship between cyber patrol findings and the legal subject being sued. As a result, the judgment relies heavily on the judge's convictions, which can lead to the law in electronic evidence-based civil dispute resolution. (Rahma Stuart O'Neill Amalia & Asti Sri Stuttgart, 2024)⁹

Digital data generated by the Food and Drug Regulatory Agency, such as distribution permit data, laboratory test results, public warnings, and product recall actions, can basically be used in the evidentiary process in court. However, in civil justice practice, the evidentiary power of such data is not always strong or decisive. This is due to the existence of juridical and technical issues, especially related to authenticity,

⁸ Food and Drug Supervisory Agency of the Republic of Indonesia. (2020). *Regulation of the Food and Drug Supervisory Agency Number 12 of 2020 concerning Procedures for Submitting Cosmetic Notifications*. BPOM RI.

⁹ F. Lubis and S. R. Purba, "Critical Analysis of Electronic Evidence in Civil Procedure Law: Challenges and Prospects in the Digital Era," *Judge: Journal of Law* 5, no. 2 (2024): 39–47.

integrity, and the relationship between data and the parties to the dispute. In addition, without verification support through adequate mechanisms, such as digital forensics, BPOM's digital data has the potential to be questioned by opponents. As a result, judges tend not to use the data as stand-alone evidence, but only as supporting evidence that must be combined with other evidence. This condition shows that although BPOM's digital data has informative value, its evidentiary power in practice is still relatively limited and has not been fully followed by uniformity of assessment in court.

The process of proving electronic evidence is not only juridical but also technical because it depends on information technology systems and allows data manipulation. Judges may be hesitant in assessing the veracity of electronic evidence due to their limited understanding of the digital forensic elements. As a result, important BPOM digital data may not be considered when making decisions. In addition, due to the absence of clear technical standards on how electronic evidence can be received in civil cases, the principle of judges' freedom to assess evidence in civil cases can lead to dissent and disrupt legal certainty. Therefore, it is necessary to improve technical rules and apparatus capacity to maximize the use of BPOM digital data as evidence in resolving civil resistance. (Laela Fakhriah, 2020)¹⁰

Previous studies on the use of electronic evidence and the supervision of illegal cosmetic circulation are discussed in this study. In the research conducted by Theresia Gabriella and Handar Subhandi Bakhtiar, they focused on regulations and consumer protection as well as BPOM authorities to supervise and approve illegal cosmetics. However, the study did not address how the results of digital surveillance can be used as evidence in civil justice. Furthermore, the research was conducted by Erlinda Putri Nurdianti et al. discussing how consumers can be protected from the sale of illegal cosmetics through e-commerce platforms. The focus of this research is to ensure supervision of the illegal trade in cosmetics online, as well as the responsibility of businesses and e-commerce platforms to protect consumers. However, the research of Erlinda Putri Nurdianti et al. has not linked the results of supervision or electronic data made by BPOM with its evidentiary strength in defending civil cases, especially in the case of consumer lawsuits. However, research by Rafly Maulana Akbar and Hudi Yusuf discusses normative recognition and obstacles to the assessment of electronic evidence in civil procedure law. However, the study does not

¹⁰ A. Bachsin et al., "The Position and Assessment of Judges on Electronic Evidence in the Process of Proving Civil Cases," *Al-Zayn: Journal of Social & Legal Sciences* 3, no. 3 (2025): 2364–2370.

specifically concern electronic data created by state agencies such as BPOM by protecting illegal cosmetics civil registries.¹¹

This research is very important because cosmetic products without BPOM's distribution license are often sold in the digital era, which has the potential to be harmful to consumer health. This condition poses a major problem in consumer protection, especially related to the issue of proof in civil lawsuits. Therefore, this research should strengthen the legal position of consumers in demanding customer responsibility.

On the other hand, this research will contribute to the establishment of electronic device assessment standards, especially BPOM digital data, to increase legal certainty and effectiveness. This is because, although electronic evidence has been normatively recognized in positive law, judicial practice shows that there has been no uniformity in the assessment of the strength of digital evidence.

Methods

This research uses empirical juridical evidence. It is an approach to legal research that sees law as a social phenomenon that develops, develops, and is applied in the practice of society. According to Soerjono Soekanto in his Introduction to Legal Research, the purpose of empirical legal research is to investigate how law works in practice, including how law enforcement applies and interprets rules in the judicial process. Therefore, this study not only discusses laws related to electronic evidence, but also how judges use and assess BPOM's digital data in civil conferences.¹²

According to Zainuddin Ali, the Legal Research Method is centered on collecting primary data through observation and interviews to determine how effective the law is in society. Legal research not only conducts normative research on regulations, but also emphasizes how important the implementation of regulations is. Therefore, the structured interview method is the main tool for obtaining data that is systematic, directed, and

¹¹ R. M. Akbar and H. Yusuf, "The Problem of Proving Digital Evidence in Criminal Procedure Law in Indonesia: An Analysis of Theory of Evidence and Judicial Practice," *JICN: Journal of Intellectual and Scholars of Nusantara* 2, no. 5 (2025): 9445–9453.

¹² Soerjono Soekanto, *Introduction to Legal Research* (Jakarta: UI Press, 2014), 50–52.

relevant to the research subject. Interviews were conducted with legal practitioners, BPOM officers, and other related parties. The purpose of this interview was to gain a deeper understanding of the digital surveillance techniques used to monitor the circulation of illegal cosmetics and the electronic data proof procedures used in the trading process. It is hoped that this method can provide an in-depth picture of how the applicable regulations are aligned with their implementation in the field. Additionally, this technique can find problems and challenges in using digital data as evidence in court.¹³

In addition, in legal research, Peter Mahmud Marzuki supports both approaches: the statute approach and the conceptual approach. Marzuki emphasized that legal research must be carried out through a thorough review of legal regulations and analysis of relevant legal concepts, doctrines, and principles. Johnny Ibrahim, an author who writes in *Normative Legal Research Theory and Methodology*, argues that the study of legal concepts and theories is essential if we want to have a solid basis for examining a legal issue.¹⁴

Furthermore, qualitative descriptive analysis is used, which aims to provide an in-depth understanding of the research subject through detailed explanations and interpretations of the data. This method is in line with the qualitative research framework proposed by John W. Creswell in *Research Design*, which emphasizes that in-depth data interpretation is essential to understanding the phenomenon as a whole. Using normative analysis and empirical results, this study examines the power of BPOM's digital supervision in civil justice practice.¹⁵

Result and Discussion

¹³ Zainuddin Ali, *Legal Research Methods* (Jakarta: Sinar Grafika, 2016), 12–14.

¹⁴ Johnny Ibrahim, *Theory and Methodology of Normative Legal Research* (Malang: Bayumedia Publishing, 2006), 295–298.

¹⁵ John W. Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, 4th ed. (Thousand Oaks, CA: SAGE Publications, 2014), 4–6.

Many things have changed because of digital technology, one of which is the way the Food and Drug Supervisory Agency (BPOM) supervises cosmetic products. By using online notification systems, product databases, and electronic monitoring for distribution and sales, BPOM can better supervise the circulation of cosmetic products. The digital data generated by such surveillance systems is not only useful for administrative supervision, but also serves as important evidence in civil court cases, including consumer protection cases and illegal cosmetic sales.

Based on this background, this study focuses on analyzing the evidentiary strength of BPOM's digital supervision of illegal cosmetic products during the civil court process, as well as the way BPOM supervises the circulation of illegal cosmetic products. The purpose of this study is to find out how strong the digital data made by BPOM is as a valid evidence and how the process of digital supervision of BPOM is.

1. Digital Supervision Mechanism Carried Out by BPOM on the Circulation of Illegal Cosmetic Products

BPOM must continue to monitor and build a system to supervise the widespread distribution of drugs and food in the community. Prevention efforts must be made early to reduce the risk of victims due to products that do not meet standards. In addition, the programs run by BPOM should be effectively integrated to produce better supervision. The Food and Drug Regulatory Agency is expected to have the ability to make strategic policies and take concrete actions that have a direct impact on society as an institution that has the authority to supervise drugs and food.¹⁶ Although BPOM has the primary authority to supervise potentially harmful products, collaboration with other institutions is still needed. There are indeed technical challenges related to the division of tasks and functions between agencies, but in a situation where transactions of basic necessities increase and public awareness decreases, synergy and strengthening supervision coordination are a must.¹⁷

Pre-market approval, post-market surveillance, and law enforcement are the three main approaches used by the Food and Drug Supervisory Agency (BPOM) to conduct supervision. These

¹⁶ Rahma and Asti Sri Mulyanti, "The Position and Influence of Electronic Evidence in Proving Civil Cases in Indonesian Courts," *ALADALAH: Journal of Politics, Social, Law and Humanities* 2, no. 4 (October 2024): 182–198.

¹⁷ Subagyo Sri Utomo and Yoel Frans Alfredo, "Consumer Protection and the Role of the Food and Drug Supervisory Agency (BPOM)," *Justisia: Journal of Law* 1, no. 2 (November 2023): 66.

three methods aim to ensure that the goods circulating in the community are safe to use, have the promised benefits, and do not cause harm to the buyer. The pre-market approval approach is the first step before the sale of products, including cosmetics, begins. At this point, business actors must meet the requirements for safety, quality, and profitability to obtain a distribution permit from BPOM. According to Article 106 paragraph (1) of Law Number 36 of 2009 concerning Health, pharmaceutical preparations and medical devices may only be distributed after obtaining a distribution permit. BPOM Regulation Number 23 of 2019 also states that claims of cosmetic benefits must be supported by scientific data. In accordance with the Regulation of the Minister of Health Number 1176/MENKES/PER/VIII/2010, all cosmetic products must have a BPOM notification as a form of pre-circulating permit.

BPOM is strategically responsible for protecting the public from the circulation of drugs and food that do not meet the requirements, including counterfeit, substandard, or illegal goods. To meet these requirements, BPOM strengthens the Drug and Food Surveillance System in a comprehensive, integrated, and sustainable manner. Supervision is carried out through a series of systematic processes. This begins with the preparation and determination of standards for production facilities and product quality, evaluation and registration processes before distribution permits are issued, and post-distribution supervision through sampling in the field.¹⁸ On the other hand, BPOM also inspects production and distribution facilities to ensure compliance with laws and regulations. Suspected products are then tested in laboratories to assess their safety, quality, and profitability. BPOM can carry out law enforcement, including investigations, if violations are found. However, the investigation is considered a last resort after preventive, intelligence, and cyber patrol measures carried out simultaneously by central and regional units. This method is used to create an ideal consumer protection system and ensure proper supervision.¹⁹

¹⁸ Nur Kholifatunnisa and Fatah Hidayat, "The Role of the Food and Drug Supervisory Center in the Prevention of Business Actors Distributing Illegal Cosmetics," *TA'ZIR: Journal of Criminal Law* 5, no. 2 (December 2021): 147–162.

¹⁹ Asirah, Andi Muhammad Sofyan, and Audyna Mayasari Muin, "Law Enforcement Efforts on Illegal Cosmetic Circulation through E-Commerce by PPNS BBPOM Makassar," *UNES Law Review*, Vol. 5, No. 3, March 2023, pp. 1013–1033.

Although Presidential Regulation Number 80 of 2017 concerning BPOM stipulates the responsibility to supervise the circulation of cosmetics in Article 3 paragraph (1), there are still several obstacles that hinder effective supervision efforts. The increasing circulation of hydroquinone-containing cosmetics through e-commerce platforms is a major problem, which shows that digital trade supervision is not yet fully adequate. Consumers prefer to buy cosmetics online rather than through conventional distribution channels because it is easier and cheaper. In addition, according to BPOM's Strategic Plan for 2020-2024, there are additional problems faced. These include the large number of cosmetic products in circulation, the low level of public trust in cosmetic quality, and the need to improve the competitiveness of the industry while considering product safety. Therefore, BPOM must increase supervision on e-commerce platforms and create methods to detect illegal cosmetics early. To ensure that cosmetics that have been licensed for distribution meet safety, quality, and utility standards, routine surveillance must be improved. It is hoped that this effort will increase BPOM's supervision of cosmetics that contain harmful ingredients such as hydroquinone, so that consumers can be legally protected and safe.²⁰

Every year, the Food and Drug Supervisory Agency (BPOM) conducts cyber patrols that show an increase in findings about illegal drug and food trafficking. The number of findings increased by 53.26% from 2021 to 2022, reaching 439,615 links in 2022, showing that the challenges of surveillance in the digital space are increasingly complex. To protect the public from dangerous products, BPOM actively blocked the link. Despite the efforts of e-commerce such as Shopee, Tokopedia, and Bukalapak to increase supervision, the circulation of unlicensed drugs continues to occur. The number of illegal links fell to 347,941 in 2023, but stricter supervision and cross-sector cooperation are needed. BPOM Regulation Number 14 of 2024 and Health Law Number 17 of 2023 must also be implemented.²¹ The Food and Drug Administration conducts cyber patrols in two main forms, namely

²⁰ Yumna Nurul Adlina, and Sri Ratna Suminar. 2025. "Legal Protection for Consumers Using Hydroquinone-Based Cosmetic Products Reviewed from Law Number 17 of 2023 concerning Health and Law Number 8 of 1999 concerning Consumer Protection." *Bandung Conference Series: Law Studies* 5 (1). Islamic University of Bandung (Unisba): 457–64.

²¹ Indira Itba Rosyati, Andrie Irawan, and Fatma Ayu Jati Putri. 2025. "Legal Review Regarding the Sale of Sedatives Without a Doctor's Prescription on E-Commerce Platforms".

takedown and profiling. Takedown is done by identifying and applying for the blocking of accounts or links that sell illegal products on online platforms. Meanwhile, profiling aims to identify the perpetrators, storage or production locations, and distribution networks to support further administrative and legal action.

BPOM Regulation Number 14 of 2024 was issued to ensure that business actors carry out and report on the results of supervision of products traded online. Aspects of safety, quality, and product compliance with applicable standards and regulations are discussed in the report. The Food and Drug Supervisory Agency (BPOM) can obtain actual and accurate data on product circulation in the digital market through this reporting obligation. The regulation also regulates how businesses must report. It includes established reporting formats and mechanisms. To facilitate data collection and management, BPOM provides an electronic-based reporting system. This mechanism is created to ensure that the information sent is true, complete, and legally accountable.²² On the contrary, legal provisions stipulate sanctions for business actors who do not fulfill their obligations or violate applicable prohibitions. These sanctions can be in the form of administrative fines, revocation of business licenses, and closure of access to online stores that trade prohibited products. The application of these sanctions aims to provide a deterrent effect, protect consumers, and encourage the creation of safe, orderly, and standard drug and food trade practices set by the competent authorities.

As part of post-market supervision, the Food and Drug Supervisory Agency (BPOM) conducts cyber patrols. According to BPOM's official press release, cyber patrols are carried out by monitoring products on marketplaces, social media, and online sales sites to identify goods that do not have a distribution permit, contain hazardous materials, or violate regulations.²³ The results of the patrol are then evaluated through a request for a take down link, cooperation with the electronic system operator, and legal action if there is evidence of violation. This process usually begins

²² Anisatul Humairoh, M. Fahrudin Andriyansyah, and Faisol, "Legal Protection for Consumers of Drugs and Food Traded through the Shopee Platform Based on BPOM Regulation Number 14 of 2024 concerning Supervision of Drugs and Food Distributed Online," *Dinamika* 31, no. 1 (January 2025): 11969–11989.

²³ Food and Drug Supervisory Agency, "POM Agency Dismantles Sales of Illegal Drugs and Food through Delivery and E-Commerce Services," BPOM Press Release, 2024, <https://www.pom.go.id/siaran-pers/badan-pom-bongkar-penjualan-obat-dan-makanan-illegal-melalui-jasa-pengiriman-dan-e-commerce>

with tracing the seller's account, product introduction, and legality verification through the notification system or BPOM's official database. Officers conducted an in-depth investigation by utilizing digital evidence, such as screenshots, and tracing the sender's address and number when there was an alleged violation. The digital data is the initial basis for identifying the perpetrators and their activities. Furthermore, physical evidence is collected and field verification is carried out which depends on the accuracy and relevance of digital information that has been obtained previously.²⁴

For example, in the Sleman District Court Decision Number 82/Pid.Sus/2024/PN Sleman, the Food and Drug Supervisory Agency used cyber patrols to find digital evidence of illegal cosmetic sales activities. This evidence is then strengthened by field verification and laboratory tests. In civil cases such as Decision Number 711/Pdt.G/2022/PN Central Jakarta and Number 156/Pdt.G/2022/PN Surabaya, this evidentiary pattern has begun to be used to show legal relationships, errors, and losses. However, the power of proof of digital data is not always absolute because it depends heavily on the authenticity and integrity of the data. If not supported by adequate verification mechanisms, especially digital forensics, digital evidence such as screenshots, electronic conversations, or transaction data can be doubtful in judicial practice. Electronic evidence is susceptible to alteration, engineering, or manipulation of data, which can weaken its value before a judge in the absence of a digital forensic examination. Therefore, even though Law Number 11 of 2008 concerning Information and Electronic Transactions recognizes electronic documents as valid evidence, judges still use the principle of prudence when assessing the authenticity, integrity, and relevance of electronic evidence. Therefore, the data obtained from cyber patrols, if supported by digital forensic processes, will provide better evidence in BPOM's digital supervision. This will ensure that the evidence is valid and reliable in judicial proceedings, both criminal and civil.

This case shows that digital data generated from cyber patrols is very important for the evidentiary system, especially when supported by other valid evidence according to the

²⁴ Fiorenzuya Alfin, Danang Wahyu Muhammad, "Illegal Drug Circulation Through E-Commerce: Challenges of Consumer Legal Protection by the Food and Drug Control Center". 2024. *Legal Reform* 28(1): 34-44.

provisions of procedural law. The presence of electronic evidence, such as screenshots, transaction data, and digital recordings of the seller's account, cannot be relied upon without corroboration through laboratory test results and physical evidence seized during the investigation. More complete, systematic, and convincing evidence before the trial can be made with synergy between the three components. This suggests that the use of technology to oversee the distribution of drugs and food has become an important component of the contemporary law enforcement system. Digital data is now seen not just as supporting information; Instead, it is used to uncover criminal acts based on online transactions. Therefore, increasing the capacity of digital forensics is essential to ensure the validity and integrity of electronic data. In addition, effective coordination between law enforcement agencies and supervisory agencies needs to be improved to ensure that the monitoring, investigation, and proof processes run in an integrated manner and that the public is legally protected from the circulation of dangerous products.

**Table of Data Processing Interview Results of
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Enforcement Section)**

No.	About	Analysis
1.	Supervisory Authority Area of BPOM Semarang	BBPOM Semarang: 1. Semarang City 2. Salatiga City 3. Pekalongan City 4. Tegal City 5. Semarang Regency 6. Kabupaten Demak 7. Kabupaten Kudus 8. Kabupaten Pati 9. Kabupaten Jepara 10. Kabupaten Rembang 11. Kabupaten Blora 12. Kabupaten Grobogan 13. Kabupaten Kendal 14. Kabupaten Batang 15. Pekalongan Regency 16. Pemalang Regency 17. Tegal Regency 18. Kabupaten Sheep 19. Kabupaten Kebumen 20. Kabupaten Purworejo

		21. Kabupaten Wonosobo 22. Magelang Regency 23. Kabupaten Temanggung 24. Kabupaten Banjarnegara 25. Kabupaten Purbalingga 26. Cilacap Regency.
		BBPOM Surakarta:
		2. Surakarta City (Solo) 3. Sukoharjo Regency 4. Kabupaten Karanganyar 5. Kabupaten Sragen 6. Kabupaten Wonogiri
		BBPOM Banyumas:
		1. Banyumas Regency 2. Cilacap Regency 3. Kabupaten Banjarnegara 4. Kabupaten Purbalingga
2. BPOM	digital supervision	1. Patroli Siber The Semarang Food and Drug Supervisory Center identifies and investigates the circulation of illegal cosmetics through the internet. 2. Electronic Evidence Documentation collection and logging of URLs, screenshots, and metadata as supporting data for findings. 3. Monthly Recaps Compilation of a list of accounts or product links that are indicated to be illegal every month. 4. Takedown Request

		Submission of blocking or deletion of product accounts/links to the Cyber Patrol Directorate of Central BPOM as a step to terminate access.
		5. Perpetrator Profiling Identify the account owner, storage/production location, and distribution network of illegal products.
		6. Enforcement Policy The results of patrols and <i>profiling</i> are used as a basis for granting administrative sanctions or follow-up law enforcement.
3. Results of Supervision	of	1. List of product discovery URLs 2. Screenshots and access time metadata 3. Account/seller identity 4. Product details (name, brand, notification number, legality status, claim), classification of violations 5. Recap of recommended content for <i>takedown</i> in the InaWeb system.
4. Media/Surveillance Platform		Supervision covers all social media and <i>e-commerce platforms</i>
5. Data Validity Assurance		The authenticity, integrity, and validity of data are supported by <i>digital forensic facilities</i> at the Central BPOM level to ensure the integrity of electronic evidence

Results of researcher data processing, 2026

The results of the interviews show that the Semarang Food and Drug Supervisory Center, as part of the Food and Drug Supervisory Agency, has implemented digital supervision in a systematic, structured, and sustainable manner in tackling the circulation of illegal cosmetics online. Cyber patrol activities began with the process of tracing and recording findings on various digital platforms, then continued with data recapitulation and submitting a block to links or accounts that were indicated to be violating. The next stage is deepened through the profiling method to identify the perpetrators, activity locations, and distribution networks involved. The resulting digital data is not only used to limit access to the circulation of illegal products in the digital space, but also serves as a basis for risk analysis and supports the potential for more effective and targeted law enforcement.

2. The Evidentiary Power of BPOM's Digital Supervision of Illegal Cosmetic Products in Civil Justice Practice

Punishment is used to protect society. The interests of the community must be protected with punishment. Although there is a possibility of violations of the law, the implementation of the law can run smoothly. Law enforcement should be used to enforce the punishment that has been violated. The goal is to create, maintain, and maintain an orderly and peaceful life environment. Basically, the application of law is the process of ensuring that laws actually function as standards of behavior in the life of society and the state. Law enforcement does not only include law enforcement actions; It also includes all efforts to apply legal principles such as goodness, certainty, and justice in real life. Therefore, law enforcement is a collection of actions that make legal principles, ideas, and goals into real actions through available legal mechanisms. Law enforcement is highly dependent on the ability of the judicial system to assess and establish the truth of the law through the evidentiary process. The evidentiary process is the primary way for judges to assess the facts, ensure the truth of legal events, and make fair, certain, and accountable decisions. (São Paulo & Azis, 2023) (Alelxaender, 2023)²⁵

One of the most complex elements of litigation is the law of proof in litigation. The complexity increases because proofing is the process of finding the truth by reconstructing past events. In civil courts, the truth sought is not absolute truth (ultimate

²⁵ Nasrul, Nasrul. 2023. "Juridical Study of Electronic Signatures as Valid Evidence in the Perspective of Civil Procedure Law". *Amsir Journal of Litigation* 10 (4), 386-403.

ruth), but relative or probable. However, many challenges and difficulties arise in the process of achieving that truth.²⁶ The provisions contained in the Civil Code (KUHPPerdata), especially articles 1865-1945, are still the basis of Indonesia's civil law evidentiary system to this day. On the other hand, the *Herziene Indonesisch Reglement* (HIR), which applies to Bumiputera in the Java and Madura regions, regulates the provisions of proof in articles 162-165, articles 167, and 169-177. Meanwhile, the provisions of proof for areas outside Java and Madura are regulated in the *Rechtsreglement voor de Buitengewesten* (RBg), specifically articles 282-314.²⁷

According to Sudikno Mertokusumo, the theory of mixed evidence in Indonesian civil procedure law is a process to convince judges of the truth of a legal event by using valid evidence according to the law.²⁸ Article 1866 of the Civil Code establishes the types of evidence in the civil system, and is further regulated in the *Herziene Indonesisch Reglement*. This provision indicates that there is a component of a valid proof system. However, according to Sudikno Mertokusumo, judges are not only required to ensure that evidence has met the formal requirements; They must also assess rationally and logically whether the evidence actually supports the parties' arguments. The judge must consider the quality, relevance, and relevance of the evidence even if the evidence has been formally valid. This view shows that the civil evidentiary system in Indonesia is a combination of normative provisions and judges' beliefs and is not completely rigid (positive). In the context of electronic evidence, the judge must still rationally assess the authenticity, integrity, and legality of the evidence before granting the power of proof. Although there is normative recognition of electronic evidence, it does not necessarily guarantee high probative strength. Without adequate verification, electronic evidence has the potential to be questioned for its validity, so judges tend to place it as supporting evidence that requires confirmation through other evidence.

²⁶ Laily Az Zahra, Khansa, Moh Fadwa Mufid Al Amjad, Syafa Nabya Maulidian, Septiani Silvia, and Fadilla Azfa Asyifa. 2024. "THE RELEVANCE OF THE IMPORTANCE OF EVIDENCE IN THE CIVIL LAW SETTLEMENT PROCESS". *The Juris* 8 (1), 95-104.

²⁷ Abul Hasan Seknun, "SYSTEM OF PROOF OF CIVIL CASES IN COURT: Faculty of Law, University of Muhammadiyah North Maluku". 2021. *JUSTISIA - JOURNAL OF LAW* 8 (15): 1183-1202.

²⁸ Sudikno Mertokusumo, *Indonesian Civil Procedure Law*, Revised Edition, (Yogyakarta: Liberty, 2010), p. 135.

Law needs to synergize with science and technology to answer problems that can no longer be solved in conventional ways due to the development of information and communication technology. This collaboration is important so that the proof process is able to keep up with the dynamics of the times, especially in dealing with digital-based evidence. Thus, the judicial system can still ensure legal certainty, justice, and effectiveness in resolving disputes in the modern era. Positive convictions have provided the basis for the recognition of electronic evidence. The first and second paragraphs of Article 5 of Law Number 11 of 2008, as amended by Law Number 19 of 2016, and finally by Law Number 1 of 2024 concerning Information and Electronic Transactions, stipulate these provisions. The provision shows that valid evidence according to Indonesia's civil and criminal procedure law can include electronic information and documents. (Dewantoro, 2024)²⁹

In the process of proving civil cases, information and documents in digital form can be used as evidence. However, because electronic evidence is a part of an electronic information system that requires technical and juridical assessment, expert support is often required to explain its authenticity, validity, and relevance. As stated in the Constitutional Court Decision Number 20/PUU-XIV/2016, the form and procedure for obtaining electronic evidence is an important factor in determining the validity of the tool. The judge must eliminate electronic evidence in the judicial process if it is obtained through unlawful means. However, the Electronic Information and Transaction Law (ITE Law) has not comprehensively regulated technical procedures related to the collection, security, integrity, and representation of electronic information as evidence in legal proceedings. (Agnes Sesilia Manasa et al., 2025) (Monica Maharani Dewi et al., 2024) (Pramukhtiko Suryo Kencono & Ajeng Dwi Wahyuni, 2025)

Through BPOM Regulation Number 12 of 2020 concerning Procedures for Submitting Cosmetic Notifications, the Food and Drug Supervisory Agency (BPOM) has set strict regulations to supervise the circulation of cosmetic products in Indonesia. Every cosmetic product in circulation must have an official notification number, indicating that it has gone through a rigorous safety evaluation process. The purpose of this provision

²⁹ Cantika Reika Viana, "The Position and Influence of Electronic Evidence in the Proof of Civil Cases in Indonesian Courts," *ADIL: Legal Journal* 16, no. 2 (2024): 318.

is to ensure that only goods that meet the standards can be sold. However, there are still many cosmetic products sold online that do not have a BPOM notification number. This shows that the circulation of cosmetics through digital platforms is still under-regulated, which has the potential to harm customers. (Nadifah & Suryono, 2025) This situation is also shown by the increased supervision of BPOM ahead of National Online Shopping Day (Harbolnas) at the end of 2025. BPOM will inspect nearly a thousand cosmetic production and distribution facilities and conduct cyber patrols against thousands of online sales links to prevent the circulation of illegal cosmetics. The surveillance found hundreds of thousands of cosmetic products and links that did not meet the requirements. Cosmetics without a distribution permit are, for the most part, sold through online platforms. This step shows that even though BPOM regulations have been strict, there are still many problems to supervise the circulation of cosmetics online. To optimally protect consumers, all parties must work together to improve supervision.³⁰

Digital data collected through the BPOM's cyber patrol program serves as a source of evidence in civil cases, especially in cases related to the sale of cosmetic products without a distribution permit. BPOM's cyber patrols are carried out using digital technology to monitor and research various online platforms, such as e-commerce and social media, to find goods that do not meet security and legality requirements. This process can collect data such as product sales screenshots, seller account information, promotional content, and distribution history of illegal products. Since this digital data is obtained through an official surveillance system by the competent institutions, it has significant probative value. In civil cases, digital data from BPOM can be used to prove violations, such as violating regulations or selling goods that do not have a distribution permit. In contrast, data obtained from cyber patrols can also show the relationship between the business and the illegal goods sold. This may strengthen the evidence of a lawsuit regarding consumer losses or violations of legal obligations.³¹

³⁰ Food and Drug Supervisory Agency of the Republic of Indonesia, "BPOM Strengthens Cosmetic Circulation Supervision to Face Year-End Spending Surge," <https://www.pom.go.id/siaran-pers/bpom-perkuat-pengawasan-peredaran-kosmetik-untuk-hadapi-lonjakan-belanja-akhir-tahun>, accessed February 13, 2026.

³¹ BPFK, "BPOM Cyber Patrol Prevents the Circulation of Illegal Products in Indonesia," <https://bpfk.co.id/bpom-patroli-siber-mencegah-peredaran-produk-ilegal-di-indonesia/>, accessed February 13, 2026.

As long as it complies with applicable regulations, digital data generated from BPOM supervision has validity as electronic evidence in civil procedure law. According to the Electronic Information and Transactions Act (ITE Law), electronic information and/or electronic documents can be considered as valid evidence in civil procedure law. The ITE Law also recognizes them as an extension of the evidence recognized in the civil procedure law. Digital data such as the results of BPOM cyber patrols, cosmetic notification databases, and screenshots of the distribution of illegal products can be used as evidence, as long as they can be trusted and obtained through a legitimate electronic system.³² The judge has the authority to examine all evidence submitted by the parties, including electronic evidence supervised by BPOM. The principle underlying this assessment is the principle of the judge's freedom to assess the evidence (*vrij bewijs*), which means that, within the framework of the applicable procedural law, the judge has the authority to determine the strength of the evidence. With the advancement of technology, electronic evidence has become very important to prove a legal event, so the judge must consider its relevance, validity, and relevance to the case being discussed.

Interview Data Processing Table
Mr. Rudy Ruswoyo (Judge of the Semarang District Court)

No.	About	Situation Analysis
1.	BPOM Digital Supervision Proof Strength Regulation	1. Law Number 36 of 2009 concerning Health 2. Law Number 8 of 1999 concerning Consumer Protection 3. Law Number 11 of 2008 jo. Law Number 19 of 2016 concerning Information and Electronic Transactions 4. Article 1865 of the Civil Code concerning the Burden of Proof 5. Article 1866 of the Civil Code concerning Evidence 6. Presidential Regulation Number 80 of 2017

³² Monica Maharani Dewi, Tarisa Dinar Alifia, and Sebastian Sitohang. 2024. "The Use of Electronic Evidence in Resolving Civil Law Disputes in Indonesia". *Mandub : Journal of Politics, Social, Law and Humanities* 2 (3):292-302.

	concerning the Food and Drug Supervisory Agency 7. Regulation of the Minister of Trade Number 31 of 2023 concerning Business Licensing, Advertising, Coaching and Supervision of Business Actors in Trade Through Electronic Systems 8. Regulation of Non-Ministerial Government Institutions (BPOM) 9. BPOM Regulation Number 33 of 2018 concerning the Implementation of Good Cosmetic Distribution Methods 10. BPOM Regulation Number 17 of 2022 concerning Supervision of Drug and Food Circulation in Trade Through Electronic Systems
2. Position of BPOM Digital Data in Civil Cases	1. Normatively, it still refers to Article 1866 of the Civil Code and Article 164 of the Civil Code. 2. Electronic documents are recognized as an extension of written evidence under the ITE Law. 3. It can be used as evidence as long as it meets the requirements for validity and can be verified. 4. It does not have the power of perfect proof like an authentic deed.
3. Form of Submission at the Trial	BPOM's digital data is usually submitted in the trial in the form of screenshots from the official website or printouts of notification databases and cyber patrol results. However, if it is not backed by

	adequate security systems to guarantee its authenticity and integrity, this type of submission is vulnerable to manipulation. Therefore, digital data must be supported by other valid evidence according to procedural law, such as expert testimony, official certificates, or examination minutes, in order to have a stronger evidentiary value before the judge.
4. Differences with conventional evidence	Digital evidence requires digital forensics to ensure authenticity, whereas conventional written evidence can be compared directly physically.
5. Judge's Assessment of Digital Evidence	In civil cases, the evidentiary power of digital data is free, so the judge's judgment depends on the judge's rational belief based on all the evidence present at trial. Instead, the party submitting the digital data is responsible for ensuring that the data is authentic and consistent. Therefore, data must be linked and supported by supporting documents such as official letters, audit minutes, and others.
6. The Role of Digital Forensics	1. Ensure the authenticity and integrity of data. 2. Testing whether the data has changed or not. 3. Using a chain of custody mechanism. 4. In civil cases, it is carried out by the parties, not by the court directly.
7. Obstacles in Civil Justice	1. There are no specific technical guidelines for electronic proof. 2. There is no digital forensic process from the court

	3. It has the potential to cause differences in judgment between judges. 4. Creates legal uncertainty.
8. The Need for Legal Reform	1. The need for reform of the civil procedure law. 2. Preparation of technical guidelines for electronic proof. 3. Strengthening the capacity of judges in the field of digital forensics. 4. Realizing consistency and legal certainty in the digital era.

Results of researcher data processing, 2026

According to the results of an interview with Rudy Ruswoyo at the Semarang District Court, digital data generated by the Food and Drug Supervisory Agency can be used as electronic evidence in civil cases as long as it meets the legal requirements of the proceedings, including those sourced from the Herziene Indonesisch Reglement. However, the limitations of digital forensic facilities in the civil justice environment cause the burden of proving the authenticity and integrity of data to be on the parties to the case. In practice, the judge will assess digital evidence based on various aspects, such as the legality of the acquisition, formal validity, relevance to the case, and its suitability with other evidence submitted at trial, so that the judge's conviction is a very decisive factor.

Conclusion

It can be concluded that the digital surveillance mechanism carried out by the Food and Drug Regulatory Agency through cyber patrols, link takedown requests, and profiling of accounts and distribution networks is a form of adaptation to the increasingly complex development of electronic commerce. The recapitulation of violations in internal systems, metadata, account identities, screenshots, and various other digital data not only serves as the

basis for administrative action, but also has the potential to be used as evidence in judicial proceedings. Thus, digital surveillance is no longer limited to a preventive function, but has developed into a part of law enforcement instruments in controlling the circulation of illegal cosmetics in the digital space.

In terms of probative strength, although digital data is recognized as a valid piece of evidence, in practice its probative value is highly dependent on the ability of the proposer to prove the authenticity, integrity, and formal validity of the data. The absence of internal forensic digital facility support in the court causes the burden of proving authenticity to be on the parties. As a result, judges tend to use a mixed evidentiary system by considering the suitability between digital evidence and other evidence. Therefore, the evidentiary power of digital data is not absolute, but is greatly influenced by the judge's confidence in assessing all the facts revealed at the trial.

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