

The Influence of Legal Culture on Business Actors' Compliance in Hazardous Cosmetic Products in Indonesia

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ABSTRACT

This study aims to analyze the influence of legal culture on business actors' compliance in producing cosmetics that are safe and free from hazardous materials. Legal culture that includes norms, values and traditions in the application of law has an important role in determining the level of business actors' compliance with existing regulations. In the context of the cosmetics industry, compliance with regulations is highly dependent on legal awareness, effective supervision, and strict sanctions for violations. A strong legal culture accompanied by an understanding of business ethics and consistent law enforcement can encourage business actors to prioritize consumer safety. Conversely, a weak or ineffective legal culture tends to reduce the seriousness of business actors in complying with safety standards that can pose a risk to public health. The formulation of the problem obtained from this study is How is business actors' compliance with hazardous cosmetic regulations? And how is the BPOM regulation for hazardous cosmetics in Indonesia?. Therefore, a supportive legal culture and a strict law enforcement system are very important in creating a safe and sustainable cosmetics industry. This study is expected to provide a deeper understanding of the relationship between legal culture and compliance of cosmetic business actors.

Keywords : Legal Culture, Dangerous Cosmetics, Law Enforcement

INTRODUCTION

Humans have a desire to appear more beautiful and perfect, especially women, which is a natural thing. In addition, modern life in today's society not only demands rapid progress but also the values of beauty and beauty in appearance. Nowadays, there are many cosmetic products with various functions and benefits from various companies and countries circulating on the market. Technology has progressed in the field of cosmetics. Cosmetics meet a person's needs in terms of appearance, especially women, so that they always look attractive. Cosmetics also cause side effects that worry their users. However, cosmetic consumers are always increasing, and will certainly be followed by an increase in the incidence of cosmetic effects (Sari & Sulistyowati, 2020).

The cosmetics industry in Indonesia has experienced significant growth along with the increasing public demand for beauty and body care products. However, this development has also given rise to various challenges, one of which is the circulation of cosmetic products containing hazardous materials. This phenomenon not only threatens the health of consumers, but also tarnishes the image of the cosmetics industry in Indonesia. Various regulations have been issued by the government, such as regulations from the Food and Drug Supervisory Agency (BPOM), to prohibit the use of hazardous materials in cosmetics. However, the level of compliance of business actors with these regulations is still a problem. Many manufacturers or distributors choose to ignore the rules in order to gain economic benefits, even with high legal risks (Purwanto, 2024).

LITERATURE RIVIEW

Many business actors are not yet aware of the applicable legal regulations, such as regulations from BPOM regarding hazardous materials in cosmetics. A strong legal culture will create business actors who not only obey the law, but also do business with ethical principles, respect consumer safety, and avoid the use of hazardous materials. Amid the increasing circulation of fake cosmetics in society, legal protection for cosmetic users needs further attention. This protection aims to provide consumers with greater protection from violations committed by cosmetic companies. Therefore, the UUPK and other laws intended to protect consumers both in the fields of private law (civil) and public law (criminal and state administrative law) measure the level of legal certainty. What legal protection should be provided to the public affected by the use of illegal cosmetics, the composition of which is unclear, and what sanctions should be given to those who send and market illegal cosmetics that are very dangerous to the public. and how BPOM acts to stop the sale of illegal cosmetics that are detrimental to the public (Ferdian et al., 2023).

Consumer Protection “business actors are every individual or business entity, whether in the form of a legal entity or not a legal entity that is established and domiciled or carries out activities within the jurisdiction of the Republic of Indonesia, either alone or together through an agreement to carry out business activities in various economic fields” (Law Number 8 of 1999) Strengthening the role of BPOM in supervising and enforcing the law on cosmetic products is very important to ensure effective protection. BPOM has the task of supervising the distribution permits of cosmetic products, releasing information about safe and appropriate cosmetic products, and withdrawing products if they are proven to be dangerous. These actions are very important to ensure that customers get high-quality and safe goods. One important way to legally protect consumers is to inform people about their rights as consumers. The public must be informed of their right to obtain accurate information about cosmetic products, such as the ingredients used, possible side effects, and information about distribution permits. With sufficient knowledge, people will be smarter in choosing cosmetic products (Dermawan et al., 2023).

A well-developed legal culture in society will encourage consumers to be more critical of cosmetic products. Legal analysis related to legal regulations on the circulation of illegal skincare products in Indonesia, there are actually many regulations that have been implemented, including This will pressure business actors to comply with regulations. Law Number 8 of 1999 concerning Consumer Protection, especially Article 4 letters a, c, d, e, f, h,; Article 7 Letter a, Article 8 paragraph (1) which explains that there are various rights that must be obtained by Consumers and good faith for Business Actors, BPOM Regulation Number 2 of 2020 concerning Supervision of Cosmetics Production and Distribution, as well as Regulations issued by the Indonesian Minister of Health regarding the circulation of cosmetics, namely Regulation of the Minister of Health of the Republic of Indonesia Number 1175 / Men.Kes / Per / VIII / 2010 concerning Cosmetic Production Permits, and Regulation of the Minister of Health of the Republic of Indonesia Number 1176 / Men.Kes / Per / VIII / 2010 concerning Cosmetic Notifications.

The existence of Law Number 8 of 1999 concerning consumer protection is expected to have a positive influence on business actors and consumers, and is expected to be a legal

umbrella to minimize arbitrary actions by business actors to protect consumer interests so as to guarantee the achievement of legal protection for consumers in Indonesia. In Law Number 8 of 1999 concerning Consumer Protection (UUPK), article 1 number 1, consumer protection is defined as all efforts that guarantee legal certainty to provide protection to consumers. While consumers are every person or individual who must be protected as long as they do not have the capacity and act as producers, business actors and/or businessmen (Zulham, 2013).

METHODS

This research is included in the normative research type. Searching for legal policies, legal methods, and "legal provisions to resolve current legal problems is a normative legal research method." In this study, the author uses a "regulatory-legislative approach". The basis of legal sources in this study is "primary legal material and secondary legal material." Food health laws, cosmetic registration and "Laws related to cosmetics are primary legal sources". The method used in collecting legal materials used in this study is "literature study or document study." Studying and understanding literature related to BPOM regulations, standards made by the skin care industry, and previous reports of violations.

RESULTS

1. Business actors' compliance with hazardous cosmetic regulations still varies, some business actors comply with regulations by notifying BPOM products and avoiding hazardous materials, but others do not comply with the rules, either due to a lack of understanding of regulations, weak supervision or a low legal culture that supports awareness of the importance of consumer safety, lack of education and weak law enforcement can affect this compliance.
2. BPOM (Food and Drug Supervisory Agency) has comprehensive regulations to regulate and supervise the circulation of cosmetics in Indonesia, especially regarding product safety so that consumers are protected from the risk of hazardous materials. BPOM regulations include notification procedures and registration of cosmetic products, laboratory testing of the materials used and rules that must be included by manufacturers. In addition, BPOM also determines administrative and criminal sanctions for violations found.

DISCUSSION

Legal culture plays an important role in determining the level of business actors' compliance with regulations. However, its effectiveness is influenced by various factors, both internal and external, which create dynamics in the implementation of laws in the cosmetics sector. Here is a more in-depth discussion of this issue:

Relationship between Legal Culture and Business Compliance. Legal culture includes awareness, attitudes, and behavior of individuals or groups towards the law. In the context of cosmetic business actors:

- Legal awareness: Business actors who have high awareness tend to be more compliant with regulations, including avoiding hazardous cosmetic ingredients.

However, this awareness is not evenly distributed, especially among small business actors.

- Business norms and ethics: If legal culture supports ethical values and consumer safety, business actors will be more responsible. However, in Indonesia, business practices often still focus on short-term profits.

Legal culture can be a driver of business actor compliance, but its success is highly dependent on supporting factors, such as effective law enforcement, even supervision, and community participation. To face the existing challenges, synergy is needed between regulation, education, and technology so that hazardous cosmetic products can be significantly reduced in Indonesia.

CONCLUSION

In this section, the author presents brief conclusions from the results of research with suggestions for advanced researchers or general readers. A conclusion may review the main points of the paper, do not replicate the abstract as the conclusion.

Not only does the author write down the major flaws and limitations of the study, which can reduce the validity of the writing, thus raising questions from the readers (whether, or in what way), the limits in his studies may have affected the results and conclusions. Limitations require critical judgment and interpretation of their impact. The author should provide the answer to the question: is this a problem with error, method, validity, and or otherwise?

Writing an academic article is a challenging but very fulfilling endeavor. Hopefully, the guidelines presented here will enable you to write your first academic article with relative ease. Students, however, often underestimate the time required to produce a “polished” first effort. You cannot write a proper research article in a weekend or even a week. It is, therefore, extremely important to allow yourself enough time—at least three to four weeks—to work on the successive draft.

The following are the limitations of the influence of legal culture on business actors' compliance in avoiding dangerous cosmetic products in Indonesia:

1. Legal Knowledge Gap

Many small and medium enterprises (SMEs) do not have adequate access or understanding of cosmetic and hazardous material regulations. Regulations that are too technical and difficult to understand can limit implementation at the business actor level.

2. Uneven Law Enforcement

Supervision in urban areas is stricter than in remote areas, so many violations go undetected in less accessible areas. The limited number of supervisory officers, especially BPOM, limits the effectiveness of law enforcement

3. Permissive and Tolerant Culture

In some cases, the public tends not to report violations because they feel they are not directly involved or are reluctant to be critical. Bribery or collusion in the law enforcement system can reduce the deterrent effect for business actors who violate the rules.

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