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The Role of BPOM Regulations in the Supervision of HN Beauty Skincare Products: A Maqāṣid Sharī'ah Perspective

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Abstract

The widespread circulation of illegal cosmetic products in Indonesia, including HN (Hetty Nugrahati) Beauty Skincare which lacks official registration, poses serious threats to consumer safety and creates structural imbalance between business actors and the public. The regulatory framework encompassing Law No. 8 of 1999, Law No. 17 of 2023, Presidential Regulation No. 80 of 2017, and BPOM Regulation No. 23 of 2019 collectively establishes a comprehensive normative ecosystem for consumer protection in the cosmetics sector. This study employs a normative legal research method utilizing statute and conceptual approaches, drawing upon primary, secondary, and tertiary legal materials gathered through library research and analyzed through descriptive-prescriptive qualitative techniques. Findings reveal that BPOM's pre-market and post-market supervisory mechanisms still face significant implementation gaps, evidenced by the discovery of 235 illegal cosmetic items valued at over IDR 8.91 billion in late 2024. The maqāṣhidh syarī'ah perspective reinforces the legitimacy of such supervision through two principal tenets, namely ḥifẓ al-nafs (preservation of life) and ḥifẓ al-māl (preservation of wealth), affirming that consumer protection constitutes not merely a juridical obligation but also a moral imperative within Islamic jurisprudence. It is concluded that Indonesia's normative foundation for cosmetic consumer protection is already robust from both legal systems, yet demands substantial reinforcement at the implementation level.

Keywords : BPOM Supervision; Illegal Cosmetics; Consumer Protection; Maqāṣhidh Syarī'ah; HN Beauty Skincare

Introduction

The rise of the beauty industry in Indonesia has given birth to the phenomenon of product circulation *skincare* that do not meet safety standards, including HN products (*Hetty Nugrahati*) *Beauty Skincare* which has attracted public attention due to its status that has not been officially registered with the Food and Drug Supervisory Agency (BPOM). Based on the provisions of Article 4 letter c of Law Number 8 of 1999 concerning Consumer Protection, every consumer has the right to obtain true, clear, and honest information about the condition and warranty of the goods they consume.

These rights are significantly threatened when cosmetic products are circulated without going through proper supervision mechanisms. As stated (Bayu P Wicaksono & Suryono, 2024), "cosmetic products that have been registered with the POM Agency can be ensured to be safe, of quality, and meet the claims of benefits and health," while HN cream is considered potentially dangerous precisely because it has not met the registration requirements.

This problem is even more serious when it is associated with BPOM supervision data which shows the emergency scale of the circulation of illegal cosmetics in Indonesia. From October to November 2024, BPOM managed to find as many as 235 illegal and/or dangerous cosmetic items with a value of more than IDR 8.91 billion in four main regions of Indonesia, while almost 43% of all illegal product complaints received by BPOM in 2024 were related to cosmetic products (BPOM, 2024). This condition shows that the weakness of *post-market* supervision not only has an impact on health aspects, but also harms consumers economically and psychologically. Law Number 17 of 2023 concerning Health Article 138 paragraph (2) expressly prohibits everyone from producing, storing, and distributing Pharmaceutical Preparations, including cosmetics that do not meet the set safety, efficacy, and quality standards.

BPOM's authority in carrying out its supervisory function is regulated through Presidential Regulation Number 80 of 2017 concerning BPOM, which provides a supervisory mandate *pre-market* and *post-market* in an integrated manner. In the framework *pre-market*, BPOM assesses and tests product quality safety before cosmetics are distributed, while supervision *post-market* Carried out through inspection of production facilities, distribution, and testing of samples in the market (Anisa & Ramli, 2023). However, the implementation of this authority faces structural constraints due to inaccurate data and lack of relevant information regarding the circulation of illegal products, so that the supervision of dangerous cosmetics becomes not optimal in the field. In addition, BPOM Regulation Number 23 of 2019 concerning Technical Requirements for Cosmetic Ingredients is a technical reference that determines the ingredients that are allowed and prohibited to be used in the formulation of cosmetic products, including *skincare*.

Perspective *SquirtṣAhh* provides a fundamental normative dimension in analyzing the problem of cosmetic product supervision. The concept of protection in Islam places the care of the soul (*ḥifẓ Al-nafs*) and property care (*ḥifẓ Al-Mál*) as two of the five basic inevitabilities (*al-ḍarūriyyāt al-khams*) which must be maintained by the state and individuals. As stated "legal protection provides great influence and benefit for the ummah, especially female consumers" in the context of dangerous cosmetic products, where maqāṣHidh Syarī'ah is a moral foundation as well as a relevant analytical instrument to assess the validity and fairness of product supervision regulations circulating in the community(Herianti & Karyono, 2024).

Referring to all of the above problems, this study is here to comprehensively examine how the legal role of BPOM in the supervision of HN *Beauty Skincare products* if analyzed through the perspective *of maqāṣhidh syarī'ah*. This study combines a juridical-normative analysis of applicable regulations with an Islamic legal approach to produce a holistic and equitable understanding of consumer protection of cosmetic products that do not meet safety standards.

Based on the above background description, this study formulates three main problems as follows: first, how is the legal regulation that regulates the authority of BPOM in the supervision of HN products *Beauty Skincare* reviewed from Law No. 8 of 1999, Law No. 17 of 2023, Presidential Regulation No. 80 of 2017, and BPOM Regulation No. 23 of 2019; second, how effective is the implementation of supervision *pre-market* and *post-market* BPOM on HN products *Beauty Skincare* in providing legal protection for consumers; and third, how is the perspective *SquirtṣAhh* assess the legal role of BPOM in the supervision of HN products *Beauty Skincare* It is associated with the principle of caring for life and property.(*Presidential Regulation of the Republic of Indonesia Number 80 of 2017 concerning the Food and Drug Supervisory Agency*, 2017)

This study aims to analyze the regulatory framework that underlies BPOM's supervisory authority over cosmetic products, specifically on HN *Beauty Skincare* products; evaluate the effectiveness of *pre-market* and *post-market* supervision mechanisms carried out by BPOM in the context of consumer protection; and construct the perspective *of maqāṣhidh syarī'ah* as an analytical knife on the legal role of BPOM in realizing the benefits of consumers for cosmetic products circulating in the market. Theoretically, this research is expected to be able to enrich the scientific treasures of sharia economic law as well as consumer protection law through an integrative approach between positive law and Islamic law. Practically, the results of this research can be an input for BPOM in strengthening the cosmetic product supervision strategy, for policymakers in improving existing regulations, and for the wider community, especially female consumers, to be more critical and protected in choosing skin care products that are safe and in accordance with legal provisions.

Research Methods

The study of the legal role of BPOM in the supervision of HN *Beauty Skincare products* from the perspective *of maqāṣhidh syarī'ah* uses a normative legal research approach or what some scholars also call doctrinal research. This method was chosen because the problems studied are centered on written legal norms (*law in books*) as the main object of analysis, not on legal behavior that occurs empirically in the field. As emphasized in the study of Indonesian legal methodology, "normative legal research is legal research that focuses on written regulations or legislation (*law in books*) or research based on rules or norms that apply in society" (Kadarudin, in Asikin & Masidin, 2023, p. 86). The choice of this method is relevant because the problem of supervision of cosmetic products by BPOM and its assessment from the perspective of *maqāṣhidh syarī'ah* requires an in-depth exploration and interpretation of the applicable positive legal norms, ranging from laws to sectoral technical regulations that are the basis of BPOM's authority.

This study uses two main complementary approaches. First, *statute approach* (legislative approach), namely by systematically reviewing all regulations that are directly related to the legal issues being studied. The regulations reviewed include Law Number 8 of 1999 concerning Consumer Protection, Law Number 17 of 2023 concerning Health, Presidential Regulation Number 80 of 2017 concerning BPOM, and BPOM Regulation Number 23 of 2019 concerning Technical Requirements for Cosmetic Ingredients. Second, *conceptual approach* (conceptual approach), which refers to the legal doctrines and principles that develop in the thinking of legal scholars in order to construct a coherent legal argument. In this regard, (Buloto, Puluhulawa, & Mantali, 2025), explains that the conceptual approach in normative legal research "is carried out by referring to legal principles that can be found in the views of legal scholars or legal doctrines," so as to be able to produce an analysis that is not only descriptive but also prescriptive and argumentative(*Regulation of the Food and Drug Supervisory Agency Number 23 of 2019 concerning Technical Requirements for Cosmetic Ingredients*, 2019). In this study, a conceptual approach is used specifically to integrate the framework *SquirtṣAhh* as a knife of Islamic normative analysis of the applicable cosmetic supervision regulations.

The legal materials used in this study are categorized into three layers. Primary legal material includes all applicable laws and regulations as mentioned above, which are authoritative sources that are binding. Secondary legal materials consist of academic literature in the form of books, scientific journal articles, and the results of previous research relevant to the themes of cosmetic supervision, consumer protection, and *maqāṣhidh syarī'ah*. The tertiary legal materials include legal dictionaries, encyclopedias, and other supporting sources that are used to clarify the understanding of primary and secondary legal materials. These three layers of legal materials are grouped based on their respective hierarchies and functions, because "secondary legal materials are in the form of electronic books and relevant scientific journals, while tertiary legal materials include legal dictionaries and other supporting sources."

The collection of legal materials is carried out through *library research* (literature study), namely by reading, studying, recording, and studying legal sources that are directly related to the object of research. All materials are collected in a structured manner by sorting out their relevance to the legal issues raised in this study. Furthermore, the analysis is carried out using qualitative descriptive-prescriptive techniques, namely systematically explaining the substance of legal norms and then providing an argumentative assessment of these norms from the perspective of *maqāṣhidh syarī'ah*. This qualitative approach in the analysis of legal materials is in line with the characteristics of normative research, where, "normative legal research is research that places law as a system of norms that is autonomous and can be studied independently without having to be directly associated with social reality". Thus, all findings of this study are directed to produce a normative construction that is able to evaluate the effectiveness of the legal role of BPOM while offering an Islamic legal perspective as a holistic and equitable assessment framework for the protection of consumers of cosmetic products in Indonesia.

Discussion/results

A. Regulatory Framework for BPOM's Authority in the Supervision of HN Beauty Skincare Products

The cosmetics industry in Indonesia is growing at an increasingly rapid pace as the public's need to look attractive and well-maintained increases. This growth has a double consequence: on the one hand it opens up productive business fields, but on the other hand creates space for the circulation of products that do not meet the safety standards set by the state. The human desire to always look beautiful has been exploited by a number of irresponsible business actors by producing and distributing cosmetics without meeting the applicable regulatory requirements, so that consumers are in a vulnerable and weak position in the face of these unethical business practices (Enik Isnaini, 2022). This condition of imbalance of position between business actors and consumers is what makes the existence of solid and comprehensive regulations as the foundation of non-negotiable legal protection.

The main basis of consumer legal protection in Indonesia rests on Law Number 8 of 1999 concerning Consumer Protection, which expressly regulates the right of every consumer to comfort, security, safety, and the right to true, clear, and honest information about the condition and warranty of the goods he consumes as stipulated in Article 4. This law is basically a legal umbrella that integrates various consumer protection mechanisms, while requiring business actors to be honest and responsible in every business activity, from the production stage to the distribution of products to the end consumer (*Law of the Republic of Indonesia Number 8 of 1999 concerning Consumer Protection*, 1999). The legal protection provided by this law is not only preventive, but also provides a dispute resolution path that consumers can access when their rights are violated by business actors (Fauzela, 2023). When HN Beauty Skincare products are circulated without official BPOM registration, there is a systemic violation of the basic rights of consumers that have been guaranteed by this law.

The regulatory dimension is strengthened through Law Number 17 of 2023 concerning Health, which contains comprehensive provisions regarding the security of pharmaceutical preparations, including cosmetics. Article 138 paragraph (2) of this law explicitly prohibits everyone from procuring, producing, storing, promoting, and distributing pharmaceutical preparations that do not meet the standards and requirements for safety, efficacy, and quality that have been set. Furthermore, Article

142 paragraph (4) emphasizes that pharmaceutical preparations in the form of cosmetics must meet standards in the form of Indonesian cosmetic codex and other recognized standards. Criminal liability for perpetrators who produce or distribute pharmaceutical preparations that do not meet safety standards can be up to twelve years in prison as stipulated in Article 435, which reflects how seriously the state views the threat of cosmetic products harmful to public health. The obligation to register skincare products with BPOM and obtain a distribution permit certificate is a legal mechanism designed to ensure the safety of products before they reach consumers (Khadijatul & Marliyah, 2022). These heavy sanctions are a strong signal that the protection of consumers' lives is the highest priority in the national health regulatory system ("Law of the Republic of Indonesia Number 17 of 2023 concerning Health," 2023).

Presidential Regulation Number 80 of 2017 concerning BPOM provides a supervision mandate *pre-market* and *post-market* in an integrated manner, so that BPOM not only plays the role of an institution that assesses the safety of products before distribution, but also has the authority to inspect production facilities, supervise distribution, and test product samples circulating in the market. BPOM Regulation Number 23 of 2019 concerning Technical Requirements for Cosmetic Ingredients completes this framework by stipulating in detail the ingredients that are allowed and prohibited in the formulation of cosmetic products. The non-registration of HN Beauty Skincare products in BPOM is therefore not just an administrative problem, but a substantive failure to meet the regulatory ecosystem that has been systematically designed by the state to protect the interests of consumers. The weakness in the implementation of this regulation is also influenced by inaccurate data and lack of relevant information regarding the circulation of illegal products, so that supervision is not optimal in the field (Widyaningsih, 2023). This layered construction of regulations shows that the state has built a comprehensive normative system, but its effectiveness is highly dependent on the quality of implementation on the ground.

B. Effectiveness of BPOM Pre-Market and Post-Market Supervision on HN Beauty Skincare Products

The BPOM supervision mechanism includes two stages that are mutually sustainable, namely supervision *pre-market* done before the product enters the market and supervision *post-market* which lasts as long as the product is circulating in the community. Supervision *pre-market* requires every cosmetic manufacturer to have a Certificate of Good Cosmetic Manufacturing Practices and register their products to obtain a distribution license number, so that BPOM can ensure that only products that have been verified for safety can reach consumers. Through this process, cosmetic products that have been registered with BPOM can be ensured to be safe, quality, and meet the stated benefit claims, while products that have not met the registration requirements such as HN cream are considered potentially dangerous precisely because they do not pass the verification mechanism (Gabriella, 2023). This stage is the first crucial line of defense in the consumer protection system against harmful cosmetics.

Reality on the ground shows that the effectiveness of surveillance *pre-market* still faces a number of significant structural challenges. There are still many products that are circulating without going through the registration process, and law enforcement that is not optimal causes business actors to not feel enough deterrent effects to stop the practice of illegal product circulation. The weak sanctions imposed on small business actors is one of the factors that causes them not to be afraid to distribute dangerous cosmetics that do not have a distribution permit, because the risk calculation is still considered profitable compared to the cost of regulatory compliance. These weaknesses in law enforcement ultimately harm consumers who do not have the capacity to distinguish safe products from harmful ones, given the low level of consumer legal awareness in Indonesia (Praditya, 2026). This condition creates a systemic information asymmetry between business actors and consumers.

The development of trade through digital platforms further complicates the supervisory challenges faced by BPOM. The expansion of cosmetics transactions through *e-commerce* opens a larger gap for the circulation of products without distribution permits, because monitoring of online platforms still faces technical and regulatory obstacles that have not been fully resolved. Factors that encourage consumers to buy cosmetics *online* It includes time and energy efficiency, ease of transactions, completeness of product information, price comparison, and availability of products at any time, which indirectly also facilitates the circulation of dangerous cosmetic products across geographical boundaries. Consumers who are persuaded by low prices and instant product claims are the most vulnerable group to the practice of selling illegal cosmetics through this digital channel (Novanda, 2023). Therefore, strengthening digital-based cosmetic supervision regulations is an urgent need that can no longer be postponed.

Supervision *post-market* carried out by BPOM through field inspections, market surveillance, and product sample testing is a vital mechanism in detecting problematic products that escape supervision *pre-market*. BPOM data in 2024 revealed the findings of 235 illegal and dangerous cosmetic items worth more than IDR 8.91 billion in the period from October to November 2024 alone, and almost 43 percent of all illegal product complaints were related to cosmetic products. This figure reflects the scale of the problem that is not small and shows that the supervision of *post-market* still faces serious obstacles, especially the limitation of accurate data and relevant information regarding the distribution network of illegal products. The factors that cause the ineffectiveness of this supervision also include weaknesses in the aspects of applicable regulations, inconsistent law enforcement, and a low level of public knowledge and awareness of the dangers of illegal cosmetics (Rakhmawati, 2025). Without systemic improvements to these weaknesses, surveillance efforts will continue to be reactive and unable to reach the entire distribution ecosystem of harmful cosmetic products.

The case of HN Beauty Skincare is a concrete illustration of the gap between well-designed regulatory norms and their implementation in the field. Legal protection for consumers who use this kind of product can be pursued through the provisions of Article 19 paragraphs (1) to (4) of Law Number 8 of 1999 which requires business actors to provide compensation for damages and losses suffered by consumers due to consuming products that do not meet standards. However, this path of reparations is only compensatory and does not replace the fundamental need for an effective prevention system. Consumer protection laws in essence not only guarantee legal protection, but must also be able to fulfill consumer rights substantively, including the right to skincare products that are safe and do not endanger health (Anisa & Ramli, 2023). Thus, strengthening the prevention mechanism from the *pre-market* remains a priority that cannot be ignored within a comprehensive consumer protection framework.

C. Maqāṣhidh Syarī'ah Perspective on the Legal Role of BPOM in the Supervision of HN Beauty Skincare Products

An analysis of the legal role of BPOM in the supervision of cosmetic products will not be complete without including an Islamic normative perspective that gives moral and spiritual dimensions to the discourse on consumer protection. Squishyṣhidh syarī'ah as a framework for the analysis of Islamic law places the protection of five basic inevitabilities (*al-ḍarūriyyāt al-khams*) namely religion, soul, intellect, descent, and property as the highest goal of sharia that must be realized by every institution, both individual and state. In the context of the supervision of dangerous cosmetic products, two of the five basic inevitabilities, namely *ḥifẓ Al-nafs* (life care) and *ḥifẓ Al-Mál* (custody of property), becoming directly and substantively relevant. This perspective emphasizes that consumer legal protection is not just a positive normative obligation, but also a moral demand that stems from the noble values of religion that must be realized in the order of social life (Bonjol, 2024). Thus, the supervision of cosmetic products by BPOM has a foundation of legitimacy that comes from two legal systems at once, namely positive law and Islamic law.

Principle *ḥifẓ Al-nafs* or life care requires the state to take all necessary steps to prevent physical harm to the community, including dangers arising from the use of cosmetic products that do not meet safety standards. HN Beauty Skincare products that have not been registered with BPOM contain real health risks because they have never passed a series of safety tests required by regulations, so the content of harmful ingredients in them has the potential to cause physical damage to female consumers who use them. Maqā guidesṣHidh Syarī'ah for skincare consumers emphasizes the urgency of integrating halal values, health, and sustainability in choosing skin care products, which implicitly requires a safety guarantee from the competent authorities before the product can be consumed by the public. BPOM supervision is essentially a concrete implementation of the principle *ḥifẓ Al-nafs* within the framework of a modern legal state that is tasked with protecting all its citizens from the threat of harmful products (Harum & Soemartono, 2024). When BPOM supervision fails to prevent the circulation of dangerous products, there is a violation of the state's fundamental obligation to maintain the safety of the lives of its citizens.

Dimensions *ḥifẓ Al-Mál* or the protection of property is directly related to economic losses suffered by consumers due to using cosmetic products that do not meet quality and safety standards. Consumers who pay a certain amount of money for a product that claims to be able to improve skin conditions but in reality get a dangerous product incurs a double disadvantage: financial losses because the value received is not worth what is paid, and potential health losses that require additional medical treatment costs. From the perspective of maqāṣHidh Syarī'ah, this kind of transaction contains elements of *Gharar* (ambiguity) and fraud that is contrary to the principle of fair and transparent muama. Halal certification reviewed from the perspective of maqāṣHidh Syarī'ah is proven to be oriented towards safeguarding the soul, intellect, descendants, and property at the same time, because halal-certified products must inherently be safe, quality, and not deceive consumers (Bayu Prio Wicaksono & Suryono, 2023). In a broader context, the BPOM registration mechanism and halal certification complement each other as a comprehensive consumer protection instrument.

Studies on the industry *skincare* From an Islamic perspective, it shows that the prophetic values contained in the hadith regarding cleanliness, self-care, and responsibility for the environment can be used as an ethical and spiritual foundation for the development of a sustainable and equitable cosmetics business model. Transparency in the production process, the use of halal and guaranteed safe ingredients, and a commitment to sustainability are concrete expressions of Islamic values in the modern cosmetics business realm. Strengthening Islamic identity in the halal industry *skincare* It can actually increase the competitiveness of products because Muslim consumers who are increasingly aware demand guarantees not only of the halalness of raw materials but also the safety and quality of the product as a whole. The role of BPOM from this point of view is not just an administrative-bureaucratic supervision function, but a tangible manifestation of the state's collective responsibility to ensure that every citizen can access cosmetic products that are safe, quality, and do not violate fundamental principles of justice (Loyal, 2023). This synergy between prophetic values and modern business strategies opens up opportunities for the formation of a more ethical, safe, and responsible cosmetics industry ecosystem.

The perspective of consumer protection in the realm of trade through electronic systems is also an important part of this analysis, considering that HN Beauty Skincare products are widely marketed through digital channels. The regulation of cosmetic supervision without distribution permits in electronic commerce is a concrete effort to protect consumers that requires synergy between supervisory authorities, digital platforms, and consumers themselves. Consumers who buy cosmetics through online platforms need multiple layers of protection, not only from the safety aspect of the product but also from the aspect of the truth of the information presented by the seller. In the perspective of maqāṣHidh Syarī'ah, the obligation to convey correct and transparent information to consumers is part of the demand *ḥifẓ Al-Mál* that must be fulfilled by every business actor, and the state is obliged to ensure the fulfillment of these obligations through effective supervision mechanisms (DR. Hulman Panjaitan, 2021).

SquishyṣHidh Syarī'ah provides a strong normative basis for strengthening sanctions against business actors who distribute dangerous cosmetic products, because endangering lives and harming people's property is an act that is fundamentally contrary to the purpose of sharia (Zulham, 2017). The criminal provisions in Article 435 of Law Number 17 of 2023 concerning Health, which threaten perpetrators with imprisonment of up to twelve years, are a reflection of the principle of proportionality of sanctions in maintaining the benefit of the community, which is in line with the concept of justice in Islam. The criminal liability that can be imposed not only on individuals but also on corporations shows that Indonesia's positive legal system has accommodated the spirit of maqāṣHidh Syarī'ah in building a comprehensive accountability system. The parallels between positive regulation and the demands of maqāṣThis hidh syarī'ah shows that the protection of cosmetic consumers in Indonesia actually has a solid normative foundation from two legal systems at once, although it still requires substantial strengthening at the implementation level so that the benefits of consumers can be realized in a real and sustainable manner.

Conclusion

The supervision of HN Beauty Skincare products by BPOM reflects the complexity of consumer protection challenges in Indonesia that require a multi-layered regulatory approach. The legal framework that includes Law No. 8 of 1999, Law No. 17 of 2023, Presidential Regulation No. 80 of 2017, and BPOM Regulation No. 23 of 2019 has formed a comprehensive normative ecosystem, but its implementation still faces significant gaps between regulations and field practices. The perspective *of maqāṣhidh shari'ah* strengthens the legitimacy of such supervision through the principles *of ḥifẓ al-nafs* and *ḥifẓ al-māl*, which place the protection of lives and consumer property as a moral and juridical obligation of the state that cannot be ignored. Strengthening the cosmetic surveillance system in Indonesia requires comprehensive and sustainable strategic reforms. BPOM needs to increase digital-based supervision capacity to reach the circulation of illegal products through *e-commerce* platforms that continue to grow. The government should emphasize the consistency of the enforcement of criminal sanctions so that business actors feel an adequate deterrent effect. The integration of *maqāṣhidh sharia* values in supervision policies can strengthen the ethical dimension of existing regulations. In addition, consumer education on the importance of verifying the legality of cosmetic products needs to be massively increased so that people are able to protect themselves independently.

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