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The Regulatory Authorities' Role in Enforcing Laws on Misleading Cosmetic Claims in Indonesia and European Union

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Abstract. *The rapid growth of Indonesia's cosmetics industry has led to a rise in misleading product claims that pose risks to consumers and weaken legal protections. This study examines the role of regulatory authorities in enforcing laws against misleading cosmetic claims in Indonesia and compares these mechanisms with those of the European Union to identify structural, procedural, and substantive gaps that influence enforcement effectiveness. Using a normative legal research method combined with a comparative approach, the study analyzes relevant legislation, official regulatory documents, and judicial decisions. The findings show that although Indonesia has a solid legal foundation through the Consumer Protection Act and the Health Law, supported by both pre-market and post-market surveillance, enforcement remains significantly weaker than in the European Union. Key factors include the absence of detailed claim-assessment standards equivalent to the EU's Common Criteria, limited authority of BPOM in pursuing criminal actions, and a reactive, case-by-case enforcement model. Conversely, the European Union employs a preventive and systematic framework characterized by rigorous claim verification, standardized scientific substantiation, and broad supervisory powers. This study concludes that Indonesia's challenges stem not from inadequate legal norms but from insufficient technical standards and institutional capacity. The research offers novelty by highlighting the institutional and technical gaps that hinder Indonesia's enforcement of misleading cosmetic claims and by providing recommendations for strengthening national regulatory mechanisms to align with international consumer protection standards.*

Keywords: *BPOM; Claims; Cosmetic; Consumer; Protection.*

1. INTRODUCTION

The rapid expansion of the cosmetics industry over the past two decades has intensified competition among market players (Kashuri, 2024). his competition increasingly manifests in promotional strategies that rely on exaggerated claims regarding a product's benefits, ingredients, or safety. Misleading claims, defined as statements that are inaccurate, overstated, or unsupported by adequate scientific evidence have therefore emerged as a critical issue in contemporary consumer protection (Budiarti et al., 2024).

Such claims not only undermine consumers' right to accurate information but may also pose potential public health risks. Consequently, legal enforcement against misleading cosmetic claims constitutes a vital component of consumer protection frameworks, particularly within the highly dynamic cosmetics industry (Supardin et al., 2025). Indonesia, at the normative level, has established a relatively robust legal foundation for addressing misleading claims. Article 9 of Law No. 8 of 1999 on Consumer Protection (UUPK) prohibits businesses from offering or promoting goods in a false or misleading manner, with Article 62 prescribing sanctions of up to five years' imprisonment or a maximum fine of two billion rupiah (Irfansyah, 2024). These provisions are further reinforced by Article 435 of Law No. 17 of 2023 on Health, which imposes criminal penalties of up to twelve years' imprisonment and/or fines of up to five billion rupiah for businesses that provide false information concerning pharmaceutical preparations, including cosmetics. Oversight of these norms is delegated to the National Agency for Drug and Food Control (BPOM), which conducts regulatory supervision in two stages: pre-market and post-market (Artaya & Lestari, 2021). During the pre-market stage, BPOM requires all cosmetic products to undergo a notification process, which includes an assessment of claims and verification of supporting scientific evidence, such as laboratory test results, peer-reviewed literature, and safety data that must be scientifically accountable (Piyo et al., 2025). In the post-market stage, BPOM continues surveillance through sample testing, inspection of labels and advertisements, as well as administrative and criminal enforcement when violations are identified. Taken together, Indonesia's regulatory framework provides a comprehensive system for controlling cosmetic claims to ensure consumer protection.

In addition to administrative sanctions—such as the revocation of distribution permits and mandatory product recalls—criminal enforcement against misleading cosmetic claims has also been implemented in several Indonesian court decisions. One example is Case No. 39/Pid.Sus/2024/PN Lembata, in which the defendant was sentenced to 1 year and 6 months' imprisonment for distributing 25 types of cosmetics containing exaggerated claims unsupported by verifiable scientific evidence. Another decision from the Makassar District Court imposed a 10-month prison sentence and a fine of Rp1 billion on a business operator who provided false information on cosmetic product labels. Similarly, Case No. 135/Pid.Sus/2015/PN Surakarta and Case No. 478/Pid.Sus/2015/PN Jambi reflect the same pattern of criminal sanctions applied to business actors who used falsified labels or marketed cosmetics with factually inaccurate claims. These cases collectively demonstrate that Indonesia's legal framework—through both administrative and criminal mechanisms—has been utilized to address violations involving misleading claims in the cosmetics sector. When compared with the European Union, however, several substantive, procedural, and institutional gaps remain that affect Indonesia's enforcement effectiveness. The EU, through Regulation (EC) No. 1223/2009 and Commission Regulation (EU) No. 655/2013, implements a far more structured and principle-based system for assessing cosmetic claims (Vieira et al., 2024). These regulations establish six mandatory Common Criteria that all cosmetic claims must meet: legal compliance, truthfulness, evidential support, honesty, fairness, and the relevance of claims to consumer decision-making. Beyond requiring adequate scientific substantiation, the EU mandates that every claim must be verifiable and capable of being validated. As a result, claim assessment is conducted through a systematic, pre-market approach to claim substantiation, ensuring that misleading claims are identified and prevented before products reach consumers.

Another significant distinction lies in the depth of technical guidelines and the robustness of supervisory mechanisms. The European Union provides highly detailed guidance on methods for substantiating claims and interpreting the Common Criteria, thereby ensuring more uniform standards for both industry actors and regulatory authorities across Member States. In contrast, Indonesia does not yet have a thoroughly documented standard for claim substantiation and continues to rely largely on BPOM's administrative interpretations. Moreover, BPOM's authority in criminal enforcement is limited, requiring coordination with the police and the public prosecutor's office (Akhirama Saputra & Zurnetti, 2023). his structural limitation makes Indonesia's enforcement process relatively lengthy, reactive, and dependent on individual cases, distinct from the EU's more preventive and systemic model, which incorporates comprehensive oversight from the earliest stages of product marketing. This comparison indicates that Indonesia's gaps do not stem from an absence of regulation or a lack of scientific substantiation requirements. Rather, the shortcomings relate to the depth, consistency, and effectiveness of implementation. Indonesia has, in principle, adopted pre-market mechanisms and requires scientific evidence to support cosmetic claims. However, it still lacks detailed and measurable substantiation standards equivalent to the EU's Common Criteria. In addition, BPOM's restricted authority in criminal law enforcement means that effective action depends heavily on inter-agency coordination with the police and prosecutors (Ikrar, 2025). As a result, enforcement against misleading claims in Indonesia tends to be reactive, case-based, and initiated only after violations occur. This stands in stark contrast to the EU's preventive and systemic approach, which employs comprehensive oversight from the outset, creating stronger deterrent effects and more consistent enforcement. These institutional and procedural conditions help explain why misleading cosmetic claims continue to recur in Indonesia despite the existence of a formal legal framework.

Previous studies have extensively examined consumer protection law and the role of BPOM in supervising cosmetic products in Indonesia. Research by Bisyri et al. (2024) highlights BPOM's central role in addressing unauthorized skincare products through market surveillance operations, production halts, product recalls, and the revocation of distribution permits as measures to protect consumers from potential health risks (Bisyri et al., 2024). Meanwhile, the study by Cantiqa et al. (2024) underscores weaknesses in the oversight of blue-labeled cosmetic products and emphasizes the need to strengthen consumer protection mechanisms particularly in relation to information transparency, labeling obligations, and the monitoring of cosmetic distribution in both online and offline markets (Cantiqa et al., 2024). However, these studies remain primarily focused on the national context and do not provide an in-depth comparative analysis of institutional effectiveness, technical standards for claim substantiation, or enforcement models between Indonesia and the European Union. The literature also offers limited discussion on how supervisory authority structures, claim substantiation mechanisms, and enforcement effectiveness interact in cases involving misleading cosmetic claims.Accordingly, this study seeks to fill this gap by conducting a comparative analysis of Indonesia and the European Union. Through this approach, the research aims to formulate recommendations for strengthening institutional frameworks and refining technical standards for claim substantiation in Indonesia. This study therefore contributes new insights to the development of consumer protection law and expands scholarly discourse on comparative legal systems at the international level.

2. RESEARCH METHODS

This study employs a normative legal research method (Kristiawanto, 2022). The approaches used include the statutory approach, the conceptual approach, and the comparative approach (Miharja, 2023). The research is descriptive-analytical in nature, aiming to describe, analyze, and compare the role of regulatory authorities in enforcing laws against misleading cosmetic claims in Indonesia and the European Union. Data collection was conducted through a literature-based review of primary, secondary, and tertiary legal materials, including relevant legislation, judicial decisions, scholarly doctrines, and previous research published in national and international academic journals (Rosidi et al., 2024). The data were analyzed qualitatively by interpreting, comparing, and synthesizing the collected materials to develop systematic and in-depth legal arguments. This analytical process enables the formulation of comprehensive conclusions regarding the effectiveness of regulatory authorities in enforcing laws related to misleading cosmetic claims in Indonesia and the European Union (Santoso et al., 2022).

3. RESULTS AND DISCUSSION

3.1. The Legal Framework and Enforcement Mechanisms for Misleading Claims in Indonesia

The regulation of misleading claims in cosmetic products in Indonesia is supported by a strong and structured legal foundation (Limbong, 2025). Its framework rests on three primary instruments: Law No. 8 of 1999 on Consumer Protection (UUPK), Law No. 17 of 2023 on Health, and various regulations issued by the National Agency for Drug and Food Control (BPOM) governing safety standards, labeling requirements, and cosmetic claims. Article 10 of the UUPK explicitly prohibits business operators from offering or promoting goods and/or services in a false or misleading manner. Violations of this provision are subject to criminal sanctions under Article 62(1), including imprisonment of up to five years or a maximum fine of two billion rupiah. In addition, Article 435 of the Health Law provides a more specific legal basis by imposing penalties of up to twelve years of imprisonment and/or fines of up to five billion rupiah on business operators who provide false information regarding pharmaceutical preparations, including cosmetics. These legal norms demonstrate that Indonesia recognizes misleading claims as a serious violation within its consumer protection framework (Kamila & Faslah, 2025). In practice, the National Agency for Drug and Food Control (BPOM) serves as the primary authority responsible for supervising cosmetic products, including monitoring the claims presented on labels and in promotional materials (Maulida et al., 2025). BPOM's regulatory oversight is carried out in two main stages: pre-market and post-market supervision. During the pre-market stage, all business operators must submit a cosmetic product notification to BPOM prior to market distribution. This process involves document verification, assessment of ingredient composition and function, and examination of product claims. Manufacturers are required to provide supporting scientific evidence, such as laboratory test results, relevant scientific literature, and legally accountable safety and efficacy data. This requirement represents a form of claim substantiation that, in principle, already exists within Indonesia's regulatory system. Once a product receives market authorization, BPOM continues its oversight in the post-market stage through surveillance activities, random sampling and laboratory testing, inspection of labels and advertisements, and monitoring of promotional content on digital platforms. When

violations are detected, BPOM has the authority to impose administrative sanctions, including written warnings, suspension of distribution, mandatory product recalls, and the revocation of distribution permits (Octovian et al., 2025).

Several real cases illustrate how BPOM exercises its supervisory function in relation to misleading claims. In 2025, for example, BPOM revoked the distribution permits of 14 cosmetic products that promoted claims such as "breast firming" and "tightening female intimate organs," as these claims lacked scientific substantiation and were inconsistent with the legal definition of cosmetics under Indonesian regulations (Qothrunnadaa1 & Zuhrotun, 2023). n the same year, the agency also revoked the authorization of 21 cosmetic products whose actual composition did not match the data submitted during the notification process or the information displayed on their labels (Kautsar, 2025). BPOM further ordered the recall of cosmetic products marketed as safe for oral consumption, despite the fact that cosmetics are legally intended only for external use. These actions demonstrate BPOM's role in ensuring that products circulating in the market comply with regulatory standards and in protecting consumers from potential risks arising from inaccurate or misleading information. Beyond administrative sanctions, criminal enforcement has also been pursued in cases involving misleading cosmetic claims, although such cases remain relatively limited. One significant example is Case No. 39/Pid.Sus/2024/PN Lembata, in which the defendant was sentenced to one year and six months' imprisonment for marketing 25 cosmetic products with scientifically unsubstantiated and misleading claims. In another case, the Makassar District Court imposed a 10-month prison sentence and a fine of one billion rupiah on a business operator who provided false information on cosmetic labeling. Similarly, Case No. 135/Pid.Sus/2015/PN Surakarta and Case No. 478/Pid.Sus/2015/PN Jambi demonstrate the application of criminal sanctions against business operators who used falsified labels or distributed products with claims that did not correspond to actual conditions. These cases refute the assumption that violations related to misleading claims are addressed solely through administrative measures and show that criminal law instruments have indeed been employed to enforce regulations in this sector.

Although Indonesia has established a legal framework and supervisory mechanisms for regulating cosmetic claims, several challenges continue to hinder the effectiveness of law enforcement. One major challenge is the absence of standardized claim criteria comparable to those applied in the European Union, resulting in assessments that are often subjective and reliant on the interpretation of individual authorities. Furthermore, while scientific substantiation is formally required, the standards for claim substantiation have not been documented in detail for each category of cosmetic claims, leaving substantial room for interpretative variation. Another limitation lies in BPOM's restricted authority in criminal investigations, which necessitates coordination with the police—a factor that often slows down enforcement processes. Lastly, enforcement in Indonesia tends to be reactive and case-based rather than preventive and systemic, contributing to a relatively weak deterrent effect for business operators. In conclusion, Indonesia's legal system provides an adequate normative foundation, supported by supervisory and enforcement mechanisms encompassing both administrative and criminal measures. However, its overall effectiveness requires strengthening through the development of more detailed technical guidelines for claims, the standardization of scientific substantiation requirements, and the expansion of regulatory authority. These improvements are essential to ensure that consumer protection within the cosmetics industry operates optimally and aligns with international standards.

3.2. System of Claim Assessment and Legal Enforcement in the European Union

The European Union is widely regarded as one of the jurisdictions with the highest regulatory standards in the supervision and enforcement of cosmetic products, including the regulation of product claims. The primary legal framework governing the cosmetics sector in the EU is Regulation (EC) No. 1223/2009 of the European Parliament and of the Council on Cosmetic Products, which establishes comprehensive provisions on product safety, labeling, marketing, and claims. This regulation even authorizes the assessment of metal content in moisturizing creams and the evaluation of whether such products meet legal requirements (Rujido-Santos et al., 2022). Regulation 1223/2009 stipulates that claims appearing on labels, packaging, advertisements, and other promotional media must not be misleading, must be scientifically substantiated, and must not create a false impression regarding the characteristics, function, or safety of the product (Ferreira et al., 2022). This regulatory framework is further strengthened by Commission Regulation (EU) No. 655/2013, which specifically establishes six Common Criteria that all cosmetic claims must satisfy before products may be placed on the market (Kozik, 2024). The six Common Criteria consist of: (1) legal compliance, meaning that claims must adhere to applicable legislation and must not contradict cosmetic regulations; (2) truthfulness, requiring that claims accurately reflect the characteristics of the product and the ingredients used; (3) evidential support, meaning that claims must be substantiated by scientific data, laboratory testing, or verifiable literature; (4) honesty, which requires that claims do not create exaggerated expectations or suggest unrealistic benefits; (5) fairness, meaning that claims must not denigrate competing products or exploit consumers' lack of knowledge; and (6) informed decision-making, requiring that claims provide consumers with sufficient information to make appropriate and well-reasoned choices (European Commission, 2013). These six criteria are binding on all EU Member States as the legal standard for evaluating the legitimacy of cosmetic claims. However, enforcement mechanisms and the types of sanctions for violations are determined under Regulation (EC) No. 1223/2009 and the respective national legislation of each Member State (Vendruscolo et al., 2025).

One of the most distinctive features of the European Union's supervisory system is its comprehensive pre-market claim assessment mechanism (pre-market claim substantiation). Manufacturers are required to provide scientific evidence and relevant technical documentation to support any claims made on cosmetic products. Such evidence may include laboratory test results, clinical data, or credible scientific publications. Regulatory authorities verify the completeness and validity of this evidence before granting market authorization. If a claim is deemed scientifically unfounded or misleading, the product will not be approved for distribution. This approach reflects a shift from a reactive model of supervision to a preventive one, whereby potential violations are identified and addressed before products reach the market. In addition to pre-market controls, post-market surveillance in the European Union is also rigorously implemented. National regulatory authorities, alongside institutions such as the European Commission and the European Chemicals Agency (ECHA), conduct regular inspections of cosmetic products on the market, monitor advertisements and promotional content, and act on violations through warning systems and product recalls (Ruohonen, 2022). An important initiative in this context is the Safety Gate/RAPEX (Rapid Alert System for Dangerous Non-Food Products), which allows Member States to rapidly exchange information regarding cosmetic products containing misleading claims or

posing risks to consumers. Products found to violate the regulations may be withdrawn, seized, or subjected to criminal investigations. This approach illustrates the integration of administrative oversight and criminal enforcement within a comprehensive regulatory system.

Sanctions for violations of cosmetic claim regulations in the European Union are relatively strict and carry a strong deterrent effect. Member States have the authority to impose substantial fines, order the complete withdrawal of products from the market, revoke marketing authorization, and even pursue criminal charges when intentional misconduct or significant harm to consumers is involved. For example, in 2022, regulatory authorities in Germany ordered the recall of several cosmetic products that claimed to "permanently stop skin aging," as such claims lacked scientific substantiation and violated the Common Criteria. Another case occurred in France, where a major cosmetic company was fined more than €500,000 for marketing a product as "100% natural" despite containing synthetic ingredients. Consistent enforcement and severe penalties of this nature create a strong deterrent effect and reinforce public confidence in the region's cosmetic regulatory framework. The system implemented by the European Union demonstrates a strong relationship between a detailed legal framework, measurable technical guidelines, and broad institutional authority. The combination of these three elements produces a preventive, systemic, and deterrent regulatory environment. Moreover, the integration of pre-market and post-market oversight, together with the application of the Common Criteria, makes the process of evaluating cosmetic claims more transparent, structured, and accountable. This approach effectively limits opportunities for businesses to employ scientifically unsubstantiated claims while enhancing consumer protection standards. Accordingly, the EU's system of claim assessment and legal enforcement serves as an important reference point for Indonesia in strengthening the standards and effectiveness of its oversight mechanisms against misleading claims in the cosmetics industry.

3.3. Comparative Analysis of the Indonesian and European Union Systems in Enforcing Laws Against Misleading Cosmetic Claims

A comparison between the Indonesian and European Union legal systems in enforcing laws against misleading cosmetic claims demonstrates that, although both jurisdictions possess strong legal foundations, they differ significantly in terms of regulatory substance, claim assessment mechanisms, institutional authority, and overall enforcement effectiveness. These differences directly affect the level of consumer protection and the reliability of supervisory systems in each jurisdiction. From a regulatory standpoint, both Indonesia and the European Union prohibit misleading claims. Indonesia regulates such practices through Article 9 in conjunction with Article 62 of the Consumer Protection Law and Article 435 of the Health Law, while the EU establishes its rules under Regulation (EC) No. 1223/2009 and Commission Regulation (EU) No. 655/2013 (Vendruscolo et al., 2025). However, the most striking difference lies in the level of detail within their regulatory frameworks. The EU sets out six Common Criteria as clear legal benchmarks for determining whether a cosmetic claim is valid or misleading. Indonesia, on the other hand, has not yet developed a comparably comprehensive set of standards. Although BPOM requires scientific evidence to substantiate claims, Indonesia does not have a detailed written guideline specifying which types of claims are permissible, the substantiation methods that must be applied, or the measurable standards used to evaluate them. As a result, the assessment of

cosmetic claims in Indonesia tends to be more interpretative and may vary across cases, leading to inconsistencies in enforcement outcomes.

In terms of claim assessment mechanisms, both Indonesia and the European Union employ pre-market and post-market supervisory systems. In Indonesia, business operators are required to submit a notification dossier, including laboratory test results and relevant scientific literature before obtaining marketing authorization from BPOM. However, the scope of pre-market claim evaluation in Indonesia generally remains limited to safety considerations and the product's conformity with its designated category. In contrast, the European Union applies a far more comprehensive pre-market claim substantiation mechanism. Not only is the scientific evidence assessed, but also the validity of the methodology, the transparency of the supporting data, and the alignment of the claim with legal criteria. This rigorous verification process ensures that claims entering the market have undergone thorough scrutiny, thereby preventing potential violations from the outset. A further significant difference lies in the scope of authority held by regulatory institutions. BPOM in Indonesia possesses broad administrative powers, including granting marketing authorization, ordering product recalls, and revoking distribution permits. However, in the context of criminal enforcement for misleading claims, BPOM does not have independent investigative authority and must coordinate with the police. This requirement often slows down legal processes and results in selective criminal enforcement. By contrast, regulatory authorities in the European Union—both national and supranational—have stronger and more flexible powers. They may impose administrative sanctions directly or refer cases for criminal action without undergoing lengthy coordination procedures. Such broader authority enables faster responses to violations and greater consistency in enforcement outcomes.

With respect to enforcement effectiveness, the most pronounced difference concerns the underlying regulatory approach. Indonesia continues to rely largely on a reactive model in which enforcement is initiated only after violations occur and is usually focused on serious cases, such as the use of hazardous substances or false safety-related information. This is reflected in the relatively small number of criminal cases that proceed to court, despite the availability of a normative legal basis. Conversely, the European Union adopts a preventive and systemic approach. Claims are thoroughly assessed before products enter the market, regular monitoring is conducted through a structured post-market surveillance system, and sanctions are consistently applied across varying degrees of violations. This proactive model not only produces a stronger deterrent effect but also enhances consumer confidence in the safety and integrity of cosmetic products available in the market. This comparison also demonstrates how differing regulatory approaches affect levels of consumer protection. The EU's emphasis on claim substantiation, the Common Criteria, and robust oversight leads to higher compliance rates within the cosmetics industry. In contrast, although Indonesia has established a legal basis, supervisory mechanisms, and even applies criminal sanctions in certain cases, the lack of detailed technical guidelines, inter-agency coordination challenges, and inconsistent enforcement allow misleading claims to persist and recur. This indicates that the core issue does not lie in the absence of legal norms but rather in the depth of regulation and the effectiveness of implementation. Therefore, the results of this comparison suggest that Indonesia must strengthen its legal system not only by clarifying existing norms but also by developing more detailed claim criteria, enhancing the capacity of regulatory institutions, and expanding BPOM's authority in criminal

investigations. Such efforts are essential for ensuring that Indonesia possesses not merely a sufficient legal framework, but an enforcement system capable of meeting international standards as exemplified by the European Union.

Table 1. Comparison Between Indonesia and the European Union

Comparison Aspect	Indonesia	Uni Eropa
Legal Basis	- Consumer Protection Law (Articles 9 and 62) - Health Law (Article 435) - BPOM Regulations	- Regulation (EC) No. 1223/2009 - Commission Regulation (EU) No. 655/2013
Prohibition of Misleading Claims	Regulated generally under the Consumer Protection Law and Health Law, but without detailed claim criteria.	Regulated comprehensively through the Common Criteria (legal compliance, truthfulness, evidential support, honesty, fairness, informed decision-making).
Pre-Market Oversight	Mandatory product notification with scientific evidence (laboratory tests, scientific literature). Evaluation focuses on safety, composition, and legal compliance.	Regulated comprehensively through the Common Criteria (legal compliance, truthfulness, evidential support, honesty, fairness, informed decision-making).
Post-Market Oversight	BPOM conducts surveillance, sample testing, label and advertisement inspection, and digital monitoring.	Integrated oversight by national authorities, the European Commission, and ECHA through the RAPEX/Safety Gate system for early detection and cross-country coordination.
Scientific Substantiation of Claims	Required during the notification process, but no detailed technical standards exist for each category of claims.	Claims must be supported by verifiable scientific evidence with strict, well-documented evaluation standards for all claim categories.
Claim Assessment Guidelines	No national standardized guideline comparable to the Common Criteria; assessments remain interpretative.	Common Criteria serve as binding legal guidelines applied consistently across all claim assessments.
Authority of Regulatory Bodies	BPOM holds administrative oversight but lacks independent authority to conduct criminal investigations, requiring coordination with the police.	National authorities have full powers to impose administrative sanctions and pursue criminal proceedings without lengthy coordination processes.
Types of Sanctions	-Administrative: warnings, revocation of marketing authorization, product recalls. - Criminal: imprisonment up to 12 years and/or fines up to IDR 5 billion (applied only in specific cases).	- Administrative: substantial fines, product withdrawals, marketing bans. - Criminal: severe penalties, even for claims lacking scientific substantiation.
Enforcement Approach	Reactive, case-based, and generally enforced after violations occur.	Preventive, proactive, and systemic from pre-market to post-market stages.
Effectiveness and Deterrent Impact	Still limited; misleading claims frequently recur due to reliance on administrative sanctions and inconsistent criminal enforcement.	High; severe sanctions, clear guidelines, and integrated oversight significantly reduce violations.

Source: Author's Research Findings, 2025

The comparison of legal enforcement systems governing misleading cosmetic claims in Indonesia and the European Union, as presented in the table above, illustrates that although both jurisdictions share strong legal foundations and implement pre-market and post-market oversight mechanisms, several fundamental differences affect the overall effectiveness of consumer protection. Indonesia prohibits misleading claims through the Consumer Protection Law and the Health Law and requires manufacturers to provide scientific evidence during the product notification process. However, it has

yet to develop technical guidelines as comprehensive as the EU's Common Criteria. Consequently, claim assessments in Indonesia tend to remain interpretative, whereas the European Union conducts a systematic and rigorous pre-market claim substantiation process that includes verification of scientific evidence, evaluation of methodological validity, and assessment of compliance with well-defined legal standards. Another key distinction lies in the authority of regulatory bodies. BPOM's powers are largely administrative, and the agency must coordinate with the police to initiate criminal investigations, often resulting in slower and more selective enforcement. By contrast, regulatory authorities within the European Union have full authority to impose administrative penalties and directly pursue criminal proceedings. As a result, Indonesia's enforcement approach is more reactive and case-based, typically initiated only after violations occur, while the European Union adopts a preventive and systemic model beginning at the pre-market stage. These institutional and procedural differences contribute to the limited deterrent effect of sanctions in Indonesia, where administrative penalties remain predominant and criminal enforcement is inconsistently applied. In the European Union, by contrast, strict sanctions combined with detailed claim assessment guidelines significantly reduce the incidence of misleading claims and enhance consumer trust in the safety and integrity of cosmetic products.

3.4. Recommendations for Strengthening the Legal Enforcement System in Indonesia

The comparative analysis demonstrates that although Indonesia already has a solid legal basis and both pre-market and post-market oversight mechanisms to regulate misleading cosmetic claims, the effectiveness of implementation continues to face several challenges. These issues do not stem from a lack of legal norms, but rather from limitations in technical standards, institutional capacity, and regulatory depth. Strengthening these areas is therefore essential for Indonesia to achieve an enforcement system comparable in effectiveness to that of the European Union. One of the most crucial steps is the development of detailed, measurable, and practical guidelines on cosmetic claims. Current regulations in Indonesia provide only general prohibitions, leaving wide room for interpretation and inconsistency in enforcement. Establishing technical guidelines that specify permissible claim types, parameters of claim accuracy, acceptable forms of scientific substantiation, and principles of honesty and fairness in promotional practices would enhance legal certainty for businesses and support law enforcement officers in assessing potential violations. Such guidelines could be adapted from the EU's best practices, particularly the Common Criteria, which have proven effective in ensuring the accuracy and reliability of cosmetic claims.

Institutional strengthening is also of paramount importance. At present, BPOM's authority is largely administrative, while criminal investigations must be coordinated with the police. This procedural dependence often slows down enforcement and weakens the deterrent effect of sanctions. Granting BPOM limited investigative authority, or establishing a specialized investigative unit within the agency, would accelerate legal processes and reinforce BPOM's role as the leading consumer protection authority. Expanded authority would allow faster and more consistent responses to violations and provide greater enforcement leverage. Improvements are also needed at the pre-market stage, particularly in the quality of claim evaluation. Although Indonesia already requires scientific substantiation in the notification process, assessments still focus primarily on safety and legality, while methodological validity and the correspondence between claims

and product characteristics receive less attention. A more comprehensive pre-market evaluation would shift Indonesia toward a preventive rather than reactive model, enabling early detection and mitigation of potential violations. Such a preventive approach aligns with consumer protection principles and has proven highly effective in the European Union.

In addition, the system for scientific substantiation must be strengthened to provide a more objective foundation for claim assessment. While scientific evidence is required, Indonesia lacks detailed technical standards specifying the type and quality of evidence applicable to different categories of claims—such as functional claims, compositional claims, or therapeutic claims. Developing measurable substantiation standards would reduce opportunities for data manipulation and prevent the dissemination of claims that lack scientific credibility. Standardization would also enhance evidence-based decision making within regulatory processes. Another emerging challenge is the rapid growth of cosmetic marketing in the digital sphere. Product promotions through social media and influencer collaborations often become channels for spreading misleading claims that are difficult to monitor using conventional mechanisms. Strengthening post-market surveillance must therefore include integrated digital oversight through adaptive and real-time monitoring systems. BPOM could collaborate with the Ministry of Communication and Informatics, digital platforms, and industry associations to detect and address violations more quickly and effectively. This approach is essential to ensure consumer protection not only in conventional markets but also in the increasingly dominant digital ecosystem. Finally, the effectiveness of enforcement depends heavily on interagency coordination. Addressing misleading cosmetic claims involves multiple institutions, including BPOM, the police, the public prosecutor's office, and relevant ministries. Establishing a coordination forum or a dedicated task force for cosmetic oversight would expedite enforcement processes and reduce bureaucratic barriers. Additionally, enhancing legal literacy among business operators and educating consumers about their rights to accurate information should form part of a long-term strategy to foster a legally compliant market environment. Through these combined measures, Indonesia's enforcement system can be strengthened not only at the normative level but also in institutional capacity and technical implementation. Developing detailed claim guidelines, expanding BPOM's authority, improving pre-market evaluation, standardizing scientific substantiation, enhancing digital surveillance, and reinforcing interagency coordination will create a more responsive, integrated, and effective regulatory framework. In doing so, Indonesia can improve consumer protection, provide greater legal certainty for businesses, and move closer to international best-practice standards exemplified by the European Union.

Table 2. Recommendations for Strengthening the Legal Enforcement System on Misleading Cosmetic Claims in Indonesia

Aspect to Be Strengthened	Current Conditions in Indonesia	Weaknesses	Recommended Improvements
Claim Criteria Guidelines	No technical standards equivalent to the EU's Common Criteria. Regulations remain general under the Consumer	Broad room for interpretation; assessments lack consistency.	Develop a national guideline on cosmetic claim criteria that is detailed and measurable, adapted from

	Protection Law, the Health Law, and BPOM regulations.Kesehatan, dan Peraturan BPOM.		the European Union's Common Criteria.
Authority of Regulatory Bodies (BPOM)	BPOM holds administrative authority but cannot conduct criminal investigations independently.	Criminal enforcement is slow due to reliance on coordination with the police.	Expand BPOM's authority to conduct limited criminal investigations or establish a specialized cosmetic investigation unit within BPOM.
Pre-Market Claim Evaluation	Notification and scientific evidence are already required, but the assessment focuses primarily on product safety and legal compliance.	Claim evaluation does not yet include methodological validity or comprehensive alignment with scientific standards.	Enhance the pre-market claim evaluation process to include methodological validity, relevance of evidence, and conformity of claims with scientific standards.
Scientific Substantiation	Scientific evidence is required, but substantiation standards are not yet documented in detail for each claim category.	Businesses may still manipulate data or present unverifiable information.	Develop measurable and well-documented scientific substantiation standards based on claim categories (functional, compositional, therapeutic).
Post-Market and Digital Surveillance	Surveillance and product monitoring are conducted, but they are not yet integrated with digital promotion monitoring.	Misleading claims on social media and e-commerce platforms are difficult to detect and enforce.	Develop an adaptive, real-time online monitoring system in collaboration with the Ministry of Communication and Informatics, digital platforms, and industry associations.

Source: Author's Research Findings, 2025

The table above provides a comprehensive overview of the key areas requiring reinforcement to enhance Indonesia's legal enforcement system against misleading cosmetic claims, highlighting the reforms needed to bring national standards closer to those applied in the European Union. Although Indonesia has established a solid legal foundation and requires scientific substantiation during the notification process, the absence of detailed claim criteria results in assessments that are often subjective and inconsistent. BPOM's limited authority in conducting criminal investigations further weakens enforcement effectiveness, while pre-market evaluations remain focused primarily on safety rather than incorporating full methodological verification or comprehensive assessment of claim accuracy. Additionally, scientific substantiation standards have not yet been documented in detail for different categories of claims, leaving gaps that can be exploited by businesses. Post-market surveillance is also not fully integrated with digital monitoring systems, despite the fact that social media and e-commerce have become the dominant channels for cosmetic promotion and a frequent

source of misleading claims. By developing more measurable and detailed claim guidelines, expanding BPOM's investigative authority, deepening the scope of pre-market evaluations, standardizing scientific substantiation requirements, strengthening digital monitoring systems, and enhancing cross-agency coordination, Indonesia can construct a more responsive, objective, and preventive oversight framework. These reforms would not only strengthen consumer protection but also provide greater legal certainty for businesses, bringing Indonesia's regulatory standards closer to international best practices, particularly those implemented within the European Union.

4. CONCLUSION

The comparative analysis demonstrates that although Indonesia has established a solid legal foundation and implements both pre-market and post-market oversight mechanisms for addressing misleading cosmetic claims, the effectiveness of its enforcement remains behind that of the European Union. The key differences lie in the absence of detailed claim criteria comparable to the EU's Common Criteria, the limited authority of BPOM in criminal enforcement, and a regulatory approach that remains largely reactive and case-based. In contrast, the European Union has developed a preventive, structured, and systemic framework through stringent claim verification, standardized scientific substantiation, and broad supervisory authority. Accordingly, strengthening Indonesia's technical regulations, expanding the enforcement powers of regulatory bodies, and modernizing legal enforcement strategies are essential steps toward achieving a more effective system of oversight. These reforms would enable Indonesia to enhance consumer protection and elevate its regulatory framework to meet international standards.

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