

The Effectiveness of Law Enforcement against the Circulation of Illegal Cosmetics and Traditional Medicines in Surakarta City

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Abstract

The circulation of unregistered cosmetics and traditional medicines (jamu) containing hazardous substances has continued to rise in Surakarta City and the wider Soloraya region over the past three years, despite a reasonably comprehensive legal framework, including Law Number 8 of 1999 on Consumer Protection, Law Number 17 of 2023 on Health, and various technical regulations issued by the National Agency of Drug and Food Control (BPOM). This article examines the effectiveness of law enforcement following cases of illegal cosmetics and traditional medicine circulation in Surakarta and identifies the obstacles hindering its optimal implementation. Using a normative juridical method with statutory, conceptual, and case approaches, this study analyzes primary, secondary, and tertiary legal materials through library research, employing Lawrence M. Friedman's legal system theory, Soerjono Soekanto's law enforcement theory, and Ahmadi Miru's consumer protection theory as the analytical framework. The findings show that although the normative framework covers preventive, repressive, and curative measures, its implementation is undermined by sentencing disparity, limited enforcement resources, and a weak legal culture among business actors and consumers, particularly in online transactions. These conditions weaken the deterrent effect of the law and make it difficult for consumers to obtain recovery for their rights.

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1. INTRODUCTION

Growing public awareness of personal care and health, reinforced by the post-COVID-19 healthy-living trend, has driven rising demand for cosmetics and traditional medicines (jamu) in Indonesia, including in Surakarta and its surrounding areas (Rosyid, 2026). Unfortunately, this growing demand has also been accompanied by an increasing circulation of products without marketing authorization and/or containing chemical drug substances (Novianto, 2025; Adhi & Idris, 2022), as well as cosmetics containing hazardous ingredients such as mercury, hydroquinone, and retinoic acid, which pose serious health risks to consumers (National Agency of Drug and Food Control [BPOM], 2026).

Supervisory data from the Surakarta Drug and Food Control Office show a consistent upward trend in findings. Unregistered cosmetics rose from 1,158 items in 2020 to 4,058 items in 2022 (Tri Siana Emi, 2023), while traditional medicines containing chemical drug substances surged from 525 items in 2020 to more than 30,900 items by October 2022 (Hapsari et al., 2024). Surakarta's historical proximity to the Sukoharjo jamu production center, designated the "Jamu City" since 2015, further exposes the region to the

circulation of illegal traditional medicines (Hapsari et al., 2024), while the shift in consumer shopping patterns toward digital platforms has broadened the distribution reach of these products (BPOM, 2026).

From a normative standpoint, this issue has in fact been anticipated through various legal instruments, ranging from Law Number 8 of 1999 on Consumer Protection and Law Number 17 of 2023 on Health, which threatens imprisonment of up to 12 years for the distribution of pharmaceutical preparations that fail to meet safety standards, to BPOM Regulation Number 19 of 2021 on post-market surveillance. Nevertheless, the completeness of these norms does not necessarily correspond to their effectiveness in practice. The sentencing disparity in the MH Cosmetic illegal skincare case, in which the first-instance court imposed only a ten-month prison sentence against a statutory maximum of 12 years, is one indication that repressive law enforcement has not yet fully achieved a deterrent effect (Kejaksaan Tinggi Sulawesi Selatan, 2026; Supreme Court of the Republic of Indonesia, 2025).

Previous studies have generally examined this issue in a piecemeal manner, focusing either on consumer protection alone (Aresil et al., 2024; Putri & Setianingrum, 2025) or on criminal law enforcement against a single commodity (Mustafa et al., 2023; Ramadhan et al., 2024), without linking illegal cosmetics and traditional medicines as a single, interrelated problem of health-product distribution that often follows similar circulation channels (Novita et al., 2023; Martono et al., 2026). In contrast to these studies, this article focuses on a normative evaluation of post-case law enforcement covering both commodities simultaneously in Surakarta City, drawing on Lawrence M. Friedman's legal system theory (Friedman, 1975), Soerjono Soekanto's theory of law enforcement and the factors influencing it (Soekanto, 2016), and Ahmadi Miru's consumer protection theory (Miru & Yodo, 2017) as the analytical framework.

Based on the foregoing, this article seeks to answer two central questions: how effective is law enforcement following cases of illegal cosmetics and traditional medicine circulation in Surakarta City, and what obstacles accompany the implementation of that law enforcement. Both questions are examined normatively, drawing on statutory regulations, legal concepts, and previously published cases, as part of a broader study on law enforcement against the circulation of illegal cosmetics and jamu in Surakarta.

2. METHOD

This article was prepared using the normative juridical research method, which treats law as written norms (law in books) as its primary object of analysis, examining the consistency, interrelation, and implementation of legal norms through previously published legal materials (Sonata, 2014; Rosidi et al., 2024). The approaches employed include the statute approach, used to examine relevant regulations; the conceptual approach, used to situate the theories of legal systems, law enforcement, and consumer protection that form the analytical framework; and the case approach, used to examine law enforcement practices that have occurred and been publicly reported (Nur Solikin, 2021).

The legal materials used consist of primary legal materials, namely Law Number 8 of 1999 on Consumer Protection, Law Number 17 of 2023 on Health, Presidential Regulation Number 80 of 2017 on the National Agency of Drug and Food Control, and various BPOM regulations concerning the supervision of cosmetics and traditional medicines; secondary legal materials, comprising books, scholarly journal articles, and relevant prior research; and tertiary legal materials, comprising official BPOM data and publications as well as credible news reports (Nur Solikin, 2021; Widiarty, 2024).

Data collection was carried out through library research on statutory regulations, published court decisions, scholarly journal articles, and official BPOM press releases

(Widiarty, 2024). The collected data were then analyzed qualitatively and prescriptively by reducing the relevant legal materials and presenting them systematically according to a three-layered theoretical framework, namely Friedman's legal system theory (Friedman, 1975), Soekanto's law enforcement factors (Soekanto, 2016), and Miru's consumer protection theory (Miru, 2011), from which conclusions addressing the research questions were then drawn. It should be emphasized that this article is normative in nature and does not yet include primary data from field interviews, which is planned as a subsequent stage of the authors' broader research at the Surakarta Drug and Food Control Office.

3. RESULTS AND DISCUSSION

3.1 Regulatory Framework for Supervision and Law Enforcement

Viewed through Lawrence M. Friedman's legal system theory (Friedman, 1975), the legal framework governing the supervision of cosmetics and traditional medicines in Indonesia has already encompassed the three required elements, namely structure, substance, and legal culture. With respect to structure, BPOM is a non-ministerial government agency directly accountable to the President under Presidential Regulation Number 80 of 2017, and it carries out both pre-market and post-market supervisory functions through regional technical implementing units, including the Surakarta Drug and Food Control Office, supported by Civil Servant Investigators (PPNS) who coordinate with the police investigation supervisory unit (Korwas PPNS) (Tri Siana Emi, 2023).

With respect to substance, the prohibition against the circulation of illegal cosmetics and traditional medicines is regulated in layers, ranging from the criminal sanction under Article 435 in conjunction with Article 138(2) of Law Number 17 of 2023 on Health, which threatens imprisonment of up to 12 years, to consumer rights and business actor obligations under Articles 4, 7, and 19 of Law Number 8 of 1999 on Consumer Protection, and tiered administrative sanctions under BPOM Regulation Number 12 of 2023, ranging from written warnings and product withdrawal or destruction to revocation of a Good Cosmetic Manufacturing Practice (CPKB) certificate (Datu et al., 2024). This substantive framework essentially reflects Soerjono Soekanto's tripartite classification of law enforcement (Soekanto, 2016), namely preventive measures through product notification and safety-standard requirements, repressive measures through criminal and administrative sanctions, and curative measures through compensation mechanisms for aggrieved consumers as provided under Article 19 of the Consumer Protection Law.

The element of legal culture, however, remains the most vulnerable point in this system. The high level of jamu consumption in the Soloraya region is not always matched by public awareness of the risks associated with unregistered products (Hapsari et al., 2024), while some business actors, particularly online sellers, tend to regard licensing obligations as a mere administrative hurdle rather than a legal duty (Nurdiyanti et al., 2024). This gap in legal culture normatively explains why the completeness of legal structure and substance has not translated into a proportionate level of compliance on the ground (Friedman, 1975).

3.2 Sentencing Disparity and the Effectiveness of Post-Case Sanctions

The practice of repressive law enforcement reveals a gap between the statutory threat of punishment and the sentences actually imposed. The MH Cosmetic illegal skincare case offers a relevant illustration: the Makassar District Court at first instance imposed only a ten-month prison sentence and a fine of IDR 1 billion, even though the defendant was charged under Article 435 of Law Number 17 of 2023, which carries a maximum penalty of 12 years' imprisonment. The sentence was subsequently increased to four years' imprisonment on appeal, before ultimately being set at two years' imprisonment through the Supreme Court's cassation Decision Number 12016 K/PID.SUS/2025 (Supreme Court of

the Republic of Indonesia, 2025; Kejaksaan Tinggi Sulawesi Selatan, 2026). Such a wide range of sentences within a single case indicates the absence of a consistent sentencing guideline for handling illegal cosmetics distribution crimes, potentially undermining the law's deterrent function.

Repressive action is also evident in the raid on an illegal natural-medicine production facility allegedly containing paracetamol and tadalafil in Jatinom Subdistrict, Klaten, conducted by BPOM together with the Central Java Regional Police in May 2025, which shows that illegal production activities continue to occur around Surakarta despite ongoing supervision (BPOM, 2025). The results of BPOM's simultaneous intensified cosmetics inspection conducted on 11–22 May 2026 further reinforce this picture, with 2,205 illegal cosmetic items worth IDR 35.8 billion found at 129 (67.4%) of the 190 facilities inspected that were found non-compliant, 86.8% of which were unregistered products (BPOM, 2026). This data underscores the gap between the normative expectations of BPOM Regulation Number 12 of 2023 and the actual level of business-actor compliance on the ground.

This condition aligns with Friedman's (1975) view that the effectiveness of law cannot be measured solely by the completeness of its substance but must also account for consistency in structural enforcement. The sentencing disparity in the MH Cosmetic case and the recurrence of illegal-product findings after enforcement action indicate that the repressive function has not yet optimally achieved a deterrent effect (Mustafa et al., 2023), making the curative function of restoring consumer rights increasingly difficult to realize.

3.3 Factors Influencing the Effectiveness of Law Enforcement

Referring to Soerjono Soekanto's five factors of law enforcement (Soekanto, 2016), the obstacles to post-case law enforcement against the circulation of illegal cosmetics and jamu in Surakarta can be identified at several points. First, the law itself: criminal and administrative provisions already exist but have not yet been supplemented by a uniform sentencing guideline, leaving room for the sentencing disparity seen in the MH Cosmetic case (Supreme Court of the Republic of Indonesia, 2025). Second, law enforcement officers: the enforcement process, which involves BPOM's Civil Servant Investigators, the police investigation supervisory unit, and the prosecutor's office, requires multi-layered coordination that risks slowing case handling, as indicated by earlier studies of the Surakarta Drug and Food Control Office (Tri Siana Emi, 2023).

Third, facilities and resources: proving the presence of hazardous substances in cosmetics or chemical drug substances in jamu requires laboratory testing, which depends on the availability of technical resources and budget (Datu et al., 2024). Fourth, the community: reflected in the still-low public understanding of the risks of unregistered products and a tendency to choose products based on instant effects without considering their safety (Novianto, 2025). Fifth, legal culture: evident in the habit of some business actors treating licensing compliance as a burden rather than a legal obligation, particularly within an online trading ecosystem that makes it easy for sellers to conceal their identity (Nurdiyanti et al., 2024).

The issue becomes more complex once illegal products move to digital platforms. BPOM recorded facial-care products as the top-selling category on digital platforms, with sales worth tens of trillions of rupiah (BPOM, 2026), while cyber patrols throughout 2025 uncovered tens of thousands of transactions involving illegal natural-based medicines (Indoraya News, 2026). A case involving the sale of illegal cosmetics through an e-commerce platform in Surakarta, prosecuted under Article 435 in conjunction with Article 138(2) of Law Number 17 of 2023 (Nurdiyanti et al., 2024), confirms that cyber-surveillance capacity and the legal culture of online business actors remain challenges not yet fully addressed by conventional law enforcement structures.

3.4 Implications for the Fulfillment of Consumer Rights

From the perspective of Ahmadi Miru's consumer protection theory (Miru & Yodo, 2017), the conditions described above show that preventive protection measures, such as notification requirements and mandatory product information, have not fully succeeded in preventing consumer harm, shifting the burden of protection toward post-harm remedial measures. Article 19 of the Consumer Protection Law indeed requires business actors to provide compensation for resulting losses; however, fulfilling this obligation requires a provable legal relationship between the consumer and the business actor, a condition that is difficult to satisfy when illegal products are sold through digital platforms with unclear seller identities (Putri & Setianingrum, 2025).

The information asymmetry between consumers and business actors further compounds this problem (Miru, 2011). Without laboratory testing, consumers have no way of knowing whether a whitening cream contains mercury or hydroquinone, or whether jamu contains chemical drug substances (Novianto, 2025), meaning that marketing authorization should function as an information bridge guaranteeing product safety. When products circulate without such authorization, that information bridge disappears, leaving consumers to bear risks that could otherwise be prevented through stricter pre-market supervision and consistent repressive law enforcement after a case arises (BPOM, 2026).

4. CONCLUSION

Based on the normative analysis presented above, it can be concluded that the legal framework for the supervision and enforcement of law against the circulation of illegal cosmetics and traditional medicines in Surakarta City is, in principle, fairly comprehensive, encompassing preventive, repressive, and curative measures as reflected in Law Number 8 of 1999, Law Number 17 of 2023, and various BPOM regulations (Soekanto, 2016). Nevertheless, the effectiveness of post-case law enforcement remains undermined by disparities in court sentencing, as seen in the MH Cosmetic case (Supreme Court of the Republic of Indonesia, 2025), and by the recurrence of illegal-product findings after enforcement action in the Soloraya region (BPOM, 2025, 2026), indicating that the repressive function has not yet fully achieved a deterrent effect.

The main obstacles to law enforcement can be identified across all five factors at once (Soekanto, 2016): the absence of a uniform sentencing guideline, limited coordination among law enforcement institutions (Tri Siana Emi, 2023), insufficient laboratory testing facilities, low public understanding of the risks of illegal products (Novianto, 2025), and a still-weak culture of compliance among business actors, particularly within the digital trading ecosystem (Nurdiyanti et al., 2024). These conditions ultimately make it difficult for consumers to obtain the recovery of rights guaranteed under Article 19 of Law Number 8 of 1999 (Miru & Yodo, 2017).

As a normative juridical study, this article has the limitation of not yet being supported by primary field data. Further research is therefore recommended to adopt an empirical juridical approach, through interviews with the Surakarta Drug and Food Control Office and other relevant parties, in order to verify these normative findings and provide more operational policy recommendations for strengthening law enforcement and consumer protection in Surakarta City.

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