

Consumer Protection Against the Circulation of Illegal Skincare Products on E-Commerce Platforms in Makassar

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Abstract

The rapid growth of e-commerce has reshaped the distribution of skincare products in Indonesia while simultaneously increasing the circulation of illegal products through digital platforms. Many are sold without BPOM authorization, contain harmful substances, or provide misleading information, posing risks to consumer health and safety. This study analyzes the effectiveness of consumer protection against illegal skincare products on e-commerce platforms in Makassar and examines the legal responsibilities of platforms in preventing such circulation. Using normative legal research with statutory, conceptual, and analytical approaches, data were collected through library research and analyzed qualitatively with a descriptive-analytical method. Findings show consumer protection remains ineffective due to weak digital supervision, open marketplace systems, information asymmetry, and limited public legal awareness. Although platforms apply seller verification, product monitoring, takedown mechanisms, account suspension, and complaint services, these measures are largely reactive. Doctrinally, the study argues that the legal framework has not clearly imposed a preventive duty of care on e-commerce platforms as Electronic System Providers. Platform responsibility should extend to proactive legality verification and integrated supervision with BPOM. Strengthening regulatory coordination, digital monitoring, and platform accountability is essential to ensure legal certainty, justice, and effective consumer protection in Indonesia's digital marketplace.

Keywords: Consumer Protection; E-Commerce Platforms; Illegal Skincare Products; Legal Responsibility; Makassar.

A. INTRODUCTION

Legal protection for consumers constitutes a fundamental legal mechanism to guarantee consumers' rights to safety, security, accurate information, and

compensation as stipulated in Law Number 8 of 1999 on Consumer Protection. In relation to the circulation of illegal skincare products through e-commerce platforms, consumer protection is further regulated under Law Number 17 of 2023 on Health, Law Number 1 of 2024 concerning Information and Electronic Transactions, Government Regulation Number 80 of 2019 concerning Electronic Commerce, and BPOM regulations governing cosmetic safety and distribution permits. Normatively, these regulations are sufficient in establishing the obligations of business actors and setting legal standards for cosmetic safety. However, they do not explicitly impose a preventive obligation on e-commerce platforms to verify the legality of cosmetic products before they are marketed through digital marketplaces. Consequently, the existing legal framework remains inadequate in preventing the circulation of illegal skincare products at the pre-market stage (Fadhila, 2026).

The findings of this study demonstrate that illegal skincare products continue to circulate widely through e-commerce platforms despite the existence of comprehensive regulations. This condition indicates that the weakness does not primarily lie in the absence of legal norms but in the limited normative construction of platform responsibility. Existing regulations mainly focus on the liability of business actors after violations occur, whereas the preventive responsibilities of e-commerce platforms as Electronic System Providers (PSE) remain generally formulated and lack explicit obligations concerning BPOM verification before products are offered to consumers. As a result, the open marketplace system enables business actors to market illegal products with minimal preventive legal control (Putri et al., 2025).

The ineffectiveness of digital supervision also reflects a normative weakness in the existing regulatory framework. Although BPOM and other competent authorities possess supervisory powers, enforcement remains predominantly reactive because inspections are generally initiated after consumer complaints or the discovery of violations. From a legal perspective, the current framework has not established an integrated preventive supervision mechanism between BPOM and e-commerce platforms. Consequently, illegal skincare products may continue circulating for a considerable period before enforcement measures, such as product takedowns or account suspensions, are implemented (Aksan et al., 2026).

Besides weaknesses in digital supervision, the existence of information asymmetry also reveals a normative limitation within the current consumer protection framework. Although Article 4 of Law Number 8 of 1999 guarantees consumers' right to obtain accurate, clear, and honest information, the applicable legal framework does not require e-commerce platforms to verify the accuracy of product information before publication. Consequently, consumers continue to rely solely on descriptions, promotional claims, and product reviews provided by business actors, creating an imbalance of information that significantly increases the risk of purchasing illegal skincare products (Shidarta, 2006).

The marketing of illegal skincare products also demonstrates non-compliance with consumer protection norms. Business actors frequently misuse BPOM notification numbers, make unsubstantiated claims regarding product effectiveness, and disseminate misleading testimonials through digital platforms. Such practices constitute violations of Article 4 and Article 9 of Law Number 8 of 1999 concerning Consumer Protection, which guarantee consumers' right to

accurate information and prohibit misleading representations in commercial activities. Although these prohibitions are clearly established, their enforcement remains largely reactive because illegal products are generally removed only after complaints or BPOM intervention. This indicates that the substantive legal norms are adequate, whereas their preventive implementation remains ineffective (Padmayani et al., 2022).

The findings further indicate that the effectiveness of consumer protection is also influenced by the level of legal and digital literacy among consumers. From a normative perspective, the effectiveness of legal protection is determined not only by the existence of legal norms but also by the legal culture of society. As argued by Soerjono Soekanto (2019), legal awareness constitutes an essential element in ensuring the effective implementation of legal norms. The persistence of consumers' reliance on low prices, promotional claims, and testimonials without verifying BPOM authorization demonstrates that the objectives of consumer protection legislation cannot be fully achieved without adequate public legal awareness.

From a legal enforcement perspective, the obstacles encountered by law enforcement authorities also indicate weaknesses in the implementation of the existing regulatory framework. Although BPOM, the Police, and other competent authorities possess statutory enforcement powers, coordination among these institutions and e-commerce platforms has not yet been sufficiently integrated to provide effective preventive supervision. Consequently, business actors are still able to create new accounts or use false identities after enforcement actions have

been taken, thereby reducing the practical effectiveness of consumer protection (Nugraheni & Rochmatullah, 2026).

The Makassar District Court Decisions Number 204/Pid.Sus/2025/PN Mks and Number 205/Pid.Sus/2025/PN Mks further demonstrate that the circulation of illegal skincare products through digital platforms is not merely an issue of unlawful conduct by business actors but also reflects deficiencies in preventive regulatory enforcement. Although the applicable legislation requires cosmetic products to satisfy safety and distribution permit requirements, these cases reveal that illegal products containing mercury were successfully marketed through e-commerce platforms before legal action was taken. This indicates that the current legal framework has not effectively integrated preventive supervision between BPOM, law enforcement agencies, and e-commerce platforms, thereby limiting the practical effectiveness of consumer protection.

The effectiveness of consumer protection in this study is further assessed using Gustav Radbruch's Theory of the Purposes of Law, which emphasizes the principles of legal certainty, justice, and utility. From the perspective of legal certainty, Indonesian legislation clearly prohibits the circulation of illegal cosmetic products and establishes obligations for business actors. Nevertheless, legal certainty has not been fully achieved because the applicable legal framework does not explicitly define the preventive responsibilities of e-commerce platforms in verifying the legality of products before they are marketed. This normative ambiguity allows illegal skincare products to continue circulating despite the existence of statutory prohibitions.

From the perspective of justice, consumers remain in a significantly weaker position than business actors and digital platforms due to information asymmetry. Consumers generally rely on product descriptions, promotional claims, and online reviews without being able to verify the legality or safety of products directly. Consequently, the existing legal framework has not yet provided substantive justice because consumers continue to bear disproportionate legal and health risks.

From the perspective of utility, the current regulatory framework has not produced optimal social benefits. Although comprehensive legislation governing consumer protection, electronic commerce, and cosmetic safety already exists, the persistence of illegal skincare products in digital marketplaces demonstrates that the implementation of these legal norms has not effectively fulfilled their protective function. Accordingly, strengthening the preventive responsibilities of e-commerce platforms, integrating digital supervision with BPOM, and improving regulatory coordination are necessary to ensure that the objectives of legal certainty, justice, and utility can be achieved simultaneously (Achmad Ali, 2015).

Based on the results of the study, it can be concluded that the effectiveness of legal protection for consumers against illegal skincare products sold through e-commerce platforms in Makassar is still not optimal. This issue is influenced by weak digital supervision, an open marketplace system, information imbalance between businesses and consumers, low public legal literacy, and less-than-optimal coordination between agencies in law enforcement. Therefore, the existing legal framework requires further normative development by explicitly imposing preventive obligations on e-commerce platforms to verify BPOM authorization before products are marketed. Strengthening technology-based

supervision, enhancing coordination between BPOM, law enforcement authorities, and digital platforms, and improving public legal awareness are essential to achieving the objectives of legal certainty, justice, and utility within Indonesia's consumer protection regime.

B. RESEARCH METHOD

This study employs a normative legal research method that examines legal issues through the analysis of legislation, legal doctrines, court decisions, and relevant legal literature (Marzuki, 2017). The research adopts a statutory approach, a conceptual approach, and a case approach. The statutory approach is employed to examine the consistency and conformity of legal norms governing consumer protection, electronic commerce, and cosmetic regulation. The conceptual approach is used to analyze legal doctrines, principles, and theories relating to consumer protection, platform liability, and legal responsibility. The case approach examines the Makassar District Court Decisions Number 204/Pid.Sus/2025/PN Mks and Number 205/Pid.Sus/2025/PN Mks to evaluate how courts have applied the relevant legal norms in resolving disputes concerning the circulation of illegal skincare products. Doctrinal legal reasoning is applied through statutory interpretation and systematic interpretation to assess the coherence of the existing legal framework and to construct the legal responsibility of e-commerce platforms as Electronic System Providers (PSE).

The legal materials consist of primary legal materials, including statutes, government regulations, BPOM regulations, and court decisions; secondary legal materials, including legal textbooks, scholarly journal articles, and previous

research; and tertiary legal materials, including legal dictionaries and encyclopedias. Legal materials were collected through library research and selected based on their relevance, authority, and relationship to the research issues. The selected materials were subsequently classified according to the legal issues under examination, compared to identify normative consistency, inconsistencies, and legal gaps, and interpreted using grammatical, systematic, and teleological methods of statutory interpretation supported by doctrinal legal reasoning. Finally, the legal materials were analyzed qualitatively through a descriptive-analytical method to formulate legal arguments and answer the research objectives.

C. RESULT AND DISCUSSION

1. The Effectiveness of Legal Protection for Consumers in the Circulation of Illegal Skincare Products Through E-Commerce Platforms in Makassar

Legal protection for consumers is an important tool to ensure their rights to safety, comfort, and certainty when using a product. When it comes to the circulation of illegal skincare products through e-commerce platforms, this protection is regulated under Law Number 8 of 1999 on Consumer Protection, Law Number 17 of 2023 on Health, as well as various regulations from the Food and Drug Supervisory Agency (BPOM) that set standards for the safety, quality, and distribution permits of cosmetics. Normatively, these provisions provide a fairly strong legal basis to protect consumers from the risks of using illegal cosmetic products (Fadhila, 2026).

Based on research findings, the existence of these regulations has not fully been able to provide effective legal protection for consumers in Makassar City. Illegal skincare products are still widely found being sold on various e-commerce

platforms, taking advantage of the open marketplace system that allows any business to offer their products without a thorough verification of product legality. This situation shows that the growth of digital trade is not yet fully matched by adequate oversight mechanisms, allowing room for the circulation of products that do not meet safety and legality standards (Putri et al., 2025).

Research results also show that the weak effectiveness of legal protection is influenced by limitations in monitoring digital transactions. The supervision carried out by BPOM and related agencies is generally still reactive, meaning it happens after public reports are received or a violation has occurred. As a result, illegal skincare products can still be marketed for quite a while before being recalled or blocked. This situation shows that the digital monitoring system has not been able to keep up with the evolving distribution patterns of products through e-commerce platforms (Aksan et al., 2026).

Besides oversight factors, this study found that consumers in electronic transactions are still in a vulnerable position due to information asymmetry. Consumers only get information about products based on descriptions, photos, or promotions provided by businesses without having a chance to check the products directly. This imbalance of information makes it hard for consumers to be sure about the legality, safety, and quality of products before making a purchase, as noted by Shidarta (2006). This situation further increases the risk of consumers getting illegal skincare products.

The marketing practices of illegal skincare products also show various forms of information manipulation. Businesses often use BPOM notification numbers that don't match, make claims of instant results without scientific basis, use fake

testimonials, and promote through social media and endorsements that could mislead consumers. These practices go against consumers' rights to get accurate, clear, and honest information as stated in Article 4 of Law Number 8 of 1999 on Consumer Protection, as well as the prohibition on giving misleading information in Article 9 of the same law (Padmayani et al., 2022).

The research findings also show that the low levels of legal and digital literacy among people are one of the factors affecting the effectiveness of consumer protection. Many consumers still base their purchasing decisions mainly on low prices, promotions, and testimonials without checking whether the products are approved by BPOM or what their contents are. This low legal awareness indicates that the effectiveness of a regulation is not only determined by the existence of the regulation itself, but also by the legal culture of society, as noted by Soerjono Soekanto (2019).

From a law enforcement perspective, the research found that law enforcement officers still face various obstacles in taking action against illegal skincare businesses that use digital platforms. Business operators can easily use fake identities, create new accounts after being blocked, or move to other platforms, making law enforcement less effective. Additionally, coordination between BPOM, the police, relevant ministries, and e-commerce platform operators is still not running optimally, so overseeing the circulation of illegal products still faces various challenges (Nugraheni & Rochmatullah, 2026).

The case of illegal skincare distribution in Makassar involving Mira Hayati and Fenny Frans products is increasingly showing that the risk of illegal cosmetics circulating through digital media is still very high. According to the

Makassar District Court Rulings No. 204/Pid.Sus/2025/PN Mks and 205/Pid.Sus/2025/PN Mks, these products were proven to contain mercury, a hazardous substance, and were marketed through social media as well as e-commerce platforms. These findings show that even though there are regulations governing distribution permits and cosmetic safety standards, the implementation of supervision in practice has not been able to prevent products that endanger public health from circulating.

If analyzed using Gustav Radbruch's Theory of Legal Purpose, the research shows that the effectiveness of legal protection for consumers still does not fully meet the three legal objectives, namely justice, legal certainty, and utility. From the justice aspect, consumers are still in a weaker position compared to business actors in electronic transactions. From the legal certainty aspect, although regulations are available, their implementation has not guaranteed that all products sold through e-commerce comply with legal requirements. Meanwhile, from the utility aspect, the benefits of regulations are not felt optimally because illegal skincare products are still widely circulated on various digital platforms (Achmad Ali, 2015).

Based on the results of the study, it can be concluded that the effectiveness of legal protection for consumers against illegal skincare products sold through e-commerce platforms in Makassar is still not optimal. This issue is influenced by weak digital supervision, an open marketplace system, information imbalance between businesses and consumers, low public legal literacy, and less-than-optimal coordination between agencies in law enforcement. Therefore, there is a need to strengthen technology-based monitoring systems, increase the

responsibility of e-commerce platforms in verifying product legality, optimize coordination between the BPOM and law enforcement officers, and improve public education so that consumer protection can be carried out more effectively according to legal goals that ensure justice, legal certainty, and public benefit.

2. Forms of Responsibility and the Role of E-Commerce Platforms in Combating the Circulation of Illegal Skincare Products in Makassar City

The development of trade through electronic systems has changed the distribution patterns of skincare products in Indonesia, including in Makassar. E-commerce platforms no longer just serve as a medium connecting sellers and buyers, but also become part of the digital trade ecosystem that manages transaction processes, product information presentation, promotions, and handling consumer complaints. This position gives platforms a strategic role in maintaining the security of electronic transactions while also preventing the circulation of illegal skincare products in the digital space. This study found that the presence of e-commerce platforms has a huge impact on consumer protection because most skincare transactions are conducted through open digital marketplaces (Kumala S.L., 2021).

Normatively, e-commerce platforms operate primarily as Electronic System Providers (PSE) under Article 1 paragraph (6) and Article 15 paragraph (1) of Law Number 1 of 2024 concerning Information and Electronic Transactions. In principle, their legal position is that of an intermediary facilitating electronic transactions between business actors and consumers rather than acting as the seller of the products offered through the platform. Consequently, platforms are not automatically liable for every unlawful act committed by business actors.

Nevertheless, the statutory obligation to provide a secure, reliable, and accountable electronic system requires platforms to exercise reasonable supervision over transactions conducted within their systems. Accordingly, platform responsibility extends beyond merely providing digital infrastructure and includes preventive measures reasonably necessary to reduce the circulation of illegal products (Shabrina et al., 2024).

Research shows that e-commerce platforms have basically implemented various oversight mechanisms, such as verifying seller identities, providing product reporting features, taking down products that violate rules, blocking offending accounts, and offering consumer complaint services. However, these mechanisms are still more focused on administrative verification rather than substantive checks of product legality. As a result, skincare products without distribution permits, fake BPOM notification numbers, or misleading product claims can still be found on various digital marketplaces (Putri et al., 2025).

This study also found that the open marketplace system is one of the main factors making it still hard to control the circulation of illegal skincare. This system allows every business player to open a digital store and market products to the public without a thorough legality check before the products are published. This shows that the ease of access to digital trade hasn't been matched with adequate preventive oversight, giving businesses the chance to sell illegal products to consumers (Fadhila, 2026).

The legal responsibility of e-commerce platforms must therefore be distinguished between their role as passive intermediaries and their preventive obligations. Platforms cannot be held strictly liable for every unlawful product

uploaded by business actors because they do not manufacture or directly market those products. However, once platforms possess technological capabilities to verify seller identities, monitor product listings, operate reporting mechanisms, suspend accounts, and remove unlawful products, their legal position extends beyond that of a neutral intermediary. From a doctrinal perspective, these capabilities give rise to a preventive duty of care requiring platforms to take reasonable measures to prevent foreseeable risks arising from the circulation of illegal skincare products. Such responsibility may be derived from the principles of consumer protection under Law Number 8 of 1999, the obligations of Electronic System Providers under Law Number 1 of 2024, and Government Regulation Number 80 of 2019 concerning Electronic Commerce (B.R. Su, Gunardi L., & M. Rizky, 2025). However, this preventive duty should not be interpreted as imposing absolute liability upon e-commerce platforms. Rather, platforms are required to exercise reasonable preventive measures within their technological and regulatory capacity, while primary legal responsibility for the legality and safety of products remains with business actors as stipulated under Law Number 8 of 1999 concerning Consumer Protection.

Although e-commerce platforms have implemented seller verification, complaint mechanisms, account suspension, and product takedown procedures, these measures remain predominantly reactive rather than preventive. From a doctrinal perspective, the existing legal framework does not expressly define the extent of the preventive duty of care owed by platforms. Consequently, most supervisory measures are undertaken only after consumer complaints or BPOM findings instead of preventing illegal skincare products from entering digital

marketplaces. This normative limitation reduces the effectiveness of consumer protection despite the availability of technological monitoring mechanisms (Martono et al., 2026).

From the business actors' side, this study shows that there are still violations of the obligations as regulated in Article 7 of Law Number 8 of 1999 concerning Consumer Protection. Business actors are still found selling skincare without BPOM distribution permits, using fake BPOM numbers, making exaggerated claims about product benefits, and not providing accurate information about the content or safety of the products. These practices show that the obligation to provide correct, clear, and honest information has not been carried out optimally, which increases the risk of losses for consumers (Syafitri & Dewi, 2022).

In practice, the product takedown and account blocking mechanisms for violators still haven't had an optimal deterrent effect. Business owners whose accounts have been blocked can still go back to selling the same products using a new identity, creating a new account, or rebranding the products they're selling. This situation shows that platform oversight systems still face various technical challenges, especially in identifying business owners who repeatedly break the rules (Gabriella T. & Bakhtiar H., 2025).

Besides that, the consumer complaint mechanism available on e-commerce platforms has given consumers a space to report problematic products or harmful transactions. However, the effectiveness of this mechanism is still affected by low digital literacy among the public, a lack of understanding about product legality, and slow follow-up processes for submitted reports. As a result, legal

protection for consumers hasn't been fully optimized even though complaint channels are already available (Muhidin, 2025).

Accordingly, this study constructs a doctrinal interpretation that the legal responsibility of e-commerce platforms extends beyond their traditional function as passive intermediaries. Although business actors remain primarily responsible for the legality of products, platforms that possess technological capability to supervise digital marketplaces should also bear a preventive legal duty to undertake reasonable verification, cooperate with BPOM, and promptly remove illegal products. Such a construction strengthens consumer protection while maintaining the proportional allocation of liability between business actors and e-commerce platforms. This doctrinal interpretation fills the existing normative gap regarding the scope of platform liability by distinguishing between the platform's function as an intermediary and its preventive legal duty within Indonesia's electronic commerce framework (Shabrina et al., 2024).

Based on the analysis using Gustav Radbruch's Theory of the Purpose of Law, the current legal framework has not fully realized the values of legal certainty, justice, and utility. From the perspective of legal certainty, the extent of the preventive legal responsibility of e-commerce platforms has not been explicitly regulated, creating legal uncertainty regarding the scope of their obligations in preventing illegal skincare products from entering digital marketplaces. From the perspective of justice, consumers remain in a weaker legal position because they rely on digital platforms to access product information while platforms are not yet subject to explicit preventive obligations to verify product legality.

Consequently, consumers continue to bear disproportionate legal and health risks arising from the circulation of illegal skincare products. From the perspective of utility, although the applicable legislation provides mechanisms for consumer protection and electronic commerce supervision, the predominantly reactive nature of platform monitoring has limited the practical effectiveness of these legal norms in preventing illegal skincare products from entering digital marketplaces. Therefore, strengthening the preventive legal responsibilities of e-commerce platforms would better realize the objectives of legal certainty, justice, and utility (Achmad Ali, 2015).

D. CONCLUSION

This study concludes that the existing legal framework governing consumer protection against the circulation of illegal skincare products through e-commerce platforms has not yet provided effective preventive legal protection. The principal normative weakness lies not in the absence of legislation but in the lack of explicit legal provisions defining the preventive obligations of e-commerce platforms to verify product legality before products are marketed. Accordingly, this study constructs a doctrinal interpretation that, while business actors remain primarily responsible for product legality, e-commerce platforms, as Electronic System Providers (PSE), also bear a preventive legal duty to undertake reasonable verification and supervision within their technological capacity to reduce the circulation of illegal skincare products..

Recommendations. Policymakers should establish clearer legal provisions defining the preventive obligations of e-commerce platforms in digital

commerce. BPOM should strengthen integrated digital monitoring and product verification systems in cooperation with e-commerce platforms. Law enforcement authorities should enhance institutional coordination to improve enforcement against the online circulation of illegal skincare products. E-commerce platformsshould strengthen seller verification, product legality screening, and rapid takedown mechanisms to provide more effective consumer protection.

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