

Legal Strategies In Overcoming Overclaims On Skincare Products: BPOM Policy Evaluation

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Abstract

Skincare products have become an important part of the cosmetics industry, but the practice of overclaiming in marketing is increasingly prevalent. Overclaims occur when manufacturers state product benefits without being supported by adequate scientific evidence, which can mislead consumers. This study aims to analyze the effectiveness of regulations implemented by the Food and Drug Supervisory Agency (BPOM) in overcoming overclaims on skincare products. The method used is a normative juridical approach with regulatory analysis and literature studies related to BPOM policies. The results showed that BPOM has implemented various provisions, including BPOM Regulation No. 23/2019 on Technical Guidelines for Claims of Cosmetic Products and Law No. 8/1999 on Consumer Protection. However, policy implementation still faces challenges, especially in product supervision on e-commerce platforms and social media. BPOM's legal strategy includes pre-market and post-market surveillance, but its effectiveness still needs to be improved. This study recommends increased digital surveillance, consumer education, and stricter sanctions for rule-breakers to optimize consumer protection.

Keywords: Overclaim, Skincare, BPOM Regulation, Consumer Protection, Legal Strategy.

A. INTRODUCTION

Cosmetic products such as skincare have become an important part of the universal beauty equipment industry (Jeremy Eldwin, 2021), judging by the rapid market growth every year. Consumers are increasingly aware of skin care so that the demand for skincare products is increasing (Sari & Sudarwanto, 2022). However, this large opportunity for skincare production increases competition

between skincare product manufacturers. Thus, various challenges arise including overclaiming which is an aggressive marketing practice. Unrealistic product promises occur when manufacturers state product benefits that are not supported by adequate scientific evidence, which can mislead consumers and potentially harm their health (Marlina et al., 2025).

To address this, the Food and Drug Administration (BPOM) has a central role in monitoring and enforcing regulations related to cosmetic product claims, including skincare. BPOM regulations, such as BPOM Regulation No. 23/2019 on Technical Guidelines for Cosmetic Product Claims and Law No. 8/1999 on Consumer Protection, have been drafted to ensure that every product claim circulating in the market must be based on scientific evidence and not misleading. However, there are still cases of manipulative claims in the marketing of skincare products, especially through social media and e-commerce, where supervision is more difficult.

Although procedures related to skincare product claims have been implemented, there are still challenges in their implementation (Rastiawaty & Alrip, 2024). Skincare products with exaggerated claims continue to circulate in the market, both from local and imported manufacturers (Rumagit et al., 2023). Some of the key challenges in enforcing this regulation include consumers' lack of awareness in understanding valid and evidence-based claims, as well as manufacturers who continue to look for loopholes to circumvent the legal framework without explicitly violating it. In addition, supervision of products sold online through e-commerce and social media still faces various obstacles, while law enforcement against businesses that violate the regulations has not been fully

effective. This situation indicates a gap between existing regulations and the effectiveness of their implementation in handling cases of deceptive product claims. Therefore, further analysis is needed regarding the effectiveness of BPOM's policy in overcoming benefit exaggeration in skincare products.

Many previous studies have discussed the role of BPOM in the supervision of cosmetic products and the importance of consumer protection against misleading claims (Apriliya, 2022; Kuncoro & Syamsudin, 2024; Marlina et al., 2025). However, there are still some gaps in previous research. Most studies focus more on the regulatory aspect without exploring the effectiveness of its implementation in practice. In addition, there are not many studies that discuss the specific challenges in monitoring skincare products marketed through e-commerce and social media, as well as the legal strategies applied by BPOM in handling misleading claims in the digital era. Therefore, this study aims to fill the gap by comprehensively analyzing the effectiveness of BPOM regulations in addressing overclaims of skincare products, as well as providing recommendations to improve supervision and law enforcement.

This research has an important value because it can provide a deeper insight into the effectiveness of BPOM regulations and the legal strategies applied in overseeing skincare product claims. The uniqueness of this research lies in the regulatory and implementation analysis approach that not only evaluates existing regulations but also assesses their effectiveness in practice. In addition, this study pays special attention to the challenges of skincare product supervision on e-commerce platforms and social media, which are increasingly growing as the main

media for marketing cosmetic products. This study also offers more applicable solutions in strengthening supervision and increasing consumer awareness of skincare product claims. Thus, this study is expected to contribute to academics, regulators, and industry players in understanding and overcoming challenges related to skincare product overclaims in Indonesia.

Based on the information behind this study, the researcher formulated several research objectives as follows:

1. Analyzing the effectiveness of BPOM regulations in monitoring skincare product claims, especially in preventing overclaims.
2. Identify the challenges faced by BPOM in implementing the supervision policy on skincare product claims.
3. Explore the legal strategies applied by BPOM in handling overclaims on skincare products.
4. Assess producer and consumer awareness of BPOM regulations related to skincare product claims.

The Food and Drug Monitoring Agency (English: Food and Drug Monitoring Agency, abbreviated BPOM) is a non-departmental government agency established by Presidential Decree No. 166 of 2000 (Aziz, 2020). Presidential Decree No. 178 further amended the position, duties, functions, and authorities, as well as the organizational structure and procedures of BPOM. This institution has essential obligations such as educating the public about safe drugs and food, enforcing laws related to violations in the drug and food control sector, monitoring the safety of drugs and food circulating in the community, and testing or certifying drug and food products.

This means that skincare products come under the supervision of BPOM because of their potential impact on safety and health. Skincare, a skincare product, can be defined as any cosmetic product intended to protect, nourish, and refresh the skin, whether prescribed or cosmetic (a cosmetic product containing biologically active chemicals that have therapeutic benefits on the surface to which the product is applied) (Pratiwi et al., 2023). These cosmetic products can range from lotions, creams, to soaps and injections.

B. RESEARCH METHODS

One definition of a normative legal approach is "an approach that focuses on relevant laws and regulations (Benuf & Azhar, 2020)." This research uses a normative juridical approach that relies on literature study and analysis of related regulations. This method is used to understand how existing legal regulations in Indonesia regulate skincare product claims and how BPOM applies these rules in practice. Data was obtained through analysis of laws and regulations, legal journals, policy reports, and related case studies.

The legal materials(Sabar et al., 2021) used in this research consist of primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations such as Law Number 8 Year 1999 on Consumer Protection and BPOM Regulation Number 23 Year 2019 on Technical Guidelines for Cosmetic Product Claims. Secondary legal materials include academic journals and books that support the analysis, while tertiary legal materials include legal encyclopedias and additional references from trusted sources. In analyzing the data, this research applies descriptive-qualitative analysis method. The data that has been collected is categorized based on its relevance to the problem under study, then analyzed to identify policy patterns,

policy implementation, and challenges faced by BPOM in taking action against overclaims of skincare products.

C. RESULTS AND DISCUSSION

BPOM Regulation on Skincare Product Claims

BPOM is fully responsible for the supervision and regulation of the circulation of cosmetic products in Indonesia (Kusisai, 2017). The regulation is intended to prevent consumers from being harmed by false and misleading claims (Prameswari & Purwanti, 2023). Thus, any claims about the benefits of a product must be supported by adequate scientific evidence, according to BPOM Regulation No. 23/2019. Furthermore, BPOM requires manufacturers to provide information on product labels accurately and transparently. In line with previous research, manufacturers are also required to disclose information about the goods they sell in accordance with the principle of honesty (Tahaanii & Waluyo, 2023). This can increase trust, strengthen accountability, empower consumers, encourage healthy competition, improve the image of producers, and increase efficiency in the monitoring process.

In addition to these regulations, BPOM also issued technical guidelines that clarify how manufacturers should structure product claims that are not misleading. This regulation aims to improve the transparency of information received by consumers so that they can make wiser purchasing decisions. Since skin care products must be tailored to the needs and skin type to prevent product incompatibility that can result in irritation, acne, and other skin problems, the transparency of skin care information and claims is considered very important (Kuncoro & Syamsudin, 2024). However, the

implementation of these regulations often faces challenges as manufacturers find new ways to over-claim without explicitly violating the rules.

In addition, BPOM works closely with other agencies, such as the Ministry of Health and the Ministry of Trade, to ensure regulatory compliance. This cooperation aims to create a stronger supervisory system, especially in dealing with products imported from abroad. With the synergy between various agencies, it is hoped that the effectiveness of policies can be improved to protect consumers from the increasingly widespread practice of overclaims.

Furthermore, NA-DFC regulates the technical requirements of cosmetic ingredients through NA-DFC Regulation No. 23/2019, which aims to ensure the safety, usefulness, and quality of skincare products before distribution (NA-DFC Regulation No. 23/2019 on Technical Requirements for Cosmetic Ingredients, 2019). This regulation refers to safety standards that include a list of allowed ingredients, restrictions on the use of certain ingredients, and prohibitions on ingredients that pose health risks. In this regulation, every skincare product must have a Product Information Document (DIP) which contains data on the quality, safety, and benefits of the product as a basis for evaluating claims submitted by the manufacturer. With this regulation, BPOM seeks to ensure that claims on skincare products are supported by scientific evidence and are not misleading.

Regulations regarding consumer protection in skincare product claims are regulated in (Law of the Republic of Indonesia Number 8 of 1999 concerning Consumer Protection, 1999). Article 8 paragraph (1) letters d and e emphasizes that business actors are prohibited from producing or trading goods that are not in accordance with the claims of specialty or efficacy stated in the label, etiquette, or product description. In the context

of skincare products, this means that any claims made by manufacturers must be supported by scientific evidence and must not mislead consumers. In addition, Article 9 paragraph (1) emphasizes that business actors are prohibited from offering, promoting, and advertising goods or services in an incorrect or misleading manner, including making excessive claims (*overclaims*). Violation of this regulation may cause the product to be withdrawn from circulation and subject to administrative and criminal sanctions.

In addition to data from BPOM, a report from LPKSM Smart Konsumen shows that people also experience the direct impact of skincare products that make overclaims. This report has been submitted to BPKN RI as a form of protest against the rampant marketing of products that have no scientific basis (Koran Madura, 2024).

BPOM's Legal Strategy in Cracking Down on Skincare Product Overclaims

Based on the Performance Report of the Food and Drug Supervisory Agency of the Republic of Indonesia (BPOM RI) until the third quarter of 2016, BPOM implemented a legal strategy in taking action against overclaims on skincare products through pre-market and post-market supervision (Badan Pengawas Obat dan Makanan Republik Indonesia (BPOM RI), 2016). Pre-market surveillance is conducted by assessing the safety, quality, and claims submitted by the manufacturer before the product obtains a distribution license. Meanwhile, post-market surveillance includes evaluating product advertisements and labeling in various media such as print, electronic, and digital. BPOM found that some skincare product advertisements contain excessive and misleading claims, so the actions taken include administrative warnings, product recall orders, to legal sanctions against business actors who do not comply with regulations.

In addition, BPOM also seeks to increase the deterrent effect against law violations in the cosmetics sector by strengthening legal advocacy and public communication strategies. This includes educating consumers about their rights to safe and regulated products, and increasing transparency in public complaints. Activities such as legal coordination and dissemination as well as public relations are carried out to ensure that violations such as overclaims can be followed up immediately. Thus, BPOM's strategy focuses not only on legal action but also on prevention through education and public engagement.

Based on document analysis (Law of the Republic of Indonesia Number 8 of 1999 concerning Consumer Protection, 1999), BPOM's legal strategy in handling overclaims of skincare products refers to the provisions in **Article 10** which prohibits business actors from advertising products with untrue statements regarding the usefulness of goods. BPOM as a supervisory authority has the authority to supervise, reprimand, and impose administrative sanctions on business actors who violate these provisions. In addition, Article 19 states that business actors are responsible for damage, pollution, and/or losses caused by the products they produce or trade. If a skincare product is proven to have excessive claims and does not match the promised effectiveness, consumers have the right to file a claim for compensation. BPOM can also cooperate with the **Consumer Dispute Settlement Agency** as stipulated in Article 49 to handle cases related to consumer disputes due to products that contain excessive claims.

Challenges in Policy Implementation

Based on document analysis (Food and Drug Administration Regulation No. 23/2019 on Technical Requirements for Cosmetic Ingredients, 2019), although the regulation has been established, the implementation of this policy faces several challenges, especially in the supervision of skincare products marketed through e-commerce and social media. Many products claim excessive benefits without going through BPOM testing, especially products that are imported or illegally produced. Another challenge is the **lack of awareness of producers and consumers** regarding the limits of allowable product claims. In addition, law enforcement against violations often requires coordination with various parties, including law enforcement officials and digital trading platforms, to ensure that violating products can be immediately dealt with.

Referring to the results of document analysis (Law of the Republic of Indonesia Number 8 of 1999 concerning Consumer Protection, 1999), the implementation of BPOM policies in handling overclaims on skincare products faces various challenges. One of them is the large number of illegal products that enter the market through unofficial channels and are difficult to monitor. In addition, Article 30 recognizes that supervision of consumer protection is carried out not only by the government, but also by the community and non-governmental consumer protection institutions. However, limited resources and inter-agency coordination are often obstacles to effective law enforcement. Another challenging factor is the low awareness of consumers regarding their rights as stipulated in Article 4. Many consumers do not know that they have the right to obtain honest and correct information about a product, including in terms of

skincare product claims. Therefore, consumer education and literacy need to be improved so that people are more critical of the information provided by manufacturers.

Evaluation of BPOM Policy Effectiveness

An evaluation of the effectiveness of BPOM's policy shows that this regulation has helped reduce the number of skincare products with misleading claims. However, there are still gaps in law enforcement, especially in dealing with violations that occur in the digital realm. Therefore, additional strategies are needed such as **strengthening regulations on online platforms**, improving education for the public, and closer collaboration between BPOM, the cosmetics industry, and related institutions. With these steps, the effectiveness of policies in overcoming overclaims can be improved, so that consumer protection of skincare products is optimized.

The results of data analysis from documents (Law of the Republic of Indonesia Number 8 of 1999 concerning Consumer Protection, 1999), evaluating the effectiveness of BPOM policies in overcoming overclaims of skincare products can be seen from the extent to which existing policies are successfully implemented and the extent to which business actors comply with these regulations. Based on Article 56, if there are business actors who do not carry out decisions related to consumer protection, then BPOM or the Consumer Dispute Settlement Body can submit the case to investigators for further investigation. However, the main challenge in evaluating this policy is the low level of law enforcement against regulation violators. Although Article 62 regulates criminal sanctions for business actors who violate the provisions, often the punishment given is not enough to provide a deterrent effect. Therefore, increased law enforcement capacity

and stricter sanctions can be a solution to improve the effectiveness of BPOM's policy in dealing with excessive claims on skincare products.

Discussion

This study found that BPOM regulations related to skin care product claims aim to protect consumers from false information. Thus, the findings of this study are in line and relevant with previous research data (Anastasyia et al., 2025; Wardhani & Sulistyowati, 2024; Winata, 2022). Thus, the findings of this study strengthen the argument about the importance of consumer protection regulations (Setyawati et al., 2024; Subagyono et al., 2022).

This regulation not only regulates the technical requirements of cosmetic ingredients but also demands transparency from manufacturers in providing claims that are based on scientific evidence. The analysis shows that although this regulation has been implemented, challenges still arise in its implementation, especially regarding the supervision of products circulating in e-commerce and social media. Products that are not registered with BPOM often claim exaggerated benefits without scientific support, potentially harming consumers.

In addition, BPOM's legal strategy in cracking down on overclaims has involved pre-market and post-market surveillance (Hurhayati, 2009), where products are inspected before and after they enter the market. However, the effectiveness of this strategy still faces obstacles, such as limited resources and weak coordination between relevant agencies. An evaluation of the effectiveness of BPOM's policy shows that while it has been successful in reducing misleading claims, there are still gaps in enforcement.

Sanctions against violators are often not enough of a deterrent, so many manufacturers still find ways to circumvent the law without explicitly violating it.

Based on the research findings, there are theoretical and practical implications. In terms of theoretical implications, this study adds valuable insights into the effectiveness of BPOM regulations in the process of controlling skincare product claims. This study also reinforces the theory that a strict and straightforward policy or legal framework can enhance consumer protection from inaccurate and misleading product claims. This study supports the idea that pre-market and post-market surveillance are critical in ensuring manufacturers' compliance with applicable regulations. The findings suggest that public and consumer involvement in product surveillance can improve the effectiveness of regulatory policies. This study provides a basis for future research to explore additional strategies to improve the regulatory effectiveness of BPOM in the digital era.

Practically, this research also raises several implications. First, BPOM can improve the effectiveness of supervision by strengthening regulations and expanding the reach of product monitoring in e-commerce and social media. Second, manufacturers are expected to be more transparent in providing product claims based on valid scientific evidence. Third, consumers need to be more active in seeking information about product legality and safety before making a purchase. Fourth, the government can consider increasing sanctions against regulation violators to provide a stronger deterrent effect. Finally, educating the public about the importance of understanding BPOM regulations can help increase consumer awareness in choosing safe and reliable products.

This study has the advantage of providing in-depth information on the effectiveness of the BPOM Regulation in monitoring skincare product claims, especially

in the digital era. Through references to previous studies, this study provides a comprehensive perspective on the challenges and solutions in skincare product monitoring. In addition, this study also provides theoretical and practical significance that can serve as a basis for policy and further research. However, this study has limitations in terms of data coverage, as it focuses more on BPOM regulations in Indonesia without comparing them with similar regulations in certain countries. In addition, the data on the effectiveness of sanctions against violators is still qualitative, so more in-depth research is needed with a quantitative approach.

D. CONCLUSION

Referring to the research data, the researcher formulated several conclusions. First, with regard to BPOM regulations on skincare product claims. BPOM has a crucial role in terms of overseeing skincare product claims to provide valuable protection to consumers from misleading information. For example, BPOM regulation Number 23 of 2019 which provides an obligation to producers to provide clear (transparent) and scientific information. Second, based on data regarding BPOM's legal strategy in cracking down on overclaims, BPOM applies Pre-market and post-market surveillance strategies in the process of monitoring these beauty products. Third, in the process of implementing regulations, there are challenges such as product supervision in e-commerce and social media, the large number of illegal products, and low consumer awareness of regulations and their protection rights. Fourth, BPOM's policy has been helpful in reducing the number of products with misleading claims (overclaims), but there are still gaps in law enforcement, especially in the digital realm. Existing sanctions are considered insufficient to provide a deterrent effect for violating producers.

After analyzing the data and presenting the findings, the researcher has obtained sufficient information and then proposed several recommendations or suggestions. First, BPOM should strengthen its supervision of beauty products, especially skin care, which are circulated through online platforms such as e-commerce and social media. This can be done by working with these digital platforms to eradicate products that are inappropriate and contain excessive claims. Second, education can also be an effective preventive measure. Consumer education and literacy regarding the importance of choosing skin care that is proven to be effective and registered by BPOM is a necessary and improved action. Third, the government can consider implementing stricter legal sanctions in an effort to protect consumers. Finally, increased collaboration between institutions and the development of adaptive policies are also needed in an effort to eradicate the practice of excessive claims on skincare products.

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