

The Government's Role in Skincare Containing Mercury Exceeds The Threshold That Endangers Health

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Abstract: BPOM explained that throughout 2022, 1,541 illegal cosmetic products were found throughout Indonesia. A series of products found include HN cream, Natural 99, to Temulawak cream. There are 81,456 links to illegal cosmetics sales in 2022, and from January to April 2023 there are 40,339 links. Not infrequently in the skincare contains mercury that exceeds the threshold set by BPOM. Mercury is one of the harmful ingredients that are widely used in skin lightening and anti-aging products. If used continuously it will cause side effects that are very dangerous to health such as central nervous system damage and cancer. The formulation of the problem in this study is (1) whether the impact of skincare containing mercury exceeds the threshold if used routinely for health (2) how law enforcement is carried out by the government against skincare containing mercury. The method used in this study is normative, with data sources obtained from: books, journals, articles. Legislation, etc. The result of this study is the use of Mercury (Hg) in cosmetics can have side effects in the form of skin discoloration that causes dark spots on the face, allergies and skin irritation. Long-term use of cosmetics containing Mercury (Hg) can cause permanent damage to the brain, kidneys and fetal development disorders for pregnant women. While Rhodamine B dye is very dangerous if it hits the skin, eyes or inhaled. The impact that occurs in the form of skin irritation, eye irritation, respiratory and digestive tract irritation and has the potential to cause liver cancer. The presence of Rhodamine B cannot be metabolized by the liver, causing disruption of liver function. Besides being harmful to the health of the human body, mercury is also harmful to the environment, namely water, air and soil, until it is completely wasted from the system through burial in deep-sea sediments or lake sediments, and through trapping or entrapment into stable mineral compounds, Law enforcement that can be done by the government against skincare containing mercury is carried out with supervision and given administrative sanctions and criminal sanctions.

1. INTRODUCTION

At this time science and technology developed very rapidly. This causes the needs of human life to continue to increase. During his life a person needs to meet important needs such as food, clothing, shelter, education, health and beauty. In addition to the needs of clothing, food and shelter, beauty is the main need in human life. Having fair and fair skin is everyone's dream, especially for women. One way to maintain and even change their appearance in order to have fair skin and still look beautiful is to use cosmetics. This is also supported by the development of skin care technology and many beauty clinics in Indonesia that provide cosmetic products.

Health according to Law of the Republic of Indonesia Number 36 of 2009 concerning health Article 1 Paragraph 1. Health is a state of health, both physically, mentally, spiritually and socially that allows everyone to live a productive life socially and economically (2). In addition to maintaining appearance, a person needs to pay attention to his health, this is done so that they can perform activities optimally. Health can have an impact on the survival of individuals as well as communities. A person's productivity in carrying out daily activities will be disrupted if his health is disrupted.

According to the Food and Drug Administration (FDA), the agency that regulates the cosmetics industry, cosmetics are products used by

humans to cleanse, beautify, promote attractiveness, or change appearance without affecting body structure or function. In addition, in the Regulation of the Minister of Health of the Republic of Indonesia Number 1175 / MENKES / PER / VIII / 2010 Chapter 1 Article 1 it is written that cosmetics are ingredients or preparations used on the outside of the human body (epidermis, hair, nails, lips, and external genital organs) or teeth and oral mucous membranes especially to clean, fragrance, change appearance and or improve body odor or protect or maintain the body in good condition.

Face whitening products have been widely discussed, not only the products that flood the market, but also because of the impact of using these products. Consumers should be careful in choosing face whitening cosmetics, because not all face whitening products circulating in the community are safe to use. Research conducted by YPKKI (Indonesian Health Consumer Empowerment Foundation) in April 2002 on 27 face whitening and anti-wrinkle products on the market, reported that these products were still in the drug category. The results of research conducted by YPKKI (Indonesian Health Consumer Empowerment Foundation) from 20 cosmetic product trademarks used as samples studied showed that there were five brands of face whitening cosmetics that had been registered with BPOM but still contained mercury, although the levels were small.

The Food and Drug Supervisory Agency (BPOM RI) revealed that it has found 13 illegal cosmetic products in Indonesia throughout 2023. Cosmetics became the second most illegal products found, after drugs, at 21.08 percent. Most of these products contain mercury (Elfa, 2022). Ingredients that are strictly prohibited in the use of cosmetics or skincare, because it can trigger the risk of skin cancer. The 13 products include, Temulawak New and Day Night; CAC Glow; Natural 99, HN Day and Night, SP Special UV Whitening; Dr Original Bleach, Super Dr Quality Gold SPF 30, Diamond Cream, Herbal Plus New Day & Night, Ling Zhi Day & Night, Sj Sin Jung, Tabitha and Labella Cream (BPOM, 2023). Everyone expects white skin for a short time, but the impact is very bad, because the product contains harmful ingredients, so when people use the product, slowly the skin layer will thin so that it does not have a protective layer. The Food and Drug Supervisory Agency (BPOM RI) also explained that throughout 2022, 1,541 illegal cosmetic products were found throughout Indonesia. A series of products found include HN cream, Natural 99, to Temulawak cream. There were 81,456 links to illegal

cosmetics sales in 2022, and from January to April 2023 there were 40,339 links.

This problem is worth studying because many people still do not know the skin damage caused by the use of mercury in makeup products or skin care products. They should be fully aware of the causes of damage to mercury skin care products or makeup products. The use of mercury products in cosmetics is now banned in some countries, because mercury chemicals are easily absorbed in the skin and easily enter the bloodstream. In addition, mercury is also at risk to other organs such as the brain, heart, kidneys, lungs and also affects our immune system. Mercury is commonly used to whiten the skin because it produces results faster, and people want to express the results. So they don't care about the cause.

So we have to let them know about the dangers and awareness in using a lot of mercury. Many people in Indonesia still do not know the awareness of mercury products (Pranoto, 2018), They just want to quickly produce which ends up being a detrimental problem. So in Indonesia there is the name of the BPOM organization that always checks skincare products that are prohibited from being used or cosmetic products that cannot be circulated. They must have a license to be distributable.

The skin and also the skin becomes very damaged and has a lot of acne or redness. Duties and Authorities BPOM (Food and Drug Supervisory Agency) conducts investigations in case of violations of the law, and laboratory examinations for hazardous materials. Part of BPOM's task is to educate the public to be smart and careful consumers. about illegal skin care or cosmetic products. BPOM in English means that the Food and Drug Administration (FDA) needs to educate the public or the public, especially the millennial generation who have worked in 33 countries also attended by more than 8,000 spectators. To be more aware of products that do not contain mercury in skin care products or cosmetics and also mercury products that are very harmful to our health. The task of BPOM is to conduct label tests in the laboratory to find out whether the product contains harmful ingredients or not (Edy, 2018). Therefore, in Indonesia, BPOM needs to always investigate these cosmetic products and skin care products,

2. PROBLEM STATEMENT

- a. What is the impact of skincare containing mercuri that exceeds the threshold if used regularly for health
- b. How is law enforcement carried out by the government

on skincare containing mercuri.

3. METHOD

The type of normative research is a form / type of research that relies on data and information about law, both primary legal materials, secondary legal materials and tertiary legal materials. The research conducted is descriptive. The source of primary legal material data is legal material that is binding and closely related to the issues to be studied, in the form of laws and regulations such as the Constitution of the Republic of Indonesia in 1945, and namely legal material that provides an explanation of primary legal material, namely the work in legal circles that has relevance to the issues to be studied in the form of books, opinions of scholars related to this journal. Tertiary legal materials or supporting legal materials are legal materials that provide meaningful instructions or explanations of primary legal materials and secondary legal materials, namely legal dictionaries, encyclopedias, magazines, mass media, the internet and so on.

Data Collection Method This research was conducted using a library research. In this case, legal research is carried out by conducting research on various reading sources, books, various literature and also laws and regulations. The library research method is to study the sources or written materials used as material in this study. The data that has been obtained is then recorded, edited, studied, then taken the essence in the form of theories, ideas, concepts and related legal provisions. Furthermore, the data is collected and compiled, and grouped according to the problem studied. Data processing is preceded by selecting the data that has been collected, both primary, skunder, and tertiary data materials.

4. DISCUSSION

4.1 The Health Impact of Skincare Containing Mercury That Exceeds the Threshold If Used Regularly

Having fair and fair skin is everyone's dream, especially women. Therefore many people are trying to maintain or improve the health of their skin, so it

looks more attractive. This is also supported by the development of skin care technology and the spread of beauty clinics in Indonesia that provide cosmetics. One of the cosmetic preparations that is widely used by the public, especially by women, is face whitening products. Sometimes irresponsible manufacturers include harmful ingredients used as skin whiteners, namely mercury metal (Hg), which in the long run can cause damage to organs and is also toxic (Wijaya, 2013).

Whitening cream is one type of cosmetic that is a mixture of chemicals and or other ingredients with properties that can whiten black (brown) stains on the skin (Sulistiurini, 2018). The purpose of its use in the long term in order to eliminate or reduce hyperpigmentation on the skin. But continuous use will actually cause pigmentation with permanent effects. Inorganic mercury ranging from 1-10% is used as a skin whitening agent in cream preparations because it has the potential to be a whitening agent for skin tone. Whitening power on the skin is very strong, because its toxicity to the organs of the kidneys, nerves and brain is so strong that its use is prohibited in cosmetic preparations (WHO, 2011).

Hydroquinone is able to exfoliate the outer skin and inhibit the formation of melanin which makes the skin look black, the use of hydroquinone in cosmetics should not be more than 2%, hydroquinone should not be used for a long time, and if the use is more than 2% should be under the control of a doctor. Excessive use of hydroquinone can cause oochronosis, which is skin nodules like sand and bluish-brown in color, people with ookronosis will feel like burning and itchy skin.

Mercury generally enters the body through air, water or food absorbed in varying amounts. Meanwhile, the human body cannot process forms of methyl mercury so that mercury remains in the body for a relatively long time and can cause health problems. Brief exposure to mercury at high mercury levels can result in lung damage, vomiting, increased blood pressure and heart rate. Meanwhile, the human body cannot process forms of methyl mercury so that mercury remains in the body for a relatively long time and can cause health problems. Mercury will flow through the blood throughout the body and will settle

in the kidneys which can cause death. Although not as bad as the effects of ingested mercury, the use of mercury for the skin still causes adverse effects on the body, even though it is only applied to the surface of the skin.

Mercuri or mercury (Hg) is a metal in liquid form at room temperature (25 °C) silvery color. The properties of mercury are the same as the chemical properties that are stable especially in sedimentary environments, namely binding to proteins, volatile and emitting or releasing toxic mercury vapor even at room temperature. Mercury vapor in the atmosphere can last for 3 months to 3 years while those dissolved in water only last a few weeks. Some types of mercury used in the world of health include Elemental Mercury (Hg), Organic Mercury and Organic Mercury. Elemental mercury (Hg) is found in thermometers, mercury sphygmomanometers, dental amalgams, electrical devices, battery stones and paints. In addition, elemental mercury is also used as a catalyst in the production of caustic and disinfectant sodas as well as for the production of chlorine from sodium chloride.

While Inorganic Mercury in the form of Hg^{++} (Mercuric) and Hg^+ (Mercurous) can be found in disinfectants, teething powder and laxia (calomel) and mercurous fulminate which is flammable. As well as Organic Mercury which is found in several forms, including methyl mercury and ethyl mercury which both include short-chain alkyl forms found as metal contaminants in the environment, For example, eating fish contaminated with such substances can cause neurological and congenital disorders, and mercury in the form of alkyl and long-chain aryl is found as an antiseptic and fungicide.

Inhaled mercury vapor most often causes poisoning, while ingested elemental mercury does not cause toxic effects due to its low absorption unless there is a fistula or gastrointestinal inflammatory disease or if mercury is stored for a long time in the gastrointestinal tract. Mercury that enters the body through intravenously can cause pulmonary embolism. Because it is fat-soluble, elemental mercury easily passes through the brain barrier and placenta. In the brain, it will accumulate in the cortex of the cerebrum and cerebellum where it will be oxidized to the form of mercury (Hg^{++}) mercury ions will bind to sulfhydryl from enzyme proteins and cellular proteins thus disrupting enzyme function and cell transport. In addition, heating mercury metal forms mercury oxide vapor which is corrosive to the skin, mucous membranes of the eyes, mouth and respiratory tract.

In addition to elemental mercury and inorganic mercury, organic mercury also has its own dangers (Danny, 2006). Organic mercury is often absorbed through the gastrointestinal, lungs and skin. Short-term exposure to high levels can cause kidney failure while long-term exposure to low doses can cause proteinuri, nephrotic syndrome and nephropathy associated with immunological disorders. While organic mercury, especially the alkyl short-chain form (methyl mercury) can cause neuronal degeneration in the cerebral cortex and cerebellum and result in distal paresthesia, ataxia, dysarthria, deafness and narrowing of the field of vision. Methylmercury easily passes through the placenta and accumulates in the fetus resulting in death in the womb and cerebral palsy.

Mercury (Hg) in the form of inorganic mercury will be absorbed in the gastrointestinal tract as long as food will be absorbed less than 15% in mice and 7% in humans. While the absorption of organic mercury is 90-95%. High concentrations in exposure to inorganic mercury and mercury vapor are kidney organs. Medium to brain organic mercury has a great affinity, especially the posterior cortex.

Short periods of mercury exposure to high mercury levels can result in lung damage, vomiting, increased blood pressure and heart rate (Prihantini, 2018). The toxicity of mercury to humans depends on the form of mercury composition and its entry into the body (pathways) and the duration of its development, for example the form of mercury ($HgCl_2$) is more toxic than merkuro ($HgCl$). This is because the divalent form is more soluble than the monovalent form. In addition, the form of $HgCl_2$ is also quickly and easily absorbed so that the toxicity power is higher (Hadi, 2013).

The dangers of using mercury in cosmetics can cause symptoms of poisoning in the form of nervous system disorders such as permanent brain damage, abnormal hand movements, emotional disorders, senility, insomnia, fetal development disorders and lung damage. The use of mercury can also cause nausea, vomiting, diarrhea, muscle cramps, headaches, disorders of the cornea and eye membranes, circulatory disorders, hearing loss, skin cancer, blood cancer and liver cell cancer. Mercury can also cause kidney toxicity or kidney failure (Chan, 2011).

The characteristics of mercury cosmetics are generally sticky, inhomogeneous (not fused and rough), when rubbed on the skin of the arm feels hot and itchy, causes irritation to the skin and redness when exposed to sunlight, white color on the skin is unusual, generally pale, no acne arises at all, this is

because the skin layer of our epidermis has been damaged, pores appear smaller and smooth, when use is stopped, There will be small pimples accompanied by itching and white color on the facial skin over time will turn gray then blackish. Consumers must be more careful in using cosmetic products by choosing cosmetics that have been registered with BPOM and see the side effects of their use, whether it gives an instant effect on the skin. Consumers should buy cosmetic products in a place that is guaranteed quality and do not be tempted to buy cosmetics at low prices and not yet clearly known the content in it.

Normal levels of mercury in various types of foodstuffs, soil and waters and grains 1–20 ppb; various types of foodstuffs reached 0.1 ppm; eggs 0.004–0.007 µg/L; drinking water and groundwater 0.01–0.07 µg/L; soil 0.05 ppm; and air 0.02 µg/m³. The maximum level of Hg allowed and allowed to be consumed does not exceed 0.1 ppm. Mercury exposure is estimated to come from exposure to air of 1 µg / day, water of 2 µg / day and can reach 75 µg / day depending on the amount of fish that can be consumed. The standard permissible level of inorganic mercury in the air in the workplace is 0.05 mg/m³.

The use of mercury in face whitening cream products can endanger the health of its users. This metal can accumulate in organs, and is one of the heavy metals that is highly toxic. The main influence caused by mercury in the body is to block the work of enzymes and damage the membrane of the cell wall. This situation is due to the ability of mercury to form strong bonds with sulfur-containing groups contained in enzymes or cell walls. Mercury contained in whitening creams can enter the body by being absorbed through the skin.

The use of whitening creams containing mercury will make white skin smooth, but then it will settle under the skin and after years the skin will become blue-black and can even trigger cancer. Given the danger of toxic metals in the body, it is necessary to conduct research on toxic metals in face whitening creams. Creams that are widely circulated in the market are sold at affordable prices by the wider community and provide a fast whitening effect. But such creams usually do not list the chemical content, markings, warnings, side effects, and expiration dates.

4.2 Law enforcement carried out by the government against skincare containing mercuri

The use of cosmetics began to gain attention in the 19th century, while the cosmetic industry began to develop massively in the 20th century. Etymologically, commetics comes from the Greek "cosmetic" which means the skill of decorating and arranging (Pangaribuan, 2017). The existence of cosmetics today is increasingly diverse with shapes and varieties and advantages in providing functions for consumers The use of cosmetics must be adjusted to the rules of use, such as skin, climate, weather, time of use, age and amount of use so as not to cause unwanted effects (Djajadisastra, 2005). Based on some of the definitions above, it can be concluded that cosmetics are a mixture of ingredients used on the outer body in various ways to treat and beautify themselves so that they can add attractiveness and increase the user's confidence and are not in the nature of treating or curing a particular disease. Cosmetics circulating in the community are divided into 2 major groups according to the type of basic ingredients and how they are processed:

3.2 Traditional Cosmetics Traditional cosmetics are natural cosmetics or original cosmetics that can be made directly from fresh or dried ingredients, fruits and plants around us.

3.3 Modern Cosmetics Modern cosmetics are cosmetics produced in factories (laboratories), which have been mixed with chemicals to preserve these cosmetics to be durable so that they are not damaged quickly.

Along with the development of the cosmetics industry. The government makes several rules that must be met by business actors in the cosmetic sector. The government creates licensing laws in the cosmetics business as a form of consumer protection. According to Pudjiastusi (2017), licensing in the field of cosmetics includes:

3.3.1 Business License (IUI, TDI/SIUP)
Business licenses are carried out based on Government Regulation Number 107 of 2015 concerning Industrial Business Licenses. Business licenses are the authority of the Ministry of Industry or the Provincial/City/Regency Government. The existence of this license has a function as the legality of business establishment or business activities in the field of production, distributors or trade.

- 3.3.2 Production License Production permits are carried out based on Permenkes Number 1175 / VIII / 2010 concerning Cosmetic Production Permits. The production license is the authority of the Director General of Pharmacy & Medical Devices of the Ministry of Health. The existence of this permit has a function to control the production of cosmetics to meet the CPKB
- 3.3.3 Distribution License The distribution permit is carried out based on the Regulation of the Head of BPOM Number Hk.00.05.1.23.3516 concerning Distribution Permit for Medicinal Products, Traditional Medicines, Cosmetics, Food Supplements. The distribution permit is the authority of BPOM. The existence of this permit is to register cosmetic products so that these products can be legally circulated in the territory of Indonesia.
- 3.3.4 d. Import Approval Import approval is carried out based on Minister of Health Regulation Number 14/2016 concerning Recommendations for Import Approval of Complementary Goods. Import approval is the authority of the Ministry of Trade. This license is used to select and control businesses that import complementary goods, goods for market test purposes and after-sales service.

Unlicensed or illegal products are very susceptible to containing harmful ingredients such as Mercury (Hg) or Rhodamine B as dyes. So that in the end the product does not have a decent guarantee, safe and even quality for consumers if used in the long and short term. It is not allowed to sell cosmetics illegally considering the presence of cosmetics that are in direct contact with human skin. So that the use of harmful substances such as Mercury (Hg) and Rhodamine B can cause skin irritation, skin discoloration and even potentially cause cancer.

On the other hand, the existence of illegal cosmetics is growing rapidly due to the greed of unscrupulous business actors who want to get large profits from the sale of cosmetics. Moreover, the use of harmful substances such as Mercury (Hg) will have a fast effect when mixed in cosmetics. This is certainly very attractive to people who want instant results in the use of cosmetic products.

The existence of a number of permits is carried out to ensure the existence of cosmetic products worthy of circulation. In an effort to obtain this permit, cosmetic products that are circulated must

have been declared safe, and must not contain harmful substances. Harmful substances that are often found in cosmetic products are: Mercury (Hg), Rhodamine B and Red K.3 coloring agents and Hydroquinone >2%. Such ingredients have been banned from use since 1998 through the Regulation of the Minister of Health of the Republic of Indonesia Number 445 / MENKES / PER / V / 1998 concerning Dyestuffs, Substratum, Preservatives and Sunscreen in Cosmetics.

The use of Mercury (Hg) in cosmetics can have side effects in the form of skin discoloration that causes dark spots on the face, allergies and skin irritation. Long-term use of cosmetics containing Mercury (Hg) can cause permanent damage to the brain, kidneys and fetal development disorders for pregnant women. While Rhodamine B dye is very dangerous if it hits the skin, eyes or inhaled. The impact that occurs in the form of skin irritation, eye irritation, respiratory and digestive tract irritation and has the potential to cause liver cancer. The presence of Rhodamine B cannot be metabolized by the liver, causing disruption of liver function (Mukaromah, 2008)

The influence of globalization on a country, especially in the economic sector, resulted in the ease of foreign markets entering Indonesia, as well as increasing consumer demand for cosmetic products, resulting in weakened supervision of cosmetic products. As a result, many cosmetic products are circulating without a distribution permit and contain ingredients harmful to consumers that can threaten health and life safety. In this regard, it is necessary to supervise and protect consumers from business actors who produce, sell and distribute illegal cosmetic products containing hazardous ingredients. In overcoming this problem, BPOM has 2 (two) actions to protect consumers, namely:

1. Preventive Action, which is an action in the form of the establishment of laws and regulations for procedures for making cosmetic products correctly so as to reduce the circulation of illegal cosmetics. The supervision process on the circulation and trade of cosmetics is carried out in addition to involving BPOM as a government institution, it must also involve the public at large as cosmetic users so that the rights of the community as consumers can be fulfilled
2. Repressive Action, this action is carried out by circulating products, by means of inspection carried out through the purchase of products for sampling and testing of the product. If an inappropriate product is

found, BPOM will sanction business actors. Applicable sanctions in consumer protection in the form of administrative sanctions and criminal sanctions. The application of administrative sanctions is carried out as a follow-up to the supervisory process carried out. Administrative sanctions are repressive.

If there are business actors in distributing cosmetics that do not comply with applicable regulations, then these business actors will be subject to sanctions. Usually, if there are business actors who sell illegal products, the first will be warned, built, and if it is still not a deterrent, confiscation and destruction of distributed products will be carried out. In terms of coaching business actors, they are usually assisted by the local Health Office. And sanctions given to business actors who do not have a distribution permit, their products will be secured and then destroyed. As for expired products, destruction of these products will be carried out at the place of the product owner witnessed by BBPOM. Meanwhile, business actors who deliberately produce cosmetic products that contain harmful mercury ingredients that can damage the physical health of consumers must be responsible for their actions in accordance with applicable regulations.

This is in accordance with Article 20 paragraph (3) of BPOM Regulation Number 2 of 2020 concerning Supervision of Cosmetics Production and Circulation, namely: "Business actors who violate the provisions of Article 0, Article 10 paragraph (1), paragraph (3), Article 11, Article 15 paragraph (1), paragraph (2), Article 16 paragraph (1) and Article 17 paragraph (1), to business actors who violate may be subject to administrative sanctions in the form of:

- a. written warnings;
- b. temporary prohibition of distributing cosmetics;
- c. withdrawal of cosmetics from circulation;
- d. destruction of cosmetics;
- e. temporary suspension of cosmetics production and/or importation activities for a maximum period of 1 (one) year
- f. revocation of notification number;
- g. temporary closure of online access to submit notification requests for a long period of 1 (one) year;
- h. suspension of CPKB certificate;
- i. revocation of CPKB certificate or certificate of application of CPKB; and/or
- j. provision of recommendations to relevant agencies as a follow-up to the results of supervision.

In the provisions above, conclusions can be drawn about administrative sanctions that will be given to business actors who distribute illegal cosmetic products that can endanger consumers. The sanctions are in the form of:

- a. Written warnings.
- b. Temporary ban on distributing cosmetics.
- c. Temporary withdrawal of cosmetics.
- d. Destruction of cosmetics.
- e. Temporary relaxation of cosmetics production and/or importation activities for a maximum period of 1 year.
- f. Revocation of the notification number.
- g. Temporary closure of online access for notification requests for a maximum period of 1 year.
- h. CPKB certificate suspension.
- i. Revocation of CPKB or certificate of application of CPKB.
- j. Provision of recommendations to relevant agencies as a follow-up to the results of supervision.

Meanwhile, if there is a case of illegal cosmetic product circulation reaching the Pro Justitia stage, criminal sanctions will be imposed. Pro Justitia itself is a stage where cases found by BPOM and on public complaints have been proven to contain hazardous ingredients. At the pro justitia case stage, it is divided into two more, namely the investigation and non-investigation stages. If at the investigation stage the case is not proven, administrative sanctions will only be given in the form of written warnings and guidance.

However, if at the investigation stage the case is proven not in accordance with existing provisions, it will be followed up and processed by the investigation party at BPOM through legal channels. for business actors who commit violations by producing and distributing illegal cosmetic products and this has been proven Pro Justitia, they will be subject to criminal sanctions in accordance with Article 196 and Article 197 of Law Number 36 of 2009 concerning Health."

In this case, cases that have been resistant to pro justitia investigation will be given criminal sanctions and BPOM in providing these sanctions based on Law Number 36 of 2009 concerning Health, namely: Article 196 "Any person who intentionally produces or distributes pharmaceutical preparations and/or medical devices that do not meet the standards and/or requirements for safety, efficacy or usefulness, and quality as referred to in Article 98 paragraph (2) and paragraph (3) shall be punished with a maximum

imprisonment of 10 (ten) years and a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah)". Article 197 "Any person who intentionally produces or distributes pharmaceutical preparations and/or medical devices that do not have a distribution permit as referred to in Article 106 paragraph (1) shall be punished with a maximum imprisonment of 15 (fifteen) years and a maximum fine of Rp. 1,500,000,000.00 (one billion five hundred million rupiah)".

The enforcement section of sanctions provided is in the form of criminal sanctions in accordance with the provisions of articles 196 and 197 of the Health Law with the imposition of imprisonment and low fines in accordance with the decision of the District Court". The provision of administrative sanctions and criminal sanctions to business actors who violate applicable provisions is also regulated in Law Number 8 of 1999 concerning Consumer Protection in Articles 60 to 63. In Article 60 of the Law, sanctions in the form of administrative with a maximum compensation determination of Rp. 200,000,000.00 (two hundred million rupiah). Granting administrative sanctions to business actors who violate Article 19 paragraph 2 and paragraph 3 which demand responsibility for payment of compensation for the use of products that harm consumers, Article 20 concerning liability for compensation for misleading advertisements, Article 25 concerning liability for compensation for not providing repair facilities to consumers, and Article 26 concerning liability for compensation due to business actors not fulfilling agreed guarantees.

Articles 61 to 63 regulate criminal sanctions. In the provisions of Article 61, criminal sanctions can be given to business actors and to companies. while Article 62 of the Law stipulates criminal sanctions when violations committed by business actors are resolved based on the provisions of the Criminal Code as long as the consequences caused by legal subjects meet the qualifications of serious injury, serious illness, permanent disability, or death of consumers. There are 2 (two) levels of criminal sanctions in the UUPK, namely imprisonment for a maximum of 5 (five) years or a maximum fine of Rp.2,000,000,000.00 (two billion rupiah) and a maximum imprisonment of 2 (two) years or a maximum fine of Rp.500,000,000.00 (five hundred million rupiah).

For consumers who feel aggrieved by business actors over dangerous cosmetic products being circulated, they can make a complaint to the BPOM Consumer Complaint Service Unit (ULPK). If there are complaints from consumers related to dangerous

cosmetic products, ULPK BPOM will immediately follow up and the identity of the consumer who made the complaint will be kept confidential. However, there are still many consumers who do not take this path, either because consumers do not know the procedure for complaints or because consumers are afraid of the confidentiality of their identity or other factors. And to reduce the circulation of cosmetics that do not have a distribution permit that can harm consumers, protection carried out by BPOM by conducting routine supervision of cosmetic products that contain harmful ingredients.

Law Number 8 of 1999 concerning Consumer Protection a) Article 62 is a prohibition given to business actors who produce or sell cosmetic products that are in fact "harmful" to buyers will be subject to a maximum prison sentence of 5 (five) years and a fine of Rp. 2,000,000,000,- And if fraud is found against the cosmetics distributed, additional punishment will be given, that is:

1. Confiscation of goods;
2. Announcement of the judge's decision;
3. Pay damages;
4. There is a cessation to carry out activities that are detrimental to consumers;
5. Goods that have been circulated must be recalled and are not allowed to be circulated;
6. The business license is revoked.

Article 386: Subsection (1) Whoever sells, offers or delivers food, drink or drug goods known to be counterfeited, and conceals it, shall be punished with imprisonment for not more than four years. Products sold online are also regulated by the government in accordance with Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions and Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions. So that transactions carried out online can still be called legitimate transactions as long as they follow the rules in the above regulations.

5. CONCLUSION

1. The dangers of using mercury in cosmetics can cause symptoms of poisoning in the form of nervous system disorders such as permanent brain damage, abnormal hand movements, emotional disorders, senility, insomnia, fetal development disorders and lung damage. The

use of mercury can also cause nausea, vomiting, diarrhea, muscle cramps, headaches, disorders of the cornea and eye membranes, circulatory disorders, hearing loss, skin cancer, blood cancer and liver cell cancer. Mercury can also cause kidney toxicity or kidney failure.

- 2 The licensing process in the field of cosmetics starts from the existence of business licenses, production permits, distribution permits and import approvals. Furthermore, in law enforcement efforts, there are stages of supervision, administrative sanctions and criminal law that will be imposed. Preventive measures are provided by means of the establishment of laws and regulations on cosmetics. Meanwhile, repressive legal remedies are given by granting administrative sanctions and criminal sanctions to business actors who violate regulations. In this case, if there are consumers who feel disadvantaged by a cosmetic product distributed by business actors, they can make a complaint to the Consumer Complaint Service Unit (ULPK) which has been provided by BBPOM.

The responsibility of parties who produce and distribute illegal cosmetics in Indonesia, sanctions given to business actors who market and distribute a cosmetic product without a distribution permit and the product distributed is not in accordance with the requirements and safety that has been determined,

Then the person is charged with Article 196 regarding quality as referred to in Article 98 paragraph (2) and paragraph (3) of the Law regarding Health, it will be punished with a maximum prison sentence of 10 years and a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah), while Article 197 states that any person or party who intentionally produces or distributes the preparation of a cosmetic product and does not have a distribution permit then as referred to in Article 106 paragraph (1) shall be punished with a maximum imprisonment of 15 (fifteen) years and a maximum fine of Rp.1,500,000,000.00 (one billion five hundred million rupiah). Referring to Law Number 11 of 2008 concerning Electronic Information and Transactions which states that if business actors violate, they will be

subject to sanctions in accordance with applicable regulations.

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