

COMPREHENSIVE STUDY OF OVERCLAIM SKINCARE PRODUCTS (LEGAL AND HEALTH PERSPECTIVES)

**Rabith Madah Khulaili Harsya¹, Muhammad Salman Alfansuri Jacob²,
Untung Gunawan³, Rudi Rahman⁴ Dita Dismalasari Dewi⁵**
UIN Siber Syekh Nurjati Cirebon, Indonesia¹ Universitas Sam Ratulangi, Indonesia, Indonesia²
Universitas Katolik Indonesia Atma Jaya³ Universitas Hang Tuah Pekanbaru, Indonesia⁴
Universitas Negeri Surabaya, Indonesia⁵
Correspondensi Author Email : rabithmadahkhulailiharsya@syekh Nurjati.ac.id

Abstract

This study is a qualitative study with a descriptive approach that will study Skincare Overclaim from three perspectives, namely Consumer Protection Law, Health, and Social. The data used in this article is primary data that researchers obtained from secondary sources in the form of scientific articles, books, scientific magazines, and various other sources. The data obtained were analyzed by stages of data collection, data selection, data reduction. The conclusion in this article show that the skincare overclaim action violates the second and third rights of consumers, namely to obtain goods according to the composition promised and honestly and the owner must be held absolutely responsible for complying with the provisions in the civil law book. From a health perspective, overclaim skincare does not have a significant impact on consumers if it does not contain dangerous ingredients.

Keywords: *Overclaim, Skincare, Legal, Health*

1. INTRODUCTION

Skincare is an activity that includes the use of several beauty products (Rahmawati 2020) Skincare can cleanse facial skin, moisturize, nourish, protect and prevent the adverse effects of sun exposure (Wardah, N. N., Sugiarto, A., & Wibowo 2019). Beauty products or skincare have a variety of facial skin care product series that are in great demand by many women including teenage girls . Because a series of beauty products can overcome various facial skin problems, such as brightening facial skin, treating acne, removing acne scars and dark spots and various other facial skin problems (Wulandari 2021).

Skincare is defined as a method used by a person to maintain their skin in the best condition, and all skincare products are used to cleanse, massage, moisturize and so on for the face and hands (SALSABILA 2023). Skincare products include cleansers, face masks, facial soaps, toners, serums, moisturizers, skin brighteners, setya tabir and so on. The main purpose of skincare is to maintain, restore, protect, nourish, moisturize and can regenerate facial skin (CAHYANI 2023).

Choosing the right and safe skincare plays an important role in the cleanliness and health of facial skin. Therefore, in choosing skincare, you must use ingredients that do not contain harmful substances (Ramlah et al., 2021). People believe that skincare or beauty products can make their appearance more attractive, feminine, sociable, confident and popular (Riha, 2021). There are 2 impacts of using skincare, namely (Hapsari & Amalia, 2023): a. Positive impacts: 1). Skincare can help brighten facial skin. 2). Makes skin smooth. 3). Eliminates acne. 4). Can nourish and nourish the skin. 5). Repairs and protects the skin. b. Negative impacts: 1). Allergic

reactions occur due to the effects of skincare or skincare ingredients that are not suitable for the user's skin. 2). Prone to blackheads because the use of multiple layers of skincare can clog pores. 3). Skin irritation due to excessive use of skincare. 4). Oily because using too much skincare can make the face shiny. 5). Acne because the use of skincare can clog pores and not cleaning the face properly can trigger acne growth (Ramadhani 2024).

Overclaim is an act of exaggerating information, in this case, exaggerating the content of a product, either in writing or promoted verbally through live broadcasts and so on, which does not match the results of laboratory tests. When there is an overclaim from a business actor regarding the products contained therein, the party most harmed is the consumer. Moreover, consumers who are not careful in choosing sunscreen products will be easily tempted and easily believe the claims offered by business actors (Ningsih 2021).

Based on this, this study aims to analyze comprehensively in the perspective of Law related to consumer protection, Health, and Social. Consumer law can be interpreted as the entire principles and rules that regulate the relationship and problems of providing and using products (goods and/or services) between providers and their users, in community life. Consumer protection law is the entire principles and rules that regulate and protect consumers in the relationship and problems of providing and using consumer products (goods and/or services) between providers and their users in community life (Barkatullah 2009).

Mochtar Kusumaatmadja defines consumer protection law as the entirety of the principles and legal rules that regulate the relationship and problems between various parties with each other, and related to consumer goods or services in social life. In addition, another definition of consumer protection law is the entirety of the principles or legal rules that regulate the relationship and problems between various parties with each other related to consumer goods and/or services, in social life (Johan Arifin 2007).

Zen Umar Purba stated that there is a general framework regarding the main pillars of consumer protection regulations, namely (Ramlah 2021): 1) Equality between consumers and business actors; 2) Consumers have rights; 3) Business actors have obligations; 4) Regulations on consumer protection contribute to national development; 5) Consumer protection in healthy business advertising; 6) Transparency in the promotion of goods and services; the government needs to play an active role; 7) The community also needs to participate; 8) Consumer protection requires legal breakthroughs in various fields; and 9) The concept of consumer protection requires attitude development.

To describe the understanding of consumer protection, it is important to know the basic considerations for the formation of Law Number 8 of 1999 concerning Consumer Protection. If explained, the considerations of Law Number 8 of 1999 concerning Consumer Protection in Indonesia are as follows (Irwanto 2022): 1. That national development aims to realize a just and prosperous society that is evenly distributed materially and spiritually in the era of economic democracy based on Pancasila and the 1945 Constitution; 2. That national economic development in the era of globalization must be able to support the growth of the business world so that it is able to produce various goods and services that have technological content that can improve the welfare of the wider community and at the same time obtain certainty over goods and/or services obtained from trade without causing consumer losses; 3. That the increasingly open national market as a result of the economic globalization process must

continue to guarantee increased welfare. These three themes are studied comprehensively simultaneously because they are closely related.

2. RESEARCH METHODS

Based on the explanation above, it can be clearly concluded that this study aims to study Skin Care Over Claim comprehensively from three perspectives simultaneously, namely Laws related to consumer protection, Health, and Social (Imam Gunawan 2014). This study is a qualitative study with a descriptive approach that will study Skincare Overclaim from three perspectives, namely Consumer Protection Law, Health, and Social (Nartin et al. 2024). The data used in this article is primary data that researchers obtained from secondary sources in the form of scientific articles, books, scientific magazines, and various other sources (Abdurahman 2016). The data obtained were analyzed by stages of data collection, data selection, data reduction, and drawing conclusions with the explanation below (Rukin 2019) & (Manzilati 2017).

3. RESULT AND DISCUSSION

Skincare Product and Overclaim

Skincare is an activity that includes the use of several beauty products (Rahmawati 2020) Skincare can cleanse facial skin, moisturize, nourish, protect and prevent the adverse effects of sun exposure (Wardah, N. N., Sugiarto, A., & Wibowo 2019). Beauty products or skincare have a variety of facial skin care product series that are in great demand by many women including teenage girls . Because a series of beauty products can overcome various facial skin problems, such as brightening facial skin, treating acne, removing acne scars and dark spots and various other facial skin problems (Wulandari 2021).

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To describe the understanding of consumer protection, it is important to know the basic considerations for the formation of Law Number 8 of 1999 concerning Consumer Protection. If explained, the considerations of Law Number 8 of 1999 concerning Consumer Protection in Indonesia are as follows (Irwanto 2022): 1. That national development aims to realize a just and prosperous society that is evenly distributed materially and spiritually in the era of economic democracy based on Pancasila and the 1945 Constitution; 2. That national economic development in the era of globalization must be able to support the growth of the business world so that it is able to produce various goods and services that have technological content that can improve the welfare of the wider community and at the same time obtain certainty over goods and/or services obtained from trade without causing consumer losses; 3. That the increasingly open national market as a result of the economic globalization process must continue to guarantee increased welfare. These three themes are studied comprehensively simultaneously because they are closely related.

Comprehensive Study Of Overclaim Skincare Products (Legal and Health Perspectives)

In this study, the researcher firmly stated that overclaiming skincare is a criminal act that is not in line with the principles contained in positive law and health.

Legal

In the study of positive law, especially related to consumer protection law. Skincare that overclaims violates the principles contained in consumer protection law. In Article 4 of the Consumer Protection Law, as follows (Ramadhani 2024): 1. The right to comfort, security, and safety in consuming goods and/or services; 2. The right to choose goods and/or services and to obtain goods and/or services in accordance with the exchange rate and conditions and guarantees promised; 3. The right to correct, clear, and honest information regarding the conditions and guarantees of goods and/or services; 4. The right to be heard for opinions and complaints regarding the goods and/or services used; 5. The right to receive advocacy, protection, and efforts to resolve consumer protection disputes properly; 6. The right to receive consumer guidance and education; 7. The right to be treated or served properly and honestly and without discrimination; 8. The right to receive compensation, damages and/or replacement, if the goods and/or services received do not comply with the agreement or are not as they should be; and 9. Rights regulated in other statutory provisions.

Overclaimed skincare violates the second and third consumer rights, namely the right to obtain goods or services in accordance with the promised conditions and to obtain honest information about the condition of the goods. Overclaimed skincare lists the contents of the product that do not match the original condition (Akbar et al. 2025). Although not dangerous, overclaimed skincare should not be allowed to roam around and must be dealt with firmly and the owner of the skincare must be held responsible. Accountability is something that must be done by business actors for the consequences of products or services that harm consumers. The responsibility of the skincare owner as a business actor in terms of making overclaims in their products is stated in Article 19 of the Consumer Protection Act, Article 20 of the Consumer Protection Act, Article 60 of the Consumer Protection Act, Article 61 of the Consumer Protection Act, Articles 1365 and 1366 of the Civil Code, and BPOM Regulation No. 3/2022. In this case, the efforts to account for the skincare owner as a business actor use the principle of strict liability and also product liability (Darus 2016).

Health

From a health perspective, skincare overclaims do not have a significant impact on consumers' faces as long as they do not contain hazardous ingredients such as mercury, hydroquinone, retinoic acid and so on which are included in the category of hazardous ingredients by BPOM (Hey.dey 2024).

4. CONCLUSION

Based on the explanation above, it can be concluded that the skincare overclaim action violates the second and third rights of consumers, namely to obtain goods according to the composition promised and honestly and the owner must be held absolutely responsible for complying with the provisions in the civil law book. From a health perspective, overclaim skincare does not have a significant impact on consumers if it does not contain dangerous ingredients.

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