

Investigation Action Criminal Circulation Cosmetics Illegal

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This study aims to find out and explain the process of investigating illegal cosmetics distribution crimes in Makassar and to find out and explain the factors that influence the investigation of illegal cosmetics distribution crimes in Makassar. This study uses an empirical legal method with a qualitative descriptive approach. Data were obtained through interviews and data collection with law enforcement officers. The results of this study indicate that the process of investigating illegal cosmetics distribution crimes in Makassar by the South Sulawesi Regional Police is basically carried out in accordance with the provisions of the applicable Criminal Procedure Code (KUHP). The factors that hinder the process of investigating illegal cosmetics distribution crimes in Makassar. This research recommendation requires and is important to have a more efficient coordination system between police investigators and BPOM officers to facilitate the investigation process until the determination of suspects

INTRODUCTION

Everyone wants own ideal appearance . For get perfect picture from someone who cares self with various product care , that reasonable . Cosmetics is one of the method For increase appearance someone . One of them need main humans in today's era is cosmetics . Not only women in need cosmetics , but also men . The desire For come on stage more interesting push use Cosmetics . Consumers want cheap and responsive cosmetics with fast For change appearance they . [1]

Entrepreneurs who do not responsible answer take chance This with make or sell cosmetics that are not fulfil standard . After that , consumers become a business target perpetrator effort , which is trying get the biggest advantage with the least capital . Concept This can impact negative on interest consumer in a way direct and indirect direct .

Cosmetics illegal has be one of problem serious in Indonesia. [2] especially in Makassar, Circulation product cosmetics that are not own permission distribution or No fulfil standards set by the Food and Drug Supervisory Agency (BPOM) can endanger health society . [3]

As effort For eradicate circulation cosmetics illegal , investigators in Makassar hold role important in gather evidence , [4] identify network the perpetrator , and ensure enforcement law walk in accordance with applicable regulation . Regulating law about investigator set up in the Criminal Procedure Code (KUHP) which regulates about definition investigators and investigations , as well as Constitution Number 2 of 2002 concerning The Republic of Indonesia National Police , which states authority police as investigator . [1](#)authority This given with objective For make it easier disclosure a act criminal .

Investigation This based on several applicable laws that is Constitution Number 8 of 1999 concerning Protection Consumers are in control about prohibition trade goods or services that are not fulfil standard Safety and Law Number 17 of 2023 concerning Health which provides sanctions for those who trade product health without permission or contain material dangerous . [5] With Thus , consumers protected by law For reduce amount case harmful cosmetics health purchased by

society .

As mentioned in Surah Al-Baqarah Verse 188 , namely : [6]

Translation : "And don't part You eat treasure some of the others among You with false path and don't do it You carry (the matter of) wealth That to the judge, so that You can eat part from treasure other people 's things with (road commit) sin, even though You know ."

And don't You eat treasure fellow you), meaning don't part You eat treasure some others (with the wrong path) , meaning the forbidden path according to sharia , for example with stealing , intimidating and others [6]

Food and Drug Monitoring Agency (BPOM) Makassar has identify and handle circulation cosmetics illegal in the area , which includes products containing material dangerous like mercury . The Food and Drug Monitoring Agency (BPOM) of Makassar reported 24 cases violation cosmetics that occur throughout 2023 to October 2024. Of the total In 2023 , the number of cases reached 11 cases . Meanwhile, in 2024 , the case violation cosmetics increased , recorded there are 13 cases [7]

In research This circulation cosmetics illegal in question is skincare. Related with study This new just has set three boss cosmetics or skincare as suspect in case circulation products containing mercury in Makassar, South Sulawesi, became attention big . Investigation This done by the team combination from the police and the Food and Drug Monitoring Agency (BPOM), with support agency related other .

Based on description said , the author interested For do writing law about Investigation Action Criminal Circulation Cosmetics Illegal In Makassar . (Study on the South Sulawesi Regional Police).

METHOD

Study This use type study law empirical , namely a an approach that refers to regulations written or ingredients law others of a nature secondary , for see How implementation / implementation through a study field work done with interview , so that can obtained clarity about thing being researched . [8] Study This implemented at the South Sulawesi Regional Police . The election location This based on that there is case circulation cosmetics illegal where , circulation That occurs in the jurisdiction police South Sulawesi area so that election location study This in accordance with title study This . Research This use population and sample . Population is overall the subject that becomes attention in study or investigation this . In case investigation circulation cosmetics illegal in Makassar, the population that can made into focus is All over cosmetic owner in the city of Makassar, all consumer user cosmetics and all investigator at the police South Sulawesi region . Samples in study These are 2 investigators police in field Ditrskrmsus to the police South Sulawesi region . Legal materials obtained from various type aspects , namely primary data , namely data collected directly by researchers source First or original , through method interview , observation direct from related parties with object research . Secondary data is the data obtained in the form of sources certain documents including literature related reading with discussion study This . Data collection techniques used For obtain data and information is Field Research , namely stage field research in a way directly to the intended object , with retrieve the necessary data . Data obtained both primary data and secondary data will processed and analyzed based on formulation the problem that has been applied so that expected can obtained clear picture . data analysis used by the author is data analysis that attempts give description in a way clear and concrete to the object being discussed in a way qualitative and further served in a way descriptive that is explain and describe the relation with study This .

DISCUSSION

The Process of Investigation of Criminal Acts of Illegal Cosmetics Distribution in Makassar City

Based on article 1 paragraph 2 of the law book Criminal Procedure Code (KUHP) states that Investigation is a series action investigator in matter and according to the way it is arranged in Constitution For look for as well as gather evidence of what happened and its use find the suspect . The investigation process act criminal circulation illegal cosmetics in makassar Based on results interview the author on (January 20 , 2025) together with father Brigadier General Edwin Giraldhy as investigator That done in accordance with the law book applicable criminal procedure law (KUHP) .

Investigation process case circulation cosmetics illegal in Makassar following established procedures in the Criminal Procedure Code (Criminal Code) criminal procedure law), namely : [9]

1. Reporting

Reporting is when somebody know or experience act criminal and report it to apparatus enforcer law , such as police . For example report case circulation illegal cosmetics . Legal basis Reporting of Criminal Procedure Code Article 108 everyone has the right report suspicion act criminal police and Law No. 8 of 1999 concerning protection consumer that consumer entitled report products that are not safe . Which can do report to case illegal cosmetics , namely : [10]

General public

Consumers : Every individual who buys or use product cosmetics entitled report If find suspected product illegal , such as No own permission distribution from BPOM or contain material dangerous .

Social Media Users : Reports can also be submitted done through social media platforms , where people Can report invention cosmetics illegal with clear and structured manner .

b. Community Organization

Non- Governmental Organizations (NGOs): Organizations that focus on protection consumers and health public can report findings cosmetics illegal .

Community : A community focused on health can do reporting If find product harmful cosmetics health .

c. Business Actors

Business Competitors : Companies or perpetrator other efforts in industry cosmetics can report alleged competitor sell cosmetics illegal For guard healthy competition .

d. Law Enforcement

Apparatus Police and BPOM: Members police and officers from BPOM has authority For do supervision and enforcement to circulation cosmetics illegal based on report public .

e. Media

Journalists and Reporters : Mass media also plays a role in inform and report cases circulation cosmetics illegal to public and parties authorized .

Procedures reporting to case illegal cosmetics , namely : collecting evidence , before to do report make sure You own sufficient evidence , such as : products illegal cosmetics , invoices purchase or proof transaction , photo or product videos , shops, or location sales , catch screen (screenshot) if product purchased online.

2. Investigation beginning

Investigation beginning that is gather proof beginning like product cosmetics suspected of being illegal, packaging , labels and ingredients Content . Case Analysis : PPNS carries out analysis For determine whether there is element act criminal in report said . If enough proof beginning found , investigation official can to be continued Coordination with Police : PPNS often Work The same with police For do investigation more continue , including taking sample Suspected product illegal For tested in the laboratory , Tracing source production and distribution illegal cosmetics and Identifying parties involved , such as importers , manufacturers , distributors, or seller . [11]

3. Investigation by investigators

Article 1 number 2 of the Criminal Procedure Code Investigation is a series action investigator in things and according to the way it is arranged in Constitution This For look for as well as gather evidence that with proof That make bright about act crimes that occur and their use find the suspect .

If found proof strong existence violation , investigator (police) or investigator civil servants /PPNS BPOM) will : [12]

- a. Do foreclosure to goods proof (product illegal cosmetics , tools production , documents related) .
- b. Checking witnesses and experts , including manufacturers , distributors and other parties related .
- c. Conducting laboratory tests For ensure content product dangerous or No in accordance regulation .
- d. Doing raids and closures place illegal production / distribution if required

4. Determination suspect

If enough evidence , investigator set the suspect in charge answer . After the investigation process finished , file case will handed over to prosecutor prosecutor general (JPU) for examined . If the file stated complete (P21), legal process furthermore will done .

Procedures arrest , Arrest suspects of the crime of trafficking illegal cosmetics [13] . Based on Article 1 paragraph 14 of the Criminal Procedure Code, it states that : The suspect is a person who because his actions or the condition based on proof the beginning worthy allegedly as perpetrator act criminal . Based on interview together Mr. BRIGPOL Edwin Geraldhy say If There is One target that has been stated , then will done enforcement in the field and in the field only will done search If of course caught hand Can direct secured the goods and later the determination will be taken care of agreement its seizure in court according to the locus delicty (location) most case operation , when found goods proof so quick secured after That held title case , if after title case Can raised to the investigation process so will quick done summons witness moreover formerly If direction the case to act criminal then PPNS will do summons and examination to candidate suspect [14] , and tools evidence and goods evidence and has do inspection suspect then can done inspection end , because information expert is one of tool proof Because For to set a person as suspect must own sufficient witnesses , such as proof book sale etc. , description witness will still said 1 tool .

will be the prosecutor who was sent For researching file and the files stated complete or P21 and if prosecutor say that file the Not yet complete , then prosecutor will give instruction For complete it file said P18/P19 and PPNS carry out completeness the in accordance desire prosecutor . [14] Then after file accepted and prosecutor said P21 then will the transfer process is carried out not quite enough answer to suspect and goods proof So far This is not PPNS Once do detention to suspect so far suspect always corporate and able come when will asked for information so No will done detention furthermore become task prosecutor who knows make arrests and so on . Because the prosecutor own authority For withhold After do stage II , namely handover suspect and tools proof so PPNS's duties have been off not quite enough answer and prosecutor can do prosecution or continuation at stage trial . if prosecutor ask PPNS to bring in witness or else matter then PPNS will fulfil But case No not quite enough PPNS replied .

With thus investigation to perpetrator business circulation cosmetics illegal will walk with fluent as should be . From the explanation above , the author to argue that party South Sulawesi Police has do stages investigation in accordance with existing statutory regulations There is but enforcement law that is carried out Still not enough effective because of Still there is a number of factor obstacle in to straighten up law to perpetrator cosmetics illegal in the city of South Sulawesi Regional Police factor society and factors means . This is make cosmetics illegal activities that occur in Makassar City are still Keep going circulating .

Form cooperation and sharing the role played by PPNS and the police South Sulawesi region follow as well as take part from investigation in the form of review matter , in the form of search and arrest as well as confiscation , based on results interviews conducted with Mr. BRIGPOL Edwin Geraldhy and BRIGPOL Martini on January 20 , 2024 as investigator on baing Directorate of Special Crimes say that all something form the action to be taken taken by PPNS either in the form of review cases , searches , arrests and seizures so far This all done investigator police South Sulawesi region , because No all PPNS can do action search and seizure , then from every action Good search , seizure and arrest case act the crime that will be handled by PPNS BPOM in case sale cosmetics illegal will always depends with with party investigator police South Sulawesi region as the authorized person .

3 year case data final act criminal circulation cosmetics illegal in Makassar is as following :

Table: Cosmetic Cases Illegal South Sulawesi Regional Police - 2025

No	Year	Amount	Information
1.	2022	3 cases	Phase II
2	2023	1 case	Phase II
3	2024	4 cases	Determination suspect

From case data on shows in 2022 and 2023 3 cases in stage II is done handed over to prosecutor's office while in 2024 it will be in the process of determination suspect , along with the walk year improvement illegal cosmetics are very increased , even the data above compared to backwards with the reality that occurs in the city of Makassar. Even though moment This case There are still a lot of illegal cosmetics circulating in the market . In case Handling case especially in investigations related sale cosmetics illegal in the city of Makassar, Brigpol Edwin Geraldhy say in matter investigation into the case cosmetics party police only do investigation into cases certain in the cosmetics because of most of the case cosmetics delegated and more dedicated his investigation at the supervisory body city food and drug (BPOM) Makassar because of limitations laboratory or in matter This expert in checking cosmetics That alone , can it is said that in cases concerning cosmetics , medicines and preparations pharmacy other more dedicated continuation the case in matter This investigation the case handled by PPNS BPOM, but in a number of incoming cases and can handled the investigation is at the regional police South Sulawesi This is case cosmetics in the

form of making cosmetics that must be done action detention because of the BPOM PPNS itself No own authority For do arrest and detention [13] but even though investigation carried out by PPNS AGENCY OF POM if need he did arrest and detention in case cosmetics or in matter provision pharmacy other arrest and detention still can carried out by the party Police Basically , cosmetics must pass a number of testing before can for sale in a way free and widespread . BPOM is responsible answer For test and review type cosmetics the before can circulated . Article 197 of the Health Law regulates sales and distribution cosmetics illegal . Therefore that , investigator police will more emphasize who did it violation the .

Example case 1

Sell product cosmetics that are not own permission circulate , and contain material dangerous Woman with the initials MH who played a role as owner and seller illegal cosmetics on november 8 , 2024 was determined as suspect and on January 20 has official detained by the South Sulawesi Regional Police . The suspect sell Positive skincare products contain material dangerous in the form of mercury namely Lighting Skin and special Night Cream product is called No own permission distribution from BPOM. Suspect ensnared with chapter layered moment to circulate cosmetics contain mercury . Article 435 in conjunction with Article 138 paragraph (2) of Law 17 of 2023 concerning Health and Article 62 paragraph (1) in conjunction with Article 8 paragraph (1) letter (a) of Law Number 8 of 1999 concerning Protection Consumers .

Example case 2

Sell product cosmetics that are not own permission circulate , and contain ingredients dangerous man with the initials AF and AR and Woman with the initials FS who played a role as owner and seller cosmetics illegal located in eggplant market Makassar City on Friday , July 30, 2022 was secured by the police area South Sulawesi , Suspect sell various type brand cosmetics , successful cosmetics secured there are 14 items, goods proof No have permission circulation and some among them contain material dangerous like deep mercury and hydroquinone time long term use can result cancer furthermore suspect charged article 197 jo, article 106 paragraph (1) Republic of Indonesia Law no. 36 of 2009 concerning health with threat criminal 15 years in prison .

In an interview together Mr. BRIGPOL Edwin Giralldhy and BRIGPOL Martini in supervise and overcome circulation illegal cosmetics in makassar police South Sulawesi region and coordinator supervision investigator government employees Supervisory Coordinator (PPNS) of the Indonesian National Police, South Sulawesi Regional Police collaborate with BPOM or service health Makassar province / city does action in the form of socialization and appeals and even action direct to trader or perpetrator business that does sale cosmetics , that considered illegal when product the No in accordance with standard quality efficacy and benefits , meaning product cosmetics the No own permission distribution or number permission distribution issued by BPOM .

With socialization and outreach law , it is expected public can to obey rights and obligations they according to law . With knowledge said , next public will know How law protect , fulfill and develop needs they with existing regulations . This is No can achieved if society : [15]

- a. no understand or realize when rights they disturbed ,
- b. no know effort law What only one can protect his interests ,
- c. no able to utilise effort law For they Because hindered by factors financial , psychological , social and political No own experience organization in fight for its interests , and the existence of experience bad in interact with various element from circles formal law .

As for the method investigator in handle case illegal cosmetics online , namely : [13]

Cyber patrol

Basically , cosmetics must pass a number of testing before can for sale in a way free and widespread . BPOM is responsible answer For test and review type cosmetics the before can circulated . Article 197 of the Health Law regulates sales and distribution cosmetics illegal . Therefore that , investigator police will more emphasize who did it violation the .

Content Takedown Illegal

After identify product or suspicious account , investigator can submit takedown requests to e-commerce and social media platforms For delete content that violates . This is step preventive For stop circulation cosmetics illegal before more Lots consumer affected .

Based on facts on the ground properties especially related use cosmetics illegal compared to with cosmetics that have permission circulate , often found that bleaching cosmetics illegal more fast or even more fast than products that are labeled and licensed by BPOM because content dangerous substances contained therein .

Factors That Hinder the Investigation Process in Criminal Acts of Illegal Cosmetics Distribution in Makassar City.

Based on interview together Mrs. BRIGPOL Martini stated that factors that hinder the investigation process especially in the directorate criminalized special police South Sulawesi region that is :

1. Inhibiting factors reporting case illegal cosmetics , namely :

a. Lack of awareness public

Society basically life side by side with law , but often No care . According to interview with Mrs. BRIGPOL Martini on January 20, 2025 by investigators police South Sulawesi region , awareness law society is very concerned Because the amount case cosmetics illegal containing substance dangerous or No own permission distribution and impacts that occur in society moment this , like damage skin and so on public tend No report the case they experience to authorities or in matter This police or BPOM, which finally make products illegal the Keep going circulating and remaining produce .

b. Fear will threat or intimidation Perpetrator business illegal cosmetics often own network wide , including on social media and marketplaces. Consumers or the reporter feels biased Afraid get threat from seller or party related If report case This .

c. Factors that influence investigation beginning that is :

In an interview Briggpol Martini said , sometimes perpetrator business hide goods evidence , then from That before he did investigation , police South Sulawesi region do stage investigation , with gather goods evidence and tools proof in the form of documentation , recording , registration that amount goods so much , so that when going up to investigation process stage obstacles the Can minimized .

d. Inhibiting factors investigation

1. Lack of source power and facilities

The laboratory is not adequate , investigation process illegal cosmetics require analysis deep laboratory such as content testing dangerous . Not all institution enforcer law own access to

adequate laboratory For delve deeper cases This in a way effective .

2. Limited personnel

Lack of investigators trained in field cosmetics and chemicals Possible feel difficulty For investigate case This with good . Lack of skilled personnel in root cause This could hinder the investigation process .

e. Inhibiting factors determination suspect

1. Investigation case cosmetics illegal involving a number of institutions , such as the Food and Drug Supervisory Agency (BPOM) and the police . Overlapping overlap authority between PPNS BPOM and investigators police can cause confusion in the investigation process , so that hinder determination suspect .

so that hinder determination suspect .

2. Complicated administrative processes in investigation and collection files can also be slow down determination suspect . If the file No complete or there is error in document , then investigator must do repair before can continue to stage next

Based on factors that influence the investigation process to circulation cosmetics illegal in Makassar city , With understand factors this , effort repair under investigation case cosmetics illegal can done For increase effectiveness enforcement law in the field of This

CONCLUSION

Investigation process to sale cosmetics illegal in the city of Makassar less effective and factors that become obstruction of the investigation process sale cosmetics illegal in the city of Makassar, there are 4 , namely , the circulation of illegal cosmetics in makassar will Keep going circulating Because lack of effectiveness in investigation . necessary and important existence system more coordination efficient between investigator police with BPOM officers to facilitate the investigation process until determination suspects and updates to the registration process distribution permit at BPOM to make it easier perpetrator business For register product cosmetics . So that perpetrator business No choose For produce , distribute and trade cosmetics illegal . It is necessary and important for there to be cooperation between the Ministry of Communication and Information and the Directorate of Special Criminal Investigation to intensify public warnings to the community. with use mass media facilities and social media , in order to increase awareness of the community as business actors or consumers. For comply regulations that have been established .

References

1. T. Lesmana, "Analisis Perilaku Konsumen Generasi Milenial Dalam Berbelanja Online," J. Ekon. Bisnis dan Ind., vol. 05, no. 02, pp. 46-56, 2022.
2. I. Suyudi and M. N. Afif, "Analisis Strategi Pencegahan Kejahatan Situasional akan Peredaran Kosmetika Ilegal melalui Sentimen Media pada Perempuan," Suhanah, pp. 66-77.
3. H. Jannah, "Kinerja Balai Badan Pengawasan Obat Dan Makanan (BPOM) Terhadap Peredaran Kosmetik Berbahaya Di Kota Makassar," JAP J. Adm. Publik, vol. 15, pp. 48-67, 2024.
4. Asirah, "Implementasi Kewenangan Penyidik Balai Besar Pengawas Obat dan Makanan dalam Penegakan Hukum Tindak Pidana Peredaran Kosmetika Tanpa Izin Edar," 2021.
5. A. Fatma, H. Sumintardirja, and L. S. Muliya, "Tanggungjawab Pelaku Usaha terhadap Konsumen Pengguna Kosmetik Berbahaya Berdasarkan UU Nomor 8 Tahun 1999," J. Ris.

Ilmu Huk., pp. 63-68, 2023.

6. D. Izza, "Transaksi Terlarang Dalam Ekonomi Syariah," *J. Keadaban*, vol. 3, no. 2, pp. 26-35, 2021.
7. A. M. Sofyan et al., "Upaya Penegakan Hukum Peredaran Kosmetik Ilegal Oleh PPNS BBPOM Di Kota Makassar," *Unes Law Rev.*, vol. 5, no. 3, pp. 1013-1033, 2023.
8. F. S. R. Nurul Qamar, *Metode Penelitian Hukum: Doktrinal dan Non-Doktrinal*, vol. 11, no. 1. 2020.
9. D. W. Mustafa, S. Sagoni, and B. M. Dewi, "Penegakan Hukum Pidana Terhadap Pelaku Usaha Kosmetik Ilegal," *Leg. J. Law*, vol. 2, no. 2, pp. 46-55, 2023.
10. N. Made, P. Ujianti, F. Hukum, U. Warmadewa, and N. Indonesia, "Perlindungan hukum terhadap konsumen dalam perspektif kesadaran hukum masyarakat," *J. Konstr. Huk. |*, vol. 4, no. 1, pp. 13-19, 2023.
11. H. B. Andi Risma, "Efektivitas Penegakan Hukum Terhadap Pelaku Usaha Yang Memproduksi dan Memperdagangkan Kosmetik Ilegal Berbahaya," *J. Lex Theory*, vol. 1, no. 36, 2020.
12. N. P. J. Pande, "Perlindungan Konsumen Terhadap Produk Kosmetik Impor Yang Tidak Terdaftar Di BBPOM," *Udayana Master Law J.*, vol. 2017, no. 1, pp. 13-22, 2017.
13. L. N. Muhlis and H. A. Mirzana, "Penegakan Hukum Pidana Terhadap Pelaku Peredaran Kosmetik Ilegal," <https://uit.e-journal.id/JPetitum>, vol. 9, pp. 161-170, 2022.
14. L. M. Hambali Thalib, "Efektivitas Penyidikan Terhadap Penjualan Kosmetik Ilegal," *ournal Lex Gen. (JLS)*, vol. 2, no. 1, pp. 1410-1424, 2021.
15. R. Marsinah, "Kesadaran Hukum Sebagai Alat Pengendali Pelaksanaan Hukum Di Indonesia," *Rahma Marsinah*, vol. 6, no. 2, pp. 86-96, 2016.