

ABSTRACT

The beauty sector has experienced significant growth over the past decade, giving rise to diverse business innovations such as nail art (the art of decorating nails). Behind this positive trend, however, various consumer issues have emerged, including nail damage, infections, and allergies. Therefore, a set of regulations is necessary to provide legal protection as both a preventive and repressive measure for consumers and business actors who suffer losses. This study aims to analyze the legality of Nail Art Service Businesses that are not standardized by the National Professional Certification Agency (BNSP) and to examine whether Nail Art Service Businesses that are not standardized by BNSP can be categorized as unlawful acts under Article 1365 of the Indonesian Civil Code.

The method used in this study is the interpretation method, which is a method for understanding and explaining the meaning of a regulation in relation to the legality of Nail Art Service Businesses that are not standardized by the National Professional Certification Agency (BNSP) and their legal consequences. The type of interpretation employed is systematic interpretation, which interprets a law as part of the overall legal system by relating it to other laws, and comparative interpretation, which interprets by comparing several legal provisions.

The results of the study indicate that, based on Law Number 11 of 2020 on Job Creation and Government Regulation Number 5 of 2020 on Risk-Based Business Licensing, nail art businesses are classified as medium-low risk businesses and are considered legal if they have obtained a Business Identification Number (NIB) through the Online Single Submission (OSS) system. BNSP certification serves as a parameter of competency excellence, not a requirement for legality; therefore, nail art businesses without BNSP certification can still be categorized as legal as long as they meet all the business licensing requirements stipulated in the legislation. Nail art businesses that are not BNSP-certified are not automatically considered unlawful under Article 1365 of the Indonesian Civil Code, but they have the potential to be categorized as unlawful acts if their practices cause losses, fail to meet reasonable competency standards, or result in harm and the business actors cannot demonstrate their professional competence. The absence of certification is not merely an administrative violation but can serve as an indicator of negligence with legal implications and consumer protection concerns.

Keywords: Nail Art, Business Legality, Unlawful Acts