

ABSTRACT

Overclaiming in cosmetic products marketing is a very common occurrence that poses an ever-increasing threat to consumer protection in the digital era. This study examines the regulatory gaps in protecting consumers from misleading cosmetic claims in Indonesia and the effectiveness of the National Agency of Drug and Food Control (BPOM) in regulating such practices. The research method uses an empirical legal approach and statutory, legal principles, and interview studies on the implementation of Law Number 8 of 1999 concerning Consumer Protection, Law Number 1 of 2024 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions, BPOM Regulation Number 3 of 2022 concerning Technical Requirements for Claims for Cosmetic Products, and BPOM Regulation Number 18 of 2024 concerning Labeling, Promotion, and Advertising of Cosmetic Products. The results show that the cosmetic overclaiming is in the form of overstating efficacy claims, misleading scientific language, false ingredient information, false labeling and false digital marketing by influencers, all of which infringe consumers' rights to accurate and truthful information. Indonesia has a comprehensive legal framework with strong pre-market and post-market supervision. However, there are still some major regulatory gaps due to the rapid growth of digital platforms, viral social media algorithms, cross-border electronic commerce and the absence of prior approval for cosmetic advertising. Such challenges hinder the effectiveness of regulatory enforcement although BPOM continues to monitor online and offline markets. The study concludes that to strengthen consumer protection, it is necessary to adapt regulations, implement digital surveillance based on technology, strengthen inter-agency collaboration, increase the accountability of business actors and digital platforms, and increase consumer awareness so that the marketing of cosmetics is always transparent, based on evidence, and complies with the applicable legal standards.

Keywords: Consumer Protection; Cosmetic Overclaiming; BPOM; Digital Marketing; Regulatory Gaps; Cosmetic Claims; Post-Market Surveillance.