



Comparative Legal Analysis of Indonesian and South Korean Consumer Protection in Cosmetic Safety Regulations

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General Background: The rapid growth of the cosmetics industry and new product innovations challenge businesses to remain competitive while meeting consumer expectations and legal standards. **Specific Background:** Given their direct application to the human body, cosmetic product safety is crucial, as non-compliance can pose health risks. **Knowledge Gap:** Despite existing regulations, hazardous cosmetic products still circulate. Understanding the production limits of business actors is essential to ensure consumer safety. **Aims:** This research uses normative legal analysis to compare cosmetic safety regulations in Indonesia and South Korea, focusing on consumer protection through comparative, statutory, and case approaches. **Results:** Both countries incorporate consumer protection principles in their cosmetic regulations. However, South Korea is more advanced with specific cosmetic laws. **Novelty:** The study presents a comparative analysis of cosmetic safety laws in Indonesia and South Korea, supported by international references. **Implications:** The findings offer insights into regulatory frameworks and suggest Indonesia adopt a more specific law, akin to South Korea's Cosmetics Act, to improve consumer safety standards.

Highlights:

- South Korea's Cosmetics Act offers a more specific and advanced regulatory model.
- Unsafe cosmetics still circulate in Indonesia despite existing laws.
- Comparative legal analysis reveals the need for regulatory reform in Indonesia.

Keywords: Comparative Law, Consumer Protection, Cosmetic, Regulation, Safety Standards

Introduction

The accessibility and ease of information in the digital era has driven the rapid expansion of various global trends, including trends in the beauty sector. In modern society, the use of beauty products or cosmetics has become part of the daily lives for many people, with an increasing number of usage each year. The growth of the cosmetics industry reflects how technology innovation influences the way people live and what they value [1]. This phenomenon is also followed by the rise of body and skin care products innovation in several countries, including Indonesia. The

Indonesian cosmetic industry has great potential business prospects, supported by the availability of plentiful natural resources and the increasing number of youth and public awareness towards the importance of maintaining healthy skin [2]. This potential is shown by the data in 2023 which recorded the existence of 1.039 cosmetics business units in Indonesia, with 89.2 percent of them are small and medium industry (IKM) players, which represents the high participation of the local business sector in supporting the growth of the cosmetics industry in Indonesia [3]. However, the growth of the cosmetics industry is also a challenge for business actors to remain product innovations that have competitiveness in the domestic and global markets.

Drawing on data from Statista Consumer Market Insights, global revenues in the cosmetics segment are expected to continue increasing from 2025 to 2030 totaling US\$24.6 billion (an increase of 21.45 percent). Following ten consecutive years of increase, revenues are expected to reach \$139.29 billion and will reach a new peak in 2030 [4].

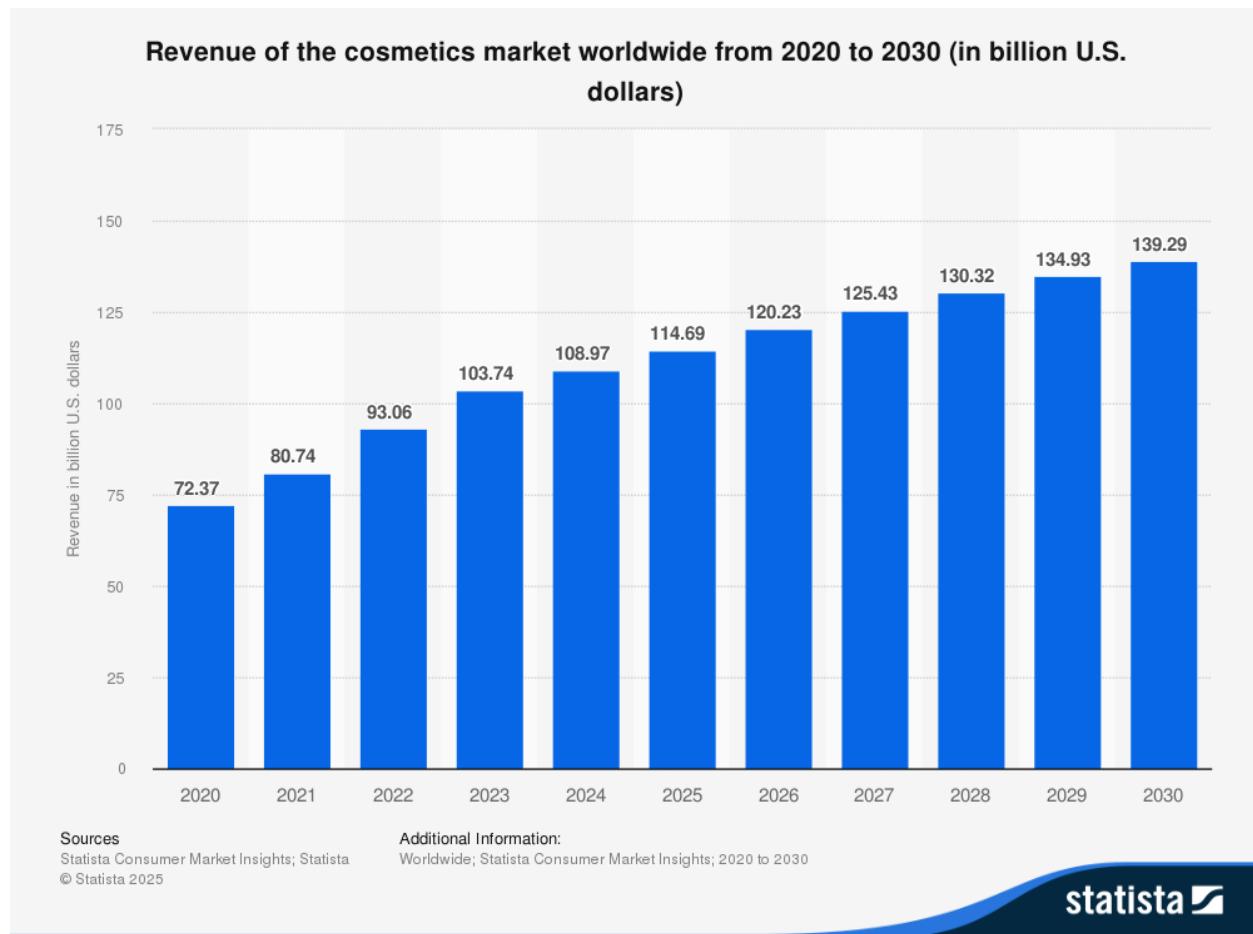


Figure 1. Statista Consumer Market Insights Data on Revenue of the Cosmetics Market

As the primary goal of any business is to make a profit, this principle also applies to business actors in the cosmetics industry. The presence of new cosmetic products that exist in the community provides benefits for both business actors and consumers, especially in the midst of the growing and sustainable growth opportunities of the cosmetics industry. However, along with the high rate of growth, it is equally important to keep on giving careful attention to the safety and security aspects in the use of cosmetic products. As is known, cosmetic products are a type of goods whose use is applied directly to the human body. If the production of these goods does not meet the appropriate and adequate safety standards and requirements, it can potentially lead to health risks with short or even long term impacts.

In the increasing circulation of new cosmetics products, the use of hazardous materials is still often found in the manufacturing process. Referring to the data from the Food and Drug Administration of the Republic of Indonesia (Badan Pengawas Obat dan Makanan/ BPOM RI), during September 2022 to October 2023 period, 181 items (1.2 million pieces) of cosmetics containing prohibited or hazardous ingredients were identified [5]. Even through the latest data on the results of supervisory intensification from October to November 2024, BPOM RI found illegal cosmetics

containing hazardous ingredients with a total of 235 items (205.400 pieces) and an economic value of more than IDR 8.91 billion [6]. The data reflects that consumer protection in this sector still faces problems, especially in terms of safety and security in the use of products. Not only in Indonesia, every country also faces its own challenges related to consumer protection in the cosmetics industry, even countries with a highly developed and reputable cosmetics industry, such as South Korea. In the first half of 2023, the Ministry of Food and Drug Safety (MFDS) announced that against 158 cosmetic businesses in South Korea, a total of 186 cases were subjected to administrative measures. 140 (75%) of them violated labelling and advertising rules, 18 cases (10%) breached business registration and change regulations, 17 cases (9%) failed to conduct quality testing, seven cases (4%) flouted usage restrictions of certain raw materials, two cases (1%) manufactured and sold functional cosmetics that were not reviewed and notified, and two cases (1%) manufactured and sold food-imitating cosmetics [7]. Through its press release, the Ministry of Food and Drug Safety (MFDS) also revealed the inspection results of 67 cases identified as false and exaggerated advertisements that violated Article 13 of the Cosmetics Act on "improper labeling and advertising practices" [8]. The data shows that despite having a rigorous cosmetic regulations and supervision system, South Korea is also faced with consumer protection issues related to cosmetic products. Therefore, the presence of regulations governing the safety standards of cosmetic products is a very important legal instrument. This regulation not only serves to protect consumers from the distribution of products that do not meet safety standards, but also to guarantee and ensure consumers in obtaining products that are in accordance with their rights by encouraging business actors, the government, and even consumers themselves to take responsibility for protecting consumer rights [9]. Through the perspective of consumer protection, each legal system in each country has a strategic role in designing and enforcing regulations aimed at protecting and ensuring consumer safety from the circulation of cosmetic product innovations amid the rapid growth of the global cosmetics industry.

This research will provide a comparative study between the applicable laws in Indonesia and South Korea regarding the circulation of cosmetics, with the main focus on product safety standards for the protection of consumers. As one of the countries with the most rapidly developing cosmetics industry in the world, South Korea also has a strong cultural influence in Indonesia through the Korean Wave (Hallyu) phenomenon, which has led to an increase in the consumption of South Korean cosmetic products or similar products among Indonesians [10]. With the widespread use of these products, it is important to explore the extent to which regulations related to the safety of South Korean cosmetic products can be used as a reference or as a comparison material for updating the legal system in Indonesia, especially in the context of consumer protection in the cosmetics industry. Furthermore, the basis of this research is also done by comparing the laws of Indonesia and South Korea due to the grounds that both countries adopt a legal system rooted in the tradition of Continental European law (Civil Law). This similarity in legal systems allows for a balanced approach to comparison.

There have been many studies conducted on the cosmetics industry, especially regarding the circulation of cosmetic products containing hazardous ingredients or illegal cosmetics. For example, study by Maghfira et al. (2023) in *A Form of Consumer Protection from Beauty Products that Contain Harmful Chemicals* emphasize the importance of protecting consumers from products with harmful chemical contents and underline the responsibility of business actors and the role of the government in regulation. [11] However, their study did not explore cross-national regulatory comparisons that could offer broader insights into strengthening national consumer protection mechanisms. While many studies have focused on the circulation of illegal cosmetics with hazardous ingredients, there are limited studies examine the legal frameworks across different countries. Some related studies, Permatasari and Nugroho (2023), in an article entitled *Komparasi Peraturan Standar Mutu Tabir Surya yang Diperjualbelikan Antara Korea Selatan dan Indonesia* analyze the differences in sunscreen regulations between Indonesia and South Korea. Their study highlights stricter ingredient limits and clearer regulatory frameworks in South Korea, which contribute to stronger consumer protection through a more detailed monitoring system [12]. Nevertheless, their research was limited to one product category and did not broadly assess systemic regulatory differences. In another comparative study, Wibowo et al. (2023) explore cosmetic regulations between Indonesia and the United States, focusing on the differences between BPOM RI and the U.S. FDA. [13] The study highlighted that both regulatory bodies share the common objective of ensuring consumer safety and the protection of public health, but they adopt significantly different regulatory approaches and registration procedures. While the research provides valuable insights into the functional differences between these two authorities, the

comparison is limited by the contrasting legal systems. Indonesia follows a Civil Law system, while the U.S. operates under a Common Law system, creating inherent differences in how regulations are formulated and implemented.

Based on previous related studies, there remains a clear research gap in comparative legal analyses between countries that share similar legal foundations. This study aims to address that gap by offering a broader comparative analysis of cosmetic product safety regulations in Indonesia and South Korea as two countries that adhere to civil law systems characterized by codified statutes and written legal frameworks. South Korea, as a globally recognized country in the cosmetics industry with rigorous regulatory mechanisms, provides a valuable reference point for comparison with Indonesia. The primary objective of this research is to identify and analyze the legal frameworks that govern cosmetic safety standards in both jurisdictions, as well as to examine the implementation of consumer protection laws related to cosmetic products. This includes analyzing whether these standards have been referenced or aligned with international standards in terms of consumer protection outlined in the United Nations Guidelines for Consumer Protection (UNGCP), as both countries are members of the United Nations, and also considering their alignment with other harmonized international standards. The findings of this research are expected to serve as a reference for enhancing legal certainty and strengthening consumer protection mechanisms in the cosmetics sector of both countries.

Method

In this research, the method applied is normative legal research, conducted by analyzing literature or secondary data, and is supported by statutory, case, and comparative approaches to compare laws in Indonesia and South Korea. As in legal logic, a normative legal research is based on research conducted on existing legal materials. This method is used in this research to analyze written legal rules and principles, particularly those relating to Consumer Protection Law and Cosmetics. The research involves collecting and studying relevant theories, legal concepts, legal doctrines, and applicable regulations.

In relation to normative legal research, it is possible to use two or more suitable approaches, as Campbell and Glasson have reminded: There is no single technique that is magically "right" for all problems [14]. This research uses a statutory approach as it is normative legal research, and comparative legal approach to examine and compare consumer protection and cosmetic regulations in Indonesia and South Korea, aiming to identify both similarities and differences within their respective legal systems. This approach is used as the key focus to analyze the legal gap, where South Korea has a specific law related to cosmetics, the Cosmetics Act, while Indonesia does not yet have the same level of regulation that specifically regulates cosmetics. In addition, a case approach is also used to analyze various cases concerning consumer protection within the cosmetic industry, both at the national and international level. The case study approach also helps to illustrate the legal challenges in enforcing consumer protection standards in the cosmetics sector in both countries.

The data used in this research consisted of primary, secondary, and tertiary legal materials, which were collected through library research. The data is analyzed qualitatively by linking to relevant legal provisions and principles. This method aims to provide a comprehensive understanding of the regulation of the cosmetics industry in Indonesia and South Korea, and provide recommendations to improve the legal framework in Indonesia.

Result and Discussion

A. Regulatory Frameworks for Cosmetics in Indonesia and South Korea

1. Regulatory Framework for Cosmetics in Indonesia

The current Indonesian Health Law or Law of the Republic of Indonesia Number 17 of 2023 on Health (hereinafter referred to as Health Law No. 17/2023) is the legal basis that regulates cosmetics in Indonesia as part of Pharmaceutical Supplies [15]. Under its provisions, the law mandates Pharmaceutical Supplies in the form of cosmetics to meet applicable quality standards and requirements. As a commitment to the Agreement on the ASEAN Harmonized Cosmetic Regulatory Scheme, Indonesia implemented a notification registration system since 2011 for both



domestically manufactured and imported cosmetic products before being circulated on the market [16]. This system provides convenience for business actors in obtaining a product distribution license. On the other hand, business actors must be responsible for providing a Product Information File (PIF) before submitting the notification [17]. Product Information File (PIF) serves as a formal assurance prepared by the company to verify that the product meets the quality, safety, and efficacy standards. This file must be prepared in accordance with the guidelines set out by the Indonesian Food and Drug Authority.

Indonesian Food and Drug Authority (BPOM RI) is a non-ministerial government agency mandated with food and drug control activities by Presidential Regulation Number 80 of 2017 on Indonesian Food and Drug Authority, which also has a central role in the regulation and supervision of cosmetics in Indonesia. In Indonesian regulations, cosmetics are defined as materials or preparations intended for use on the external parts of the human body (epidermis, hair, nails, lips and external genital organs) or teeth and oral mucous membranes primarily to cleanse, perfume, change the appearance and or improve body odor or protect or maintain the body in good condition [18]. To ensure the safety of cosmetic products, BPOM RI has several regulations covering both pre-market and post-market supervision in Indonesia. Pre-market supervision serves as a preventive measure, while post-market supervision ensures that cosmetics in circulation meet the standards and requirements for safety, efficacy, benefit, and product quality as well as to support law enforcement efforts. The Indonesian Food and Drug Authority (BPOM RI) regulations include regulations that are related to production, certification, ingredient control, contamination limits, labeling, promotion and advertising.

a) Pre-market Supervision

Before the products can be circulated or traded in the Indonesian market, they must comply with BPOM RI regulations, including:

1. Regulation Number 18 of 2024 on Cosmetics Labeling, Promotion, and Advertising
2. Regulation Number 16 of 2024 on the Contamination Limits in Cosmetics
3. Regulation Number 21 of 2022 on Procedures for the Submission of Cosmetics Notifications
4. Regulation Number 17 of 2022 on the Amendments to BPOM RI Regulation Number 23 of 2019 on Technical Requirements for Cosmetic Ingredients
5. Regulation Number 3 of 2022 on Technical Requirements for Cosmetic Claims
6. Regulation Number 33 of 2021 on the Certification Procedures of Cosmetics Good Manufacturing Practices
7. Regulation Number 8 of 2021 on List of Forms and Types of Cosmetics Allowed for Production by Manufacturers with Class B Production Licenses
8. Regulation Number 31 of 2020 on the Amendments to BPOM RI Regulation Number 25 of 2019 on Guidelines for Cosmetic Good Manufacturing Practices

b) Post-market Supervision

After the product has met the requirements to be circulated and traded in the Indonesian market, BPOM RI continues to carry out post-market supervision to ensure that cosmetics in circulation still fulfill the applicable safety standards and requirements. Post-market supervision activities are performed with reference to:

1. Regulation Number 12 of 2023 on the Supervision on Manufacture and Circulation of Cosmetics
2. Regulation Number 19 of 2021 on Guidelines for Follow-Up on the Supervision Results of Traditional Medicines, Quasi Drugs, Health Supplements, and Cosmetics

In general, the regulation of cosmetics in Indonesia is specifically carried out by BPOM RI as the authorized party. BPOM RI has various regulations related to cosmetics through BPOM RI Regulation. For more technical matters, it is regulated through the Regulation of the Head of BPOM RI.

2. Regulatory Framework for Cosmetics in South Korea

Before 2000, cosmetics in South Korea were regulated as drugs under the Pharmaceutical Affairs Act [19]. Nowadays, as an increasingly developed country known for its beauty industry, South Korea has established a more specialized and comprehensive regulatory framework specifically for cosmetics. This framework is governed by the Ministry of Food and Drug Safety (MFDS) and structured in a hierarchical legal system, with multiple levels of authority defining and enforcing standards. The main regulation that serves as the legal basis and the primary legislation for the cosmetics industry in South Korea is the Cosmetics Act, which regulates the manufacture, importation, sale, and including exportation process in order to improve public health and develop the cosmetics industry which then increases the competitiveness of the K-beauty industry. The Cosmetics Act is further supported by subordinate regulations, such as the Enforcement Decree of the Cosmetics Act, and the Enforcement Rules of the Cosmetics Act which provide detailed provisions for its implementation. In addition, MFDS is also responsible for issuing Notifications regarding cosmetics including safety standards. Figure 2 summarizes the hierarchical structure of these legal instruments governing cosmetics regulation in South Korea [20].

○ Cosmetics Legal System

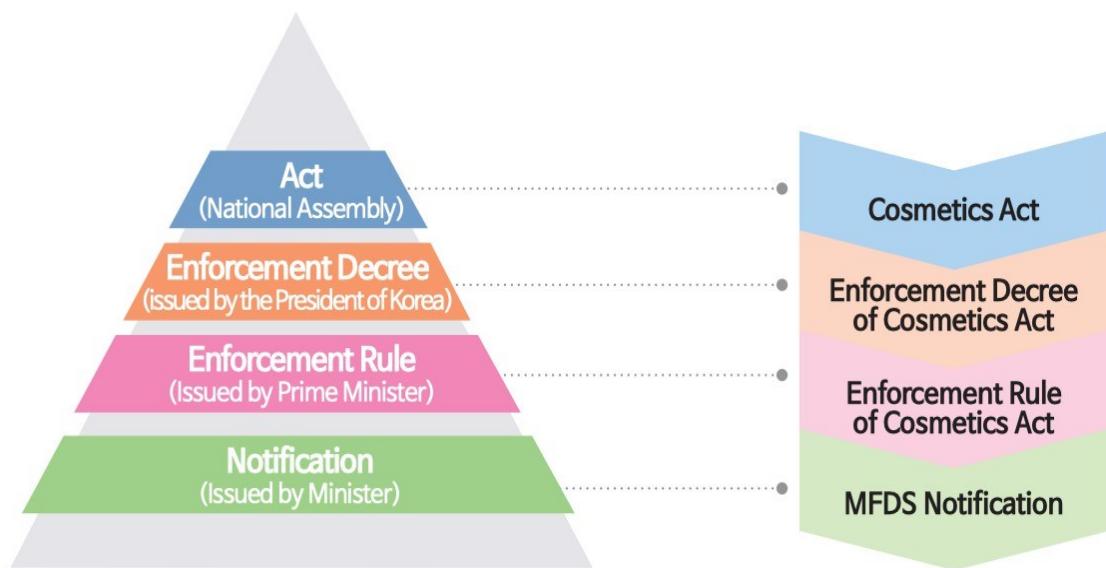


Figure 2. Cosmetics Legal System in South Korea

In South Korean legislation, cosmetic means any product applied to the human body by rubbing, spraying in order to cleansing, beautifying, promoting attractiveness or brightening the appearance, with intention to maintain or improve the health of skin and hair, which have light effects on the human body [21]. Through the Cosmetics Act, cosmetic products in South Korea are classified into two main categories which are general and functional cosmetics. On March 13, 2018, MFDS introduced three new categories into natural, organic, and customized cosmetics which amended the Cosmetics Act (Act No. 15488).

Table 1. Classification of Cosmetics in South Korea

Category	Type
General Cosmetic	Cosmetics as stated in Cosmetics Act excluding functional cosmetics
Functional Cosmetic	a. Products that help to whiten the skin b. Products that help to improve wrinkles in the skin c. Products that help to tanning skin gently or protecting skin from UV rays d. Products that help to change or remove the color or nourishing hair e. Products that help to prevent or improve dryness, splits, loss, cornification, resulting from weakened functions of skin or hair
Natural Cosmetic	Any cosmetic that contains animals, plants, or other raw materials derived therefrom, and complies with the standards set by MFDS
Organic Cosmetic	Any cosmetic that contains organic materials, plants, animals, materials, or other derived therefrom, and complies with the standards set by MFDS
Customized Cosmetic	a. Cosmetics made by mixing the ingredients of a manufactured or imported cosmetic with other cosmetic ingredients or a raw material set by MFDS b. Cosmetics repackaged by subdividing the ingredients of a manufactured or imported cosmetic into smaller amounts

As the primary legislation for the cosmetics industry in South Korea, Cosmetics Act regulates the areas including:

a) Manufacture and Distribution of Cosmetics

These provisions form the basis for manufacturing and distributing matters such as business registration, file report, qualification test, and also the other obligations of business operators.

b) Handling of Cosmetics

These provisions form the basis for standards (especially safety standards), labeling and advertising, along with prohibitions on manufacturing, importing and selling.

c) Supervision

These provisions form the basis for MFDS to carry out its supervisory functions.

In general, the regulation of cosmetics in South Korea falls under the authority of the Ministry of Food and Drug Safety (MFDS) as the authorized party. The primary legal framework governing cosmetics is the Cosmetics Act, under which specific technical and implementation provisions are further detailed through subordinate regulations and administrative guidelines.

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B. Implementation of Consumer Protection Law in Indonesia and South Korea in the Cosmetic Industry

As cosmetics are goods produced by business actors to be directly used by end consumers, their activities such as manufacture, distribution, and marketing should be carefully supervised and subject to applicable laws regarding consumer protection. In the Consumer Protection Law, it is expressly stipulated that consumers who are protected are those who are end consumers, which is different from buyers who resell the goods and/or services to others or intermediary consumers [22]. The implementation of consumer protection laws in Indonesia and South Korea plays a crucial role in ensuring that cosmetics meet safety standards, protect consumer rights, and hold business actors accountable. Nowadays, both countries have implemented national consumer protection

laws that apply to the cosmetics industry. However, their approaches reflect different regulatory structures, levels of international alignment, and institutional maturity. To align with the international standards, both countries should consider adopting the principles outlined in globally recognized frameworks such as the United Nations Guidelines for Consumer Protection (UNGCP), OECD Guidelines on Product Safety, ISO 22716 for Good Manufacturing Practices, and other international standards to thereby strengthen regulatory consistency, market confidence, and consumer trust.

1. Consumer Protection Law in the Cosmetics Industry in Indonesia

Indonesia has a long history of consumer protection [23]. This can be seen from the establishment of the oldest consumer organization in Indonesia in 1973 called *Yayasan Lembaga Konsumen Indonesia* (YLKI), which then became a member of Consumers International (CI) the following year. In 1999, Law Number 8 of 1999 on Consumer Protection (hereinafter referred to as UUPK) came into existence as a legal framework that regulates the rights and obligations for both consumers and business actors. [24] There are several obligations of business actors mentioned in its provisions, and one of them is in Article 7 point d which explains that business actors are obliged to guarantee the quality of goods and/or services produced and/or traded based on the provisions of applicable quality standards for goods and/or services. This provision, in essence, requires business actors to ensure the safety of users of their products by complying with established safety standards or requirements. Furthermore, it is also explained in Article 8 that business actors are prohibited from producing and/or trading goods and/or services that do not meet or comply with the required standards and provisions of laws and regulations. Based on these provisions, a conclusion can be drawn that business actors have responsibility for the goods and/or services they produce and/or trade. But on the other hand, it also cannot be separated from consumers as the party using the goods and/or services, as stated in Article 5 which obliges consumers to read or follow information instructions and procedures on the use or utilization of goods and/or services, in order to ensure safety and security. This aligns with the provisions of the UNGCP that calls for an overall balance between consumer rights and business obligations and prohibitions as well as consumer obligations and business rights. In this regard, consumer protection is carried out with the principles of benefit, justice, balance, consumer security and safety, and also legal certainty.

In the cosmetics industry in Indonesia, the obligations outlined in the UUPK as a consumer protection law are implemented through various technical regulations and supervision by the Indonesian Food and Drug Authority (BPOM RI). Cosmetic business actors are required to ensure that their products meet the safety, efficacy, and quality standards set by BPOM RI regulations, including product notification obligations before circulating their products. Failure to meet these standards may result in administrative sanctions, product recalls, or even criminal liability, pursuant to the provisions in UUPK. For violations of the addition of prohibited/hazardous or unqualified ingredients, administrative sanctions are imposed in the form of written warnings, recall, destruction, temporary suspension of activities, revocation of certificates of good cosmetic manufacturing methods (GMP), certificates of compliance with GMP aspects, and cancellation or revocation of distribution permit numbers, including through public warnings. These sanctions are in accordance with BPOM RI Regulation Number 19 of 2021 on Guidelines for Follow-Up on the Supervision Results of Traditional Medicines, Quasi Drugs, Health Supplements, and Cosmetics. In addition to administrative sanctions, business actors who produce or distribute pharmaceutical supplies including cosmetics that do not meet the standards and/or requirements for safety, efficacy, and quality, may also be subject to criminal sanctions in accordance with Article 435 of Health Law No. 17/2023 with a maximum imprisonment of 12 (twelve) years or a maximum fine of IDR 5 billion.

BPOM RI reported in its press release that they will continue to fight cosmetics containing prohibited or hazardous ingredients to protect public health and maintain the reputation of cosmetics in Indonesia. [25] In cosmetic commodities, the number of cosmetic cases handled by BPOM RI is 88 cases in 2020, 57 cases in 2021, 76 cases in 2022, and 50 cases in 2023 (until October 2023). In terms of consumer protection, one of the implementations of administrative sanctions carried out by BPOM RI is by instructing business actors who produce, import, and distribute cosmetics containing prohibited or hazardous ingredients to recall products from circulation to be destroyed, report, and ensure the effectiveness of the recall results to BPOM, and also follow up in the form of revocation of distribution licenses for products registered with BPOM. On cosmetics circulation cases related to criminal sanctions, one such example is a case of illegal cosmetics circulation that happened in 2024 in Gorontalo. This case started from a public report regarding the circulation of illegal cosmetics. After going through the investigation process,



including examination and lab test results from BPOM RI, two suspects were identified for the illegal cosmetics circulation case. The two suspects are strongly suspected of committing the crime of producing or distributing pharmaceutical supplies that do not have a license to do business as referred to in Paragraph 11 of Article 60 number 10 jo Article 106 Paragraph (1) and / or Paragraph (2) of Indonesian Law No.6 of 2023 on the Stipulation of PERPU No.2 of 2022 on Job Creation into Law with a threat of 15 years in prison, or deliberately distributing pharmaceutical supplies in the form of cosmetics that do not meet the standard and quality requirements as referred to in Article 435 of Law No.17 of 2023 concerning Health with a threat of 12 years in prison [26].

2. Consumer Protection Law in the Cosmetics Industry in South Korea

Aside from the presence of its Cosmetics Act, South Korea has developed a comprehensive consumer protection framework, beginning with the enactment of the Consumer Protection Act in 1980, which later evolved into the Framework Act on Consumers (소비자기본법). These legislative initiatives reflect South Korean alignment with the global movement to recognize consumer rights initiated by the U.S. President, John F. Kennedy, in the Declaration of Consumer Rights or Consumer Bill of Rights in 1962. [27] The rights include the right to safety, the right to choose, the right to be heard, and the right to be informed.

The Framework Act on Consumers (소비자기본법) now serves as the primary legal basis for consumer protection in South Korea. It regulates the rights and obligations of consumers, the obligations of the state, local governments, and business actors, the role of consumer organizations, and the relationship between consumers and business actors in a free market economy. In line with Article 6 of the Framework Act on Consumers, where local and state governments have the responsibility to ensure the fulfillment of basic consumer rights, the Ministry of Food and Drug Safety of the Republic of Korea exists as a Korean government agency responsible for improving public health by ensuring the safety and efficiency of food, drugs, medical devices and cosmetics.

The South Korean Cosmetics Act works in tandem with the Framework Act on Consumers by specifically detailing the safety requirements, manufacturer and importer responsibilities, and supervision mechanisms for cosmetic products. The Act classifies cosmetics into two categories, which are general cosmetics and functional cosmetics. Functional cosmetics are subject to a more rigorous approval process, which requires parties that intend to obtain a recognition of functional cosmetics and engage in the sale of the recognized functional cosmetics, to undergo an examination by the MFDS or submit a report to the MFDS to verify their efficacy and safety claims. Under the Cosmetics Act, business actors are mandated to comply with various requirements. As an example, a cosmetic manufacturer shall comply with the requirements with respect to methods for managing records, facilities and equipment related to the manufacture of cosmetics, and methods for and obligation of test, inspection, and verification. In addition, a responsible cosmetic distributor shall comply with the requirements with respect to the quality management standards of cosmetics, the post-market safety management standards, methods for and obligation of quality tests, the obligation to report information on the safety and efficacy of cosmetics, and the obligation to establish safety measures. The MFDS then conducts regular inspections and monitors compliance through a post-market surveillance system, including the evaluation of adverse event reports and the authority to issue recalls or impose sanctions on non-compliant products.

In recent years, the MFDS has taken significant steps to enhance consumer protection in the cosmetics industry. For example, after identifying numerous cases of misleading advertisements, the MFDS issued amendments to the Enforcement Rule of the Cosmetics Act, focusing on stricter labeling and advertising standards to prevent misleading claims [28]. The amendments are intended to ensure cosmetics business actors adhere to appropriate advertising regulations, while also demonstrating the responsiveness of the government in regulating the industry to protect consumers. The robust legal framework for consumer protection in the South Korean cosmetics industry, underpinned by the Framework Act on Consumers and the Cosmetics Act, reflects a proactive approach to safeguarding public health and consumer rights. The ongoing efforts of MFDS to update regulations and enforce compliance reflect a strong commitment to maintaining high standards in the rapidly evolving cosmetics market.

Conclusion

From the research conducted, it can be seen that consumer protection in ensuring the safety of cosmetic products is an issue that needs to be considered, especially amid the rapid global growth of the cosmetics industry. Strengthening legal protections against harmful products is essential for the sustainability of this industry and also public health. Although both countries have implemented consumer protection principles, South Korea has developed a more comprehensive and specific approach in addressing cosmetics legal framework through the Cosmetics Act, which covers various regulatory aspects including manufacturing, labeling, risk assessments, and post-market surveillance. In contrast, Indonesia still relies on Health Law No.17/2023 as the legal basis governing cosmetic products as part of Pharmaceutical Supplies, with specific regulations from BPOM RI which lack specificity and are still less rigorous in implementation compared to the recurring problems found in the circulation of prohibited or hazardous cosmetic products in the Indonesian market. Compared to cases in South Korea, Indonesia still faces a number of issues related to harmful cosmetic products.

To address these challenges, the Author would like to provide suggestions for the Indonesian government to consider enacting specific legislation regarding cosmetics, similar to the Cosmetics Act in South Korea. Besides that, it is also important to strengthen law enforcement towards the violation of cosmetic products, including in terms of administrative and criminal sanctions for business actors who are proven to intentionally use hazardous ingredients in their products. Furthermore, fostering collaboration among government institutions, non-governmental organizations, cosmetics business actors, and the public is key to building a safer and more transparent cosmetic market. In line with international recommendations, Indonesia should also promote local self-regulatory practices to complement formal legal structures and improve overall consumer protection standards.

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