

CHAPTER I INTRODUCTION

A. Background

Cosmetic products are the result of the development of the pharmaceutical industry, today it becomes the primary need of society with the development of people's lifestyles. Nowadays, the interest of society especially for the women that cosmetic is the most important. Having the good quality of cosmetic they get import cosmetic.

In Indonesia, the product of imported cosmetic becomes primary need. The variety of cosmetics will give the easier for the women, because the women think that beautiful is the way to relax themselves. Even, they need to spend a lot of cost.

Due to the highest need to the cosmetic import, it is necessary for the government on supervising the risk from the activity. Since imported cosmetic often harms the consumers, the regulation on the protection of the right of consumers has already been issued. Consumer Protection Law has been effective since April 20, 2000, violations of consumer rights by entrepreneurs still take place.

To protect consumers from imported cosmetic products, the government through the Food and Drug Administration has issued warnings (public warning) Number: KH.00.01.432.6081 on August 1, 2007 on the cosmetics containing

hazardous Materials and Dyes Prohibition but the imported cosmetic products with dangerous materials are still found circulating in various areas including in Yogyakarta.

Various cosmetics spreading up in Yogyakarta include powder, lipstick, cream bleach, mascara, and eye shadow. The needs of the community itself increase, but on the other hand the problem is lack of public knowledge on selecting the good product of cosmetics, appropriate product of cosmetics and safety to use. It is because the weakness of government supervision on the import of dangerous cosmetics product. Therefore it causes a loss to the society on the using imitation cosmetics product.

The establishment of Consumers Protection Law is not enough on controlling and supervising on the imported cosmetics. The problems of the imported cosmetic products can be indicated below:

1. The imported products are not registered, does not list the substances contained therein, are in absence of label translations of cosmetic ingredients in Indonesian, and do not write the expiration date of the product.¹ One of the abuses of cosmetics product is the use of harmful chemicals or additives as the composition of the mixture in the cosmetics traded. In Article 1, paragraph 12 of Law No.36 of 2009 on Health, the meaning of addictive substance is the

¹ Adelia Ratnadita, Hampir 50% Kasus Penyakit Kulit disebabkan Produk Kosmetik
<http://www.ikatanapotekerindonesia.net/articles/1906-hampir-50-kasus-penyakit-kulit-disebabkan-produk-kosmetik.html> accessed on Monday, 5 October 2015 at 12:16

used substance can lead to psychological dependence.² For the example, it was occurred in Yogyakarta, that the Yogyakarta police officer seized illegal imported cosmetics distributor located in Jalan Garuda 777 Pringwulung, Condong catur, Depok, Sleman.³

2. The lack of awareness and understanding of the rights as a consumer is a problem frequently encountered. For example, consumers do not get an explanation of the benefits of goods and / or services.⁴ Consumers are entitled to the right, clear and honest information about the condition and guarantee of charcoal and / or services.⁵
3. The lack of implementation and monitoring of standard and the quality of cosmetic products causes the consumer's position unprotected. In this regard, so many consumers purchased cosmetic products aiming at getting the perfect form of beauty yet they find detrimental things to health. Sometimes the imported cosmetic products are often sold without any information about the customer service number or the party who should be contacted to take care of the risks or side effects relating to the use of cosmetic products.

² Undang-Undang No. 23 Tahun 1992 tentang Kesehatan pasal 1 ayat 12

³ Sunartono, 6000 Kosmetik Impor Illegal Disita
<http://jogja.solopos.com/baca/2015/07/08/kosmetik-berbahaya-6-000-kosmetik-impor-ilegal-disita-621974> accessed on Wednesday, 8 October 2015 at 12:20

⁴ Happy Susanto, 2008, *Hak-Hak Konsumen Jika Dirugikan*, Jakarta, Visimedia, p.3

⁵ Undang-Undang RI No. 8 Tahun 1999 Tentang *Perlindungan Konsumen*, LN No. 42 Pasal 4 huruf c

Based on the problem formulation above, the author considers the rights of consumers need to be protected against the use and distribution of imported cosmetics and finds out how far is the liability of importer when consumers are harmed. Therefore, the author conducted this research entitled: “The Consumer Legal Protection of Imported Cosmetic Consumer in D.I.Yogyakarta”.

B. Research Question

Based on the background above, the problem formulations of this research are:

1. What are the forms of legal protection of consumers against imported cosmetic products?
2. How does the legal responsibility of the importer to the consumer losses?

C. Research Objective

1. To find out of legal protection of imported cosmetics against imported cosmetic products.
2. To find out how far the responsibility of the importer of imported cosmetic products is toward the losses suffered by consumers upon the usage of imported cosmetic products.

D. Advantages

This study is expected to contribute towards scientific and practical aspect. They are:

1. In the aspect scientific, this study is expected to provide brainstorming ideas on the legal protection for consumers of imported cosmetics based on the Consumer Protection Law. This also provides brainstorming ideas clearly in giving the legal and procedural protection for consumers obtained from this study.
2. In the practical aspect, this study is expected to provide practical guidance for the consumers in obtaining legal protection and accountability of the entrepreneurs.