Journal Analytica Islamica

LEGAL PROTECTION MEASURES FOR VICTIMS OF BPOM BARCODE COUNTERFEITING ON SKINCARE PRODUCT PACKAGING: A REVIEW FROM THE PERSPECTIVE OF LAW NUMBER 8 OF 1999 CONCERNING CONSUMER PROTECTION

Romadon Nasution[1], Syofiaty Lubis[2]

[1,2]Universitas Islam Negeri Sumatera Utara, Indonesia
Email: romadonnsution105@gmail.com , syofiatylubis@uinsu.ac.id
Corresponding Author: romadonnsution105@gmail.com

Keywords
consumer protection;
BPOM notification number;
information falsification;
skincare products;
legal protection;

Abstract
The falsification of barcodes or notification numbers issued by the Indonesian Food and Drug Authority (BPOM) on skincare product packaging constitutes the dissemination of misleading information that may cause economic losses and endanger consumer health. This study aims to analyze the legal status of falsified marketing authorization information and the forms of legal protection available to consumers under Law Number 8 of 1999 on Consumer Protection and BPOM regulations. The study employs a normative legal method using statutory and conceptual approaches. Primary, secondary, and tertiary legal materials were collected through library research and analyzed qualitatively and prescriptively using grammatical, systematic, and teleological interpretation. The findings demonstrate that the falsification of notification numbers violates consumers' rights to safety and accurate information, as well as business actors' obligation to act in good faith. Preventive protection includes product notification, market surveillance, accurate labeling, legality verification, and consumer education. Repressive protection comprises product recalls, sanctions, complaint mechanisms, dispute resolution, and compensation. However, victim protection remains fragmented across product supervision, law enforcement, and loss-recovery mechanisms, particularly in digital commerce. Therefore, an integrated marketing authorization verification system, stronger accountability of digital platforms, improved inter-agency coordination, and accessible complaint and compensation mechanisms are required.

E-ISSN: 2541-5263
P-ISSN: 1411-4380

1. INTRODUCTION

The circulation of illegal skincare products constitutes a consumer-protection issue that involves not only economic loss but also risks to users' health and safety. The problem becomes more serious when business actors display inaccurate licensing information, thereby creating the impression that a product has satisfied applicable safety and legality requirements. Consumers generally lack the technical capacity to independently examine product ingredients; consequently, their purchasing decisions depend heavily on information presented on packaging, in promotional materials, and on sales platforms. Under these circumstances, the use of falsified marketing authorization information creates information asymmetry between business actors and consumers. Business actors possess knowledge concerning the origin, composition, and legal status of the product, whereas consumers can assess the product only on the basis of the representations provided to them. Accordingly, the falsification of licensing information should not be understood merely as an administrative violation, but also as a misleading act that deprives consumers of the freedom to make decisions on the basis of accurate information and potentially infringes their right to product safety (Aswar & Willem, 2023; Simbolon et al., 2025). Although this issue was identified in the initial manuscript, it remained intermingled with discussions of beauty standards and cosmetic classifications that were less directly relevant to the legal problem under examination.

The term “BPOM barcode,” which is commonly used by the public, requires more precise explanation from a legal perspective. The legality of cosmetic products is not determined solely by the presence of a barcode image on the packaging, but by the notification number or marketing authorization number issued by the Indonesian Food and Drug Authority (Badan Pengawas Obat dan Makanan—BPOM), which can be verified through the official system. BPOM Regulation Number 21 of 2022 governs procedures for cosmetic notification applications, while BPOM Regulation Number 18 of 2024 regulates cosmetic labeling, promotion, and advertising. A legal problem therefore arises when a business actor displays a fictitious notification number, uses a number belonging to another product, manipulates a barcode so that it directs consumers to misleading information, or presents licensing identifiers that falsely suggest that the product has obtained BPOM approval. Such conduct creates a form of pseudo-legality because the packaging is used to construct the perception that the product has undergone safety and quality assessment, even though it is not properly registered in relation to the actual product or manufacturer. This study therefore uses the term barcode falsification contextually, while the principal legal object of analysis is the falsification or misuse of notification numbers and marketing authorization information displayed on skincare product packaging (Badan Pengawas Obat dan Makanan [BPOM], 2022, 2024).

The urgency of this issue is reinforced by the results of BPOM’s intensified supervision conducted from 10 to 18 February 2025. Of the 709 business premises inspected, 340, or 48%, were found to be non-compliant. BPOM identified 205,133 units of illegal cosmetic products, comprising 4,334 items or variants from 91 brands, with an estimated economic value exceeding Rp31.7 billion. The findings consisted of 79.9% cosmetics without marketing authorization, 17.4% products containing prohibited or hazardous substances, 2.6% expired cosmetics, and 0.1% injectable cosmetics. Sixty percent of the products identified were imported cosmetics that had largely been promoted through online media. BPOM also detected practices involving the display of fictitious marketing authorization numbers or the use of authorization numbers that had not been issued for the relevant product and manufacturer (BPOM, 2025). Although these data do not specifically indicate the number of victims affected by falsified notification numbers, they illustrate the scale of the illegal cosmetics ecosystem through which consumers may be exposed to products whose legality cannot be verified. Digital commerce further expands this risk because sellers can market products across jurisdictions, replace sales accounts, and employ visual promotional strategies to rapidly construct perceptions of safety and legitimacy.

Normatively, consumers of skincare products are protected under Law Number 8 of 1999 on Consumer Protection. The law guarantees consumers’ rights to comfort, security, safety, and accurate, clear, and honest information regarding the condition of goods. Business actors are required to act in good faith and provide accountable information, and they are prohibited from producing or trading goods that do not comply with applicable standards, labels, descriptions, promotional claims, or representations. Where the falsification of a notification number causes harm, legal protection does not end with the prohibition or removal of the product; it also encompasses liability for compensation, dispute-resolution mechanisms, and the possible imposition of administrative and criminal sanctions. This framework is complemented by BPOM Regulation Number 12 of 2023 on the Supervision of the Manufacture and Distribution of Cosmetics, BPOM Regulation Number 18 of 2024 on cosmetic labeling, and regulations governing the online distribution of drugs and food products. Although a substantial regulatory framework is already in place, the effectiveness of consumer protection depends on the integration of marketing authorization verification, digital-market supervision, enforcement against business actors, accessible complaint mechanisms, and consumers’ practical ability to assert their rights (Republik Indonesia, 1999; BPOM, 2023, 2024, 2025).

Previous studies have examined consumer protection in relation to illegal cosmetics, products without marketing authorization, the falsification of BPOM registration numbers, and weaknesses in the supervision of digital commerce. Sholehah and Ambarwati (2024) focused on law enforcement against the falsification of BPOM registration numbers, while Agustini et al. (2024) discussed challenges in implementing the Consumer Protection Law in cases involving counterfeit products. Oktaviani et al. (2025) emphasized the difficulties associated with monitoring cosmetics marketed without authorization through digital media. Although relevant, these studies have not fully integrated the characterization of falsified notification numbers as misleading information with the broader mechanisms of victim protection, including the right to accurate information, business-actor liability, compensation, complaint procedures, dispute resolution, and BPOM's authority to conduct supervision and enforcement. A systematic distinction is also required between preventive protection, which operates before harm occurs, and repressive protection, which is activated after consumers have suffered losses. This gap is significant because the existence of prohibitory norms does not automatically explain how victims can obtain legal remedies when business actors operate through digital platforms, are difficult to trace, or fail to respond to consumer claims.

On the basis of this gap, the present study aims to analyze the legal status of falsified BPOM barcodes or notification numbers displayed on skincare product packaging as a violation of consumer rights and business actors' obligations under Law Number 8 of 1999. It also examines the forms of liability borne by business actors and the legal-protection mechanisms available to victims, including complaints submitted to business actors and BPOM, claims for compensation, dispute resolution through the Consumer Dispute Settlement Agency, and judicial proceedings. The novelty of this study lies in constructing the normative relationship between preventive protection—comprising product notification, legality verification, accurate labeling, market supervision, and consumer education—and repressive protection in the form of product recalls, sanctions, compensation, and dispute resolution. The analysis further situates digital commerce as a context that affects the effectiveness of legal enforcement. Accordingly, this study does not merely reiterate the provisions of the Consumer Protection Law, but evaluates the adequacy and interconnection of the available legal instruments in providing certainty, safety, and accessible remedies for victims of falsified marketing authorization information concerning skincare products.

2. RESEARCH METHOD

This study employs normative or doctrinal legal research to analyze the legal protection available to consumers who suffer losses as a result of falsified BPOM notification numbers or marketing authorization information displayed on skincare product packaging. Normative legal research was selected because the primary objects of inquiry consist of legal norms, principles, concepts, and the harmonization of statutory provisions governing consumer rights, the obligations and liabilities of business actors, cosmetic-product supervision, and dispute-resolution mechanisms. The study applies both a statutory approach and a conceptual approach. The statutory approach is used to examine Law Number 8 of 1999 on Consumer Protection and relevant BPOM regulations concerning cosmetic notification, labeling, supervision, and distribution. The conceptual approach is employed to analyze the concepts of preventive and repressive legal protection, the right to information, business-actor liability, unlawful acts, and consumer compensation (Marzuki, 2021; Muhaimin, 2020).

The legal materials used in this study are classified into primary, secondary, and tertiary legal materials. Primary legal materials include Law Number 8 of 1999 on Consumer Protection, BPOM regulations governing cosmetic notification and supervision, and official documents concerning the monitoring and enforcement of illegal cosmetic products. Secondary legal materials consist of legal textbooks, scholarly journal articles, previous research, and academic opinions addressing consumer protection, business-actor liability, digital commerce, and the falsification of product-licensing identities. Tertiary legal materials include legal dictionaries, encyclopedias, and other reference sources used to clarify relevant legal and technical terminology. All legal materials were collected through library and documentary research by inventorying, classifying, and selecting sources according to their relevance, authority, recency, and connection to the research problem (Marzuki, 2021; Muhaimin, 2020).

The legal materials were analyzed qualitatively and prescriptively through several stages: identifying the legal issues, inventorying relevant provisions, systematizing the relationship among regulations, interpreting legal norms, and formulating legal arguments. Grammatical interpretation was applied to determine the meaning of terms contained in legal provisions, systematic interpretation was used to examine the relationship between the Consumer Protection Law and BPOM regulations, and teleological interpretation was employed to assess their conformity with the objectives of safeguarding consumer security, safety, and the right to information. Deductive reasoning was subsequently applied by relating general provisions on consumer rights, prohibitions imposed on business actors, liability for compensation, and legal sanctions to the specific issue of falsified BPOM notification numbers on skincare products. The analysis was directed toward formulating the available forms of preventive and repressive protection and identifying normative gaps or weaknesses in victim-protection mechanisms. As the study does not employ interviews or field observations, it is not intended to measure the empirical effectiveness of law enforcement, but rather to assess the adequacy, consistency, and protective capacity of the applicable legal norms (Marzuki, 2021; Muhaimin, 2020).

3. RESULT AND ANALYSIS

Implementation of Law Number 8 of 1999 on Consumer Protection in Cases of Falsified BPOM Barcodes on Skincare Products

The implementation of Law Number 8 of 1999 on Consumer Protection plays an important role in protecting the public from the falsification of barcodes displayed on skincare products. Normatively, the law provides a relatively comprehensive framework governing consumer rights, the obligations of business actors, and prohibitions against distributing goods accompanied by false or misleading information. In this context, barcode falsification, particularly when it concerns marketing authorization numbers issued by the Indonesian Food and Drug Authority (Badan Pengawas Obat dan Makanan—BPOM), may be categorized as a violation of the principle of truthful and transparent information under consumer-protection law (Atsar & Apriani, 2019).

In practice, Law Number 8 of 1999 has served as the principal legal basis for protecting consumers, including their rights to safety, accurate and clear information, and compensation for losses caused by products that fail to comply with applicable standards. These provisions are implemented through the obligation of business actors to conduct their activities in good faith and through prohibitions against distributing products that do not satisfy established standards or that provide consumers with inaccurate or misleading information (Izazi et al., 2024).

Nevertheless, the implementation of Law Number 8 of 1999 continues to face various challenges. One of the principal obstacles is the low level of compliance among business actors, particularly those marketing skincare products through digital media. In addition, supervision undertaken by BPOM through both pre-market and post-market mechanisms has not been fully effective because of the difficulties involved in monitoring illegal products that are widely distributed across different regions and are often difficult to trace (Oktaviani et al., 2025).

Accordingly, Law Number 8 of 1999 provides consumers with legal remedies through the right to compensation and the imposition of administrative and criminal sanctions on business actors who commit violations. This demonstrates that, both theoretically and normatively, the Consumer Protection Law contains an adequate legal framework for addressing barcode falsification. However, the effectiveness of legislation does not depend solely on the completeness of its provisions, but also on the extent to which those provisions can be properly enforced and effectively implemented in society (Kusumadewi & Sharon, 2022).

As parties who use goods and/or services distributed in society, consumers possess a number of rights guaranteed and protected by statutory provisions. Fundamentally, consumers have four principal rights, namely:

No.	Fundamental Consumer Rights	Description
1	**The Right to Safety**	Consumers are entitled to guarantees of protection concerning the security and safety of goods and/or services in order to prevent various risks that may result in harm or loss.
2	**The Right to Information**	Consumers have the right to obtain accurate, clear, and truthful information regarding the condition and guarantees of the goods and/or services they use.
3	**The Right to Choose**	Consumers have the right to select goods and/or services according to their needs and to obtain such goods and/or services at the agreed exchange value and under the conditions that have been promised.
4	**The Right to Be Heard**	Consumers have the right to express opinions, criticisms, and complaints concerning the goods and/or services they use and are entitled to receive an appropriate response from business operators (H. Utomo & Fakhriah, 2021).

On the other hand, the role of supervisory institutions, particularly the Indonesian Food and Drug Authority (Badan Pengawas Obat dan Makanan—BPOM), constitutes a crucial element in ensuring the effectiveness of legal protection for consumers. Although various supervisory measures have been

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DOI: 10.30829/jai.v15i4.31082

implemented, weaknesses remain in the mechanisms used to monitor product distribution, particularly the circulation of illegal products through digital platforms that operate across jurisdictions and are difficult to trace. This situation demonstrates the need to strengthen synergy among legal regulations, regulatory supervision, and law enforcement so that consumer protection can be implemented more effectively and optimally (Amalia et al., 2026).

From a law enforcement perspective, the sanctions stipulated in Law No. 8 of 1999 concerning Consumer Protection are, in principle, available as legal measures against violations. In practice, however, the application of these sanctions has not generated an optimal deterrent effect. Certain business operators continue to commit violations without being successfully identified and firmly prosecuted in accordance with applicable legal provisions. Consequently, counterfeiting practices, including the falsification of BPOM barcodes, continue to occur (Kusumadewi & Sharon, 2022).

Meanwhile, BPOM, as the competent supervisory authority, has implemented regulatory oversight through a pre-market control system before products are distributed and a post-market control system after products have entered the market. Nevertheless, the implementation of these supervisory mechanisms continues to encounter difficulties in responding to increasingly sophisticated forms of unlawful conduct, particularly within digital commerce, where transactions occur rapidly and extend across broad geographical areas (S. S. Utomo & Alfredo, 2023).

From the perspective of law enforcement, the implementation of the Consumer Protection Law has not been entirely effective in creating a deterrent effect for business operators who commit violations. This is evident from the recurring discovery of counterfeit products, including products bearing falsified BPOM barcodes. Such circumstances indicate that, although an adequate legal framework is already available, its practical enforcement has not yet been implemented optimally.

Furthermore, the effectiveness of consumer protection is influenced by the level of public legal awareness and understanding. Many consumers remain unaware of their rights and are unable to distinguish genuine products from counterfeit ones, including verifying the authenticity of BPOM barcodes. Consequently, not all consumers pursue legal remedies when they suffer losses, either through judicial proceedings or alternative dispute-resolution mechanisms outside the courts (Agustini et al., 2024).

Legal Protection Measures Provided to Victims

The findings of this study, based on an examination of relevant legal materials, demonstrate that consumers who suffer losses due to the falsification of BPOM notification numbers or barcodes on skincare product packaging may receive two forms of legal protection: preventive and repressive protection. Preventive protection is intended to prevent products containing false legality information from entering the market or being used by consumers. By contrast, repressive protection applies after a violation and resulting loss have occurred through product recalls, the imposition of sanctions, dispute resolution, and the provision of compensation.

This legal framework is grounded in consumers' rights to safety and accurate information, the obligation of business operators to act in good faith, the prohibition against trading goods accompanied by misleading information, and the responsibility to compensate for losses caused by products. Accordingly, the falsification of notification numbers constitutes not only a violation of administrative provisions governing cosmetics but also an infringement of consumers' right to make autonomous choices based on reliable information. False licensing information creates the impression that a product has undergone an official assessment of its safety, benefits, and quality, even though such legitimacy has never been granted by the competent authority (Aswar & Willem, 2023; Republic of Indonesia, 1999; Sholehah & Ambarwati, 2024). Law No. 8 of 1999 concerning Consumer Protection remains in force as the general legal basis for consumer protection in Indonesia.

Preventive protection is implemented through mandatory cosmetic product notification, accurate product labelling, verification of product legality, supervision at the production and distribution stages, and public education. From the perspective of preventive legal protection theory, these mechanisms should enable the authorities to prevent risks before they develop into health-related or economic losses. BPOM Regulation No. 12 of 2023 establishes the supervision of cosmetic manufacturing and distribution as a regulatory control instrument, while BPOM Regulation No. 18 of 2024 governs cosmetic labelling, promotion, and advertising to prevent misleading product information.

From an interpretative perspective, notification numbers and information displayed on product packaging form part of the infrastructure of market trust. When a notification number is falsified or used for a different product, the regulatory system's function as a risk-screening mechanism is undermined because consumers are induced to rely on fictitious legality. Therefore, preventive measures should not be limited to encouraging consumers to examine products through the "Cek KLIK" principle—checking the packaging, label, marketing authorisation, and expiry date—but must also involve active supervision of manufacturers, distributors, online sellers, advertisements, and digital accounts offering illegal cosmetics. Responsibility for consumer protection must not be entirely transferred to consumers, who structurally possess less information and more limited product-testing capabilities than business operators and regulatory authorities (BPOM, 2023, 2024; Simatupang & Fitri, 2026). BPOM Regulation No. 12 of 2023 and BPOM Regulation No. 18 of 2024 remain in force.

Repressive legal protection becomes relevant once a product has been purchased or used and has caused harm. Under the Consumer Protection Law, business operators are responsible for providing compensation, which may take the form of a refund, replacement with equivalent goods, medical treatment, or other compensation corresponding to the losses suffered. Consumers may also pursue dispute resolution through the Consumer Dispute Settlement Agency or the courts. Although these avenues are normatively available, their effectiveness is constrained by evidentiary difficulties, particularly in digital transactions. Victims must establish the connection among the seller's identity, the purchase of the product, the falsity of the notification number, the use of the product, and the resulting harm (Margolang & Syam, 2025). Establishing causation becomes more difficult when consumers use several products simultaneously, fail to retain proof of purchase, or when sellers delete their accounts and adopt new digital identities. These circumstances demonstrate that the existence of a right to compensation does not automatically result in actual redress. Repressive legal protection acquires substantive meaning only when complaint procedures are easily accessible, perpetrators' identities can be traced, digital evidence is recognised and preserved, and compensation decisions or agreements can be effectively enforced (Agustini et al., 2024; Kusumadewi & Sharon, 2022; Republic of Indonesia, 1999).

The findings also indicate that BPOM holds a significant position in providing protection through inspections, the securing of goods, suspension of distribution, product recalls and destruction, the imposition of administrative sanctions, and coordination with law enforcement authorities. However, BPOM's supervisory powers must be distinguished from mechanisms for providing individual consumer redress. The withdrawal of illegal cosmetics protects the public collectively by preventing the further spread of risk, but such measures do not automatically reimburse purchase costs, medical expenses, loss of income, or other losses suffered by individual victims. Public law enforcement and private redress must therefore operate in a complementary manner. BPOM's findings concerning illegal products may constitute important evidence of a violation, while compensation claims still require a mechanism that connects those regulatory findings with the losses suffered by individual consumers. This interpretation reveals a potential gap between the successful seizure of illegal products and the successful restoration of victims' rights. Where enforcement measures end merely with the termination of distribution and the imposition of sanctions on business operators, legal protection remains oriented toward market control and has not yet become fully victim-centred (Sholehah & Ambarwati, 2024; Utomo & Alfredo, 2023). BPOM practice demonstrates that public reports may be followed up through regulatory supervision and joint operations with law enforcement authorities.

Within the context of digital commerce, victims require a protection mechanism that integrates BPOM, marketplace operators, business operators, dispute settlement institutions, and law enforcement authorities. Sales conducted through social media and electronic commerce enable perpetrators to reach consumers across multiple jurisdictions while concealing their identities, transferring their activities to different accounts, or deleting promotional traces. Accordingly, evidence such as product packaging, the notification number displayed, invoices or transaction histories, screenshots of advertisements, communications with sellers, legality-verification results, and medical records should be preserved as an interconnected body of mutually reinforcing evidence. From an interpretative perspective, the obligation to preserve such evidence should not be regarded solely as the victim's burden. Digital platforms should bear responsibility for verifying sellers, retaining transaction records, suspending accounts proven to have committed violations, and responding to traceability requests from competent authorities. Without such support, consumer rights risk becoming merely formal rights that are difficult to enforce because digital business operators cannot be located. BPOM's complaint channels provide an initial point of access for members of the public to report cosmetics suspected of being illegal, but such complaints must be linked to mechanisms for restoring victims' losses (Agustini et al., 2024; Oktaviani et al., 2025). BPOM provides complaint mechanisms through HALOBPOM and regional Consumer Complaint Service Units.

Overall, legal protection for victims of falsified BPOM notification numbers should not be assessed solely on the basis of the number of available legal norms, institutions, or sanctions. A more

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substantive measure of protection lies in the system's ability to prevent illegal products from reaching consumers, rapidly terminate their distribution, identify perpetrators, and provide effective redress for victims. The normative findings of this study indicate that the principal weakness lies not merely in the absence of legal rules, but in the fragmentation among the notification system, market surveillance, administrative or criminal enforcement, dispute resolution, and the provision of compensation. Strengthening consumer protection therefore requires the integration of marketing-authorisation databases with electronic commerce platforms, rapid mechanisms for removing unlawful content and suspending offending accounts, inter-agency exchange of evidence, and an integrated complaint procedure that enables victims to obtain information regarding the progress of their cases and the available forms of redress. Within this framework, preventive and repressive legal protection should not be treated as separate stages, but rather as parts of a continuous cycle: the outcomes of complaints and enforcement actions should be used to improve supervision, while effective supervision should reduce the number of victims requiring redress. This model positions consumers not merely as objects of protection, but as legal subjects who possess meaningful access to report violations, obtain legal certainty, and seek appropriate remedies (Simatupang & Fitri, 2026; Sholehah & Ambarwati, 2024).

4. CONCLUSION

This study concludes that the falsification of BPOM barcodes or notification numbers on skincare product packaging constitutes the dissemination of false information and infringes consumers' rights to security, safety, and accurate and accountable information. Law No. 8 of 1999 concerning Consumer Protection, together with BPOM regulations, has essentially provided an adequate legal foundation for consumer protection through the prohibition against trading products accompanied by misleading information, the obligation of business operators to provide compensation, regulatory supervision and product recalls, and the imposition of administrative and criminal sanctions.

Such protection is implemented preventively through product notification, accurate labelling, legality verification, distribution monitoring, and consumer education. Repressive protection is implemented through complaint mechanisms, enforcement against business operators, dispute resolution, and redress for victims' losses. Nevertheless, the effectiveness of these protections continues to face several obstacles, including limited supervision of digital commerce, difficulties in identifying sellers, inadequate documentation of transaction evidence, low levels of consumer literacy, and the lack of integration between enforcement procedures and mechanisms for individual compensation.

Consumer protection must therefore be strengthened through the integration of marketing-authorisation data with electronic commerce platforms, increased platform responsibility for verifying sellers and terminating the distribution of illegal products, enhanced inter-agency coordination, simplified complaint mechanisms, and improved access to remedies for victims. Accordingly, the success of legal protection should not be measured merely by the existence of legal rules and sanctions, but by the system's ability to prevent the circulation of illegal products, terminate violations rapidly, and provide tangible redress for consumer losses.

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