

RINGKASAN

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**PERLINDUNGAN HUKUM KONSUMEN TERHADAP
PEREDARAN PRODUK *SKINCARE* BERBAHAYA
(Studi Putusan Nomor 856/Pid.Sus/2025/PT Makassar)**

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Pertimbangan hakim dalam Putusan Nomor 856/Pid.Sus/2025/PT Makassar telah tepat menyatakan terdakwa terbukti memproduksi dan mengedarkan produk *skincare* yang tidak memenuhi standar keamanan, khasiat, dan mutu, sehingga dijatuhi pidana penjara 4 (empat) tahun dan denda Rp1.000.000.000,00 (satu milyar rupiah). Namun, putusan tersebut belum mengakomodasi aspek perlindungan konsumen sebagaimana diatur dalam Pasal 19 ayat (1) dan (2) Undang-Undang Perlindungan Konsumen mengenai tanggung jawab pelaku usaha untuk memberikan ganti rugi kepada konsumen yang dirugikan. Kondisi ini menimbulkan permasalahan hukum terkait pertimbangan hakim, kesenjangan antara amar putusan dengan prinsip perlindungan konsumen khususnya mengenai tanggung jawab pelaku usaha, serta implikasi putusan terhadap penguatan regulasi dan mekanisme perlindungan konsumen atas peredaran produk *skincare* berbahaya.

Penelitian ini bertujuan untuk menganalisis pertimbangan hukum hakim, mengkaji kesenjangan antara amar putusan dengan prinsip-prinsip perlindungan konsumen dalam Undang-Undang Nomor 8 Tahun 1999 khususnya terkait tanggung jawab pelaku usaha, serta menilai implikasi hukum putusan tersebut terhadap penguatan regulasi dan mekanisme perlindungan konsumen.

Metode penelitian yang digunakan adalah yuridis normatif yang bersifat preskriptif dengan pendekatan perundang-undangan, pendekatan kasus, dan pendekatan konseptual. Analisis dilakukan secara kualitatif melalui penafsiran hukum. Bahan hukum terdiri atas bahan hukum primer dan bahan hukum sekunder.

Hasil penelitian menunjukkan bahwa pertimbangan hakim dalam Putusan Nomor 856/Pid.Sus/2025/PT Makassar menitikberatkan pada pembuktian tindak pidana berdasarkan Undang-Undang Kesehatan dalam kasus peredaran *skincare* berbahaya. Amar putusan hanya menjatuhkan pidana penjara dan denda tanpa perintah ganti rugi, padahal Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen mewajibkan kompensasi berupa pengembalian uang, penggantian barang, perawatan, dan/atau santunan. Hal ini menunjukkan adanya kesenjangan antara amar putusan dan prinsip perlindungan konsumen. Implikasinya, penegakan hukum masih bersifat represif dan belum menjamin pemulihan hak konsumen. Oleh karena itu, diperlukan pendekatan hukum yang lebih menyeluruh agar selain menghukum pelaku usaha, juga memastikan perlindungan dan pemulihan bagi konsumen.

Kata Kunci: Perlindungan Hukum, Konsumen, Tanggung Jawab, Pelaku Usaha, Skincare Berbahaya.

SUMMARY

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**CONSUMER LEGAL PROTECTION AGAINST THE
CIRCULATION OF HAZARDOUS SKINCARE PRODUCTS
(A Study of Decision Number 856/Pid.Sus/2025/PT Makassar)**

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The judges' legal reasoning in Decision Number 856/Pid.Sus/2025/PT Makassar correctly established that the defendant had been legally and convincingly proven guilty of manufacturing and distributing skincare products that failed to meet the required standards of safety, efficacy, and quality. Consequently, the defendant was sentenced to four (4) years of imprisonment and fined IDR 1,000,000,000 (one billion rupiah). However, the decision did not adequately address the consumer protection aspects stipulated in Article 19 paragraphs (1) and (2) of Law Number 8 of 1999 concerning Consumer Protection, particularly regarding the business actor's obligation to compensate consumers for the losses they suffered. This gives rise to legal issues concerning the judges' legal reasoning, the disparity between the operative part of the judgment and the principles of consumer protection, particularly with respect to the liability of business actors, as well as the implications of the decision for strengthening the regulatory framework and consumer protection mechanisms against the distribution of hazardous skincare products.

This study aims to analyze the judges' legal reasoning, examine the disparity between the operative part of the judgment and the consumer protection principles embodied in Law Number 8 of 1999, particularly concerning the liability of business actors, and assess the legal implications of the decision for improving consumer protection regulations and mechanisms.

This research employs a prescriptive normative juridical method using statutory, case, and conceptual approaches. The data were analyzed qualitatively through legal interpretation. The legal materials consist of both primary and secondary legal sources. The findings indicate that the judges' legal reasoning in Decision Number 856/Pid.Sus/2025/PT Makassar primarily focused on establishing the elements of the criminal offense under the Health Law concerning the distribution of hazardous skincare products. The operative part of the judgment imposed only imprisonment and a fine without ordering compensation, despite Law Number 8 of 1999 concerning Consumer Protection requiring compensation in the form of refunds, replacement of goods, medical treatment, and/or other forms of indemnification. This demonstrates a disparity between the operative part of the judgment and the principles of consumer protection. Consequently, law enforcement remains predominantly punitive and has yet to ensure the restoration of consumers' rights. Therefore, a more comprehensive legal approach is required to ensure that, in addition to punishing business actors, the legal system also guarantees effective consumer protection and the restoration of consumers' rights.

Keywords: Legal Protection, Consumer Protection, Business Liability, Hazardous Skincare Products.