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Policy Formulation of Regional Regulations Relating to License for the Sales of Beauty Cream in Kuningan Regency Based on Permenkes No. 14 Year 2021 Concerning Standards for Business Activities and Products for the Health Risk-Based Business Operating

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Abstract. Many women are interested in buying cheap beauty products and promising instant results, this then becomes a commodity that used by irresponsible business actors to get the maximum profit, by producing or trading beauty and cosmetic products, not a few of them not eligible for distribution. Therefore, it is necessary to adjust the formulation policy in the formation of regional regulations that will regulate the licensing of beauty cream sales based on the applicable laws and regulations. The results show that in the formulation stage of regional policies regarding licensing of beauty product sales in Kuningan Regency, it is based on the relevant laws and regulations, especially the Consumer Protection Act and Minister of Health Regulation No. 14 of 2021. In addition, it is also necessary to consider the suitability of the community culture, tolerance of law enforcement and the facilities and infrastructure that will be used during policy implementation.

Keywords: Regional Regulation; Health Risk; Law and Regulation

1 Introduction

Along with the times that seem to help determine the ideal figure of a beauty, especially for women, there are many beauty products and beauty support methods on the market with various types of brands, prices and quality. However, women's desire to look beautiful has become a commodity that is used by irresponsible business actors to get the maximum profit, by producing or trading beauty and cosmetic products, many of which do not meet the requirements for circulation [8].

Many women are interested in buying cheap beauty products that promise instant results, even though there is a lot of information showing that there are some harmful substances that can have a negative effect on the skin and body in beauty products with these characteristics. One of the beauty products used by women is beauty cream. Cream is a semi-solid preparation in the form of a thick emulsion containing not less than 60% water, intended for external use consisting of two types of cream, namely: water-oil cream (W/O) and water-oil cream (W/W), which In order to make it, emulsifying agents are generally used in the form of anionic, cationic and nonionic surfactants [1].

With various brands and explanations about the ability of the cream to brighten the face, remove wrinkles, remove acne and acne scars and so on. Generally, beauty creams that are sold at low prices are products that do not have a distribution permit from the Food and Drug Supervisory Agency, even though the cream has a brand or is labeled as a cream used by an artist, it is suspected that the beauty cream is fake or fake cosmetics, even expired [5].

The amount of information that mentions the dangers of fake beauty creams that contain harmful substances is apparently not enough to stop people, especially women, from buying and using these beauty creams. Moreover, sales of beauty creams are now starting to penetrate traditional markets or cosmetic shops in the midst of society.

To overcome the sale of dangerous beauty creams, which do not have a distribution permit, the government has issued new regulations, one of which is Minister of Health Regulation No. 24 of 2021 concerning Standards for Business Activities and Products in the Implementation of Risk-Based Business Licensing in the Health Sector. The Permenkes explains the standard rules that must be met by cosmetic wholesalers, cosmetic retailers, cosmetic shops, cosmetic street vendors and cosmetic shops at the market stalls.

Based on the initial data found by the author, Kuningan Regency until the end of 2020 there were 37 cosmetic shops and 64 cosmetic shops in the market stalls and among them there were 16 cosmetics shops and all cosmetics shops in the market stalls selling unlicensed beauty creams and also selling beauty creams and fake cosmetics. Before Permenkes No. 14 of 2021 was issued, the control of beauty cream and cosmetic traders is based on BPOM regulations only, and after the issuance of Minister of Health Regulation No. 14 of 2021, of course there needs to be an adjustment in licensing for cosmetic wholesalers, cosmetic retailers, cosmetic shops, cosmetic street vendors and cosmetic shops at the market stalls in Kuningan Regency.

The urgency of this licensing adjustment is not only to bring order to the traders, but also to protect the interests of the community, because even though it seems there are "equal benefits" between buyers and consumers, but there are impacts that can harm the community, especially in the health aspect, while one of the rights of consumers is to get protection for the products they buy. Legal protection means recognition, compliance and support for the rights of all individuals, all families and all groups and aspects of their implementation [4]. Meanwhile, the scope of consumer protection includes protection for all losses arising from the use of goods and/or services that need to be provided to consumers because of their weak position [2]. Therefore, there is a need for an assessment of the study of formulation policies on the formation of regional regulations relating to the license to sell beauty creams in Kuningan Regency. 14 of 2021 concerning Standards for Business Activities and Products for Health Sector Risk-Based Business Implementation.

2 Methodology

Research is an attempt to obtain facts, by collecting and analyzing data that is carried out carefully, clearly, and can be accounted for. The research method used in this paper is the research specification, descriptive-analytical in nature, which describes data about an ongoing matter at a certain place and at a certain time where the research is expected to obtain a clear, detailed, and systematic picture of the problem. research, while it is analytically related because the data obtained is analyzed for solving problems in accordance with applicable legal provisions. The approach method used in this research is the Juridical Empirical Approach

which is used to analyze various laws and regulations. While the empirical approach is used to analyze the law which is seen as patterned community behavior in people's lives who always interact and relate to social aspects.

3 Results And Discussion

Someone who uses cosmetic products is certainly because of the attractiveness of the cosmetics he buys, for example the interest in the function of the cosmetic, the practicality of using it, and the impact caused by the use of the cosmetic. Consumers must be selective in choosing cosmetic products so that the negative effects of using cosmetics such as facial skin becomes dull, pale, dry, cracked, and other impacts can be avoided [3].

Beauty cream is one of the products that are in demand by the public, especially women who want their skin to look bright, smooth, free of blemishes and wrinkles. Various ways are done even by using beauty creams and ignoring the safety and health aspects of the skin in connection with beauty creams that do not have a distribution permit from BPOM, which means that the beauty cream can be a fake and dangerous product.

Basically, the most important standard that must be met is that the cosmetic products sold must have a distribution permit/cosmetic notification from BPOM, and also periodically report on traded cosmetics, as well as others. However, what happens is that many cosmetic shops still sell beauty creams and other cosmetics that do not have a distribution permit from BPOM, and even fake creams or cosmetics.

Currently in Kuningan Regency, there are many beauty creams and cosmetics circulating that do not meet the marketing authorization and are dangerous for the health of users because they contain harmful ingredients. So far, the supervision carried out on the circulation of beauty creams is only carried out by BPOM and it turns out that it is deemed ineffective because there are still many cosmetic shops selling these illegal beauty creams and cosmetics. Supervision is not only carried out at shops selling dangerous cosmetic products, but also needs to be investigated to manufacturers of dangerous cosmetic products. If supervision and control is only carried out on sellers and producers still carry out their production, they will never break the chain of distribution of these dangerous cosmetics. Manufacturers have many ways and strategies to circulate their products even though some sellers are disciplined.

The policy formulation stage is the most strategic stage of crime prevention and control through criminal law policies. Strategic because at this stage the legislature has the authority in determining or formulating what actions can be punished which are oriented to the main problems of criminal law, so that crime prevention is not only the task of law enforcement officials, but also the task of the legislative apparatus as regulators [7], in this case is a regional regulation that adjusts to Permenkes No. 14 Year 2021.

At the formulation stage, it is also necessary to consider the suitability of the community culture, the tolerance of law enforcement and the facilities and infrastructure that will be used during policy implementation. One concrete solution that can be taken as a follow-up to the issuance of regional regulations regarding licensing of the sale of beauty creams and cosmetics is the formation of a joint team to eradicate illegal beauty creams and cosmetics which will facilitate coordination between agencies in the law enforcement process.

Thus, the regional regulations that will be formed by the local government of Kuningan Regency must pay attention to internal harmonization with existing regulations, and consider the issuance of permits and supervision for cosmetic shops that sell beauty creams based on

the Consumer Protection Act and Minister of Health Regulation No. 2021. It is hoped that in its implementation, the regional regulations formed are able to accommodate the community's need for the availability of beauty products that are not harmful and can provide optimal results and at affordable prices.

4 Conclusion

In the formulation stage of regional policies regarding licensing of beauty product sales in Kuningan Regency, it is based on the relevant laws and regulations, especially the Consumer Protection Act and Minister of Health Regulation No. 14 of 2021. In addition, it is also necessary to consider the suitability of the community culture, tolerance of law enforcement and the facilities and infrastructure that will be used during policy implementation. It is hoped that in its implementation, the regional regulations that are formed are able to accommodate the needs of the community for the availability of beauty products that are not harmful and can provide optimal results and at affordable prices.

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