

# Development of Legal Aspects in the Beauty and Care Products Industry

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**Abstract:** The beauty and care products industry has seen substantial expansion domestically and abroad in recent years through accelerated growth at both national and global scales. As the industry expanded, matters regarding protection, virtue, and uprightness in manufacturing, circulation, and advertising of cosmetics and self-care items gained more examination. So it is not surprising that there are many cases of the beauty industry and care products that violate the law and cause a stir in Indonesia. Even though consumers are getting smarter and demanding clear and accurate information about the beauty products they use, because the beauty industry business is very lucrative from a profit standpoint, there are still many individuals who have bad intentions and justify any means to gain as much profit as possible. The journal aims to identify and analyze legal aspects related to this industry as well as provide views on legal developments necessary to protect consumers and ensure product safety. This journal aims to identify and analyze legal aspects related to this industry and provide views on developments. This journal uses normative juridical research methods by collecting and analyzing data from various legal sources, including laws, regulations, government policies, and court decisions related to the beauty industry and care products in Indonesia.

## 1 INTRODUCTION

The rise of beauty clinics that perform treatment actions that harm their customers can cause several relevant legal issues. The following are some of the legal issues that may be related among which there are consumer fraud, practice, violation of professional ethics, personal responsibility, and violation of privacy.

In a journal that discusses legal issues related to the rise of beauty clinics that perform treatment actions that harm their customers, some legal theories that may be used to analyze the problem include Justice theory, responsibility theory, consumer protection theory, professional ethics theory and Regulation Theory.

This journal was created because of the many victims of beauty industry and care products in Indonesia, without getting a clear law umbrella. The journal will also discuss issues but will focus on the legal and regulatory context in force in Indonesia. This includes relevant laws, regulations, policies, and regulatory bodies in Indonesia that govern medical practice, consumer protection, and professional ethics. Until at the end the author will propose

recommendations and solutions to address related problems. This may include recommendations for legal or regulatory changes, improvements to surveillance or monitoring systems, or other efforts to improve medical practice, consumer protection, and professional ethics in Indonesia.

## 2 RESEARCH METHODS

The journal uses normative juridical law research methods by collecting and analyzing data from a variety of legal sources, including laws, regulations, government policies, and court rulings related to the beauty and care products industry.

## 3 RESULTS AND DISCUSSION

Stella Monica's case began when she underwent facial treatments at the L'viors beauty clinic from January to September 2019. But he was not satisfied with the clinic's services because he felt his face was getting damaged. He also confided with some of his friends

on Instagram through the @Stellamonica account. However, Stella Monica even got a subpoena leading to a report to the police by L'vior's beauty clinic. Shortly Stella became a suspect for the indictment of Article 27 paragraph 3 Jo Article 45 paragraph 3 of Law No. 19 of 2009 on amendments to Law No. 11 of 2008 on the law on information and Electronic Transactions (UU ITE). Luckily, the Surabaya District Court judges acquitted Stella Monica on Tuesday, December 14, 2021. In his ruling, Chief Judge Imam Supriadi stated that Stella Monica was not proven to have violated the prosecutor's indictment of Article 27 paragraph 3 along with Article 45 paragraph 3 of Law No. 19 of 2009 on amendments to Law No. 11 of 2008 on information and Electronic Transactions Law (ITE Law).

Reflecting on the case, how weak the position of consumers from the beauty industry. The author summarizes some details related to this issue:

- a. The Cause of the proliferation of the clinic to the detriment of Cu Tomer.
  - i. High market demand: the high demand for beauty treatments makes many beauty clinics appear. Some of these clinics may not meet the required medical standards.
  - ii. Inadequate regulations: Indonesia does not have strict regulations in supervising beauty clinics. This can allow practices that harm customers to flourish.
- b. Care measures that harm customers:
  - i. Use of unsafe materials or products: some beauty clinics may use materials or products that do not meet safety standards, be IT Cosmetics that contain harmful ingredients or equipment that is not guaranteed to be sterile.
  - ii. Performing medical procedures by non-medical personnel: some clinics may employ personnel who do not have sufficient medical qualifications, such as performing surgical procedures or injections by people who are not trained doctors or nurses.
  - iii. Delivery of misleading information: unethical beauty clinics may provide customers with false or misleading information about the benefits or risks of certain treatments, promise unrealistic results, or not disclose clearly the side effects or risks associated with treatments.
- c. Adverse effects on customers:
  - i. Physical or health injuries: adverse

treatments can cause physical injuries such as burns, infections, or serious allergic reactions. Customers can also experience long-term side effects that are potentially detrimental to their health.

- ii. Financial loss: customers may spend a lot of money on treatments that do not deliver the promised results or even harm their beauty condition. They may also need to incur additional costs to repair damage caused by poor maintenance.
- d. Legal implications and responsibilities:
  - i. Malpractice: beauty clinics and medical personnel involved in treatment actions that harm customers can be accused of malpractice. This may result in lawsuits and damages to affected customers.
  - ii. Consumer fraud: if a beauty clinic provides misleading or deceptive information to customers, this may violate the Consumer Fraud Act and may be subject to criminal or civil prosecution.
  - iii. Violation of professional ethics: beauty clinics and medical personnel involved may also violate professional ethics, which may result in ethical sanctions such as revocation of licenses or permits to practice.
- e. Countermeasures:
  - i. Strengthening regulation: the government can strengthen regulation and supervision of beauty clinics, including licensing requirements, safety standards, and periodic inspections.
  - ii. Education and awareness: educating the public about the risks and their rights in beauty care can help raise awareness and help customers make wiser decisions.
  - iii. Strict enforcement: it is important to strictly enforce existing laws and regulations against violations in the beauty industry.

In this journal it discusses legal issues related to the rise of beauty clinics that perform treatment actions that harm their customers, some legal theories that may be used to analyze the problem include:

1. Theory of Justice: this theory focuses on the application of the principle of justice in solving legal cases. In this context, the theory of justice can be used to consider whether customers harmed by such beauty clinics are entitled to fair compensation.

Principles of justice such as equality, just reward, and restoration can be applied to determine appropriate legal action.

2. Theory of responsibility: this theory deals with the question of who is responsible for the adverse act. In these cases, the theory of responsibility can be used to analyze whether the responsibility falls on the beauty clinic as a legal entity, the owner of the clinic, the medical personnel involved, or even the manufacturer of the products used in the treatment. Liability theory can also address issues related to neglect of responsibility or negligence in providing safe and appropriate care.
3. Consumer Protection theory: this theory emphasizes the need to protect consumers from harmful or unethical business practices. In this context, consumer protection theory can be used to analyze whether the beauty clinic violates consumer rights or uses misleading practices. The consumer protection laws applicable in a particular country can be a reference in applying this theory.
4. Professional ethics theory: this theory involves consideration of the ethics and moral responsibilities of professionals in the context of health care. In these cases, the theory of professional ethics can be used to evaluate whether beauty clinics and medical personnel involved violate professional ethics in providing care to the detriment of customers. Ethical principles such as integrity, honesty, and accountability can be applied in this analysis.
5. Legal Regulation Theory: this theory deals with the role of the state in regulating and supervising certain business activities, including beauty clinics. In this context, the theory of Legal Regulation can be used to evaluate whether there are weaknesses in the regulatory system that allows beauty clinics that harm customers to continue to operate. This theory may also address the need to strengthen regulation and enforcement in the beauty industry.

The proliferation of beauty clinics that perform treatment actions that harm their customers is a serious problem that requires attention and appropriate countermeasures. In the discussion above, several important points can be drawn as a

conclusion:

- a. High market demand and yang inadequate regulation affect the rise of beauty clinics that harm customers.
- b. Treatment actions that harm customers include the use of unsafe materials or products, the implementation of medical measures by non-medical personnel, and the delivery of misleading information.
- c. Adverse impacts to customers include physical or health injuries as well as financial losses.
- d. Legal and liability implications include possible malpractice charges, consumer fraud, and violations of professional ethics against beauty clinics and medical personnel involved.
- e. Countermeasures involve strengthening regulations, education, and awareness to the public, as well as strict law enforcement.

In order to overcome the rise of beauty clinics that perform treatment actions that harm their customers, there is a need for cooperation between the government, supervisory agencies, the medical profession, and the community. Strong regulation, strict enforcement, and thorough education about risks and consumer rights are key in protecting the public from harmful practices in the beauty industry.

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