Consumer Protection Against Distribution of Dangerous Cosmetics Sold Online in Indonesia, Malaysia and The Philippines

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Abstract

There are still many dangerous ingredients in the circulation of cosmetics, such as various brands and substances containing dangerous ingredients. This action occurred in various Asian countries, including Indonesia, Malaysia, and the Philippines. Many countries have created regulations and provisions regarding Consumer Protection. Thus, this research first analyses how the laws of Indonesia, Malaysia, and the Philippines compare consumer protection with the online distribution of dangerous cosmetic materials. Second, what are the legal and regulatory efforts for consumer protection regarding the online distribution of dangerous cosmetic products in Indonesia, Malaysia and the Philippines? The research method uses normative juridical, which examines the comparison of consumer protection between Indonesia, Malaysia and the Philippines so that it can become a reference for everyone's behaviour. In reality, Indonesia adheres to a Civil Law system.
In contrast, Malaysia adheres to a Common Law system. Still, interestingly, the Philippines applies a Civil Law and Common Law system. Efforts to protect consumers against cosmetic products with dangerous ingredients can implement the ASEAN Regional Guidelines on Competition Policy (Regional Guidelines). It can also adopt the ASEAN Cosmetic Directive (ACD) regulations.

I. Introduction

Nowadays, many trading activities to meet people's daily needs are online or through E-Commerce. With online trading, you can sell various products, such as clothing, instant food, household necessities, cosmetics, etc. Electronic Commerce, or what is known by the abbreviation E-com, is a technology that is developing rapidly in the business world (Sera Fauzela et al., 2023). Using an e-commerce system can benefit many parties, consumers,

producers, and sellers (retailers). For example, for consumers, using E-Commerce can shorten shopping time. In addition, the prices of goods sold through E-Commerce are usually lower than those in stores because the distribution path from the producer of the goods to the seller is shorter than in conventional stores (Heryansyach & Latumahina, 2022).

International trade competition can have negative implications for consumer protection. Cosmetic products are the best-selling products in online commerce. The need for cosmetic products is a big opportunity in the business sector, especially with online media; business actors can sell and promote their products, both domestic products and products imported from abroad, without being hindered by territorial boundaries. Cosmetics for women are a secondary need, and the circulation of illegal cosmetics without distribution permits is very dangerous to health (Riska et al., 2019). Remember, health is one of the parameters for measuring the success of human development. With health, humans will be productive enough to live economically and have a good education; likewise, without a good economy and good education. With a good education, people can understand health and have a good economy. These three parameters are interconnected and cannot be separated from each other (Annisa et al., 2023).

Cosmetics gained the attention of many users or consumers starting in the 19th Century, while the cosmetics industry began to develop massively in the 20th Century. Until now, its distribution level has filled the world's global market. By Pangaribuan, 2017 in Dian Sera Fauzela. et al. stated that cosmetics etymologically comes from the Greek word "cosmetics", which means the skill of decorating and arranging. Nowadays, cosmetics are increasingly diverse and superior in providing consumer functions (Valda & Walangitang, 2023a). What is meant by cosmetics are materials and preparations used on the external parts of the human body (epidemic, hair, nails, lips and external genital organs) or teeth or oral mucosa, especially to provide perfume, change the appearance and improve body odour or protect or to maintain the body in good condition. This is by the definition of cosmetics contained in Article 1, paragraph 1 of the Regulation of the Minister of Health of the Republic of Indonesia Number: 1175/MENKES/PER/VIII/2010 concerning Cosmetic Production Permits (Okoya et al., 2023).

Interestingly, people with good intentions do not only sometimes trade via E-Commerce. As in the distribution of cosmetics, dangerous ingredients, such as various brands and substances containing dangerous ingredients, are still often found. This action occurred in various Asian countries, including Indonesia, Malaysia, and the Philippines. Proven by data on cosmetic problems with dangerous ingredients from the source Appendix II Public Warning from BPOM RI regarding cosmetics that are dangerous and not notified, as follows:

Table: I

Appendix II Public Warning No. HM.01.1.2.07.2019 concerning Cosmetics Containing Hazardous Ingredients From the Results of the Post Market Alert System Report

Name of Manufacturer/Distributor	Number of Cosmetic Brands	Reasons for Withdrawal	Information Providing Country	Information

	Caught by BPOM RI			
Made in Thailand	15 Types of Cosmetic Brands	Contains Mercury/ Hidroquino/ Tretinoin/ Betamethasone 17-valerate/ Clobetasol Propionate/ P-phenylenediamine	Malaysia, Myanmar	Not Notified
Made in Malaysia	12 Types of Cosmetic Brands	Contains Mercury/ Hidroquino/ Tretinoin	Brunei Darussalam, Malaysia	Not Notified
Made in the Philippines	3 Types of Peacock Cosmetics	Contains Mercury/ Hidroquino/ Tretinoin	Philippines	Not Notified

Data Source: Official BPOM RI Website (Data period 1 July 2020) in Ade Rizki Annisa, DKK.

Data table Appendix II Public Warning No. HM.01.1.2.07.2019 concerning Cosmetics Containing Hazardous Ingredients. From the results of the Post Market Alert System report above, it can be seen that cosmetics with dangerous ingredients are not only circulating in Indonesia, but similar things are also happening in countries such as Malaysia and the Philippines. It is also mentioned in the table that Malaysia and the Philippines are the countries of origin of producers or distributors who distribute cosmetic products with hazardous ingredients and are also countries that provide information about cosmetics with hazardous ingredients. Apart from that, Malaysia and the Philippines also have regulations and procedures for distributing cosmetics to create legal protection for consumers in their countries and outside their countries (Dwi et al., 2022).

The main factor that causes consumer weakness is often due to the low level of legal knowledge and consumer awareness of their rights. Business actors take advantage of conditions like this to gain maximum profits without heeding the obligations that should be attached to business actors. Legal protection for consumers is necessary because consumers are in a weak position. Differences in interests between business actors and consumers cause harm to consumers' physical lives or property, not obtaining optimal benefits from using these goods and services, and poor laws that protect consumer interests (Ramaiah et al., 2019). The lack of public or consumer awareness of illegal cosmetic products has resulted in the illegal cosmetics business continuing to grow. Consumers are attracted by the excessive promotion of illegal cosmetic products from business actors, such as low prices, safe for pregnant and breastfeeding women, clinically tested, instant results, and so on. The Head of the Food and Drug Administration (BPOM) of the Republic of Indonesia appealed to the public as consumers to avoid being lulled by misleading promotions (Azam & Abdullah, 2020).

Every product sale carried out by business actors must include a product label so that consumers can determine whether the beauty product is suitable for use on themselves (on their skin). However, if after using the cosmetic product, the consumer experiences side effects, such as skin disorders, then the consumer has the right to have their opinions and complaints heard about the cosmetic product. This is reasonable because the

information on the cosmetic product does not match the ingredients listed on the label (Anuar Ramli et al., 2018).

The circulation of illegal cosmetics has started to become a problem with the large number of cosmetics containing dangerous and illegal ingredients, the existence of which has become a problem that is quite serious, so treatment is needed to overcome the rise of illegal cosmetics, which cannot be separated from their circulation. Judging from the large number of illegal cosmetics being distributed, it indicates that there are still many producers who violate Article 12 of the BPOM regulations, which contain that Traditional Medicines, Health Supplements and Cosmetics that are distributed must have a distribution permit and comply with good manufacturing methods by the provisions of statutory regulations. Consumers complaining about irritation and burning sensations on their skin due to using cosmetics with dangerous ingredients have experienced incidents that have left them unsafe. This means that their rights as consumers, as regulated in law, are disturbed (Garg, 2021).

Indonesia also has regulations and procedures for the distribution of cosmetics for consumer protection, which are contained in Law No. 8 of 1999 concerning Consumer Protection (from now on referred to as UUPK). The position of weak consumers requires protection of their interests. Legal protection for consumers is based on several consumer rights that need to be protected from actions that may be detrimental. Fraud by business actors distributing dangerous cosmetic ingredients is not found in Indonesia but in Malaysia and the Philippines. Therefore, many countries have created regulations and provisions regarding Consumer Protection.

2. Research Method

This research uses a normative juridical legal method, which essentially examines law based on the text of laws, regulations, policies and other legal documents to become the basis for a comparative study of consumer protection between Indonesia, Malaysia and the Philippines so that it can become a reference for everyone's behaviour (Santoso, 2022). It is stated that comparative legal research aims to determine the principles of the science of one legal regulation with another or one legal system with another.

3. Results and Discussion

Comparison of Indonesian, Malaysian and Philippine Laws regarding Consumer Protection for Online Distribution of Dangerous Cosmetic Materials

According to Soeroso, comparative law is a branch of legal science that uses comparative methods to find the right answers to concrete legal problems. Discussing comparative law, various scholars have different opinions on viewing comparative law, as stated by Joseph Kohler and Sir Frederick Polack, who argue that comparative law is part of general history rather than law (Tahar & Prasetyawati, 2019). Meanwhile, scholars such as Edouard Lambert, Raymond, Kusumadi Pudjosewojo, JBH Bellefroid, L.J Van Apeldoorn, and Soedjono Dirdjosisworo stated that comparative law is an independent legal science. Then, Soenarjati Hartono and Guteridge argued that comparative law is a method of investigation to find similar and different elements in a

field of legal science and not a branch of science. Sarjan Soerjono Soekanto believes comparative law is a method and a science (Liezel Bumanglag, 2022).

Remembering, the significant role of comparative law is, in fact, a comparison that provides an overview of the law of other countries and the law of the author's country and can provide perception or self-reflection in applying this knowledge. Edward J. Eberle suggests four concrete steps in applying comparative legal methodology, including the following:

a. "Evaluate a legal system clearly, objectively and neutrally;
b. Evaluate external laws (laws described concretely in words, actions or utterances);
c. Evaluate the laws that apply in society or law in action, which can also be said to be internal law And
d. Concluding the results of legal comparisons which can reflect the foreign legal culture and the legal culture of the writing of this research."

The formulation in this research analyzes the comparative laws of Indonesia, Malaysia, and the Philippines regarding consumer protection for the distribution of dangerous cosmetic ingredients online. In reality, the legal systems in force in these countries have adopted different legal systems. Just as the State of Indonesia adheres to a Civil Law system, while the State of Malaysia adheres to a Common Law system, the Philippines applies a Civil Law and Common Law system. These two legal systems have had a major influence on the application of law, and almost every country and several countries in the world have adopted them. Most civil law countries adhere to the country of reception principle, namely rules that allow end users to apply consumer protection laws in their country (Ing et al., 2019).

To strengthen this opinion, the researcher describes data from the Association of Southeast Asian Nations (ASEAN) with the specifics of the legal systems adopted by Indonesia, Malaysia, and the Philippines. The author will explain in table form below as follows:

Table: II
Legal Systems in ASEAN Countries,
Specifically, the legal system adopted by Indonesia, Malaysia, the Philippines

No	Country	Legal System
1.	Indonesia	*Civil Law*
2.	Malaysia	*Common Law*
3.	Filipina	*Civil Law and Common Law*

Based on this description, the Common Law System was implemented and began to develop in the 16th Century in England. This legal system rapidly developed outside British territory, such as Canada, America and former British colonies (commonwealth countries), supported by geographic conditions and continuous political and social developments. The history of common law began in 1066 when the government system in England was feudalistic, with the division of controlled territory into the hands of the lord, and the people had to lease it to that lord. The greater power of the lord means that

he can form his court, which is called a minor court (Tri & Susanti, 2020).

In this system, there is no standard law source, as in civil law. The highest source of law is simply the customs of society that have developed in court or have become court decisions. The main source of English Common Law is court decisions. Remember, the first decision was regarding the House of Lords decision regarding provisions in the Human Rights Act of 1998. Meanwhile, the second decision stated that the Minister of the Environment (the Environment Secretary) has broad powers to protect residents from increases in rent prices resulting from court decisions. About rent. The source of law that originates from custom is what makes this legal system called the common law system or unwritten law (Bumanglag, 2022).

Meanwhile, civil law was initially implemented in Germany based on principles influenced by the legalism school, namely the school that came to power in the 19th Century. This school believes that legislative products, especially those in codification, are the only source of law and that there is no law outside of codification. The first and main source of law in this system is Legislation. The laws in this legal system consist of two forms: laws that have been codified and those that have not. The importance of the position of legislators can be seen in the form of occupying a central and best position in managing a society with diverse needs and interests (Michalek et al., 2019).

Civil law laws have a hierarchical structure, such as Legislation in the form of a written constitution (the highest level of regulations). Then, Legislation is in the form of codification or regulations expressed in a complete and systematic form of law regarding legal material and contains universal legal principles (Syamsudin, 2018). Furthermore, regulations from government agencies that are not legislative bodies (state administrative bodies) are formed to implement laws that only regulate matters of a basic nature. Written regulations consist of instructions and administrative circulars regarding the interpretation of legal regulations and mechanisms for monitoring the implementation of laws. Legislation must reflect the values of justice that exist in society. The legal product that is created should not become a regulation that exists but cannot be implemented because the regulation does not protect the welfare of the people and especially does not provide any benefits (Sera Fauzela et al., 2023).

The research results show significant differences in the regulatory framework for consumer protection against the online distribution of dangerous cosmetic ingredients in Indonesia, Malaysia, and the Philippines. As in Article 1, paragraph 1, UUPK defines "consumer protection as all efforts that guarantee legal certainty to protect consumers" (Valda & Walangitang, 2023b). Legal protection for cosmetic consumers so that they feel comfortable, safe and secure regarding the circulation of cosmetics without a normative distribution permit has been sought by the government and its staff by establishing regulations regarding guidance and Supervision based on the Republic of Indonesia POM Agency Decree Number HK.03.1.23.12. 11.10052 of 2011 concerning Supervision of the production and distribution of cosmetics and sanctions based on Law Number 36 of 2009 concerning health, which is expected to make business actors aware so that they carry out business in good faith (Heryansyach & Latumahina, 2022).

Business actors who commit fraud on consumers, such as defects in goods, lack of accuracy in carrying out production, not being the same as what was agreed upon, and mistakes that business actors deliberately make to speed up sales, can be called product

liability. Cosmetics distributed on the market must have permission from BPOM. This is necessary to ensure protection for consumers. A BPOM permit is a distribution permit for a drug and food, including cosmetics, given by the Food and Drug Supervisory Agency, which carries out Supervision to ensure that all products are safe before being distributed and consumed so that they do not harm consumers. BPOM conducts testing and inspections, warns violators, and provides customer complaint channels. To reduce the number of fake cosmetics on the market, it is necessary to increase monitoring and teaching initiatives (Riska et al., 2019).

According to Heryansyach and Latumahina, there are two scopes to fulfil aspects of consumer protection, namely:

a. Consumer protection for a product/goods that finally reaches the buyer's hands if the product purchased does not match what was promised at the beginning before the transaction/during the sale and purchase transaction.
b. Legal protection is where a condition is considered unfair to buyers when transacting.

Article 2 UUPK explains in detail the principles of consumer protection, including:

a. Principle of Benefits
   The content of this principle seeks to maintain the security of buyers in obtaining the maximum possible benefits for the wishes of customers and entrepreneurs as a whole.
b. Principles of Justice
   The content of the principle of fairness has the benefit of freedom for buyers and business people to obtain their privileges and carry out their commitments/obligations evenly.
c. Principle of Balance
   What is meant by the principle of balance is providing harmony between the interests of customers, business actors and public authorities, both materially and spiritually.
d. Security and Safety Principles
   The content of this principle explains that business actors must provide security and safety guarantees for buyers in utilizing and using the product.
e. Principle of Legal Certainty
   The content of this principle explains that business actors or buyers who comply with the rules will obtain legal certainty.

Based on Article 3 of the UUPK, it clearly states the legal objectives of consumer protection, including:

a. Increase consumer awareness, ability and independence to protect themselves;
b. Raising the dignity of consumers by preventing them from negative excesses in the use of goods and services;
c. Increasing consumer empowerment in choosing, determining and demanding their rights as consumers;
d. Creating a consumer protection system that contains elements of legal certainty and information disclosure as well as access to information;
e. Raising awareness among business actors regarding the importance of

consumer protection so that an honest and responsible attitude in business can develop;

f. Improving the quality of goods and services that ensure the continuity of the business of producing goods and services, health, comfort, security and safety of consumers.

The author finds that consumer protection regulations in Indonesia regarding the distribution of dangerous cosmetic ingredients online are regulated based on the Civil Law system, which is spread out in the provisions of a hierarchy of relevant laws and regulations, such as the Consumer Protection Law, ITE Law, Regulations of the Food and Drug Supervisory Agency Number 9 of 2020 concerning the Strategic Plan of the Food and Drug Supervisory Agency for 2020-2024, and Regulation of the Head of BPOM Number 12 of 2020 concerning Procedures for Submitting Cosmetic Notifications (Somadiyono, 2020). However, there are challenges in effectively implementing these regulations due to a need for consistent monitoring and enforcement. Further assessment revealed that in Indonesia, differences in the interpretation of regulations by various government agencies and a need for more human and technical resources in monitoring skincare products are often the main obstacles (Annisa et al., 2023).

In 2006 and 2007, BPOM RI conducted laboratory investigations and tests and found that as many as 23 beauty products contained prohibited species for use as beauty cosmetics, one of which was hydroquinone, with a percentage of more than 2%. BPOM established Food and Drug Monitoring Centers (BBPOM) in each province. BPOM is an agency appointed by the government to supervise the food, so business actors with good intentions to distribute food must register the food product with BPOM (Valda & Walangitang, 2023a). However, many food product business actors do not register their products to obtain legality in marketing them. This situation opens up opportunities to distribute unhealthy food products that can harm people's health.

Business actors' responsibility for these losses can be seen in the contents of Article 19 UUPK, which reads:

a. Business actors are responsible for providing compensation for damage, pollution and loss to consumers resulting from consuming goods and services produced or traded;
b. Compensation, as intended in paragraph (1), may take the form of a refund or replacement of goods and services of the same type or equivalent value or health care and provision of compensation by the provisions of the applicable laws and regulations;
c. Providing compensation is carried out within 7 (seven) days after the transaction date;
d. Providing compensation as intended in paragraph (1) and paragraph (2) does not eliminate the possibility of criminal prosecution based on further evidence regarding the existence of an element of error;
e. The provisions as intended in paragraph (1) and paragraph (2) do not apply if the business actor can prove that the error is the consumer's fault.

Business actors, as economically strong parties, are the ones who make the rules

contained in standard agreements, where these rules are sometimes one-sided. Consumers who suffer losses need to provide evidence of wrongdoing by the business actor to continue their lawsuit (Sudirman & Haryati, 2017). If it is proven that the loss occurred due to the seller's negligence, then the seller may be subject to existing sanctions. However, it is also stated that business actors can be released from liability if they can provide evidence that they are not at fault or that it was not their product that caused harm to consumers. This principle is called the reverse proof principle. Article 28 also states that business actors must prove to themselves whether there is an element of error if there is a lawsuit (Okoya et al., 2023).

On the other hand, policies in the field of Drug and Food Control issued by BPOM directly or indirectly have an impact on increasing the competitiveness, economy and business of the Food Industry and Pharmaceutical, Cosmetic and Medical Device Industries in Indonesia. According to data from the Central Statistics Agency (BPS), the food and pharmaceutical, cosmetic, and medical device sectors contributed 13.35% to the Indonesian economy in 2019, and the Indonesian economy grew by 5.02 (Tunku & Rahman Malaysia, 2020).

Meanwhile, consumer protection regulations in Malaysia regarding the distribution of dangerous cosmetic ingredients online are regulated based on the Common Law system (Somadiyono, 2020). Thus, the State of Malaysia made consumer protection regulations based on the provisions of the Consumer Protection Act or what can be called the CPA of 1999. This law applies to all consumer transactions in Malaysia relating to services and goods that will later be distributed or distributed to one or more consumers in the trading field. It also includes transactions carried out through electronic advice (Dwi et al., 2022). The 1999 Consumer Protection Act covers almost all aspects of consumer protection, such as misleading and deceptive acts, false representations and unfair practices, the safety of goods and services, unfair contract terms, guarantees in the provision of goods and services and product liability. Establishment, structure and functions in other matters related to enforcement, violations, legal remedies, compensation, etc.

In the Consumer Protection Act, the definition of consumer is stated, namely: "consumer" means a person who;

1. “acquires or uses goods or services of a kind ordinarily acquired for personal, domestic or household purposes, use or consumption; and
2. does not acquire or use the goods or services, or hold himself out as acquiring or using the goods or services, primarily for;
3. resupplying them in trade;
4. consuming them in the course of a manufacturing process or
5. in the case of goods, repairing or treating, in trade, other goods or fixtures on land;”

The CPA also recognizes consumer rights, but it is not explicitly stated in Nor Safia Qaisara that some of these consumer rights are:

1) Right to safety (Right to Safety)
2) Right to Information (Right to Information)

3) Right to choose (right to choose)
4) Right to redress (Right to compensation)

The CPA requires public safety to ensure consumer safety, prohibiting any goods that are unsafe, taking into account all matters, including by what means, what the purpose is, whether the goods are or will be marketed, the manufacture of the goods, the use of the brand in connection with the goods, and related instructions or warnings with storage, use and consumption of goods. The CPA also states that when goods are distributed to consumers, this indirectly means that the goods are of good quality and are acceptable. This is stated in Article 32 of the CPA. The CPA further states that the goods are declared to be of good and acceptable quality, namely if the goods are fit for purpose, adequate in appearance and finish, free from minor defects or no defects, safe and durable. If there is a defect in the goods that the consumer is notified of before being sold, then the goods are not deemed to have failed to fulfil the implied guarantee of quality above because of the defect. CPA also states defects occur if product safety is not what someone expects or hopes for (Ramaiah et al., 2019).

In Alicia Valda Veyfra Walangitang, consumer protection regulations are also contained in the 1983 Food Act and 1985 Food Regulations concerning the Ministry of Health, which are also important laws in consumer protection in Malaysia. Both regulations protect consumers in Malaysia from unsafe food and contain specific labelling and nutrition provisions.

Regarding responsibilities related to defective products, CPA does not impose liability on any party related to such defective or unsuitable products. In Article 68, paragraph (1), some parties are responsible if a defect occurs in a product, namely:

1) The producer of the product;
2) the person who, by putting his name on the product or using a trade mark or other distinguishing mark about the product, has held himself out to be the producer of the product and
3) the person who has, in the course of his business, imported the product into Malaysia in order to supply it to another person.

Article 41, paragraph 1 of the CPA states that producers can repair failures, for example, by replacing goods with goods of the same type or providing a refund of money paid and other checks provided by consumers regarding goods where the rod cannot be replaced and repaired by the seller or repair defects or damage. The refunds above are returned according to what has been paid with other considerations or both based on need. In Article 70, paragraph 1, claims based on the Civil Law Law, any damage for which a person is responsible will be deemed caused by wrongful action, negligence or default. If the person who experiences the loss dies, the civil claim will be submitted by a representative. Product liability laws must maintain a fair and appropriate balance between the interests of consumers and producers.

Then, consumer protection in the Philippines regarding the distribution of dangerous cosmetic ingredients online is regulated based on the Civil Law and Common Law systems. The Philippines is known as a country that implements a Presidential Republic system of government, namely a country with a people's government headed by a president who is elected from the people by the people for a certain term of office. The

Philippines runs its government based on the Constitution and Constitution. In the Philippines, a regulation is equivalent to a law called consumer protection against the circulation of cosmetic products from within or outside the country by implementing consumer protection certificate procedures. The types of consumer protection certificates issued are the Philippine Standard (PS) and Import Commodity Clearance (ICC) (Anuar Ramli et al., 2018).

Since 2005, the Philippines has also adopted the ASEAN Cosmetic Directive (ACD) regulations, which are intended to harmonize the cosmetic regulatory scheme in the ASEAN region through the issuance of Department of Health (DOH) Administrative Orders (AO) No. 2005-0015 and 2005-0025. ACD regulates, among other things, pre- and post-marketing regulatory processes, such as cosmetic product notifications and audits of Product Information Files (PIF). Through the Center for Cosmetics and Household/Urban Hazardous Substances Regulation and Research (CCHUHSRR), the Philippines FDA is designated as the authority responsible for implementing this policy in the Philippine territory. This provision is an ASEAN regional regulation that realizes consumer protection against trade in cosmetic products (Garg, 2021).

To increase effectiveness and efficiency and promote information transparency, the FDA issued Memorandum Circular (FMC) No. 2015-011, which became the basis for CCHUHSRR to digitize the Electronic Notification process for cosmetic products through the FDA e-portal. As regulated in the ACD, the Market Authorization Holder (MAH) must ensure compliance with the provisions stated in the ACD, including maintaining the Product Information File (PIF). The MAH must ensure the accessibility and availability of PIF documents for reviews and audits conducted by the FDA. To assist MAH, FDA issued Circular No. 2018-001 and FDA Advisory No. 2022 -0383 to guide PIF requirements. As for the form of implementation of ACD and PIF audits, the FDA is to find irregularities, such as the PIF provided by MAH still not by PIF requirements, the information provided is incomplete to the point of no PIF at all for products circulating on the market. Therefore, it is necessary to enforce ACD regulations to ensure the safety and quality of cosmetic products.

The regulatory scheme for cosmetic quality requirements in the Philippines is issued by the Food and Drug Administration (FDA) as follows:

1) All cosmetic companies must obtain a License to Operate (LTO) before operating - manufacturing, importing, distributing and selling cosmetics.
2) Cosmetic companies must fulfil the requirements under the ASEAN Cosmetic Directive and obtain approval for products before they are marketed.
3) Cosmetics registration requirements include submitting information about the following:
    a. Brand Name;
    b. Product Name;
    c. Variants (if applicable);
    d. List of Ingredients with percentage and function of each ingredient;
    e. Manufacturer's name, address and number;
    f. Company name, address, number and contact person;
    g. Company's LTO number;
    h. Packaging size and type.

4) Cosmetic Label Information:
   a. Product content in weight/volume;
   b. Brand and product name along with the function;
   c. Batch number;
   d. Manufacturing/expiry date of the product in clear terms like month/year;
   e. Country of Manufacture;
   f. Instructions/Directions for use;
   g. List of all ingredients;
   h. Special precautions;
   i. Name and address of the company or person who placed the product on the market.

Efforts to Legally Arrange Consumer Protection for Online Distribution of Dangerous Cosmetic Products in Indonesia, Malaysia and the Philippines

The research results also reveal differences in legal systems and consumer protection practices regarding online distribution of dangerous cosmetic products in Indonesia, Malaysia and the Philippines. In Indonesia, the main obstacles consumers face are limited access to transparent information about cosmetic products and difficulties in reporting problematic products distributed from other countries (Tunku & Rahman Malaysia, 2020). Several dangerous and illegal cosmetic products are still widely circulating on the market without adequate Supervision. Meanwhile, in Malaysia, consumer protection practices are more structured and effective. A strict skincare product registration process ensures that products in circulation have been tested and meet established standards. Consumers also have more access to clear and detailed product information. Malaysia's cosmetic product registration process involves a comprehensive product assessment, including laboratory testing to check its ingredients, safety and effectiveness. NPRA will permit skincare products that meet these requirements to circulate on the market (Santoso, 2022).

On the other hand, the Philippines' laws are based on the civil law and common law systems. This country has regulations equivalent to a law called consumer protection against the distribution of cosmetic products from within or outside the country by implementing consumer protection certificate procedures. Apart from that, since 2005, the Philippines has also adopted the ASEAN Cosmetic Directive (ACD) regulations, which are intended to harmonize the cosmetic regulatory scheme in the ASEAN region through the issuance of Department of Health (DOH) Administrative Orders (AO) No. 2005-0015 and 2005-0025. So, consumers in the Philippines also have better access to cosmetic product information. Clear and detailed product information, including ingredients, instructions, and potential side effects, is often available in easy-to-understand language. This allows consumers to make more informed decisions about the skincare products they purchase and use (Liezel Bumanglag, 2022).

So, to realize the economic goals of Indonesia, Malaysia, and the Philippines, the cosmetic products trade must be oriented towards consumer protection. Apart from that, to harmonize consumer protection against cosmetic products with dangerous ingredients, the ASEAN Regional Guidelines on Competition Policy (Regional Guidelines) can be implemented. The provisions of The ASEAN Regional Guidelines on Competition

Policy (Regional Guidelines) consist of 10 chapters, which are guidelines for ASEAN Member Countries in implementing the ASEAN Economic Community in 2015, whose programs are prepared in a document called the KEA Blueprint Declaration (Blueprint), especially those related to the second characteristic in the KEA Blueprint, namely ASEAN as an economic region with high competitiveness (Competitive Economic Region). The blueprint stipulates provisions regarding the Business Competition Policy, where establishing this policy aims to strengthen a healthy culture (Tri & Susanti, 2020).

Furthermore, it can adopt the ASEAN Cosmetic Directive (ACD) regulations, which are intended to harmonize the cosmetic regulatory scheme in the ASEAN Region through the issuance of Department of Health (DOH) Administrative Orders (AO) No. 2005-0015 and 2005-0025. This increases cooperation and facilitates trade in cosmetic products in the ASEAN region. The scheme guarantees claimed cosmetic products' safety, quality, and benefits. Under the ACD, ASEAN Member States (AMS) must conduct post-market surveillance (PMS) activities and take all necessary measures to ensure that only cosmetic products that comply with the provisions of the ACD, Annexes and Appendix can be placed on the market.

Meanwhile, if you look at the ASEAN Cosmetic Directive in Special Cases in Article 11 paragraph (1), the actions recommended by ASEAN are as follows:

> "Member state may provisionally prohibit the marketing of a cosmetic product in its territory or subject to special conditions if the Member state finds out that based on a substantial justification, the cosmetic product, although complying with the requirements of the Directive, represents a hazard to health or for reasons specific to religious or cultural sensitivity. Certain product claims may be permitted or prohibited by national requirements. Furthermore, the member state, for reasons related to its local organization and laws, may designate a specific competent authority and, subject to a different control. This specific cosmetic product complies with the requirements of this Directive and its annexes. It shall immediately inform the other member state with a copy to the ASEAN Secretary stating the grounds for its decision."

Based on the description above, Indonesian business actors need to know and understand the latest applicable policies, regulations and standards, such as the implementation of ACD in ASEAN countries, including Malaysia and the Philippines, so that they can effectively and efficiently make the necessary adjustments to comply with regulations and established standards. Furthermore, it is hoped that this can continue to expand market access, especially Indonesian exports and reduce technical trade barriers.

4. Conclusion

The conclusions of this research are:

a. This study shows similarities between consumer protection laws in Indonesia, Malaysia, and the Philippines regarding the circulation of dangerous cosmetics online, including adopting the ASEAN Regional Guidelines on Competition Policy (Regional Guidelines) and the ASEAN Cosmetic Directive (ACD) regulations. There are differences in consumer protection laws between Indonesia, Malaysia and the Philippines regarding the distribution of dangerous cosmetics online. Where the legal systems that apply in these countries have different legal systems adopted. Just as the State of Indonesia adheres to a Civil Law system, while the State of

Malaysia adheres to a Common Law system, the Philippines applies a Civil Law and Common Law system. Different legal systems being adopted influence the provisions related to consumer protection for the trade in cosmetic products.

b. To realize the economic goals of the countries of Indonesia, Malaysia, and the Philippines in the cosmetic products trade, they must have an orientation in legal regulation towards consumer protection. Efforts to protect consumers against cosmetic products with dangerous ingredients can implement guidelines. ASEAN Regional Guidelines on Competition Policy (Regional Guidelines) are used in Indonesia, Malaysia and the Philippines regarding consumer protection laws related to the distribution of dangerous cosmetics online. These guidelines serve as a reference to ensure fair competition and protect consumers in the ASEAN region. In addition, it can adopt the ASEAN Cosmetic Directive (ACD) regulations, which are intended to harmonize the cosmetic regulatory scheme in the ASEAN Region through the issuance of Department of Health (DOH) Administrative Orders (AO) No. 2005-0015 and 2005-0025.

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