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# BPOM IN MONITORING AND CONTROLLING ILLEGAL COSMETICS

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Abstract - The distribution of illegal cosmetics is a serious challenge in maintaining public health and safety. Therefore, the Food and Drug Supervisory Agency (BPOM) has a crucial role in monitoring the circulation of illegal cosmetics to protect the public from potential health and safety risks. The type of research conducted is qualitative research. Qualitative research has a descriptive nature and tends to use analysis. In this case, the data source used is primary data, which is data collected directly by researchers from the object, which primary data here is obtained through direct observation in the field, interview results. With its critical role in monitoring the circulation of illegal cosmetics, the Food and Drug Supervisory Agency (BPOM) provides protection to the public from health risks that may arise from the use of cosmetic products that do not meet safety standards. Through strict supervision efforts, BPOM contributes to ensuring that consumers can use cosmetic products with confidence in their quality and safety. In addition, BPOM's role also creates a healthy environment for the cosmetics industry, encourages manufacturers' compliance with existing regulations, and ensures that innovations in the field of beauty can be developed with attention to safety aspects for consumers. Thus, collaboration between BPOM, industry, and the community is key in ensuring the sustainability and safety of the circulation of cosmetic products in the market.

Keywords: Food and Drug Administration, BPOM, cosmetics distribution, illegal cosmetics, surveillance

# INTRODUCTION

Nowadays, cosmetics are a primary consumption item for everyone, especially women. Cosmetics according to the Big Indonesian Dictionary is everything related to beauty in the form of drugs or ingredients to beautify the face, skin, hair and so on such as powder and lip rouge made specifically for women's groups. Likewise, in the era of free trade, the potential and opportunities for import and export are increasingly wide open (Darmawan, 2022; Essardi et al., 2022). This will certainly have an impact on the entry of imported products, both legally and illegally. At the same time, people began to consider that cosmetics have become a basic need that must be fulfilled. Likewise, a woman's desire to always look beautiful is widely utilized by irresponsible business actors by producing or trading cosmetics that do not meet the requirements for distribution to the public. Most women are very interested in buying cosmetic products with low prices and instant results. This is part of the lifestyle (Gardi, 2023). Therefore, many women use alternative ways to buy a product even though the cosmetic products purchased do not meet the requirements and are not registered with the Food and Drug Supervisory Agency (BPOM). People are increasingly attracted by the circulation of illegal cosmetics, both foreign and domestic products, to consume and obtain benefits that enhance the attractiveness of their appearance. The circulation of cosmetics that do not meet the current requirements is seen as increasingly worrying (Najemi et al., 2019). Many cosmetic products in the Indonesian market today are imported products that are not registered and do not list the substances contained in the cosmetics. These products are easy to obtain such as in malls, beauty clinics or from internet sales which make it easier to obtain. The increase in the production, distribution and use of cosmetics has wide implications, especially in its control and supervision. Illegal cosmetics often contain hazardous ingredients, where there have been many cases of side effects from the use of illegal cosmetics ranging from skin allergies, break outs, eye infections, skin cancer to death (Desmedt et al., 2014). The main factor in the circulation of illegal cosmetics is the economic factor that encourages the perpetrators to counterfeit cosmetics in order to obtain maximum profit because genuine cosmetics are very expensive.

The term "illegal cosmetics" does not have a specific definition outlined in regulations. However, it can be inferred or interpreted based on the provisions stated in the regulation of the head of BPOM RI No. HK.03.1.23.12.11.10052 of 2011 regarding the supervision of cosmetics production and circulation. This regulation emphasizes that cosmetic products in circulation must adhere to standards and requirements related to safety, benefits, quality, labeling, claims, and notifications.

From this perspective, an "illegal" cosmetic product can be understood as a product that does not meet the prescribed safety, benefit, and quality standards. These products pose risks to consumers, as they may contain hazardous materials. Additionally, they can harm the country's economy by operating without the necessary distribution permits as mandated by laws and regulations.

It is crucial to ensure that cosmetic products meet these standards to safeguard the well-being of consumers and protect the integrity of the cosmetics industry. Regulatory measures and strict enforcement are necessary to prevent the production, distribution, and trade of illegal cosmetics. By imposing these controls, authorities can uphold consumer safety and maintain the integrity of the cosmetics market.

The distribution of illegal cosmetics raises concerns regarding consumer rights, particularly the right to comfort, security, and safety in consuming goods and services as stipulated in Article 4 Paragraph (1) letter a of Law Number 8 Year 1999 concerning Consumer Protection. Consumers have the fundamental right to be protected. In Indonesia, the Food and Drug Supervisory Agency (BPOM) is responsible for overseeing the circulation of drugs and food, ensuring their safety and quality.

BPOM, the Food and Drug Supervisory Agency, implements a comprehensive and scientifically-based supervision system that aligns with international standards. This system encompasses the entire lifecycle of cosmetic products, from pre-circulation to post-circulation in the market. Despite these efforts, illegal cosmetics still persist in the market, often available at affordable prices.

One of the reasons behind the availability of illegal cosmetics is the absence of a distribution permit number from BPOM. This permit is essential for ensuring that cosmetic products meet the necessary safety and quality standards before being circulated. Additionally, the lack of proper labeling of cosmetic raw materials and the absence of product expiration dates contribute to the issue. Without this important information, consumers are unable to make informed decisions about the products they are purchasing.

The affordability and easy accessibility of these illegal cosmetics further contribute to their widespread consumption. Many consumers are attracted to low-priced products that promise instant results without considering the potential risks or the lack of proper authorization. This demand for cheap and easily accessible cosmetics without proper authorization perpetuates the presence of illegal products in the market.

To address this issue, it is crucial to raise awareness among consumers about the importance of purchasing authorized and safe cosmetic products. Additionally, stricter enforcement of regulations and penalties for those involved in the production and distribution of illegal cosmetics can help deter such activities. By promoting consumer education and effective regulatory measures, steps can be taken to reduce the availability and consumption of illegal cosmetics, ensuring the safety and well-being of consumers.

Consumers' lack of awareness regarding the potential side effects caused by cosmetics containing harmful ingredients becomes an excuse for them to continue using these products. Often, consumers do not conduct thorough research before purchasing cosmetic products, which is a contributing factor to the demand for cosmetics containing harmful ingredients. Women, in particular, tend to purchase cosmetic products without prior consideration due to the perceived immediate benefits they offer.

In conclusion, the distribution of illegal cosmetics infringes upon consumer rights and compromises their comfort, security, and safety. BPOM plays a crucial role in ensuring the safety and quality of cosmetic products through its comprehensive supervision system. However, the availability and affordability of illegal cosmetics, coupled with consumers' lack of awareness and research, contribute to the continued demand for products that may pose health risks. It is essential to raise awareness among consumers about the importance of using authorized and safe cosmetic products to protect their well-being.

This form of supervision includes law enforcement against violators in the field of drugs and food (Putri & Anggraini, 2022). In addition to supervision from the surplus aspect, supervision is also carried out from the demand aspect through community empowerment so that they are able to protect themselves from unqualified food and drug products that pose health risks. Therefore, one of the benefit efforts made by the Government of Indonesia to anticipate the occurrence of things that are not desired by consumers is to form a non-ministerial agency that is authorized in terms of supervision of drugs, food, cosmetics and other complementary products. As the government's goal in establishing BPOM is to provide quality assurance, usefulness, and safety to the public through the implementation of BPOM's duties, functions and authorities.

BPOM, the Food and Drug Supervisory Agency, plays a crucial role in society by ensuring the safety, quality, and effectiveness of cosmetic products. Cosmetics that do not bear the BPOM label cannot guarantee their quality, safety, and benefits. This is because these products bypass the assessment stage in the licensing process. BPOM operates under the authority of the President and the minister responsible for health affairs, and it holds the responsibility of protecting public health. To effectively carry out its duties, BPOM requires a strong food and drug control system. This includes investing in the quality of human resources, fostering professionalism, and ensuring transparency and accountability in public services. Additionally, the agency needs to enhance its information technology systems, laboratories, and other infrastructure facilities. Collaborations with local governments and relevant ministries or institutions are also crucial in supporting BPOM's mission.

By strengthening these aspects, BPOM can further enhance its role in ensuring the safety and quality of cosmetic products in society. The agency's efforts contribute to protecting consumers from potential health risks and maintaining public trust in the cosmetics industry. BPOM also seeks to improve the competitiveness of drug and food products in

local and global markets by providing regulatory support, increasing the independence of drug and food producers and providing technical guidance in meeting standard provisions. Thus, the role of BPOM is very important in overcoming this challenge by increasing supervision, providing education to consumers, and taking legal action against the perpetrators of the illegal cosmetics trade.

#### RESEARCH METHODS

In this study, researchers used a qualitative research method that has a descriptive nature and tends to use normative analysis. This method was chosen so that the research can be directed more precisely in accordance with the research objectives, namely to find out how the supervisory role carried out by BPOM against the circulation of illegal cosmetic products. Qualitative research allows researchers to reveal phenomena contextually by collecting data from natural settings and using researchers as the main instrument. In this study, researchers used primary data as a data source. Primary data is data collected directly by researchers from the object of research. In this case, primary data is obtained through direct observation in the field. Observation is used to directly observe the situation and conditions related to the circulation of illegal cosmetic products, and various related parties, such as BPOM, producers, distributors, and consumers.

In qualitative research, the researcher acts as the main instrument in data collection and analysis. Researchers must have skills in observing, listening, and analyzing data in depth. Data analysis is carried out by identifying patterns, themes, and meanings that emerge from the data that has been collected. The results of this analysis are used to answer research questions and reveal research findings comprehensively. By using qualitative research methods and relevant data collection techniques, this research is expected to provide a deeper understanding of the role of BPOM supervision of the circulation of illegal cosmetic products. The findings of this research can serve as a basis for policy development and more effective actions in addressing this issue.

# RESULTS AND DISCUSSIONS

The Food and Drug Supervisory Agency (BPOM) is basically an institution whose task and authority is to protect consumers from drug and food products including cosmetics. The Food and Drug Supervisory Agency is basically an institution whose background is technological advances that bring rapid and significant changes to the pharmaceutical industry, original Indonesian medicines, food, cosmetics and medical devices. By using modern technology, these industries are now able to produce on a very large scale covering a wide range of products. Changes in production technology, the international trading system and consumer lifestyles are in reality increasing risks with far-reaching implications for consumer health and safety. In the event of sub-standard, defective or contaminated products, the risks will be large-scale and widespread and will occur very quickly.

On every package of food, medicine and cosmetics, there is a BPOM distribution permit number. BPOM is an official body established by the government to oversee the circulation of drug and food products, including cosmetics in the territory of Indonesia. BPOM has the authority to grant or withdraw a production license for a product based on the results of surveys, research and testing of a product that is produced and distributed in the community must have a production permit and distribution permit from BPOM. Based on the Regulation of the Head of the Food and Drug Supervisory Agency of the Republic of Indonesia Number 12 of 2015 concerning Supervision of the Entry of Drugs and Food into the Territory of Indonesia Article 1 Point 14, distribution permit is a form of approval of drug and food registration granted by the Head of the Agency to be circulated in the territory of Indonesia.

According to the Regulation of the Head of the Food and Drug Supervisory Agency of the Republic of Indonesia Number HK.00.05.1.23.3516, a distribution license is a form of registration approval for medicinal products, traditional medicines, cosmetics, dietary supplements, and food issued by the Food and Drug Supervisory Agency of the Republic of Indonesia so that the product can legally be circulated in the territory of Indonesia.

There are several characteristics that indicate that a cosmetic product can be said to be illegal. First, illegal cosmetic products do not have a distribution permit listed on the product being circulated. Every cosmetic product that has obtained a distribution permit will include the permit number. In addition, there are several other characteristics that can help identify illegal cosmetic products. Illegal cosmetic products can have a very noticeable or pungent smell, a very striking color, a texture that feels very sticky, or the use of products that cause dependence. In addition, illegal cosmetic products are often sold at very low prices. Consumers should be careful in choosing cosmetic products and not just be tempted by low prices. Illegal cosmetic products can cause harm to the skin. Therefore, it is important for consumers to recognize the characteristics of illegal cosmetic products and choose products that have a distribution permit.

BPOM has an important role in carrying out supervision of illegal cosmetic products. BPOM conducts investigations by officers based on the results of investigative information and the results of verification and evaluation. BPOM also conducts patrols to the field and conducts electronic surveillance of products sold online. BPOM has the authority to impose administrative sanctions on violations related to illegal cosmetic products. The sanctions can be in

the form of written warnings, withdrawal of products from circulation, destruction of products, temporary suspension of activities, revocation of certificates of good traditional medicine manufacturing methods (CPOTB) or certificates of good cosmetic manufacturing methods (CPKB), as well as cancellation or revocation of distribution permit numbers. BPOM continues to protect the public and maintain the image of cosmetic products in Indonesia by combating illegal cosmetic products. BPOM also cooperates with other countries' food and drug regulatory authorities to follow up on findings related to illegal cosmetic products.

The government, in this case the Ministry of Health and the Food and Drug Administration, takes actions to improve the safety of cosmetics, including: (1) registration, assessment, and testing of cosmetic products before they circulate to the public. Registration has an important meaning in the supervision of cosmetics because in the registration process, careful evaluation and testing is carried out which includes the quality of ingredients, formulations, production methods, and safety aspects of use. Through evaluation and testing in the registration system, the quality and safety of cosmetics before they circulate in the community will be known at an early stage. Cosmetics that obviously contain harmful ingredients will not be given a registration number and declared to be circulating in Indonesia; (2) guidance and inspection of production and distribution methods and quality testing. In order to improve the application of good production methods, the Ministry of Health and BPOM are conducting guidance efforts, especially for the cosmetics industry which is in the developing stage. In addition, the inspection of production and distribution facilities will be increased especially to prevent the circulation of unqualified products. Therefore, the inspection of production and distribution facilities will be increased especially to prevent the circulation of unqualified products. (3) Establishment of specifications and quality standardization The Ministry of Health has published the Indonesian Cosmetic Codex which contains descriptions and requirements of cosmetic ingredients. The Cosmetic Codex is a guideline that must be used in the selection of cosmetic production materials in Indonesia; (4) Monitoring the side effects of cosmetics For cosmetics products that have been registered and are circulating in the community, monitoring is carried out, especially regarding side effects that may arise in their use by the community. The monitoring of side effects is carried out in cooperation with hospitals and involves dermatologists. The results of this monitoring are very important, especially for the revaluation of products in circulation; (5) Counseling and dissemination of information to the public Counseling and dissemination of information are deemed necessary to be continuously improved so that the public can use cosmetics appropriately. correctly, and safely. Similarly, personnel in the field of cosmetics production and distribution need to continue to improve their knowledge and skills by providing the latest information on various aspects related to the progress and development of cosmetics.

Based on the results of the study, it is clear that BPOM registered cosmetics are more expensive so that this is one of the factors causing many business actors not to register their cosmetic products, which is why people are more interested and choose cheap cosmetic products than expensive ones, even though the community itself does not know what the impact of these unregistered cosmetic products is. Therefore, in overcoming the rampant circulation of illegal cosmetics, it is necessary to conduct routine sampling every month of cosmetics in circulation. Implementation of actions if there are violations as stipulated in the laws and regulations in the field of drug and food control. Implementation of cosmetic testing in the context of investigation and investigation. The government issued Ministerial Regulation of the Republic of Indonesia Number 1175/MENKES/PER/VII/2010 on Cosmetics Production License article 2 paragraph (1) states that cosmetics in circulation must meet quality, safety, and usefulness requirements.

Article 4 paragraph (1) states that cosmetic industries that will manufacture cosmetics must have a production license. The production license is valid for 5 (five) years and can be extended. The cosmetics industry in making cosmetics must apply Good Manufacturing Practice (GMP). Industries that meet the requirements of CPKB are granted a Certificate by the Head of the Agency. Consumer ignorance of the original distribution permit from BPOM with a fake distribution permit is also one of the causes of these cosmetic products still being sold in the market. Business actors who distribute illegal cosmetics certainly do not go through the pre-market process, the pre-market itself is supervision carried out as well as assessment and testing of the quality of safety before the cosmetics are circulated so that it can be ascertained that illegal cosmetics are not good for use.

In terms of illegal circulation of cosmetics, there are several factors that are the basis for this circulation, such as: (1) cosmetics originating from abroad enter unofficially where one of the factors causing many cosmetics that are not registered with BPOM is due to the entry of products through illegal means such as by means of entrustment services or commonly referred to as jastip which is very rampant lately, through onlineshop sales which are very practical in purchasing, there are also products that enter through unofficial ports such as those found in Batam, which makes cosmetics without distribution permits independent of BPOM supervision. Supposedly, foreign products can enter Indonesia only if they have an Import Certificate (SKI) issued by BPOM. The letter is one of the requirements for customs to grant entry permits; (2) the factor of high market demand, the factor that causes the circulation of illegal cosmetics is high public demand, hence the circulation of these illegal cosmetics in the market and used by many people. Manufacturers also take advantage of market demand to sell these illegal cosmetics, if there is no high market demand, it is also impossible for business actors to distribute these cosmetics because there is no market demand; (3) factors influenced by misleading advertisements, the influence of advertisements that mislead the public is also the cause of the

increasing circulation of illegal cosmetics, endorsements become one of the icons that can become a mouth in delivering goods that do not have an official permit from BPOM. Rapid technological advances make it easier for sellers to circulate their merchandise, and consumers who do not understand this will be easily fooled by these illegal products.

The Regulation of the Indonesian Food and Drug Administration Number HK.00.05.4.17.45 concerning Cosmetics clearly establishes the protection of cosmetics consumers' right to accurate and transparent information about the condition and guarantee of goods and services. Business actors in the cosmetics industry have an obligation to provide complete information to avoid any potential losses to consumers. This regulation aims to ensure that consumers are well-informed about the products they purchase.

Furthermore, in cases where cosmetic consumers suffer losses, Article 19 of the General Consumer Protection Law (GCPL) mandates that business actors provide compensation. The government also plays a role in fostering, supervising, and facilitating the process to ensure that cosmetic consumers receive the compensation they are entitled to.

To ensure consumer comfort and legal protection, the Indonesian Food and Drug Administration (BPOM) conducts routine supervision in various cosmetic stores. This serves as a mechanism for BPOM to be accountable to consumers, ensuring that only products with proper distribution permits are available in the market. In cases where consumers suffer losses due to the use of dangerous cosmetics, BPOM initiates mediation to find a solution. The compensation provided depends on the agreement reached between the consumer and the business actor involved, as these consumer disputes are typically resolved outside of court.

Overall, the Indonesian regulatory framework provides a comprehensive approach to protecting the rights of cosmetics consumers, ensuring that they have access to accurate information, appropriate compensation, and a mechanism for resolving disputes. By actively supervising the market and facilitating mediation, BPOM plays a crucial role in safeguarding consumer interests and promoting consumer confidence in the cosmetics industry.

The sale of dangerous cosmetics without proper distribution permits is a serious offense that can result in criminal charges. The Indonesian Food and Drug Administration (BPOM) takes strict measures to ensure the safety of cosmetics in the market. In cases where suspicions arise, BPOM conducts direct examinations and laboratory tests to verify compliance with the regulations outlined in the Decree of the Head of the Food and Drug Administration of the Republic of Indonesia number HK.00.05.4.1745 of 2003 concerning Cosmetics. If the laboratory test results reveal non-compliance with the provisions regarding cosmetic ingredients, the case is then delegated to the investigation section for further action through legal channels. The objective is to hold business actors accountable for their actions and ensure the safety of consumers.

Based on Article 39 of the aforementioned decree, various administrative sanctions can be imposed on business actors who violate the regulations. These sanctions include written warnings, withdrawal of cosmetic products from the market, withdrawal of advertising for these cosmetics, destruction of the non-compliant cosmetics, temporary suspension of production activities, import distribution, storage, transportation, and delivery of cosmetics, as well as revocation of certificates and distribution permits.

By imposing these sanctions, the Indonesian regulatory authorities demonstrate their commitment to consumer safety and the enforcement of regulations in the cosmetics industry. The strict measures and legal consequences serve as a deterrent to business actors who may consider engaging in unlawful practices or neglecting the safety of their products.

The Indonesian government, through the BPOM, takes decisive actions to prevent the distribution of dangerous cosmetics. The examination, laboratory testing, and subsequent legal proceedings are all part of an extensive effort to protect consumers and ensure that business actors comply with the regulations.

Regarding law enforcement against business actors who sell cosmetics that do not meet the distribution permit and threaten health that can be detrimental will be carried out: (1) warned business actors who sell cosmetics or who own shops, kiosks, stalls are warned with a statement letter that it is true that they have sold cosmetics without a distribution permit containing hazardous ingredients and can be detrimental to consumer health and promise not to repeat such actions. If after making the statement, they still sell cosmetics that do not meet the distribution permit and are dangerous, the business actor or seller will be prosecuted and the shop will not be closed because it is not the authority of the POM Agency; (2) fostering business actors, fostering business actors in question is counseling for business actors. Business actors here are considered legally capable because obtaining a license has quite complicated stages. The POM Agency intends to provide a deterrent aspect to business actors who commit crimes. Stores that sell dangerous products and do not fulfill distribution permits are not merely immediately sealed with the intention that business actors are still given the freedom to sell legal products, so because the guidance carried out is expected to be able to make business actors deterred and will not repeat their actions. If during this process the business actor is caught still selling dangerous products and does not fulfill the distribution permit, then the punishment will be more severe, namely with aggravation.

Destruction, withdrawal, and confiscation of goods or products Destruction, withdrawal, and confiscation are carried out at cosmetics factories and shops that after being examined from laboratory results are proven to produce, sell, and distribute dangerous and unsatisfactory cosmetics that are not in accordance with the provisions in making cosmetics. The withdrawal and confiscation of cosmetics must be carried out in accordance with existing regulations and cannot be arbitrarily carried out as stipulated in the Regulation of the Head of the Food and Drug Supervisory Agency of the

Republic of Indonesia Number 11 of 2017 concerning criteria and procedures for withdrawal and destruction of cosmetics. Consumers who feel they have suffered losses due to counterfeiting of cosmetic products and are dangerous if used, can make a complaint through the Consumer Complaint Service Unit (ULPK), from which the complaint will be followed up by the Head of the POM Agency as regulated in the Regulation of the Head of the Food and Drug Administration of the Republic of Indonesia NumberHK03.1.23.12.11.10050 of 2011 concerning Procedures for Management and Follow-up of Violation Reports within the Food and Drug Administration.

#### CONCLUSIONS

The Food and Drug Supervisory Agency (BPOM) plays a vital role in safeguarding public health by actively monitoring and preventing the circulation of illegal cosmetics. This ensures that consumers can trust the quality and safety of the cosmetic products they use. BPOM's enforcement of regulations encourages industry compliance, fostering a culture of responsibility and accountability. Collaboration between BPOM, industry stakeholders, and the community strengthens the regulatory framework and prioritizes consumer health and safety. Overall, BPOM's efforts create a safe and sustainable environment for cosmetic product circulation, giving consumers peace of mind.

There are several suggestions that can be implemented to improve the supervision and protection of cosmetics consumers. First, it is necessary to maintain and improve the role of the Center for Food and Drug Control (BPOM) in reducing the circulation of cosmetics containing hazardous ingredients that do not comply with standards. Second, BPOM needs to conduct more intensive supervision and sufficient personnel to ensure that cosmetic products without distribution permits do not circulate freely in the market. Third, it is important to increase the awareness of readers and users of cosmetics to be more careful in choosing safe and quality products. Fourth, manufacturers and distributors of cosmetics without BPOM labels need to be given strict warnings and sanctions regarding the quality, safety, and benefits of the cosmetic products they distribute. Fifth, business actors must comply with regulations in distributing cosmetics that are potentially harmful to consumers. They must also provide clear information about the products they sell and pay attention to consumer rights. Finally, there needs to be better cooperation between BPOM, the Directorate General of Customs and Excise, and consumers in monitoring the entry of imported cosmetics into Indonesia, and consumers also need to be careful in choosing cosmetics without distribution permits. With the implementation of these suggestions, it is hoped that the supervision and protection of cosmetic consumers can be more effective and consumers can use cosmetic products safely and with quality.

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