

Disharmony of Criminal Norms in Accountability for Illegal Skincare Distribution in Digital Marketplaces

Lulut Dyah Wardani^{1*}, Suryawan Raharjho²

^{1,2}Faculty of Law, Janabadra University, Indonesia

Article Info

Article history:

Received 2026-05-23

Revised 2026-06-30

Accepted 2026-07-25

Keywords:

Criminal Liability

Digital Marketplace

Economic Crimes

Illegal Skincare

Normative Disharmony

ABSTRACT

The rapid growth of digital marketplaces in Indonesia has intensified the circulation of illegal skincare products, posing public health risks and undermining criminal enforcement. Prior studies focus mainly on civil and administrative consumer protection, leaving criminal norm disharmony underexplored. This study analyzes criminal norm construction, identifies normative disharmony, and reconstructs criminal liability for illegal skincare distribution in digital marketplaces. A normative juridical approach was applied through statutory, conceptual, and case-based analysis of primary, secondary, and tertiary legal materials. Findings reveal that criminal norms remain partial and sectoral, producing norm conflicts, overlapping regulations, and regulatory gaps—particularly concerning digital platform intermediaries and anonymous perpetrators. Normative disharmony is the primary obstacle to effective law enforcement. Reconstructing criminal liability through expanded legal subjects, corporate criminal liability, limited strict liability, and regulatory harmonization across the Health Law, Consumer Protection Law, and ITE Law is essential to strengthen legal certainty and consumer protection.

This is an open-access article under the [CC BY-SA](#) license.



Corresponding Author:

Lulut Dyah Wardani

Faculty of Law, Janabadra University

E-mail: geolulu88@gmail.com

1. INTRODUCTION

The global cosmetics industry has seen significant growth, driven by the penetration of digital technology and changes in consumer behavior. Indonesia has become one of the largest cosmetics markets in Southeast Asia, driven by rising self-care awareness and easier access via digital platforms [1]. The growth of the national cosmetics industry is in line with the expansion of e-commerce, which is increasingly dominant in product distribution [2]. The e-Conomy SEA 2023 report shows that Indonesia's digital e-economy reached USD 82 billion, with the e-commerce sector as the main contributor [3]. On the other hand, the development of digital marketplaces has also given rise to new legal issues, as the Indonesian Food and Drug Authority (BPOM RI) continues to discover thousands of illegal cosmetic

items each year, including products without distribution permits and products containing hazardous materials marketed through marketplaces and social media [4]. This situation indicates that the advancement of digital commerce has not been matched by optimal oversight of the distribution of illegal skincare products.

The phenomenon of illegal skincare circulation on digital marketplaces is closely related to the characteristics of electronic commerce, which are anonymous, cross-regional, and involve many distribution actors [5]. Sellers often lack a clear identity, while digital platforms serve only as intermediaries in transactions between sellers and consumers [6]. Normatively, the prohibition on the distribution of illegal cosmetics is stipulated in various regulations, including Law Number 36 of 2009 concerning Health, Law Number 8 of 1999 concerning Consumer Protection, and the Electronic Information and Transactions Law. However, the implementation of these regulations still faces various obstacles. In 2022, the Indonesian Food and Drug Authority (BPOM RI) recorded more than 2,000 distribution facilities violating regulations on cosmetics distribution, including sales through digital platforms [7]. The lack of synchronization among legal norms governing criminal liability in the digital ecosystem has led to suboptimal law enforcement.

This disharmony in legal norms creates uncertainty about who is responsible for distributing illegal skincare products. Businesses can operate anonymously and across jurisdictions, making them difficult for law enforcement to reach. On the other hand, digital platforms often hide behind their intermediary status, merely providing a means for transactions [8]. Consumers, as injured parties, are also in a weak position to obtain legal protection [9]. This problem is not only related to the effectiveness of law enforcement, but also concerns the principles of legality, the principle of error, and the principle of *ultimum remedium* in criminal law [10]. Ambiguity regarding criminal responsibility may conflict with the principle of legality, which demands legal certainty about who can be punished [11].

Academic research on consumer protection and e-commerce in the digital e-conomy has flourished in recent years. Research emphasizes the importance of legal certainty and consumer protection in e-commerce transactions, but still focuses on civil and administrative aspects [12]. Research on legal protection of fintech consumers without examining the criminal liability of digital platforms [13]. Overdevest and Zeitlin's study also highlights the importance of collaborative regulation in digital governance, but does not specifically address criminal liability in e-commerce or the distribution of illegal products. This situation indicates that studies on the disharmony of criminal law norms regarding accountability for the distribution of illegal skincare products on digital marketplaces are still limited, thereby opening up space for more in-depth research using a normative approach [14].

This research assumes that disharmony in legal norms is a major factor in the suboptimal enforcement of illegal skincare products on digital marketplaces. The high circulation of illegal products, as reported by the Indonesian Food and Drug Authority (BPOM RI), demonstrates that existing regulations have not kept pace with the development of digital technology and e-commerce. Rapid technological developments demand adaptations to the legal system, including criminal law [15]. The law's inability to keep pace with technological developments can create space for crimes that are difficult for the law to reach [16]. Therefore, this study aims to analyze the disharmony in criminal law norms

regarding the accountability for the distribution of illegal skincare products in the digital marketplace, with the aim of producing a clearer, more adaptive, and fairer concept of criminal accountability [17].

2. METHODS

This research employs a normative juridical approach, drawing on statutory, conceptual, and case-based sources. The research analyzes the disharmony in criminal law norms regarding the accountability for illegal skincare distribution on digital marketplaces through a systematic review of applicable positive norms. The data used are secondary, consisting of primary, secondary, and tertiary legal materials. Primary legal materials include relevant laws and regulations such as Law Number 36 of 2009 concerning Health, Law Number 8 of 1999 concerning Consumer Protection, and the Electronic Information and Transactions Law. Secondary legal materials include SINTA and Scopus-indexed scientific journals, criminal law textbooks, and expert doctrines. Tertiary legal materials include legal dictionaries and encyclopedias to support understanding of terminology.

Data collection is conducted through literature reviews, tracing, and inventorying legal materials relevant to the research issue [18]. Data analysis techniques use qualitative methods alongside prescriptive legal reasoning [19]. The analysis was conducted through legal interpretation, norm systematization, and legal discovery to identify disharmony among laws and regulations governing the distribution of illegal skincare products on digital marketplaces. An argumentative approach was used to construct a coherent and consistent criminal liability framework within the national legal framework [17].

3. RESULTS AND DISCUSSION

The Construction of Criminal Law Norms in Regulating the Distribution of Skincare in Indonesia

The distribution of skincare products as part of cosmetic preparations is regulated by various legal instruments that address health, consumer protection, and electronic transactions, thereby forming a complex normative system [20]. This complexity affects the construction of criminal law, especially in determining prohibited acts, the legal subjects responsible, and the types of sanctions that may be imposed [21]. Therefore, analyzing normative construction is crucial for understanding the regulation of the distribution of illegal skincare products, particularly in a digital context that involves multiple distribution actors.

The main regulations regarding cosmetics are contained in Law Number 36 of 2009 concerning Health, which establishes safety, quality, and benefits as the main principles. Article 106 paragraph (1) states that "Pharmaceutical preparations and medical devices may only be distributed after obtaining a distribution permit." Violations of this provision are subject to criminal penalties under Article 197 with a maximum prison sentence of 15 years and a maximum fine of IDR 1,500,000,000.00. This provision shows that health law uses a repressive approach in protecting the public from dangerous products. Criminal liability under this law focuses on producers and distributors, with intent as the basis for punishment [21]. This approach is in line with the principle of *geen straf zonder schuld*, which

emphasizes that there is no crime without fault [22]. As a result, the scope of accountability towards other actors, such as digital platforms, remains limited [23].

In addition, Law Number 8 of 1999 concerning Consumer Protection provides an additional dimension in protection against the circulation of dangerous products. Article 8 paragraph (1) letter a states that "Business actors are prohibited from producing and/or trading goods and/or services that do not meet or do not comply with the required standards and provisions of laws and regulations." Violations of these provisions are subject to criminal sanctions as stipulated in Article 62 paragraph (1) with a maximum prison sentence of 5 years or a maximum fine of IDR 2,000,000,000.00. This norm expands the scope of criminal liability not only to distribution permits, but also to product quality and safety standards [24]. Business actors are responsible for losses caused by the products they market, both directly and indirectly. However, these regulations do not explicitly address the characteristics of digital commerce, which involves platforms acting as intermediaries.

The Electronic Information and Transactions Law regulates digital transactions. Article 28 paragraph (1) states that "Any person who intentionally and without authority spreads false and misleading news that results in consumer losses in Electronic Transactions." This provision is relevant in skincare promotions that use exaggerated or misleading claims in digital marketing. Criminal sanctions are regulated in Article 45A paragraph (1) with a maximum prison sentence of 6 years and/or a maximum fine of IDR 1,000,000,000.00. This regulation shows that criminal law not only regulates products, but also the information conveyed in digital transactions. Legal subjects in this norm include business actors, influencers, and other parties who spread misleading information. However, the responsibility of digital platforms as providers of transaction facilities remains unclearly regulated, creating gaps in the construction of criminal liability.

Table 1. Mapping of Criminal Law Norms in Regulating the Distribution of Skincare in Indonesia

Aspect	Health Law	Consumer Protection Act	ITE Law
Legal Subject	Manufacturers, distributors	Businessmen	Each person
Prohibited Acts	Distributing without a distribution permit	Trading goods that do not meet standards	Spreading misleading information
Elements of Error	Intentional	Intention or negligence	Intentional
Criminal Sanctions	15 years in prison, a fine of Rp. 1.5 billion	5 years in prison, a fine of Rp. 2 billion	6 years in prison, a fine of Rp. 1 billion
Protection Focus	Public health	Consumer rights	Honesty of information

Source: Author's Analysis

Regulatory mapping shows that each law has a different focus on protection, resulting in a construction of norms that is not fully aligned. The Health Law emphasizes product safety, the Consumer Protection Law focuses on protecting consumer rights, while the Information and Electronic Transactions Law focuses on digital information. These differing orientations reflect a sectoral approach that could create disharmony in the application of criminal law to the distribution of illegal skincare products.

The concept of criminal liability in Indonesian law is fundamentally based on the principle of fault, which requires an element of intent or negligence in every criminal act. In the context of distributing illegal skincare products, intent is crucial to proving whether the perpetrator knew the products they were distributing lacked a distribution permit or did not meet safety standards. Complexity arises because digital marketplaces involve multiple parties, making it difficult to determine who is at fault in the distribution.

The development of modern criminal law has shifted towards corporate criminal liability, allowing corporations to be treated as subjects of criminal law [25]. In digital marketplaces, platforms can be categorized as corporations that facilitate product distribution. However, existing regulations do not explicitly address the criminal liability of digital platforms for distributing illegal skincare products, leading to unclear legal enforcement [26]. A criminal law approach that is too rigid is also considered less capable of reaching new forms of crime resulting from technological developments [26].

The multi-actor nature of digital marketplaces poses serious challenges in establishing criminal liability. Business actors can operate anonymously using false identities, making them difficult to identify. Digital platforms act only as transaction intermediaries and are not directly involved in the production of goods [5], while consumers often lack adequate access to information on product safety [27]. This condition indicates that the existing normative structure is not yet fully able to accommodate the complexity of legal relations in digital commerce.

Data from the Indonesian Food and Drug Monitoring Agency (BPOM) shows that the majority of illegal cosmetics are distributed through digital platforms, with over 1,500 illegal cosmetic items discovered in 2023, valued at tens of billions of rupiah. This indicates that digital marketplaces have become a primary channel for distributing illegal products. Normative structures that still rely on conventional relationships between producers and consumers have led to fragmented norms and legal uncertainty [23]. Therefore, a more comprehensive analysis of the interactions between legal norms is needed to identify weaknesses in the legal system's enforcement of criminal sanctions against the circulation of illegal skincare products on digital marketplaces.

Normative Disharmony and Criminal Liability Problems in the Marketplace Ecosystem

The discussion on normative disharmony and the problem of criminal liability in digital marketplaces demonstrates that the Indonesian criminal law has not fully accommodated the complexities of digital commerce, particularly regarding the distribution of illegal skincare products. This study compares Law No. 36 of 2009 on Health, Law No. 8 of 1999 on Consumer Protection, and Law No. 11 of 2008 on Information and Electronic Transactions, as amended by Law No. 1 of 2024. The analysis focuses on normative conflicts, normative gaps, and overlapping regulations that impact the uncertainty of criminal liability.

The inconsistency of norms is evident in the differences in the construction of legal subjects across laws. Article 196 of the Health Law states that "Any person who intentionally produces or distributes pharmaceutical preparations and/or medical devices that do not meet the standards and/or requirements for safety, efficacy or benefit, and quality shall be subject

to criminal penalties...". The phrase "any person" indicates that legal subjects include both individuals and corporations. Meanwhile, the Consumer Protection Law places greater emphasis on business actors who conduct transactions with consumers. In marketplace transactions, the question arises as to whether digital platforms qualify as business actors or merely intermediaries.

The Electronic Information and Transactions Law introduces the concept of Electronic System Providers (ESOs), which encompasses parties that provide and operate electronic systems. This provision opens up the possibility of categorizing marketplaces as legal entities. However, the ITE Law does not explicitly impose criminal liability on platforms for illegal transactions conducted by users [28]. As a result, a regulatory vacuum has emerged regarding the limits of digital platforms' liability for distributing illegal skincare products.

These differences in construction create disharmony in determining who is responsible for distributing illegal skincare products on digital marketplaces. Sellers can be considered legal subjects under the Health Law and the Consumer Protection Law, but the existence of anonymous perpetrators often hinders law enforcement [29]. The unclear identities of sellers, the use of fake accounts, and cross-jurisdictional activity highlight a gap in norms governing criminal liability for digital businesses.

The disharmony is increasingly apparent because the ITE Law does not specifically regulate the platform's obligation to verify the products traded on it. Article 15, paragraph (1) only states that "Every Electronic System Organizer is obliged to organize an Electronic System reliably and securely...". This norm is still general and does not yet regulate the supervision of illegal goods. As a result, a conflict of norms arises because the Health Law and the Consumer Protection Law place responsibility on sellers, while the ITE Law does not provide a clear legal basis for ensnaring marketplace platforms in the distribution of illegal skincare products.

Table 2. Comparison of Norm Construction in Regulating the Distribution of Illegal Skincare

Aspect	Health Law	Consumer Protection Act	ITE Law
Legal Subject	Every person (including corporations)	Businessmen	Electronic System Organizer
Focus Settings	Product safety	Consumer protection	Electronic systems
Prohibition	Product distribution does not meet standards	Misleading information, dangerous products	Distribution of illegal content
Criminal Sanctions	Prison and fines	Prison and fines	Limited to electronic content
Platform Responsibility	Not regulated	Not regulated	Not specific

Source: Author's Analysis

Table 2 shows the fragmentation of norms, leading to ambiguity in determining the subject of criminal responsibility. This situation undermines law enforcement effectiveness, as officials struggle to determine the appropriate legal basis for cases involving the distribution of illegal skincare products on digital marketplaces.

Disharmony in norms is also evident in the formulation of prohibited acts. The Health Law prohibits the distribution of products that fail to meet safety and quality standards; the Consumer Protection Law prohibits the distribution of goods that do not comply with consumer information requirements, while the Electronic Information and Transactions (ITE) Law focuses on the unlawful distribution of electronic information. These three laws have not been clearly integrated into the regulation of the distribution of illegal goods in the digital space, leading to overlapping norms and legal uncertainty.

In law enforcement practice, this disharmony is evident in the Food and Drug Monitoring Agency (BPOM)'s findings regarding thousands of illegal cosmetic products marketed through marketplaces. BPOM data from 2023 shows that the value of illegal cosmetics seized exceeded IDR 30 billion, with the majority marketed through digital platforms [4]. This fact shows that marketplaces have become the primary means of distributing illegal products, while existing regulations have not been able to effectively ensnare digital platforms.

Another problem arises in proving the element of fault in criminal law. The principle of fault requires the existence of an element of intent or negligence as the basis for criminal responsibility [10]. In digital marketplaces, proving the truth is complex because it involves multiple parties, including sellers, platforms, and logistics providers. Sellers may claim ignorance of substandard products, while platforms may argue they merely provide a means of transaction. This creates a gray area in the application of the fault principle.

The principle of legality, a fundamental principle of criminal law, is also impacted by normative disharmony. This principle asserts that no act can be punished without clear regulations. The lack of regulatory synchronization regarding the responsibilities of anonymous platforms and businesses indicates that existing norms do not fully comply with the principles of *lex certa* and *lex stricta* [22]. Gerhard Werle emphasized that certainty of norms is the main requirement in criminal accountability to prevent arbitrary criminalization.

Disharmonious norms also impact the application of corporate criminal liability. The Health Law and the Consumer Protection Law create the possibility of corporate criminal liability but do not yet provide a clear mechanism for digital platforms. Meanwhile, the ITE Law recognizes the existence of Electronic System Providers (PSE), but does not explicitly regulate corporate criminal liability for user activities. This situation indicates a normative vacuum in imposing criminal sanctions on digital marketplace platforms.

Table 3. Forms of Normative Disharmony in Digital Marketplace Regulation

Types of Disharmonies	Form	Impact
Norm Conflict	Differences in legal subjects	Uncertainty of the perpetrator
Norm Emptiness	There is no platform liability regulation	Platform is hard to trap
Overlap	Prohibition provisions in several laws	Overlapping law enforcement
Fragmentation	There is no integration between laws	Ineffectiveness of enforcement

Source: Author's Analysis

Disharmony in norms directly affects the effectiveness of law enforcement, as officials struggle to determine the appropriate legal basis for prosecuting perpetrators. The choice between the Health Law, the Consumer Protection Law, and the Electronic

Information and Transactions (ITE) Law often depends on subjective interpretations by law enforcement officials. This situation has the potential to lead to disparities in verdicts in cases of illegal skincare distribution in digital marketplaces.

Difficulties also arise in determining the *locus delicti* and *tempus delicti* in digital transactions. Marketplaces, as virtual spaces, lack clear territorial boundaries, making it difficult to determine jurisdiction [30]. The business actor may be located abroad while the victim is in Indonesia. Although the ITE Law recognizes the principle of extraterritoriality, its application in cases of illegal goods distribution remains limited, resulting in less than optimal cross-jurisdictional law enforcement.

Identifying perpetrators is another obstacle for law enforcement. Anonymous business actors exploit weak verification systems in marketplaces [24]. Many sellers use fake identities or are not officially registered, making it difficult for law enforcement to identify perpetrators definitively. Furthermore, digital platforms lack a strong legal obligation to thoroughly verify user identities [1].

Disharmony in norms also impacts consumer protection, as consumers are the most disadvantaged parties in digital transactions. The Consumer Protection Law does grant consumers the right to obtain safe products, but it does not yet provide an effective protection mechanism for marketplace-based transactions. Digital platforms, acting as intermediaries, also lack clear legal obligations to guarantee the safety of traded products.

This analysis shows that the disharmony of norms regarding criminal liability in the digital marketplace ecosystem is a complex structural issue. The lack of synchronization among the Health Law, the Consumer Protection Law, and the Electronic Information and Transactions (ITE) Law creates legal uncertainty, thereby affecting the effectiveness of law enforcement. The fragmented construction of norms makes it difficult to determine legal subjects, establish culpability, and impose criminal sanctions. The unclear responsibilities of anonymous platforms and business actors also have the potential to violate the principles of legality, legal certainty, and justice in criminal law.

Reconstruction of Criminal Liability in the Circulation of Illegal Skincare Products in Digital Marketplaces

The reconstruction of criminal liability for the distribution of illegal skincare products on digital marketplaces emerged in response to normative disharmony within the Indonesian legal system, including conflicts, gaps, and overlapping regulations. This situation indicates that the existing criminal law framework remains oriented towards conventional models and is not fully able to accommodate the multi-actor, cross-jurisdictional, and information-technology-based characteristics of the digital ecosystem. Therefore, legal reconstruction is necessary to create a criminal liability system that provides legal certainty, justice, and effective law enforcement.

This reconstruction needs to begin with an expansion of the paradigm of criminal responsibility, which no longer places individuals as the sole subjects, but also corporations and digital platforms as intermediaries [22]. The concept of corporate criminal liability is crucial because marketplaces actively regulate the transaction ecosystem through algorithms, verification systems, and internal policies. According to Muladi, corporate

criminal liability must be based on the corporation's social function and level of control over the unlawful act [21]. Thus, digital platforms can be held accountable if they fail to monitor the circulation of illegal products.

Furthermore, norm reconstruction should consider the limited application of the strict liability concept, particularly in cases related to consumer health and safety. This approach allows for direct criminal penalties without proof of wrongdoing against businesses selling products without distribution permits or platforms that fail to comply with verification obligations adequately. The application of strict liability must still adhere to the principle of proportionality to avoid violating the principle of justice. Andrew Ashworth's view emphasizes that strict liability can be justified in cases involving a substantial public interest, such as protecting public health [31].

Reconstruction must also broaden the scope of criminal law to digital platforms as Electronic System Providers (ESOs). The gap in the norms in the Electronic Information and Transactions Law regarding platform criminal liability needs to be filled through a functional perpetration approach, specifically addressing functional actors. These parties play a significant role in the commission of a crime. Marketplace platforms that provide transaction facilities, manage systems, and derive economic benefits can be categorized as functional actors. Furthermore, the application of criminal law must adhere to the principle of ultimum remedium, ensuring that criminal sanctions are used as a last resort after administrative and civil instruments are ineffective.

Ultimately, the reconstruction of criminal liability must be directed at harmonizing the Health Law, the Consumer Protection Law, and the Electronic Information and Transactions (ITE) Law to create a legal system that is coherent and adaptable to developments in digital technology. Integrated regulations need to clearly divide responsibilities between businesses and digital platforms clearly. Businesses are responsible for product legality and security, while platforms are responsible for system oversight and transaction verification. This integrated normative framework is expected to increase the effectiveness of law enforcement while providing optimal protection for consumers without hindering the development of the digital e-economy.

Table 4. Reconstruction of Criminal Liability in the Digital Marketplace

Actor	Form of Responsibility	Basis of Accountability
Businessmen	Circulation of illegal products	Fault / Strict Liability
Platform	Negligence of supervision	Negligence / Functional Liability
Corporation	Internal policies	Corporate Liability
Third party	Distribution/logistics	Inclusion

Source: Author's Analysis

Table 4 shows that criminal liability for the distribution of illegal skincare products on digital marketplaces is collective and distributed according to each actor's role in the digital ecosystem. This approach adapts to the nature of digital commerce, which involves business actors, marketplace platforms, and transaction support parties in a single distribution chain. Reconstruction of criminal liability must also consider the evidentiary aspects of criminal law. Digital evidence such as transaction data, system logs, and electronic

footprints can be used to prove the involvement of parties in the distribution of illegal products [32].

The effectiveness of law enforcement is highly dependent on officers' ability to understand digital technology and analyze electronic evidence [25]. Therefore, strengthening law enforcement's technical capacity is crucial to ensuring the optimal implementation of legal norms.



Figure 1. Criminal Responsibility Reconstruction Model in Digital Marketplace Ecosystem

Reconstruction of criminal liability must also consider jurisdictional aspects of cross-border digital transactions. The extraterritorial principle in the ITE Law can be used to reach perpetrators outside Indonesia, although its implementation requires international cooperation and effective law enforcement mechanisms.

Integrating penal and non-penal approaches is crucial in building an adaptive legal system. Penal approaches provide a deterrent effect through criminal sanctions, while non-penal approaches serve as prevention through regulation and oversight. The combination of the two is expected to more comprehensively address the circulation of illegal skincare products.

A harmonious reconstruction of norms will increase the effectiveness of law enforcement through clarity regarding legal subjects, prohibited acts, and criminal accountability mechanisms. In addition to strengthening consumer protection, this new construction must also integrate classical criminal law principles with the needs of the digital era in an adaptive, proportional manner, and be oriented toward protecting the public interest [33].

4. CONCLUSION

The findings confirm that the Health Law, Consumer Protection Law, and ITE Law operate in a fragmented, sectoral manner, resulting in norm conflicts, regulatory gaps, and overlapping provisions. Digital platforms remain unregulated as criminal law subjects, while anonymous perpetrators exploit weak verification systems, making effective enforcement difficult. These structural weaknesses directly answer the research question: normative

disharmony is the primary factor undermining criminal accountability in Indonesia's digital marketplace ecosystem.

Theoretically, this study enriches the discourse on digital criminal law by demonstrating that conventional liability models—anchored on individual fault—are inadequate for multi-actor digital commerce. It advances the functional liability framework as a necessary extension of corporate criminal liability doctrine to accommodate platform intermediaries. For policymakers and practitioners, the findings underscore the urgency of harmonizing the Health Law, Consumer Protection Law, and ITE Law into an integrated legal instrument. Regulatory reform should explicitly designate digital platforms as legal subjects, mandate identity verification obligations, and introduce limited strict liability for health-threatening products. Law enforcement agencies also need capacity-building in digital forensics and in cross-border cooperation mechanisms.

This study is limited by its exclusive reliance on normative juridical analysis, without empirical data on actual enforcement practices, judicial decisions, or platform compliance behavior. The findings therefore reflect the normative ideal rather than operational reality. Future research should adopt empirical or socio-legal approaches to assess how law enforcement agencies handle digital marketplace cases in practice, examine judicial interpretation of existing norms, and evaluate the effectiveness of platform self-regulation in curbing illegal skincare distribution.

REFERENCES

- [1] LP Dewi. (2021). Digital Marketplace Regulation in Indonesian Legal Perspective. *Indonesian Journal of International Law*, 7(1). <https://doi.org/10.14710/ijil.v7i1.12059>.
- [2] Ministry of Industry of the Republic of Indonesia. (2023). The national cosmetics industry grows positively amidst global pressure. Ministry of Industry of the Republic of Indonesia. <https://kemenperin.go.id/artikel/24527/Industri-Kosmetik-Nasional-Tumbuh-Positif-di-Tengah-Tekanan-Global>
- [3] Google, Temasek, & Bain & Company. (2023). e-Conomy SEA 2023: Reaching new heights. <https://economysea.withgoogle.com/>
- [4] BPOM RI. (2023). Public warning on illegal and dangerous cosmetics. Food and Drug Monitoring Agency of the Republic of Indonesia. <https://www.pom.go.id/>
- [5] Hufron, H., Fikri, S., Hadi, S., Shulga, I., & Wibowo, AS (2024). Digital Platform Power Play: Indonesian and European Union Law Perspective. *Lex Scientia Law Review*, 8(2), 707–742. <https://doi.org/10.15294/lslr.v8i2.13669>
- [6] Silalahi, PH, & Soemartono, GP (2024). Entrepreneurs' Liability for Counterfeit Brand Skincare Products on the Shopee Marketplace. *Ranah Research: Journal of Multidisciplinary Research and Development*, 6(4), 617–628. <https://doi.org/10.38035/rj.v6i4.857>
- [7] BPOM RI. (2022). BPOM Finds Thousands of Problematic Cosmetic Distribution Facilities. Food and Drug Monitoring Agency of the Republic of Indonesia. <https://jakarta.pom.go.id/peringatan-publik/0>
- [8] Walia, I., & Kumar, D. (2021). Need for Revamping Information Technology Laws in India. *Brawijaya Law Journal*, 8(2), 202–215. <https://doi.org/10.21776/ub.blj.2021.008.02.03>
- [9] A. Nugroho. (2022). Criminal Liability in Electronic Commerce. *Journal of Legal Media*, 22(1). <https://doi.org/10.18196/jmh.v22i1.15247>
- [10] Husamuddin, M., Efendi, S., Hamdi, S., & Rahma, I. (2024). Reference Book on Criminal Procedure & Cyber Crime. Media Publisher Indonesia.
- [11] Baker, D. J., & Robinson, P. H. (2021). *Artificial Intelligence and the Law: Cybercrime and Criminal Liability*. Routledge.
- [12] Susanti, D & Ramli, TS (2020). Consumer protection in electronic commerce transactions in Indonesia. *Journal of Legal, Ethical and Regulatory Issues*, 23(1). <https://doi.org/10.35877/454RI.jleri.2020.23.2.187>

- [13] Benuf, K. (2020). The Urgency of Legal Protection Policies for Fintech Peer-to-Peer Lending Consumers Due to the Spread of Covid-19. *Jurnal Rechts Vinding: Media for National Legal Development*, 9(2), 203. <https://doi.org/10.33331/rechtsvinding.v9i2.427>
- [14] Overdevest, C., & Zeitlin, J. (2018). Experimentalism in transnational forest governance: Implementing European Union Forest Law Enforcement, Governance and Trade (FLEGT) Voluntary Partnership Agreements in Indonesia and Ghana. *Regulation & Governance*, 12(1), 64–87. <https://doi.org/10.1111/rego.12180>
- [15] Azzahra, TD, & Lukitasari, D. (2025). Protection of Victims of Artificial Intelligence Identity Forgery Crimes in the 2023 Criminal Code. *Recidive: Journal of Criminal Law and Crime Prevention*, 14(2), 165. <https://doi.org/10.20961/recidive.v14i2.99191>
- [16] Dwiandari, AS, & Arifin, R. (2025). Criminal Law Enforcement on Digital Identity Misuse in AI Era for Commercial Interests in Indonesia. *The Indonesian Journal of International Clinical Legal Education*, 7(1), 37–66. <https://doi.org/10.15294/iccle.v7i1.25525>
- [17] Irwansyah. (2020). Legal research: Choice of methods & practice of article writing. Mirra Buana Media.
- [18] Peter Mahmud Marzuki. (2017). Legal research: Revised edition. Prenada Media.
- [19] Efendi, J & Ibrahim, J. (2018). Normative and empirical legal research methods. Prenada Media.
- [20] A. Pratama. (2022). Legal Analysis of the Criminal Act of Distribution of Cosmetics Without a Distribution Permit. *Kanun Journal of Legal Studies*, 24(2). <https://doi.org/10.24815/kanun.v24i2.26333>
- [21] Muladi, & Priyatno, D. (2015). *Corporate Criminal Liability* (3rd Edition). Kencana.
- [22] Moeljatno. (2008). *Principles of Criminal Law*. Rineka Cipta
- [23] Anand, G., Silviana Putri, D., Nugraha, X., Hartono, J., & Ayu Pusparani, M. (2022). Legal Implications on Cancellation of Agreements Made Prior to Custody for Good Faith Land Buyers. *Padjadjaran Journal of Law*, 9(2), 253–275. <https://doi.org/10.22304/pjih.v9n2.a6>
- [24] I. Rahmawati. (2021). Consumer Protection in Digital Transactions. *De Jure Law Journal*, 23(2). <https://doi.org/10.30659/jdh.v23i2.18945>
- [25] Maradona. (2013). *Indonesian Criminal Law: Corporate Criminal Liability Developments in The Indonesian Criminal Legal System*. Airlangga University Press
- [26] Arief, BN (2010). *Anthology of Criminal Law Policy*. Kencana Prenada Media Group
- [27] Susanto, YA, Prabawani, RD, & Aulia Najah, N. (2025). Review of Customary Criminal Law: A Recognition or Reduction in the New Criminal Code. *ADLIYA: Journal of Law and Humanity*, 19(1), 77–96. <https://doi.org/10.15575/adliya.v19i1.44458>
- [28] Calo, M.R. (2013). Digital Market Manipulation. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.2309703>
- [29] Fairgrieve, D., Busch, C., Büyüksagis, E., Garrett, Z.G., Straetmans, G., Karaiskos, A., Linley, R.D., Markou, C., Paterson, J.M., & Sharkey, C.M. (2024). Product Liability And Online Marketplaces: Comparison And Reform. *International and Comparative Law Quarterly*, 73(2), 477–504. <https://doi.org/10.1017/S0020589324000046>
- [30] Kaushal, R., van de Kerkhof, J., Goanta, C., Spanakis, G., & Iamnitchi, A. (2024). Automated Transparency: A Legal and Empirical Analysis of the Digital Services Act Transparency Database (Version 2). *arXiv*. <https://doi.org/10.48550/ARXIV.2404.02894>
- [31] ASHWORTH, A. (2023). *Principles of Criminal Law* (9th ed.). Oxford University Press. <https://www.pure.ed.ac.uk/ws/portalfiles/portal/371041438/CornfordA2023PrinciplesOfCriminalLaw.pdf>
- [32] Escalante-Huisacayna, L., Riega-Virú, Y., Nilupú-Moreno, K., & Salas-Riega, J. L. (2025). Criminal Liability and Artificial Intelligence: A Systematic Review of the Scientific Literature. In A. Nagar, D. S. Jat, D. Mishra, & A. Joshi (Eds), *Intelligent Sustainable Systems* (Vol. 1177, pp. 473–483). Springer Nature Singapore. https://doi.org/10.1007/978-981-97-8695-4_43
- [33] Napieralska, A., & Kępczyński, P. (2024). Redefining Accountability: Navigating Legal Challenges of Participant Liability in Decentralized Autonomous Organizations (Version 1). *arXiv*. <https://doi.org/10.48550/ARXIV.2408.04717>