

ABSTRACT

This research is motivated by the increasingly widespread practice of deceptive advertising in the marketing of Chinese skincare products in Indonesia, especially by influencers through endorsements on UGC-based social media, which has not been fully covered by the Indonesian positive legal system. This practice utilizes regulatory loopholes and has the potential to harm consumers, especially in terms of limited transparency of product information, both in claims of composition or active ingredients and the origin of the product. This research uses normative juridical method with statutory, conceptual, and comparative approaches. Data is obtained through a literature study of laws and regulations, legal journals, and literature related to digital marketing practices and consumer protection. The results show that regulations related to deceptive advertising are still general, without specific arrangements for influencer-based marketing practices and UGC content. In addition, administrative sanctions in BPOM Regulation No. 3 of 2022 do not cover company closure, and supervision of product claims is still weak due to limited laboratory infrastructure and comparative standards. Influencers as legal subjects are still in a gray area, making it difficult to attract their legal liability. Prosecution of deceptive advertising offenders also faces serious evidentiary challenges, as consumers do not have access to endorsement contracts, and laboratory test results.

Keywords: Consumer Protection, Deceptive Advertising, Social Media Influencer, Skincare

ABSTRAK

Penelitian ini dilatarbelakangi oleh semakin maraknya praktik deceptive advertising dalam pemasaran produk skincare China di Indonesia, khususnya oleh influencer melalui endorsement di media sosial berbasis UGC, yang belum sepenuhnya dijangkau oleh sistem hukum positif Indonesia. Praktik ini memanfaatkan celah regulasi dan berpotensi merugikan konsumen, terutama dalam hal keterbatasan transparansi informasi produk, baik dalam klaim komposisi atau bahan aktif maupun asal-usul dari produk tersebut. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan, konseptual, dan perbandingan. Data diperoleh melalui studi pustaka terhadap peraturan perundang-undangan, jurnal hukum, serta literatur terkait praktik pemasaran digital dan perlindungan konsumen. Hasil penelitian menunjukkan bahwa regulasi terkait deceptive advertising masih bersifat umum, tanpa pengaturan spesifik terhadap praktik pemasaran berbasis influencer dan konten UGC. Selain itu, sanksi administratif dalam Peraturan BPOM No. 3 Tahun 2022 tidak mencakup penutupan perusahaan, serta pengawasan klaim produk masih lemah akibat keterbatasan infrastruktur laboratorium dan baku pembandingan. Influencer sebagai subjek hukum masih berada dalam wilayah abu-abu, sehingga sulit menarik pertanggungjawaban hukum mereka. Penuntutan terhadap pelaku deceptive advertising juga menghadapi tantangan serius dalam aspek pembuktian, karena konsumen tidak memiliki akses terhadap kontrak endorsement, dan hasil uji laboratorium.

Kata Kunci: *Perlindungan Konsumen, Deceptive Advertising, Social Media Influencer, Skincare.*