

CHAPTER I

INTRODUCTION

A. Background of the Study

Skincare products are used on the skin for various purposes, such as soothing, restoring, repairing, and/or protecting the skin. Facial cleansers, moisturizers, and sunscreens are commonly used skincare products.¹ In 2020, the local skincare industry experienced impressive growth, with an increase of 94.3 percent.² The National Agency of Drug and Food Control (*Badan Pengawasan Obat dan Makanan* - BPOM) reported that the number of domestic beauty industry companies grew by 20.6 percent, increasing from 819 in 2021 to 913 in July 2022. Additionally, the Expert Staff of the Minister of Industry for Strengthening Domestic Industry Capability (*Bidang Penguatan Kemampuan Industri Dalam Negeri*), Ignatius Warsito, stated that the skincare industry contributed 1.78 percent to the national gross domestic product (GDP).³

Globalization has brought significant changes in various aspects of life, including the trade sector. It has facilitated free trade, allowing products and

¹ Ardhi Satria, "Mengenal Sisi Positif Dan Negatif Dalam Penggunaan Skin Care," *Universitas Gadjah Mada*, 2021, accessed on February 4, 2025, from <https://ugm.ac.id/id/berita/21564-mengenal-sisi-positif-dan-negatif-dalam-penggunaan-skin-care/>.

² Kumparan, "Skincare China Dominasi Pasar, Bukti Nyata Algoritma Project S TikTok Di RI?," *KumparanBISNIS*, 2023, accessed on October 11, 2024, from <https://kumparan.com/kumparanbisnis/skincare-china-dominasi-pasar-bukti-nyata-algoritma-project-s-tiktok-di-ri-20ooDZN0U3u/full>.

³ Wardhani Anita, "Persaingan Skincare Ketat, Ini Cara Pebisnis Lokal Hadapi Gempuran Produk Korea Dan China," *Tribunbisnis*, 2023, accessed on November 1, 2024, from <https://www.tribunnews.com/bisnis/2023/07/26/persaingan-skincare-ketat-ini-cara-pebisnis-lokal-hadapi-gempuran-produk-korea-dan-china>.

services from one country to enter another easily.⁴ The existence of international agreements, particularly in the economic field, which require the establishment of Free Trade Agreements (FTAs), such as the ASEAN-China FTA and ASEAN-Hong Kong FTA, opens up significant opportunities by capitalizing on consumer demand for affordable products. Free trade is further accelerated by Trade Through Electronic Systems (*Perdagangan Melalui Sistem Elektronik* - PSME) and e-commerce, where transactions are conducted through electronic devices and procedures, along with the rapid growth of online stores.⁵ In the context of digital trade, regulations governing the delivery of information in electronic transactions are crucial. The Electronic Information and Transactions Act (*Informasi dan Transaksi Elektronik* - ITE) requires business actors offering products through electronic systems to provide complete and accurate information regarding the products being offered.

E-commerce facilitates access to international markets for local products and introduces foreign products into the Indonesian market, enabling companies from various regions worldwide to expand their consumer base.⁶

This development includes the skincare industry, which has witnessed

⁴ Putri Utami Dian Safitri, "Tanggung Jawab Pelaku Usaha Terhadap Konsumen Atas Iklan Produk Kosmetik Yang Menyesatkan," *Jurnal Legislasi Indonesia* 18, no. 4 (2021): 542, <https://doi.org/10.54629/jli.v18i4.866>.

⁵ Oktaviyani Pestauli Sinaga, Nelli Herlina, and Herlina Manik, "Perlindungan Hukum Terhadap Konsumen Dalam Transaksi Jual-Beli Melalui Media Facebook," *Zaaken Journal of Civil and Business Law* 04, no. 1 (2023): 73, <https://doi.org/10.22437/zaaken.v4i1.22450>.

⁶ Laksmi Diana et al., "Peranan Digital Marketing Sebagai Media Pemasaran Umkm Crep's Star," *Buguh: Jurnal Pengabdian Kepada Masyarakat* 2, no. 4 (2022): 2, <https://doi.org/10.23960/buguh.v2n4.1239>.

increasing popularity.⁷ As a result of globalization, Chinese skincare products have rapidly expanded in Indonesia. In 2020, the market share of Chinese skincare products was only 5.7 percent, whereas by 2022, this market share surged dramatically to 57.2 percent, surpassing even local products.⁸

The development of trade through e-commerce has had a significant impact on global consumer behavior patterns.⁹ One significant impact of this technological advancement is the emergence of new professions, namely Social Media Influencers or SMI (hereinafter referred to as Influencers). An Influencer is an individual who possesses a significant influence on social media and is capable of affecting the purchasing decisions of their followers.¹⁰ Due to their significant number of followers, they possess the ability to influence consumer behavior psychologically by promoting products or services through their opinions,¹¹ including skincare products sold online. They engage in endorsement, which involves collaborating¹² with brands to

⁷ Wiwik Sri Widiarty and Edy Kurniawan Tampubolon, "Perlindungan Kosmetik Terhadap Produk Iklan Menyesatkan," *Jurnal Hukum: Hukum Untuk Mengatur Dan Melindungi Masyarakat* 6, no. 1 (2020): 79, <https://doi.org/10.33541/JtVol5Iss2pp102>.

⁸ Djailani Mohammad Fadil, "Produk China Banjiri Pasar RI, Disebut Penjajahan Era Modern," *suara.com*, 2023, accessed on October 11, 2024, from <https://www.suara.com/bisnis/2023/09/04/145625/produk-china-banjiri-pasar-ri-disebut-penjajahan-era-modern>.

⁹ Defy Oktaviani and Nagendra Shreshta, "Exchange Rates Elasticity of Exports in ASEAN: The Role of Global Value Chains," *Buletin Ilmiah Litbang Perdagangan* 15, no. 1 (2021): 2, <https://doi.org/https://doi.org/10.30908/bilp.v15i1.538>.

¹⁰ I Made Lovi Pusnawan, "Sanksi Hukum Terhadap Endorser Yang Mempromosikan Produk Kosmetik Ilegal," *Jurnal Kertha Semaya* 8, no. 7 (2020): 1102.

¹¹ Bena Apeles Deru Parayow and Nonie Magdalena, "Analisis Social Media Influencer Dan Followers Dalam Mendorong Ikatan Emosional Dan Niat Pengadopsian Perubahan Perilaku Masyarakat Di Masa Pandemi Covid-19," *Journal of Integrated System* 6, no. 2 (2023): 125, <https://doi.org/10.28932/jis.v6i2.4448>.

¹² Retno Sary, "Pengaruh Selebgram Endorsment Terhadap Minat Pembelian Pada Online Shop Melalui Media Sosial Instagram Dalam Perspektif Ekonomi Islam (Studi Pada Followers Instagram @nunirizkypermata)" (Universitas Islam Negeri Raden Intan Lampung, 2021).

promote specific products in a manner perceived as more natural and authentic compared to traditional advertising,¹³ intending to gain brand awareness, that is, introducing their brand to the public.¹⁴

Endorsement is one of the most commonly used promotional methods by influencers. In endorsement, influencers promote specific products to their followers to increase brand awareness and product sales. Endorsements may take the form of product reviews, the use of products in daily life, or simply advertising through posts or videos.¹⁵

In practice, endorsement is not always beneficial; not all endorsements are conducted correctly and accurately, and many influencers deliberately engage in deceptive advertising practices.¹⁶ One misleading endorsement by influencers that has caused significant harm to the public as consumers is the endorsement of Chinese skincare products in Indonesia, with advertisements presenting misleading¹⁷ or false information about the products. It is not uncommon for endorsement practices to be carried out without considering the accuracy of the information conveyed.¹⁸

¹³ *Op. Cit. I Made Lovi Pusnawan*. p 1101.

¹⁴ Nicholas Anthony Setiabudi, Ignatius Wisnu Prabaseno, and Catharina Aprilia Hellyani, "Pengaruh Influencer Terhadap Brand Awareness Dari Produk Skincare," *Co-Value: Jurnal Ekonomi, Koperasi & Kewirausahaan* 14, no. 5 (2023): 154.

¹⁵ Irfan Maulana, Jovanna Merseyside br. Manulang, and Ossya Salsabila, "Pengaruh Social Media Influencer Terhadap Perilaku Konsumtif Di Era Ekonomi Digital," *Majalah Ilmiah Bijak* 17, no. 1 (2020): 30, <https://doi.org/10.31334/bijak.v17i1.823>.

¹⁶ Ilma Ainun Nabila Fasya, Anne BerlianthaShavira, and Ghita Rhakasiwi, "Pelanggaran Etika Periklanan: Paradigma Tanggung Jawab Hukum Influencer Terhadap Perbuatan Endorsement," *Mahasiswa Hukum Unpas* 1, no. 2 (2022): 94.

¹⁷ Celine Tri Siwi Kristiyani, *Hukum Perlindungan Konsumen* (Jakarta: Sinar Grafika, 2017), 34.

¹⁸ Iskandar, Tubagus Akbar Ganjar & Osa Omar Sharif, "Pengaruh Customer Review dan Influencer Endorsement Terhadap Purchase Intention Pada Produk Whitelab Dengan Trust Sebagai Variabel Moderasi," *Jurnal e-Proceeding of Management* 9, no. 5 (2022): 2824-2831.

Deceptive advertising refers to a practice where a product or service is promoted in a manner that can deceive or provide false information to consumers, thereby influencing their purchasing decisions.¹⁹ In Indonesia, regulations related to deceptive advertising are governed by the Act No. 8 of 1999 concerning Consumer Protection (Consumer Act), which prohibits business actors from promoting goods and/or services by making uncertain promises, prohibits promoting goods as originating from a specific region without evidence, and prohibits the use of false and misleading information in advertising. In relation to cosmetic products, misleading advertising can involve unsubstantiated claims, exaggerating the benefits of a product without sufficient evidence, or falsifying the origin of the product.²⁰ This can include claims about the safety, effectiveness, or ingredients used in beauty products, as well as the country of origin of the product. Such advertisements may also feature false claims, claims that cannot be scientifically proven, or claims that do not meet the applicable testing standards.²¹ Influencers collaborating with cosmetic brands may unknowingly influence their followers to purchase products that do not meet the promises promised, such as benefits or quality that are far from reality. This constitutes a form of advertising that can harm consumers.

¹⁹ *Ibid.* p 32.

²⁰ Anastasia Situmorang and Dwi Surya Hartati, "Perlindungan Hukum Terhadap Konsumen Atas Iklan Berupa Annual Report Yang Menyesatkan," *Hangoluan Law Review* 1, no. 2 (2022): 544.

²¹ Dio Afriyanto Minta, Agustinus Hedewata, and Sukardan Aloysius, "Perlindungan Hukum Konsumen Dari Praktik Iklan Yang Menyesatkan Oleh Pelaku Usaha Di Kota Kupang Berdasarkan Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen," *Referendum: Jurnal Hukum Perdata Dan Pidana* 1, no. 3 (2024): 11, <https://doi.org/10.62383/referendum.v1i3.60>.

Chinese skincare products sold with exaggerated claims about their ability to address skin issues do not align with reality, causing consumers to feel deceived after using the products.²² Based on the data obtained, deceptive advertising cases in Indonesia have been increasing. Many products are marketed with unsubstantiated claims, leading to widespread consumer disappointment and harm. The BPOM has recorded an increase in violations of cosmetic advertising that do not comply with applicable regulations, with cosmetic advertising violations reaching 27.85 percent in 2021.²³ The data from BPOM also reflects the high level of influence that advertising has in shaping consumer purchasing decisions. This statistic indicates an urgent need to strengthen oversight of cosmetic product advertisements and to ensure that the information conveyed does not harm consumers.

An example is the serum product from The Originote, which claims to contain 10 percent Niacinamide, but after testing, it was found to contain only 4.97 percent. Similarly, the Retinol serum, which claims to contain three types of retinol, was found to have no detectable retinol content after testing.²⁴ Although the product is BPOM certified, it remains problematic due to the claimed ingredients. This is because BPOM, in carrying out its supervisory functions, only examines the basic safety of skincare products without

²² Swadesi et al., “Perlindungan Hukum Terhadap Konsumen Terkait Label Berbahasa Asing Dalam Suatu Produk Kosmetik,” *Jurnal Analogi Hukum* 3, no. 3 (2021): 344.

²³ Rohmatul Hidayah, Sri Nuringwahyu, and Daris Zunaida, “Persepsi Konsumen Tentang Labelisasi BPOM Pada Pembelian Kosmetik Impor,” *Jurnal Jiagabi* 11, no. 1 (2022): 7.

²⁴ Nisa Handayani, “Hasil uji labnya bikin banyak orang kecewa! The Originote beri tanggapan ke Doktif: Kami selalu...,” Hopa.is, 2024, accessed on 3 February, 2024, from <https://www.hops.id/unik/29413803476/hasil-uji-labnya-bikin-banyak-orang-kecewa-the-originote-beri-tanggapan-ke-doktif-kami-selalu>.

conducting in-depth testing on the specific ingredients. As a result, BPOM only conducts limited checks on the general safety of skincare products without testing the effectiveness or quality of the claimed active ingredients.²⁵

This marketing strategy, involving deceptive advertising, also utilizes falsification of the country of origin or the place where the product is from, as exemplified by Skintific.²⁶ In its implementation, Skintific conducts endorsements by reviewing products, claiming that the brand is a local product, or using hashtags such as #skincarelokal and #serumlokal. However, the products are registered under PT. May Sun Yvan and produced by Zhongshan Sinno Cosmetic Co. Ltd, located in Guangdong, China. This leads consumers to question the unclear and dishonest origin of the product.

Alyssa, et al. state that the majority of consumers have expressed disappointment towards Skintific's marketing strategy, which is considered misleading, particularly regarding the country of origin associated with the brand.²⁷ Numerous Chinese brands conceal the fact that they originate from China and instead present themselves as local products. The Originote and Glad2Glow employ a similar marketing strategy, which is marketed as local brands. However, upon further investigation, these products are found to be from China. The use of influencers in marketing, coupled with a lack of

²⁵ “Rencana Strategis Tahun 2020-2024 Pusat Pengembangan Pengujian Obat Dan Makanan Nasional,” BPOM, 2020, accessed on 15 December, 2024, from <https://www.pom.go.id/storage/sakip/Pusat-Pengembangan-dan-Pengujian-Obat-dan-Makanan-Nasional.pdf>.

²⁶ Alyssa Arlini and Sarah Derma Ekaputri, “Konstruksi Makna Terkait Country of Origin Brand Skintific Pada Komunitas Siber ‘X,’” *Komversal: Jurnal Komunikasi Universal* 6, no. 2 (2024): 341, <https://doi.org/10.38204/komversal.v6i2.2052>.

²⁷ *Ibid.* p 346.

transparency, has led to misunderstandings among consumers,²⁸ especially for 54 percent of Indonesian consumers who prefer using locally-made beauty and skincare products.²⁹

Although influencers cannot be directly subject to criminal sanctions in cases of deceptive advertising, their liability can still be pursued through civil litigation based on the Civil Code, specifically Article 1366, which governs liability for negligence. Consumers who suffer harm can file a lawsuit for unlawful acts (*Perbuatan Melawan Hukum* – PMH) as stipulated in Article 1365 of the Civil Code, provided there is an unlawful act, damage, fault, and the obligation for compensation. However, proving an unlawful act often faces challenges, particularly in establishing fault and causal connection.³⁰ In this context, this research does not focus on sanctions for influencers, but rather on the liability towards consumers who are harmed due to deceptive advertising conducted by business actors and influencers within the digital marketing system.

Based on the above explanation, the urgency of this research lies in the growing phenomenon of product endorsements through influencers, which do not always comply with valid advertising regulations. Although the Consumer Protection Act prohibits the false advertising of goods and/or suggesting that the goods originate from a specific region, the law does not

²⁸ Aisyah Llewellyn, “Are Chinese-Made Skincare Brands Downplaying Their Origins to Appeal to Southeast Asians?,” Everand, 2024, accessed on November 5, 2024, from <https://www.everand.com/article/729823755/Are-Chinese-Made-Skincare-Brands-Downplaying-Their-Origins-To-Appeal-To-Southeast-Asians>.

²⁹ *Op. Cit. Alyssa Arlini and Sarah Derma Ekaputri*. p 341.

³⁰ *Op. Cit. I Made Lovi Pusnawan*. p 1107.

specifically regulate electronic advertising or consumer protection for those harmed by the use of Chinese skincare products. This becomes a crucial issue given the prevalence of misleading advertisements circulating digitally on User Generated Content (UGC), where digital platform users are allowed to create, publish, interact, or distribute their content in real-time, particularly in the skincare sector, which can harm consumers.³¹ This research aims to provide an analysis of the existing regulations and offer recommendations for stricter oversight of advertising practices, particularly those involving influencers in the promotion of skincare products.

B. Research Question

Based on the problem formulation that has been established, the author presents several research questions to examine in this study, namely:

1. Are there any regulations governing the practice of deceptive advertising in the promotion of skincare products in Indonesia?
2. Do consumers have the right to take legal action against influencers and business actors who engage in deceptive advertising of Chinese skincare products?

³¹ “The Future of User-Generated Content | Leverage Authentic Voices For Your Brand,” Commit Agency, 2023, accessed on November 20, 2024, from <https://commitagency.com/blog/the-future-of-user-generated-content-leverage-authentic-voices-for-your-brand/>.

C. Objective of the Study

Based on the research questions that have been formulated, the objectives and benefits of this study are:

1. This study aims to analyze and identify the legal regulations governing deceptive advertising practices in the promotion of skincare products in Indonesia.
2. This research aims to analyze the form of legal protection provided to consumers who are harmed as a result of influencer influence and the use of Chinese skincare products in Indonesia.

D. Significance of the Study

The writing of this research is expected to provide relevant contributions both theoretically and practically. The following are some of the benefits of this research for this thesis:

1. Theoretically, this research is expected to contribute to the literature in the field of consumer protection against deceptive advertising in the digital era. The findings of this study can serve as a reference for future studies related to consumer protection in the digital era.
2. Practically, this research can serve as a guide to understanding consumer rights and how consumer protection can be applied against deceptive advertising practices in the digital era. Additionally, this research may provide insights related to advertising regulations to prevent harm to consumers.

E. Conceptual Framework

1. Consumer Protection

Consumer protection is an effort made to ensure that consumer rights are protected from harmful practices in trade transactions.³² In Indonesia, consumer protection is regulated through Act No. 8 of 1999 regarding Consumer Protection, which regulates the obligation of business actors to provide clear, honest, and not non-misleading information about the goods or services marketed.³³ This protection includes the right of consumers to obtain products that are safe, quality, and in accordance with the claims or descriptions provided by business actors. In addition, the Consumer Protection Act provides a legal basis³⁴ to prosecute business actors who are proven to commit violations such as deceptive advertising, which can harm consumers materially or non-materially.

In the context of digital commerce, consumer protection has become increasingly relevant with the widespread promotion of products through social media and e-commerce platforms. The role of influencers in digital marketing, for instance, has become a crucial element in modern marketing strategies. However, this practice also

³² Alfina Maharani and Adnand Darya Dzikra, "Fungsi Perlindungan Konsumen Dan Peran Lembaga Perlindungan Konsumen Di Indonesia," *Jurnal Ekonomi Manajemen Sistem Informasi* 2, no. 6 (2021): 661, <https://doi.org/10.31933/jemsi.v2i6>.

³³ Ahmadi Miru and Sutarman Yodo, *Hukum Perlindungan Konsumen* (Jakarta: Raja Grafindo Persada, 2004), 1.

³⁴ Febrian, Suci Flambonita, and Putu Samawati, *Hukum Perlindungan Konsumen*, I (Palembang: Unsri Press, 2022), 2.

creates opportunities for deceptive or misleading advertising, particularly in the skincare industry, where products are often marketed with exaggerated claims. Therefore, strict oversight by regulatory bodies such as BPOM, along with more specific regulatory measures, is necessary to ensure that consumers are protected from purchasing products that fail to meet established standards or pose potential health risks. Additionally, increasing consumer awareness of their rights³⁵ is a crucial aspect of fostering a fair and transparent marketplace.

2. *Deceptive Advertising*

Deceptive advertising refers to advertising practices that convey false, misleading, or incomplete information about a product or service with the intent of influencing consumers' purchasing decisions.³⁶ In the context of digital marketing, deceptive advertising often appears in the form of exaggerated claims, scientifically unverified statements, or falsified information regarding aspects such as a product's origin, ingredients, or promised benefits.³⁷ For example, skincare products promoted by influencers on social media often include claims such as "guaranteed to whiten skin in a week" without scientific evidence or transparency regarding potential risks. Such practices not only violate

³⁵ *Op. Cit. Kristiyani*. p 34.

³⁶ Zhihong Gao, "Controlling Deceptive Advertising in China: An Overview," *Journal of Public Policy and Marketing* 27, no. 2 (2008): 165–77, <https://doi.org/10.1509/jppm.27.2.165>.

³⁷ Kenneth S. Corts, "Prohibitions on False and Unsubstantiated Claims: Inducing the Acquisition and Revelation of Information through Competition Policy," *Journal of Law and Economics* 56, no. 2 (2013): 453–86, <https://doi.org/10.1086/668835>.

advertising ethics but may also constitute legal violations if the information provided contradicts consumer protection regulations.

3. *Social Media Influencer*

Social Media Influencer is a social media user who has established credibility within a specific industry. These content creators have access to a broad audience and can share information to persuade others and drive social media engagement through their authenticity and reach. Social media influencers often collaborate with brands, promoting products or services to their followers in exchange for monetary compensation, free products, or discounts.³⁸

4. *Skincare*

Skincare is a series of facial skin care activities to maintain the health and appearance of the skin, as well as to overcome various problems on the skin.³⁹ Skincare has various categories, from facial cleansers, toners, serums, to moisturizers and sunscreens,⁴⁰ each of which has a specific function. Some products are also formulated to meet specific skin needs, such as treating acne, brightening the skin, or reducing signs of aging.⁴¹ With the development of the beauty industry,

³⁸ Empilfi, "What is a social media influencer?" Empilfi, 2025, accessed on February 4, 2025, from <https://emplifi.io/definitions/social-media-influencer>.

³⁹ Sienny Agustin, "Skincare, Kenali Jenis Dan Fungsinya," Alodokter, 2023, accessed on January 13, 2025, from <https://www.alodokter.com/skincare-kenali-jenis-dan-fungsinya>.

⁴⁰ Pawitri Anandika, "Skincare Adalah Asupan Nutrisi Yang Dapat Menjaga Kesehatan Kulit," SehatQ, 2020, accessed on January 13, 2025, <https://www.sehatq.com/artikel/arti-skincare-serta-manfaat-dan-macam-macamnya-sudah-tahu>.

⁴¹ Katie Rodan et al., "Skincare Bootcamp: The Evolving Role of Skincare," *Plastic and Reconstructive Surgery - Global Open* 4 (2016): 1–6, <https://doi.org/10.1097/GOX.0000000000001152>.

skincare products are now available in various variants that can be customized according to skin type, whether it's dry, oily, sensitive, or combination skin.

F. Theoretical Framework

1. Legal Protection Theory

According to Philipus M. Hadjon, legal protection is an effort to safeguard human dignity and recognize the human rights inherent in legal subjects.⁴² Prof. Satjipto Rahardjo defines legal protection as an attempt to protect individual interests by granting specific rights that enable individuals to act in pursuit of those interests.⁴³ O. Notohamidjojo describes law as a collection of written and unwritten rules that regulate and compel individual behavior within society, as well as relations between states. Law is based on two fundamental principles, namely the principle of utility and the principle of justice, with the primary objective of establishing order and peace within society.⁴⁴

Legal protection is implemented through several stages and arises from legal provisions established by society. These regulations represent a collective agreement to govern interactions and behavior among members of society, as well as relationships between individuals

⁴² Philipus M. Hadjon, *Perlindungan Hukum Bagi Masyarakat Indonesia* (Yogyakarta: Graha Ilmu, 2007), 2–5.

⁴³ Satjipto Rahardjo, *Sisi Lain Dari Hukum Di Indonesia* (Jakarta: Kompas, 2003), 121.

⁴⁴ Syamsul Arifin, *Pengantar Hukum Indonesia* (Medan: Medan Area University Press, 2012), 5–6.

and the government, which is regarded as representing the public interest.⁴⁵ Legal protection is generally categorized into two types, namely preventive and repressive protection. Preventive legal protection aims to prevent violations by providing legal safeguards beforehand. On the other hand, repressive legal protection is a final measure that involves the imposition of sanctions, namely fines, imprisonment, or additional penalties, after a dispute or violation has occurred.

2. Legal Certainty Theory

Jan M. Otto posits that legal rules capable of ensuring legal certainty are those that emerge from and reflect the prevailing societal culture. His theory of legal certainty, known as realistic legal certainty, asserts that legal certainty must be achieved through harmony between the state and its people, where both share aligned orientations and an understanding of the legal system.⁴⁶ Sudikno Mertokusumo defines legal certainty as the assurance that law must be implemented in an appropriate manner. Legal certainty requires the establishment of legal regulations enacted through legislation by competent and authoritative bodies. Accordingly, these rules have a juridical foundation that ensures the law functions as a binding and enforceable norm.⁴⁷

⁴⁵ *Op. Cit. Rahadjo*. p 54.

⁴⁶ *Ibid*. p 20.

⁴⁷ Asikin Zainal, *Pengantar Tata Hukum Indonesia* (Jakarta: Rajawali Press, 2012).

G. Originality of the Research

As part of the research process, an in-depth review of various academic works relevant to this topic has been conducted. This step aims to ensure that the research contributes new insights to the field while avoiding duplication or similarities with previous studies. Consequently, the findings are expected to provide a more comprehensive and solution-oriented perspective on the examined issue. The review of related academic works is summarized and presented in the following points to offer a clearer depiction of the research scope and its position within the broader academic context:

1. *Pengaruh Social Media Influencer Terhadap Perilaku Konsumtif Era Ekonomi Digital*

This research is a study conducted by Irfan Maulana, Jovanna Merseyside br. Manulang, and Ossya Salsabila, published as an article in *Jurnal Majalah Ilmiah Bijak*, Vol. 17, No. 1, March 2020, page. 28–34. The study focuses on the influence of social media influencers on consumer behaviour, particularly in the context of e-commerce and how influencers can enhance consumer purchase interest. The key distinction between that study and the present research lies in the focus on consumer protection against deceptive advertising practices by influencers, specifically concerning skincare products from China that are distributed in Indonesia.

2. *Konstruksi Makna Terkait Country of Origin Brand Skintific Pada Komunitas Siber “X”*

This research is a study conducted by Alyssa Arlini and Sarah Derma, published as an article in *Jurnal Komunikasi Universal*, Vol. 6, No. 2, 2024, page. 339–350. The study focuses on consumer perceptions of the Skintific brand, including issues related to the country of origin and the impact of electronic word of mouth (e-WOM) in shaping consumer trust. The key distinction between that study and the present research lies in its focus on consumer protection and deceptive marketing practices by influencers, encompassing both legal and ethical aspects of marketing.

3. *Analisis Perlindungan Hukum Terhadap Konsumen Atas Perbuatan Overclaim Dalam Melakukan Promosi Oleh Influencer Pada Suatu Produk*

This research is a study conducted by Agelia Arsiallah, submitted as an undergraduate thesis at Universitas Mataram. The study focuses on the legal relationships between business actors and influencers, which are governed by cooperation agreements, as well as the legal relationships between business actors and consumers, which are based on sales contracts. Additionally, it examines the legal relationship between influencers and consumers, noting the absence of a direct legal connection. The key distinction between that study and the present research lies in its focus on consumer protection against advertisements

created by influencers, specifically concerning skincare products from China.

H. Research Methodology

The research method provides a technical explanation for the study.⁴⁸ As part of the research process, an in-depth review of various academic works relevant to this topic has been conducted.

1. Type of Research

The normative juridical research method, according to Bahder Johan Nasution, is a research approach that focuses on the study of positive legal documents to analyze various legal rules, principles, and theories in force.⁴⁹ This method is commonly used in legal studies to understand and evaluate how written law is applied, interpreted, and implemented in practice. Normative juridical research aims to explain or critique legal norms based on relevant literature and legal documents.⁵⁰

2. Research Approach

a. Statute Approach

This approach is carried out by analyzing legislation and regulations related to the legal issue under study,⁵¹ involving an analysis of consumer protection in the practice of deceptive

3. ⁴⁸ Bahder Johan Nasution, *Metode Penelitian Ilmu Hukum* (Bandung: Mandar Maju, 2008),

⁴⁹ *Ibid.* p 81.

⁵⁰ Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020), 53.

⁵¹ *Ibid.* p 56.

advertising conducted by influencers when endorsing skincare products from China.

b. Conceptual Approach

The conceptual approach is a method that explores various legal perspectives and doctrines to identify ideas that shape the understanding of law, including legal concepts and principles relevant to the issue being discussed.⁵² This approach is used when researchers adhere to the applicable legal rules.⁵³

c. Comparative Approach

This method involves comparing the legal systems or laws of different countries on the same issue, including court decisions.⁵⁴

This approach is used to identify similarities and differences in legal principles and regulations.

3. Data Collection Method

a. Primary Legal Materials

Primary legal materials are legal materials that include legislation, court decisions, and official state documents.⁵⁵ The primary legal sources used consist of the following:

- 1) Article 1, Article 4, Article 8, Article 9, Article 10, and Article 17 of Act No. 8 of 1999 on Consumer Protection;

⁵² *Op. Cit. Muhaimin*. p 57–58.

⁵³ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2017), 177.

⁵⁴ *Op. Cit. Muhaimin*. p 57.

⁵⁵ *Ibid*. p 59.

- 2) Article 1 and Article 2 of Regulation of the Ministry of Trade of the Republic of Indonesia No. 31 of 2023 on Business Licensing, Advertising, Guidance, and Supervision of Business Actors in Electronic Commerce;
- 3) Article 1, Article 9, and Article 10 of Regulation of the Ministry of Communications and Informatics of the Republic of Indonesia No. 5 of 2020 on Private Scope Electronic System Operators (*Penyelenggara Sistem Elektronik – PSE*);
- 4) Article 1 and Article 11 of Government Regulation of the Republic of Indonesia No. 71 of 2019 on the Implementation of Electronic Systems and Transactions;
- 5) Annex IV of Regulation of the Food and Drug Control Agency No. 3 of 2022 on Technical Requirements for Cosmetic Claims;
- 6) Article 2 of *ASEAN – Hong Kong, China Free Trade Agreement*;
- 7) Article 9 of Act No. 11 of 2008 on Electronic Information and Transactions; and
- 8) Article 1365, Article 1366 and Article 1367 of Civil Code.

b. Secondary Legal Materials

Secondary legal sources consist of legal writings, including books and law journals.⁵⁶ These sources are closely related to primary legal sources, as they assist in analyzing and understanding primary legal materials.

c. Tertiary Legal Materials

Tertiary legal sources are research materials that include non-legal texts, such as economics books, encyclopedias, dictionaries, census data, and other relevant materials related to the research subject.

I. Systematic Structure of the Thesis

The author adopts a thesis proposal structure consisting of four chapters, each divided into subsections, to provide a comprehensive overview of the thesis proposal in accordance with applicable guidelines. The purpose of this structure is to enhance the clarity and coherence of the thesis topic. The structure is as follows:

CHAPTER I INTRODUCTION, this chapter presents the background of the research problem. Based on this background, the second subsection outlines the research questions, followed by the third subsection on objectives of the study, the fourth subsection on the significance of the study, the fifth subsection on the conceptual framework, and the sixth

⁵⁶ *Op. Cit. Marzuki*. p 183.

subsection on the theoretical framework. The seventh subsection discusses the originality of the study, while the eighth subsection details the research methodology. The final subsection outlines the systematic structure of the thesis and provides definitions relevant to the research title.

CHAPTER II LITERATURE REVIEW, this chapter contains a general review of consumer protection, e-commerce, advertising, and influencer, which serve as the foundational basis for the subsequent chapters.

CHAPTER III DISCUSSION, this chapter provides an in-depth analysis of the research problem as outlined in the background section. The analysis includes the author's arguments and proposed solutions, focusing on consumer protection against deceptive advertising practices conducted by influencers in endorsements.

CHAPTER IV CONCLUSION this chapter presents the research findings based on the discussion in Chapter III and offers recommendations relevant to the research questions.