

CHAPTER 1

INTRODUCTION

A. Background of the Problem

In this era of digitalization, society has undergone many changes, especially in terms of new lifestyles that have emerged with the rapid development of technology. One such change is social media technology. Given its rapid growth, social media can be the most strategic medium for marketing a brand or company to reach consumers in the future. Various social media platforms provide opportunities for businesses and customers to interact more closely through various advertising methods that can convince consumers that the products they sell are the best

Businesses advertising their products on social media often use various methods, such as hiring influencers to endorse their products.,¹ This can be done by offering product bundles at affordable prices. Currently, there is a high demand for facial and body skincare products, prompting many businesses to switch to the skincare industry. This is in line with the large market size. Not only that, but various brands are now emerging, claiming to have significant ingredients that help improve skin health and aid in facial and body care. In practice, many businesses are still abusing consumer trust by selling products that are unsuitable or even dangerous, thereby harming consumers who have purchased these products. The high sales of skincare products are supported by various brands that are now daring

¹ Ilma Ainun Nabila Fasya et al., "Pelanggaran Etika Periklanan: Paradigma Tanggung Jawab Hukum Influencer Terhadap Perbuatan Endorsement," *Jurnal Mahupas* 1, no. 2 (2022): 90.

to sell skincare products that have not passed BPOM testing. These skincare products are freely distributed and sold, which can have long-term health risks for their users. Promotions are carried out in various ways, such as informing customers about the ingredients listed on the product and packaging it in an attractive way to make it marketable and suitable for mass advertising. These actions deceive buyers by claiming that the products they sell have high nutritional content without providing clear laboratory test results. This is known as overclaiming. Given these circumstances, many consumers may be swayed by the advertisements and promotions presented by the brand's business operators.

Products that harm customers and have long-term harmful effects are protected by law through the Customer Protection Law. The Customer Protection Law is a set of principles and rules that regulate and protect customers in relationships and issues related to the provision and use of customer products between providers and users.² Customer protection encompasses legal principles and norms that aim to regulate the relationship between consumers and businesses, with a primary focus on protecting consumer interests. The essence of this concept is to create a legal framework that regulates interactions between consumers and businesses in a fair, transparent, and equitable manner, so that consumers have guarantees of their rights, obtain accurate information, and are protected from harmful practices.³ In this case, consumers do not always have extensive knowledge

² Zulham, *Hukum Perlindungan Konsumen* (Jakarta: Prenada Media, 2017), hlm. 23.

³ 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 (August 2024): 11–20, <https://doi.org/10.62383/referendum.v1i3.60>.

about the products marketed by businesses, therefore product information from businesses is very much needed by consumers. According to John F. Kennedy, who also stated “The right to be informed,” which is the right to obtain information. In this case, information about the goods to be purchased by consumers must be complete and honest, so as not to mislead consumers.⁴ According to Article 1 point 6 of Law Number 8 of 1999 concerning Consumer Protection⁵, “ *Promotion is an activity to introduce or disseminate information about goods and/or services to attract consumer interest in goods and/or services that will be and are being traded* “. Promotion/advertising must be truthful, clear, and not misleading to consumers. Consumers and business actors both have rights and obligations. One of the rights of consumers is the right to truthful information about a product or service, its condition, and its warranty.

In relation to the buying and selling system between businesses and consumers, Article 7 Paragraph (b) of the UUPK stipulates that businesses have an obligation to “*provide accurate, clear, and honest information regarding the condition and warranty of goods and/or services, as well as explanations regarding their use, repair, and maintenance.*” Furthermore, Article 17 letter (c) of the UUPK states that business actors are prohibited from producing advertisements that: “*contain false, incorrect, or inaccurate information about goods and/or services.*” One of the practices of business actors in deceiving their consumers through advertisements is by making misleading statements. This practice is carried out by

⁴ Renata Christha Auli, “Hak Dan Kewajiban Konsumen Serta Pelaku Usaha Yang Perlu Diketahui,” Klinik Hukumonline, 2022.

⁵ Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen.

producing advertisements and conveying misleading and subjective information. In this case, the quality of the advertised product is exaggerated without being supported by specific facts (Article 17 paragraph (1) letters a, b, and f of Law No. 8 of 1999 concerning Customer Protection).⁶ In addition, advertising guidelines governing restrictions on promotional media claims are regulated in BPOM Regulation No. 2 of 2016 concerning Technical Guidelines for Processed Food Advertising.⁷, this regulation stipulates that claims in advertisements must be:

1. Based on verifiable scientific facts and evidence.
2. Not misleading or giving consumers the wrong impression.
3. Consistent with the information on the product label.

Even though there are regulations prohibiting excessive promotional practices, these do not provide strong protection for consumers because many businesses still underestimate and ignore consumer rights, especially in this digital age, which facilitates access between businesses and consumers on social media. Based on the researcher's observations on the TikTok social media platform through the @Dokterdetektif account, there is a problem with the large number of businesses in the skincare industry selling body care products with dangerous overclaims. The @Dokterdetektif account discusses the ingredients in skincare and body care products, along with the results of laboratory tests on their contents, with the aim of verifying whether the ingredients listed on the body care product packaging match the claims made and providing information about several body

⁶ Esther Masri et al., *Buku Ajar Hukum Perlindungan Konsumen* (Surabaya: Jakad Media Publishing, 2023), hlm. 99.

⁷ Peraturan Kepala Badan Pengawas Obat dan Makanan Nomor 2 Tahun 2016 tentang Pedoman Teknis Pengawasan Periklanan Pangan Olahan.

care brands that engage in overclaim practices regarding the products they sell..⁸ Based on these conditions, the author can conclude that there are still many body care brand products in Indonesia that engage in overclaiming on their packaging and provide false information to consumers, as the contents listed on the product packaging do not match the lab test results. Products and/or services used to meet human needs are becoming increasingly sophisticated, leading to a gap between the accuracy of information and consumer responsiveness.

This situation places consumers in a weaker position compared to businesses. Under consumer protection law, consumers are the primary focus of consumer protection efforts because they are often the victims of consumer rights violations.⁹ Customer protection refers to guarantees or assurances that customer rights will be fulfilled. Customer protection covers two main aspects, namely:

1. Protection against the possibility of goods and/or services being delivered to customers that do not comply with what has been agreed upon or violate the provisions of the law. This covers a fairly broad area, ranging from the use of raw materials, production processes, distribution processes, product design, to compensation received by consumers in the event of losses due to consuming unsuitable products.
2. Protection against the imposition of unfair terms on consumers. This is closely related to the behavior of producers in manufacturing and distributing their products, ranging from promotional and advertising

⁸ Herdi Hops, "Siapa Doktif? Viral Usai Review Banyak Produk Skincare Dengan Kandungan Overclaim, Berikut 4 Fakta Dokter Detektif," Hops ID, 2024.

⁹ Husni Syawali dan Neni Sri Imaniyati, *Hukum perlindungan konsumen* (Bandung: Mandar Maju, 2000), hlm. 2.

activities, contract standards, prices, to after-sales services.¹⁰

In this study, the author found that one type of advertisement that did not match the information listed on the packaging was Daviena's 7x Power of Moonlight Body Lotion skin care product. Daviena's body lotion claims to contain 10% niacinamide and that this niacinamide content can help brighten skin and improve skin texture 7 times faster.¹¹ According to Palmer's, if you have sensitive skin, you can start with a 2% concentration. If you have more severe skin problems, a 5% or even 10% concentration may be necessary, but you need to monitor your skin for signs of irritation. Niacinamide concentrations are divided into low niacinamide concentrations (2%-3%), medium niacinamide concentrations (4%-5%), and high niacinamide concentrations (10% or higher). For general skin tone correction, niacinamide concentrations between 4-5% are often effective and well tolerated by most people.¹² It can conceal dark spots on the skin caused by hyperpigmentation. In addition, niacinamide can also help brighten the skin. According to an article published in Using skin care products with an effective niacinamide content of 5 percent is believed to help stimulate collagen production in the skin. However, it should be noted that these benefits will be visible four weeks after use.¹³ However, the results of the laboratory tests conducted by @dokterdetektif were quite surprising. The niacinamide content in the body lotion

¹⁰ Wibowo T. Tunardy, "Hukum perlindungan konsumen di Indonesia," Jurnal Hukum, 2016, <https://jurnal.hukum.com/hukum-perindungan-konsumen-di-indonesia/>.

¹¹ Nur Gadiza, "Bukan Evaluasi Produk, Owner Daviena Dinilai Malah Jual Kesedihan," Indozone Beauty, 2024.

¹² Diakses pada tanggal 4 Juni 2025 Pukul 09.00, <https://www-palmers-com.translate.goog/blog/niacinamide-concentrations-101-what-percentage-of-niacinamide-is-effective--n125? x tr sl=en& x tr tl=id& x tr hl=id& x tr pto=sge>.

¹³ Diakses pada tanggal 5 juni 2025 pukul 13.30, <https://www.halodoc.com/artikel/ini-6-manfaat-niacinamide-untuk-perawatan-kulit-1>.

was undetectable, which means that the niacinamide content in Daviena body lotion is very low or may not exist at all. Daviena itself is an Indonesian product founded in 2017 by Melvian Husyanti as the owner.¹⁴ All of its products are registered with BPOM and manufactured by PT. Ratansha Purnama Abadi. Daviena is one of the most popular products in Indonesia, widely used by Indonesian women. This popularity is partly due to its effective product promotion on social media. However, many consumers have expressed disappointment over Daviena's practice of making exaggerated claims about its products, feeling that they have been misled. This issue even became a trending topic and sparked heated discussions on various social media platforms.

In today's digital age, many companies utilize social media to introduce and promote their products, including body care products, in a way that is very attractive and quickly reaches consumers. In practice, many exaggerated or overclaim claims are found that cannot be justified, such as claims that the product can provide instant results or unrealistic benefits. Such overclaims have the potential to harm consumers, both financially and health-wise, because they buy products that do not meet their expectations or can even be harmful to their health. The importance of this research lies in its effort to identify the extent to which Indonesian laws and regulations, such as the Consumer Protection Law and the Electronic Information and Transaction (ITE) Law, protect consumers from claims that do not correspond to reality. This research is also highly relevant for evaluating the effectiveness of existing regulations and providing recommendations on steps that need to be taken

¹⁴ Yogama Wisnu Oktyandito, "Siapa Owner Daviena Skincare? Suami Istri Pebisnis Sukses," IDN Times, 2024.

by relevant institutions, both government and consumer protection agencies, to improve consumer protection in the digital age, which is full of diverse information that is sometimes difficult to verify. Based on this, this research has great significance in contributing to better consumer protection policies and increasing consumer awareness of their rights in the face of dishonest and misleading product promotions.

In this study, the author will examine the provisions in Article 8 paragraph 1 letter of the 1999 UUPK, which reads, “Business actors are prohibited from producing and/or trading goods and/or services that do not comply with the conditions, guarantees, special features, or efficacy as stated on the label, tag, or description of the goods and/or services;” in relation to consumer protection against overclaims of body care products on TikTok. Currently, there are still unclear aspects of legal protection and weak legal accountability and sanctions against business actors who make overclaims, especially on social media. This study seeks to explore the challenges faced in law enforcement and how this affects consumer protection. The type of research that the author will conduct is empirical legal research by examining the opinions and explaining the arguments of informants in a descriptive qualitative form related to applicable legal regulations. This study aims to explain the forms of consumer rights protection according to Indonesian laws and regulations in dealing with promotional practices that contain overclaims, especially on social media. Based on this, this thesis focuses on how to protect the rights of consumers who are harmed by body care brands that overclaim in advertising their products on social media and do not accurately list the ingredients

on their packaging. Consumers have rights that must be protected and legal certainty regarding matters that harm them, because the regulations governing overclaim practices on social media are still weak, thus prompting the author to conduct research with the title:

"Customer Protection against Overclaims *Daviena 7X Power of Moonlight Body Lotion* on the *Tiktok* platform."

B. Problem Statement

Based on the background description above, the problem can be formulated as follows :

1. How does customer protection in Indonesia deal with product promotion practices that contain overclaims on TikTok?
2. What form of legal responsibility does the Daviena brand have towards customers for overclaims on its body lotion products?

C. Research Objective

The objectives of this study are as follows :

1. To understand how customer rights protection in Indonesia is applied in dealing with excessive product promotion (overclaiming) on social media, evaluate whether existing regulations are effective enough to be applied in this digital era, and provide suggestions for improving customer protection in the future.
2. To find out how Daviena Brand is accountable to consumers for overclaiming on its Bodycare packaging

D. Research Benefits

The benefits of this study are as follows :

1. Theoretical benefits of the research: The results of this research aim to contribute to expanding understanding of legal protection for customer rights in Indonesia, particularly in relation to product promotions containing overclaims on TikTok, as well as brand responsibility for consumer rights. It also aims to enrich legal studies on customer protection and business ethics in the context of product promotion and marketing.
2. This research provides guidance for customers to better understand their rights, assists businesses, including the Daviena brand, in improving their responsibility and compliance with promotional regulations so as not to cause material and immaterial losses to customers.

E. Conceptual Framework

In this paper, the author provides limitations to facilitate discussion of the issues and avoid differing interpretations, as follows:

1. Customer Protection :

Customer protection refers to all efforts that guarantee legal certainty in order to provide protection to customers.¹⁵ Customers have rights that must be protected against various risks that could cause them material or immaterial harm. This is regulated in Law No. 8 of 1999 concerning UUPK.

¹⁵ Hulman Panjaitan, *Hukum perlindungan konsumen* (Jakarta: Jala Permata Aksara, 2021), hlm. 83.

2. *Overclaims Skincare Product* :

Overclaiming is an exaggerated claim made by a business operator about its products to deceive customers, particularly in promotional/advertising strategies, which is often found in the promotion of skincare/bodycare products. The prohibition of overclaim practices is stipulated in the Consumer Protection Law, specifically in Article 7 letter (b), which regulates the Rights and Obligations of Business Operators in Law No. 8 of 1999.

3. Promotions on social media :

Internet technology used in the business world has been able to improve marketing and promotion for businesses. Businesses use various methods to interact more closely with their customers, one of which is through social media platforms.¹⁶ Social media is used as a means of promoting skincare products because it has the ability to reach a wide and diverse audience quickly, for example, Instagram and TikTok platforms. Major skincare brands usually endorse influencers and utilize their reviews to build consumer trust.

Based on the above explanation, it can be seen that promotion on social media has many advantages in making it easier for businesses to advertise their products in order to build consumer trust. However, based on this, businesses often neglect their obligations regarding product

¹⁶ Rahayu Pancaningsih et al., "Pengaruh Media Sosial Terhadap Penjualan Produk Kecantikan Pada Online Shop Kumara Store Di Sukoharjo," *Digital Bisnis: Jurnal Publikasi Ilmu Manajemen Dan E-Commerce* 1, no. 4 (December 2022): 134–48, <https://doi.org/10.30640/digital.v1i4.408>.

information, which frequently does not align with initial claims made during advertising or on packaging. This is what gives rise to legal relationships between businesses and consumers, consumer rights protection, and accountability efforts from the brand in question.

F. Theoretical Framework

In writing about the legal issues above, the author uses several theoretical foundations, including :

1. Customer Protection Theory

Customer protection is an effort to protect and ensure the rights of customers in transactions or when using products and services.¹⁷ According to Abdul Kadir Muhammad, customer legal protection is any effort made to guarantee the rights of customers so that they are not harmed by business actors in the sale and purchase of goods or services. This theory emphasizes that customers must obtain products or services in accordance with the information promised.¹⁸ Customer protection is regulated in the Customer Protection Law No. 8 of 1999 concerning customer protection, which states “all efforts that guarantee legal certainty to provide protection to customers”. Therefore, customers need protection from unfair business practices, including inaccurate product information. This protection is important to create balance between the rights of customers and businesses.

2. Product Liability Theory

¹⁷ Fahum Umsu, “Perlindungan Konsumen: Pengertian, Tujuan Dan Asasnya,” *Info Hukum*, 2023.

¹⁸ Abdul Kadir Muhammad, *Hukum Perlindungan Konsumen Indonesia* (Bandung: Citra Aditya Bakti, 2000).

The theory of product liability is the responsibility of manufacturers for products they have distributed that cause harm to customers.¹⁹ This principle of liability is based on the principle of strict liability, which guarantees legal certainty for customers. Product liability is the legal responsibility of individuals or legal entities that manufacture products or individuals or legal entities that sell or distribute these products. Article 19 of Law Number 8 of 1999 concerning Customer Protection stipulates that business actors are responsible for providing compensation for losses suffered by consumers as a result of using the products or services being traded. This is in line with the above theories of liability, which emphasize the obligation of business actors to ensure that the information provided to customers is accurate and not misleading. If a body care product promoted with exaggerated claims does not meet the promised standards and causes losses, then the business actor must be held accountable based on this theory.

3. Legal Certainty Theory

Elements of legal protection include important components that form the basis of the legal system to protect the rights, freedoms, and interests of individuals in society. One of these is legal certainty, which is legal protection that includes the fair, consistent, and reliable application of the law. Legal certainty ensures that the law must be clear, easily

¹⁹ Yudha Hadian Nur and Dwi Wahyuniarti Prabowo, "Penerapan Prinsip Tanggung Jawab Mutlak (Strict Liability) Dalam Rangka Perlindungan Konsumen," *Buletin Ilmiah Litbang Perdagangan* 5, no. 2 (2011): 177–95, <https://doi.org/10.30908/bilp.v5i2.127>.

understood, and predictable in legal decision-making, so that the public knows what is expected of them.²⁰ The theory of legal certainty asserts that the law must be clear, firm, and able to provide protection to customers against overclaims of body care products on social media. Customers have the right to accurate information about products, in accordance with Articles 4 and 8 of the UUPK, which aim to prevent misleading promotional practices and protect customers from material and immaterial losses.

1. Customer Protection Principle

Customer protection is strictly regulated in Law No. 8 of 1999 concerning Customer Protection, which emphasizes the importance of protecting customer rights so that they are not harmed by unfair business practices. The principle of customer interest protection underlies all of these regulations, with the main objective of protecting customers from all forms of fraud or losses arising from claims that are not in accordance with reality. This principle prioritizes customers' right to obtain clear, accurate, and non-misleading information about the products or services offered, so that customers can make rational and informed decisions when choosing products. Exaggerated claims and overclaims are issues that are highly relevant to this principle. Overclaims often occur in product promotions, including body care products on social media, where manufacturers or sellers claim exaggerated or unrealistic benefits, such as claims that a product can

²⁰ Pandu, "Pengertian Kepastian Hukum Secara Umum Dan Pendapat Para Ahli," Gramedia Literasi, 2024.

provide instant results or benefits that are not supported by valid scientific evidence. Such claims can mislead customers, making them interested in buying products that do not meet their expectations, and ultimately harming consumers, both financially and health-wise. In this context, the practice of overclaiming clearly contradicts the principle of customer interest protection, as it does not fulfill the principles of transparency and truthfulness of information that must be provided to customers. Furthermore, in a legal context, when these exaggerated claims occur, customers who have been harmed have the right to file complaints or legal claims against businesses that engage in overclaiming. In this case, the state, through legislation, provides protection so that customers are not trapped by false or manipulative information, which can harm them in the short and long term.

2. Principles of Openness and Transparency

The principles of openness and transparency are also regulated in Law No. 8 of 1999 concerning Customer Protection, which states that every customer has the right to obtain accurate, clear, and non-misleading information about the goods and/or services they use. Open and transparent information is very important for customers in making wise and informed purchasing decisions. Therefore, in the context of product promotion, every manufacturer or business actor is required to convey accurate information about their products, including the ingredients used, how the product works, and the scientific evidence

underlying their claims. In the case of body care product promotion on social media, claims made by manufacturers must be accountable. If a body care product claims to have certain benefits, such as eliminating acne in a short time or brightening the skin in a few days, then these claims must be supported by valid and verifiable evidence. Without clear and accountable evidence, such claims can be considered fraud or manipulation of information that harms customers. In a legal context, claims that are not supported by evidence or that do not correspond to reality can be subject to legal violations, such as violations of the principle of transparency in business.

Furthermore, this principle of openness and transparency also regulates the obligation of business actors to disclose all relevant information about the products they sell, so that customers can clearly understand what products they are buying, including the potential side effects, risks, or contraindications of using these products. Therefore, the promotion of body care products on social media must be done carefully, considering the impact that can arise from unclear or incorrect information. Overall, the principles of Customer Interest Protection and Openness and Transparency are important legal foundations in regulating how manufacturers promote their products, especially on social media. Customers have the right to obtain accurate and accountable information about the products they purchase, so that they are not harmed by exaggerated claims or claims that are not based on

valid facts. If these principles are not adhered to, customers will be exposed to unethical marketing practices, which can lead to financial and health losses.

G. Research Originality

This research is the result of the author's own work, using references from books, other scientific papers, and various other legal materials, assisted by lecturers and, in particular, thanks to the guidance of the Main Supervisor and Assistant Supervisor. For comparison, there are several scientific papers that examine issues that are not much different from the title and content of this research proposal, namely :

1. Research by Aniq Rahman Halim, Arpangi,²¹ entitled: Customer Protection of the Right to Information on Products Endorsed by Influencers/Celebrities on Social Media. In general, this research discusses how product advertising through celebrities or influencers on Instagram often has the potential to harm customers. This research was motivated by cases in which businesses and influencers engaged in promotions that did not comply with Article 17 of Law Number 8 of 1999 concerning Customer Protection, which regulates the prohibition of misleading advertising activities. This study also aims to analyze the legal relationship between businesses, influencers, and customers, as well as to understand the extent of legal protection provided to customers regarding products promoted through endorsements that focus on the

²¹ Aniq Rahman Halim and Arpangi, "Perlindungan Konsumen Atas Hak Informasi Produk Endorsement Influencer/Selebgram Melalui Media Instagram," in *Prosiding Konstelasi Ilmiah Mahasiswa Unissula (KIMU)* 7 (Universitas Islam Sultan Agung, 2022), 124–37.

Instagram social media platform. The conclusion of this study is that the activities carried out between business actors, Instagram celebrities, and customers give rise to a contractual legal relationship. Business actors and customers have a legal relationship, while Instagram celebrities and customers do not have a legal relationship. Therefore, if customers suffer losses, they have the right to sue the business actors.

2. Research by Resty Annisa Putriani,²² entitled: The application of customer protection against overclaiming of collagen drink product information in relation to Law No. 8 of 1999 Article 17 Paragraph (1) of the Customer Protection Law. This research examines how customer protection is applied to customers of collagen drinks with indications of overclaiming in relation to Law No. 8 of 1999, Article 17, Paragraph (1) on customer protection. In conclusion, this study discusses how customer protection is applied to customers of collagen drinks with indications of overclaiming and the responsibility of business actors towards consumers who have been harmed in relation to Article 17(1) of the Customer Protection Law concerning prohibited acts by business actors.

3. Research by Adinda Ayu Puspita Kuncoro & M. Syamsudin,²³ With the title: Customer Protection against Overclaiming of Skincare Products, this study

²² Resty Annisa Putriani, "Penerapan Perlindungan Konsumen Terhadap Overclaim Informasi Produk Minuman Kolagen Dihubungkan Dengan Undang-Undang Nomor 8 Tahun 1999 Pasal 17 Ayat (1) Undang-Undang Perlindungan Konsumen" (UIN Sunan Gunung Djati Bandung, 2024).

²³ Adinda Ayu Puspita Kuncoro and M. Syamsudin, "Perlindungan Konsumen Terhadap Overclaim Produk Skincare," *Prosiding Seminar Hukum Aktual Fakultas Hukum Universitas Islam Indonesia* 2, no. 3 (2024): 73–84.

discusses legal protection for customers against overclaiming practices in the marketing of skincare products. This study highlights the negative impacts of overclaiming, such as misleading, non-transparent, and non-objective information, which can harm customers both materially and immaterially. This study also seeks to determine how legal protection applies to overclaiming in skincare marketing. The results of this study contribute to strengthening customer protection laws and enforcing skincare product marketing regulations in Indonesia. In conclusion, this study broadly demonstrates how legal protection and the responsibility of business actors relate to overclaiming as a marketing strategy. There are many more titles and contents of articles, theses, and other journals that the author cannot write one by one that examine similar topics regarding consumer rights protection against overclaim promotional practices that often occur on social media. Previous studies have focused on overclaiming by influencer endorsements, overclaiming of collagen drink information linked to Article 17(1) of the Consumer Protection Law regarding prohibited acts by business actors, and overclaiming of skincare products in their marketing strategies. Meanwhile, the author's research focuses more on consumer protection against overclaim promotions on social media. This is because many consumers are still being deceived by promotions on social media, resulting in many people suffering material and immaterial losses.

H. Research Method

1. Research Location

This study does not have a physical research location because the data was collected through online interviews. Interviews were conducted with respondents who were contacted through social media platforms such as TikTok and WhatsApp. Therefore, this study is flexible and not limited to a specific region, but focuses on the experiences of consumers who have experienced overclaiming of body care products on TikTok.

2. Type of Research

In this study, the author uses an empirical juridical approach because this study not only examines applicable legal regulations but also looks at how they are applied in practice. This study will collect data through interviews and/or questionnaires with relevant informants to obtain a realistic picture of consumer protection against overclaims of body care products on TikTok. Empirical legal research is research that analyzes the legal behavior of communities or individuals in relation to the law. This research uses empirical data obtained from observations or measurements and direct interviews in the community. In empirical research, law is studied not as a social norm, but as a social phenomenon, namely law in reality within social life. The aim is to discover concepts regarding the process of law formation and the process of law enforcement in society.²⁴ Researchers conducted direct interviews with consumers to obtain facts related to the provision of dishonest information by business actors.

²⁴ Balqish Az-Zahra, "Pahami Perbedaan Penelitian Hukum Normatif dan Empiris," (Umsu, 2024)

3. Data Source

a. Primary Data

Primary data is data obtained directly from primary sources through interviews and observations on social media. Based on this, the data sources in this study are interviews with customers who have experienced overclaims of Daviena body care products promoted on TikTok and data sources from observations on social media by observing body care product advertisements on TikTok and customer interactions related to their complaints or testimonials about products with exaggerated claims.

b. Secondary Data

Secondary data is supporting data for primary data, such as laws and regulations, books, journals, and so on. The forms of secondary data in this study consist of :

1) Primary Legal Materials

The primary legal materials in this study include Law No. 8 of 1999 concerning Customer Protection, BPOM Regulation No. 2 of 2016 concerning Technical Guidelines for Processed Food Advertising, as well as articles and scientific journals concerning customer protection related to product promotion practices on social media.

2) Secondary Legal Materials

Secondary legal materials consist of books, previous research, journals, and other materials related to this study.

3) Tertier Legal Materials

Obtained from studying dictionaries, namely legal dictionaries that explain the legal concept of customer protection.

4. Population and Sample

The population in this study includes all customers who have purchased or used Daviena body care products and have been exposed to body care product promotions on TikTok that potentially contain elements of overclaiming. These customers were identified through comments on videos discussing alleged overclaiming of Daviena body care products. The researchers then contacted them via direct message (DM) to ask about their experiences using products that had harmed them. In addition, the population in this study also included Daviena bodycare product promotional video content on TikTok that was indicated to contain elements of overclaiming. In this study, five promotional videos were selected as part of the population based on the number of views and high level of interaction. The sample in this study used purposive sampling, which is the selection of samples based on specific criteria relevant to the study and who could be interviewed and understood the legal protection of consumers regarding products containing overclaims on TikTok. The samples used included:

- a) There were 15 respondents who experienced overclaiming of body care products on TikTok, obtained through online

interviews.

- b) Several body care product promotional videos on TikTok that are indicated to contain overclaims. These can be selected using purposive sampling techniques, such as choosing videos with high numbers of views and interactions.
- c) Representatives from experts in the fields of health and cosmetics, one of whom is Doctor Detective on TikTok, who actively provides education on beauty product claims and applicable regulations. He was selected as a sample because he has experience in reviewing product claims based on medical standards and BPOM regulations.

With this, the research can obtain more accurate data on the phenomenon of overclaiming of body care products on TikTok and how legal protection for consumers is applied in practice.

5. Data Collection Techniques

The data collection techniques used in this paper are as follows ;

a. Interview

Data collection was conducted through online interviews carried out via social media platforms (Tiktok and Whatsapp) and predetermined using interview guidelines prepared in advance by the author. The interviews in this study were conducted privately.

b. Document Studi

In addition to interviews and social media observation, this study also used document study as a secondary data collection technique. The document study was conducted by examining various written sources related to consumer protection and advertising regulations for cosmetic products that contain exaggerated claims.

6. Data Analysis Techniques

Data analysis in this study was conducted using descriptive-qualitative methods, which means that the data obtained was analyzed systematically to understand the phenomenon of overclaiming and the effectiveness of applicable legal protections. The data collected through interviews, observations, and document studies will be classified and grouped. After the data is collected and classified, the next step is analysis using a descriptive-qualitative approach, namely data reduction, data presentation, and conclusion drawing.

I. Systematics of Writting

The writing of this thesis is based on a simple writing system with the aim of clarifying the existing problems, which will be described in the following chapters. To get an overview of the material to be discussed, please refer to the following system :

Chap I : This Thesis Writing, the first chapter is an introduction that describes the background of the problem, problem formulation, research objectives and benefits, conceptual framework, theoretical basis, research originality, research methods, and writing structure. This

chapter is the main point of the problem that will be examined in chapter three using the theoretical framework used in chapter two.

This first chapter is also a reflection of the discussion chapter..

Chap II : Overview. The second chapter of the thesis provides an overview of topics related to the research topic, such as customer rights and obligations, promotion/advertising on social media, overclaiming practices, and the rights and obligations of business actors.

Chap III : Discussion. The writing of the thesis in Chapter III is the result of discussions and research presented in accordance with the scope of the problem formulation. This chapter is a discussion that specifically examines the problems found in the first chapter using the theories in the second chapter in order to obtain or arrive at conclusions in the fourth chapter.

Chap IV : Conclusion. The writing of the thesis in Chapter IV is the concluding chapter that presents the conclusions from the analyzed research results, as well as providing practical suggestions and recommendations for further research or the application of research results in the field. It consists of conclusions and suggestions. This chapter provides answers to the problems identified in the previous chapters, which are summarized concisely.