

The Responsibilities of Influencer Doctors Promoting Skincare Products on Social Media

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Abstract. *Influencer doctors are prohibited from promoting skincare products on social media as regulated in MKEK Decree 029/2021. This has pros and cons, where influencer doctors are considered to help people pay more attention to a skincare product before buying and it is feared that there will be excessive claims on a product because they have expertise in the field of beauty. This research aims to analyze the responsibilities of influencer doctors who promote skincare products on social media and legal protection for consumers who experience losses from the promotion of skincare products carried out by influencer doctors on social media through normative juridical research methods which are supported by primary, secondary, and tertiary data. The study shows that the responsibility of influencer doctors needs to be looked at further regarding the fulfillment of mistakes made, if they are not at fault, then full responsibility falls on the business actor. Meanwhile, if guilty, the influencer doctor can be subject to sanctions as regulated in the 2018 MKEK Guidelines and the Consumer Protection Law. The embodiment of consumer protection is to provide rights and obligations for consumers, business actors and advertising business actors. Consumers often think impulsively when buying skincare products because of other people's reviews. Therefore, to avoid losses, consumers need to be more careful when purchasing skin care products. If they experience losses, consumers can apply for compensation or peace efforts, in court and outside of court.*

Keywords: *Consumer; Doctors; Influencer; Protection; Skincare; Responsibility.*

1. Introduction

Social media is a technology that utilizes digital media as the foundation for two-way communication. Social media is utilized not just to connect individuals, but also for promotion. Tight competition for various skincare products drives business actors to

think outside the box in order to boost sales. Business actors collaborate with influencers to enhance sales. Influencers are well-known public figures. Typically, they have an impact not only on marketing skincare products, but also on motivating people to purchase them.¹ Anyone, including doctors, can be an influencer. These days, influencer doctors, are frequently discussed on social media, where they are utilized their social media account not only to educate others about health and healthy living, but also to promote some products. For example, dr. Yessica Tania, or often known as dr. Zie, was the marketing influencer for one of the skincare products called Somethinc.² These promotions typically take place on social media platforms such as Instagram, X (previously Twitter), Tiktok, Youtube, and others. Promotions are done with photographs, inscriptions, or short and long videos.

This promotion activity is also known as endorsement. The endorsement is frequently based on a direct agreement between the perpetrator/business actor and the influencer. The business actors will ask the influencer, in this case an influencer doctor, to promote a skincare product by providing a testimonial or referring to it as a product review.³ This will definitely influence the public's thinking or enhance their curiosity about the skincare products promoted by influencers, particularly influencer doctors who have basic health field about the skin, both face and body.

Djoko Widyarto, the Chairman of the Indonesia Medical Honorary Council for Ethics (hereinafter called MKEK) IDI, recently stated that it is prohibited for doctors to promote skincare products on social media, as stipulated in Surat Keputusan MKEK Nomor 029/PB/MKEK/04/2021 (hereinafter referred to as MKEK Decree 029/2021) dated April 30, 2021. Point 5 of the rule specifies that doctor must avoid excessive self-promotion on social media. Furthermore, when advertising a product and service, it is necessary for a doctor to follow Surat Keputusan MKEK IDI Pusat Nomor 022/PB/K.MKEK/07/2020 concerning Fatwa on the Ethics of Doctors Advertising and Selling Multi Level Marketing, dated July, 28, 2020 (hereinafter referred to as MKEK

¹ Adifa Rahmandini, Faizah Bafadhal, and Lili Naili Hidayah, "Tanggung Jawab Influencer Dalam Pemasaran Produk Usaha Melalui Instagram," *Zaaken: Journal of Civil and Business Law* 2, no. 3 (December 31, 2021): 458, <https://doi.org/10.22437/zaaken.v2i3.16370>.

² Kurnia Amalia and RA. Nurlinda, "Pengaruh Influencer Marketing Dan Online Customer Review Terhadap Purchase Intention Melalui Perceived Value Produk Serum Somethinc," *Sibatik Journal* 1, no. 11 (2022): 2384, <https://doi.org/10.54443/sibatik.v1.11.353>.

³ Sergio Solaiman and Mariske Myeke Tampi, "PERTANGGUNGJAWABAN INFLUENCER DALAM PEMBUATAN KONTEN PENGIKLANAN MELALUI SOCIAL MEDIA YANG MENGANDUNG INFORMASI PALSU (CONTOH KASUS KARTIKA PUTRI DAN DR. RICHARD LEE).," *Jurnal Hukum Adigama* 4, no. 2 (2021): 2903, <https://doi.org/10.24912/adigama.v4i2.17874>.

Decree 022/2020).⁴

Doctors are strictly prohibited from promoting products that claim to be related to healing, beauty, and wellness. It is concerned that it will reduce the professionalism and ethics of doctors. Moreover, it is done to prevent unethical actions or the disclosure of personal information of patients. If doctors violate MKEK Decree 022/2020 by carrying out promotions or advertisements, fines may be enforced. Sanctions can include temporary or permanent dismissal from IDI.⁵

The research titled “Responsibilities of Influencer Doctors Promoting Skincare Products on Social Media” is rarely done. However, past studies have discussed the responsibilities of influencers who promote skincare products on social media. The first article conducted by Annasya Fefathika, et al. in 2023, entitled “Perlindungan Hukum Bagi Konsumen Terkait Influencer Pelaku *Endorsement* Pada Media Sosial Instagram”, leads to consumer protection, especially for consumers who have the right to obtain correct, clear, and honest information on the condition of goods and liability, which according to him is imposed on business actors, as well as the responsibility of influencers for endorsements on social media, especially Instagram. The difference with this research is this research focuses on the responsibility of influencers, especially the legal responsibility of an influencer doctor who promotes skin care products to their consumers. Also, this research explains the consumer protection against consumers who feel harmed by the promotion.

Furthermore, the second article conducted by Ismi Azizah, Mohammad Zamroni, and Agung Pramono in 2024, entitled “Perlindungan Hukum Konsumen Terhadap Kosmetik Ilegal yang Diiklankan Influencer di Media Sosial”, focuses on the legal protection of consumer from an influencer that is promoting cosmetic illegal and also the responsibility influencer that does promote illegal cosmetic. The difference with this research is focuses on the responsibility of influencers, especially influencer doctors who promote skincare products.

Last, an article conducted by Anastasia Britzyana Elasia Pertiwi, et al. in 2023, entitled “Tanggung Jawab Hukum Bagi Selebgram Yang Mempromosikan Produk Ilegal (Endorse)”, focuses on whether celebgrams can be held liable for the

⁴ “IDI Larang Dokter Influencer Promosi Skin Care di Media Sosial,” nasional, accessed March 25, 2024, <https://www.cnnindonesia.com/nasional/20240305074955-20-1070474/idi-larang-dokter-influencer-promosi-skin-care-di-media-sosial>.

⁵ Yaputra Hendrik and Hamdi Imam, “IDI Ancam Sanksi Dokter Influencer Yang Promosikan Produk - Nasional Tempo.Co,” accessed March 25, 2024, <https://nasional.tempo.co/read/1841690/idi-ancam-sanksi-dokter-influencer-yang-promosikan-produk>.

promotion of illegal products through endorsements constructed through the consumer protection law because there are no rules that regulate celebgrams and discuss the principles of Liability Base on Fault liability, which are more appropriate to apply to celebgrams in the event. The focus of this research is on the responsibility of influencer doctors who promote products, especially skincare products, which can cause problems and losses that can be felt directly by consumers at some point in time.

The novelty of this research is that there is no specific regulation about the responsibility of influencers, especially influencer doctors. An influencer is known as someone who promotes some products. Promotion is sometimes known as advertising, and it must be legal. Promotion on social media is tied to the digital realm, where the ITE Law governs hoaxes. Aside from that, consumer protection regulations govern on how advertising companies create advertisements, the substance of commercials, and so on. Criminal consequences can also be applied for advertising offenses, such as five years in prison or a 200 million rupiah fine.⁶ In addition to civil punishments, if an influencer does an illegal act, it may face Article 1365 of the Civil Code with sanction as compensation. Doctors, particularly influencer doctors, have their laws about their code of ethics, and infractions done by doctors can be held accountable by proving the mistakes.

Currently, influencer doctors promote skincare goods and clinics, which clearly breaches the code of doctor ethics. The distinction between the three preceding research is the influencer's specification. In this situation, the primary focus of the research is on doctors who also work as influencers, as well as the application of sanctions on influencer doctors who breach the ethical code and the responsibility of influencer doctors. This study was also undertaken to learn more about the consumer protection and how the consumer can get the protection. The purpose of this study is to analyze the responsibility of doctors as influencers who promote skincare products on social media and to analyze the legal protection for consumers who suffer losses to the promotion of skincare products carried out by influencer doctors on social media.

Based on this description about the background, the main problem of this research is: How is the doctor's responsibility as an influencer who promotes skincare products on social media and how is legal protection for consumers against the

⁶ Ahmad Fandi Abdul Rauf, "SANKSI PIDANA TERHADAP ARTIS YANG MELAKUKAN ENDORSE KOSMETIK ILEGAL MENURUT UNDANG-UNDANG PERLINDUNGAN KONSUMEN," *LEX PRIVATUM* 13, no. 2 (January 4, 2024): 8, <https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/54124>.

promotion of skincare products carried out by influencer doctors on social media?

2. Research Methods

This research is reviewed using the normative juridical technique (which refers to norms, principles, and rules). Furthermore, a statute approach perspective that focuses on legal rules related to issues that occur in society is also used in this research. In this case, there is still a regulatory vacuum about the responsibility from influencer doctor. This research Supported by data sources, both primary, secondary, and tertiary. Law No. 8/1999 on Consumer Protection (hereinafter referred to as Consumer Protection Law), Law No. 32/2002 on Broadcasting (hereinafter referred to as Broadcasting Law), Law No. 19/2016 on Amendment to Law No. 11/2008 on Electronic Information and Transaction (hereinafter referred to as ITE Law), and MKEK Decree 029/2021 are the 4 (four) main legal materials that are used as references. Furthermore, the secondary data used books directly related to consumer protection law and the legal responsibility about influencer doctors. In addition to explaining the primary and secondary legal materials, the tertiary legal materials used online version of the Great Dictionary of the Indonesian Language (KBBI Online). In gathering data, which is the primary phase for a writer in conducting research, uses library research to emphasize arguments about the responsibility of influencer doctors from articles, books, regulations and websites.⁷ This research used qualitative data analysis that refers to the issue, links with literature and legal expert opinion, to applicable law and regulations. Furthermore, the conclusion in this research uses drawing conclusions from general to specific, which starting from a large issue about the influencer to the responsibility of influencer doctors.

3. Research and Discussion

3.1 Doctor's Responsibility as an Influencer Who Promotes Skincare Products on Social Media

An influencer doctor is someone who works as a doctor who also works as an influencer promoting products, such as skincare. Usually, skincare product promotions are carried out on social media using photos or videos containing explanations about the ingredients in the product. In addition, the delivery information presented is packaged creatively and follows trends so that it can

⁷ Nur Solikin, *Pengantar Metodologi Penelitian Hukum*, Cetakan Pertama (Pasuruan: Penerbit Qiara Media, 2021).

attract more consumers.⁸ The sentences presented are also in the form of persuasive sentences, so that people are interested in purchasing the goods, as the goal of the endorsement is to raise the company's sales.

Doctors, especially beauty doctors, certainly have more in-depth knowledge related to care and beauty. This can cause a problem. This problem arises due to the words of a doctor who is more easily trusted by consumers, because his profession is directly related to health. Without thinking, customers purchase things advertised by influencer doctors. Consumers will feel injured if the product in question does not live up to its promised specifications. As a result, it is required to examine the legislation to determine whether or not the influencer doctor is liable for the consumer's losses.

In Indonesia, doctor influencers and endorsements are not specifically defined in the rules and regulations, but there is a decree from MKEK on how doctors advertise on social media and a ban on promoting a product. Doctors must avoid excessive self-promotion on social media, according to MKEK Decree 029/2021, point 5. In addition, in the same material, point 5 states that doctors must refer to MKEK Decree 022/2020 while advertising a product or service. The purpose of the decree is to urge doctors to avoid irregularities in delivering advertisements.⁹ However, it is not explained or stated in the law or decree regarding liability in the event of irregularities for doctors in advertising. Given that there are no standards governing influencer doctors' responsibilities in performing promotions, another perspective is required to explain this role.

In the book "General Theory of Laws" Hans Kelsen defines legal responsibility, as a person being legally responsible for certain behaviors or he is subject to sanctions for his actions that are contrary to the law.¹⁰ The responsibility comes when there is deviant activity or failure to follow the law. Liability must focus on the legal status and interaction between influencer doctors, corporations, and customers. Liability must focus on the legal status and interaction between influencer doctors, corporations, and customers. Influencer doctors and corporate actors form legal relationships as a result of collaboration agreements, while influencer doctors have

⁸ Ilma Ainun Nabila Fasya et al., "PELANGGARAN ETIKA PERIKLANAN: PARADIGMA TANGGUNG JAWAB HUKUM INFLUENCER TERHADAP PERBUATAN ENDORSEMENT," *MAHUPAS* 1, no. 02 (July 27, 2022): 91, <https://journal.unpas.ac.id/index.php/mahupas/article/view/5730>.

⁹ Ray Muhammad, "Terbitkan Fatwa Etik, IDI Tegaskan Tak Kekang Dokter Main Medsos | Asumsi," accessed May 22, 2024, <https://asumsi.co/post/60638/terbitkan-fatwa-etik-idi-tegaskan-tak-kekang-dokter-main-medsos/>.

¹⁰ Dr Jimly Asshiddiqie and M Ali Safa'at, *TEORI HANS KELSEN TENTANG HUKUM*, Cetakan Pertama (Jakarta: Sekretariat Jenderal & Kepaniteraan Mahkamah Konstitusi RI, 2006).

no direct relationship with consumers.¹¹ According to A.Z. Nasution, the law does not specify who is considered an actor in the advertising industry. It's merely that advertising business actors, as defined by the Indonesian Advertising Ethics Amendment 2020, include marketers, advertising companies, and advertising media.¹² Juridically, influencers stand independently, however, when it comes to their function or job, they are similar to advertising corporations or advertising agencies.

The influencer doctor in this situation is classified as an advertising business actor since he serves as a product advertiser, offering compelling information to consumers for them to be willing to purchase the product. When the content of an advertisement contains lies, this might have legal ramifications, including harm to customers, hence advertising ethics must be taken seriously.¹³ MKEK Decree 22/2020, in number 4 letters a through f, mentions provisions for doctors involved in public service publicity education. In number 10 said that doctors can appear in advertising products that have no claims, such as a cure for disease, health, fitness, or beauty, on condition that all attributes relating to the doctor are released. As stated in Article 20 of the consumer protection law, advertising business actors who make advertisements are accountable for the commercials and any consequences that result from them.¹⁴ All of these consequences are intended to mean that if there is a loss due to the broadcast of the advertisement, the advertising business is also responsible. Furthermore, prohibitions in producing an advertisement are also mentioned in Article 17 paragraph (1) letters a-f of the consumer protection law.

One of these prohibitions is the prohibition on advertisements misleading consumers about the quality, amount, ingredients, usefulness, price, and time limit for receiving goods. Consumers must be clear about the items given through advertisements, such as if the substances used match what is claimed on the box, the utility of the product itself, and the price advertised by business actors without being increased or reduced for their personal benefit. The production of

¹¹ Yulfin Tandi Buak, "KAJIAN HUKUM TERHADAP JASA PROMOSI OLEH INFLUENCER PADA MEDIA SOSIAL YANG MENYIMPANG DARI KETENTUAN UNDANG-UNDANG PERLINDUNGAN KONSUMEN," *LEX PRIVATUM* 11, no. 4 (April 27, 2023): 6, <https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/47772>.

¹² Meidiana Cahya Anjarningtyas, "TANGGUNG JAWAB ENDORSER ATAS KERUGIAN KONSUMEN AKIBAT PENGGUNAAN PRODUK ENDORSEMENT," *Dinamika* 28, no. 4 (January 21, 2022): 3692, <https://jim.unisma.ac.id/index.php/jdh/article/view/14511>.

¹³ Krisna Vida Fabiano and Endang Prasetyawati, "KEDUDUKAN HUKUM SEORANG INFLUENCER DALAM ENDORSEMENT," *SOSIALITA* 2, no. 1 (June 9, 2023): 110, <https://jurnal.untag-sby.ac.id/index.php/sosialita/article/view/8639>.

¹⁴ Rahmadini, Adifa., et.al., Loc.cit. p. 462

advertisements is also prohibited from containing false information, whether it is about the guarantee/warranty of products or information about the risks of using these products. This is because consumers have the right to obtain factual information about a product. In addition, advertising production is prohibited from fabricating to exaggerate the incident of a person without the permission of the person concerned, such as if there is an incident of a person's face having acne or other skin problems and is claimed by using product A while the owner of the face has never used the product. Advertising business actors are also not allowed to violate ethics and/or the provisions of laws and regulations that specifically regulate advertising. The six prohibitions need to be heeded by advertising business actors when advertising.

In Consumer Protection Law, there are at least several principles of liability, including the principle of responsibility caused by negligence, responsibility due to breach of warranty, and strict product liability.¹⁵ For consumers who feel harmed, the theory of strict product liability applies to business actors because they have sold their products resulting in harm to consumers. Business actors are compared as having a full part in the production and marketing of items. How the product is produced, the use of product ingredients, product packaging, and other processes, business actors play an important role because the product issued is their product that will be useful for others (in this case, consumers). For this reason, if there is a loss experienced by consumers, business actors are required to provide compensation to consumers.¹⁶

Agreements between corporate actors and influencer doctors govern their use as advertising in promotional campaigns. Liability is defined in two ways: when the influencer doctor breaks the agreement or when making promotional advertisements. If there is a violation of Article 17 paragraph (1) letters c and d of the Consumer Protection Law, then Article 62 can be imposed on the influencer doctor. Liability by the influencer doctor uses liability based on fault which emphasizes the fault committed by the influencer doctor, where the fault needs to be proven first.¹⁷ If the influencer doctor is not found to have made a mistake, they cannot be held liable; nevertheless, if proven guilty, the influencer doctor can be held liable. This is because the marketing can be done by uploading material provided by the business actor, or by soft selling using commodities sent by the

¹⁵ Zulham, *Hukum Perlindungan Konsumen*, Pertama (Jakarta: Kencana, 2013). 83

¹⁶ Ibid. p. 100

¹⁷ Dwi Ratna Indri Hapsari, Devlita Almi Az Zahra, and Herwastoeti, "Legal Liability for Celebrities Promoting Goods Through The Instagram Platform," *Indonesia Law Reform Journal* 3, no. 3 (2023): 363, <https://doi.org/10.22219/ilrej.v3i3.32107>.

business actor, and the content is then created by the influencer doctor.

Unlike other legal areas, doctors have their standards for disciplining doctors who break the law. Mahesa Pandipa Maikel, Spokesperson for the Executive Board of IDI, informed national.tempo.co that doctors who advocate items may face ethical sanctions depending on the nature and severity of the infringement.¹⁸ MKEK will further investigate the severity of the misconduct committed by the influencer doctor. In the event of violations committed by influencer doctors, the 2018 MKEK Guidelines Article 29 number 1 mentions four categories for doctors who violate the code of ethics. The first category is purely coaching, applied to doctors if the mistakes made are still relatively minor. The second category is conviction without dismissal of membership, which is one level above category 1 and refers to moderate faults. The third category is the conviction with temporary membership termination, and the fourth category is permanent membership termination, which is a discipline issued when the doctor's wrongdoing is exceedingly severe.¹⁹ The four categories are applied based on minor to serious ethical infractions, as stated in number two.

The resolution of problems committed by influencer doctors is carried out through a trial conducted by the MKEK in collaboration with the IDI for settlement and trial of cases related to the status of membership of the doctor's professional organization, as stated in Article 10, paragraph (4) of the MKEK Guidelines.²⁰ Advertising or promoting a product, especially on social media, has not been regulated by the Broadcasting Law, but in making advertisements containing the promotion of goods/services, it cannot be arbitrary. According to the basic regulation on broadcasting production, Article 36 paragraph (5) letter of Broadcasting Law specifies that broadcasts may not contain defamation, provocation, misdirection, or lying.²¹ Exaggerated assertions may be a factor in the lie's fulfillment. This is because, even if an endorsement is given, it does not guarantee that the influencer

¹⁸ Yaputra Hendrik., Loc.cit. accessed on May, 25, 2024.

¹⁹ Dian Dwi Jayanti, "Etika Dokter Dalam Membuat Konten Medsos," accessed May 22, 2024, <https://www.hukumonline.com/klinik/a/etika-dokter-dalam-membuat-konten-medsos-lt640aeb611e0d7/>.

²⁰ Ela Aprida Nafliana, "PENEGAKAN HUKUM TERHADAP INFLUENCER YANG MENGIKLANKAN PRODUK KOSMETIK ILEGAL PADA PLATFORM MEDIA SOSIAL INSTAGRAM DI WILAYAH KEPOLISIAN RESOR KOTA PEKANBARU," *SIBATIK JOURNAL: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, Dan Pendidikan* 2, no. 5 (April 30, 2023): 1420, <https://doi.org/10.54443/sibatik.v2i5.804>.

²¹ Ni Putu Gita Padmayani, I Nyoman Putu Budiarta, and Ni Made Puspasutari Ujjanti, "Perlindungan Hukum Terhadap Konsumen Bagi Pengguna Kosmetik Ilegal Yang Diiklankan Influencer Di Media Sosial," *Jurnal Preferensi Hukum* 3, no. 2 (April 30, 2022): 316, <https://doi.org/10.55637/jph.3.2.4936.312-317>.

doctor uses the product. For example, a beauty influencer may claim on social media that the secret to her fair complexion is the use of product X, even though she never uses the product.²²

Social media linked to transaction services also refers to the ITE Law, where social media is a place to promote the products being sold. Its persuasive form results in the possibility of hoaxes, ITE Law in Article 45A paragraph (1) which is a criminal threat from Article 28 paragraph (1) as a form of responsibility for influencer doctors when providing false information. The article calls for a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp 1,000,000,000.00 (one billion rupiah) if proven to disseminate false news or hoaxes and misleading actions resulting in the loss of online consumers.²³ Therefore, the Broadcasting Law and ITE Law can prevent influencer doctors from deviant behaviour.

3.2. Legal Protection for Consumers Against Promotion of Skincare Products Conducted by Doctor Influencers on Social Media

Consumptive nature in humans is inseparable from desire and feeling dissatisfied with something, especially now that many advertisements on social media increase a person's sense of buying an item. Not infrequently as a cheap result products, given good reviews by others, given massive discounts, increase the sense of consumptiveness in a person. This becomes a problem when there is a discrepancy in the product, which causes harm to others. Consumers are frequently put in a vulnerable position because they lack authority without legal protection. Furthermore, customers are not always aware of their status in terms of consumer legal protection, known as consumer protection.

Consumer protection law exists primarily as a protective forum established by the government to fulfill its commitment to safeguard all citizens, both as consumers and as corporate actors. Consumer protection legislation surely includes all that is associated, namely between consumers and business actors, as well as rights and obligations that can be viewed from both perspectives. Consumer protection laws are undoubtedly beneficial to consumers, yet they are occasionally neglected

²² Syakhira Qiarasyifa, "Endorsement di Kalangan Influencer Media Sosial," <https://dikom.fisipol.ugm.ac.id> (blog), accessed May 31, 2024, <https://dikom.fisipol.ugm.ac.id/endorsement-di-kalangan-influencer-media-sosial/>.

²³ Annasya Fefatikha, B. Rini Heryanti, and Dharu Triasih, "PERLINDUNGAN HUKUM BAGI KONSUMEN TERKAIT INFLUENCER PELAKU ENDORSEMENT PADA MEDIA SOSIAL INSTAGRAM BERDASARKAN UNDANG-UNDANG NOMOR 8 TAHUN 1999 TENTANG PERLINDUNGAN KONSUMEN," *Semarang Law Review (SLR)* 4, no. 2 (October 8, 2023): 33, <https://doi.org/10.26623/slr.v4i2.5278>.

because people are unaware that rights are associated with obligations.

Nowadays, business people are trying to increase sales by doing promotions carried out by influencer doctors through endorsements. In addition, the purpose of endorsement is to spread skincare product information and attract consumers to buy skincare products. Consumers can be easily tempted by the content provided or created by influencer doctors on social media. This is due to the credibility, competence expertise, legitimacy, and honesty of influencer doctors, who certainly have expertise in the field of beauty.²⁴ Because of influencer doctors' trustworthiness, people are more likely to believe and be interested in purchasing the skincare products marketed. As a result, consumer protection is critical in achieving both preventative and repressive objectives.

This preventive endeavor is aimed at preventing consumers from experiencing harm as a result of utilizing a product. Consumer losses may include skin burns or irritation, as well as other skin illnesses. Consumers have rights that must be upheld by the Consumer Protection Law Article 4 letters a to i. Some of these rights include clear information on products, consumer protection for safety and health, the right to choose goods that are suitable for themselves, file complaints for losses experienced, and receive compensation or compensation.²⁵ Especially in letter c, regarding consumers who have the authority to obtain information and factual conditions for a product. This article plays an important role because endorsements are carried out to increase the profits of business actors.

It is inevitable that errors or omissions will occur in the endorsement, which may result in the dissemination of misinformation or an overstatement of the product's attributes. While price is often a primary motivator for consumers to purchase a product, it is essential to carefully assess the quality of the product. Frequently, products are sold at low prices due to the inclusion of illegal chemicals in their composition. Article 17 paragraph (1), particularly letter c, of the Consumer Protection Law, specifies that making advertisements for items for advertising business actors is prohibited if they contain falsification of information about an item. Business actors that do not operate in good faith while providing genuine information about an item will undoubtedly face new issues. As a result, consumers

²⁴ Frithjof Michaelsen, "The Impact of Influencers on Advertising and Consumer Protection in the Single Market," *Publication for the Committee on Internal Market and Consumer Protection (IMCO), Policy Department for Economic, Scientific and Quality of Life Policies, European Parliament*, 2022, 25.

²⁵ Gita Nurnila Putri, Jacobus Jopie Gilalo, and R. Djuniarsono, "Analisis Perlindungan Hukum Bagi Konsumen Atas Pengiklanan Produk Berbahaya Oleh Influencer," *Karimah Tauhid* 3, no. 4 (April 19, 2024): 4938, <https://doi.org/10.30997/karimahtauhid.v3i4.12948>.

must consider the content of a product before purchasing it, particularly skincare items, because the product will come into close touch with the skin.

The emergence of rights is always accompanied by obligations that must be fulfilled as consumers. The Consumer Protection Law in Article 5 states from letters a to d that consumers in purchasing an item are required to read or follow in advance the entire information related to the goods concerned. This is meant to assure the consumer's security and safety. Apart from that, when conducting transactions to purchase things, consumers must act in good faith. This good faith is meant to ensure that consumers carry out the agreed-upon sale and purchase performance, which in this case is formed in the framework of a simple sale and purchase agreement, in which consumers acquire an item, and the transaction is paid for. Other obligations include making payments as promised, paying at the price specified by the business actor, and complying with efforts to correctly address legal disputes involving consumer protection.

Social media is an effective way for firms to share product information with a broader audience. Initially, shoppers see other people's reviews of the product. Consumers are becoming increasingly intrigued about the product, thus they will strive to obtain and try it for themselves without regard for its content.²⁶ As a result, buyers should be concerned that their desire to purchase an item seen on the internet must be thoroughly investigated, such as its composition and compatibility with the skin, to avoid losses.

Essentially, influencers as a whole have not been controlled separately. They take up the responsibilities as an advertiser, but the consumer protection law imposes complete liability on enterprises and advertisers.²⁷ Consumers who suffer losses may make repressive efforts, as indicated in Article 45 paragraph (2) of the Consumer Protection Law, which stipulates that for consumers who encounter problems and want to resolve them. Settlement can be done by litigation or non-litigation, depending on the parties' agreed-upon terms. Parties who desire to settle out of court can do so by making peace, which corresponds to Articles 1851-1864 of KUH Perdata, or through the Consumer Dispute Resolution Agency (BPSK).

²⁶ Muthia Sakti and Dinda Dinanti, "Consumer Protection of Unauthorized Cosmetic Distribution in Indonesia's E-Commerce," *Jurnal Hukum Novelty* 11, no. 1 (February 28, 2020): 34, <https://doi.org/10.26555/novelty.v11i1.a15189>.

²⁷ Fefathika, Annasya., Loc.cit. p. 31

Consumer protection is undoubtedly the first line of defense for customers seeking to avoid losses due to influencer doctors' advertising of skincare goods. There are no more detailed regulations for liability, however, the consumer protection law can be used to address consumer loss issues.

4. Conclusion

Influencer doctors are responsible for promoting skincare products to their professional organizations and the public. The appeal through MKEK's decision letter is intended to prevent influencer doctors from problems regarding lies on social media. Influencer doctors are considered as advertising agencies for promoting products through social media. The responsibility of influencer doctors uses the principle of liability based on fault, namely if it is proven to harm consumers, because the content of the advertisement contains lies, then the influencer doctor must be held accountable for his actions in a trial conducted by the MKEK together with IDI, and if proven guilty will receive sanctions imposed as stipulated in the 2018 MKEK Guidelines Article 29. Consumers are often easily tempted by reviews from other people, especially people who have influence. This can certainly harm consumers when the product reviews are not appropriate and contain compositions that are prohibited by laws and regulations. Indeed, the right that consumers have before buying a product is to get true information, clear and honest information about skincare products, as well as the intricacies of these products. Conversely, business actors and advertising businesses also have a similar obligation to provide what consumers want. If this is not heeded, then they can be subject to Article 45A paragraph (1) of the ITE Law or Article 62 of the Consumer Protection Law.

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