

The Urgency of Law Enforcement Against Overclaiming Skincare Products on Social Media in the Perspective of Law Number 8 of 1999 concerning Consumer Protection

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ABSTRACT

The skincare industry is growing rapidly in the digital era, particularly through promotions on social media, which often utilize marketing strategies involving excessive claims. This phenomenon raises legal issues because it can mislead consumers and violate their rights. This study aims to analyze the urgency of law enforcement against the practice of overclaiming skincare products, focusing on Law Number 8 of 1999 concerning Consumer Protection. The research method used is normative juridical, with a statutory approach, legal literature, and case analysis. The results show that although regulations explicitly prohibit misleading advertising, law enforcement still faces obstacles, including weak oversight in the digital realm and low consumer legal literacy. Therefore, strengthening regulations, optimizing the role of supervisory institutions, and increasing consumer awareness are crucial aspects in realizing effective legal protection. This study concludes that consistent and adaptive law enforcement is an urgent need to address the dynamics of skincare product marketing in the digital era.

Keyword: Consumer Protection, Overclaim, Skincare, Social Media

ABSTRAK

Industri perawatan kulit berkembang pesat di era digital, khususnya melalui promosi di media sosial yang sering menggunakan strategi pemasaran dengan klaim berlebihan. Fenomena ini menimbulkan persoalan hukum karena dapat menyesatkan konsumen dan melanggar hak-hak mereka. Penelitian ini bertujuan untuk menganalisis urgensi penegakan hukum terhadap praktik *overclaim* produk skincare dengan berfokus pada Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen. Metode penelitian yang digunakan adalah yuridis normatif dengan pendekatan perundang-undangan, studi kepustakaan hukum, dan analisis kasus. Hasil penelitian menunjukkan bahwa meskipun regulasi secara tegas melarang iklan yang menyesatkan, penegakan hukum masih menghadapi berbagai kendala, antara lain lemahnya pengawasan di ranah digital serta rendahnya literasi hukum konsumen. Oleh karena itu, penguatan regulasi, optimalisasi peran lembaga pengawas, dan peningkatan kesadaran konsumen menjadi aspek penting dalam mewujudkan perlindungan hukum yang efektif. Penelitian ini menyimpulkan bahwa penegakan hukum yang konsisten dan adaptif merupakan kebutuhan mendesak untuk menghadapi dinamika pemasaran produk skincare di era digital.

Kata kunci: Perlindungan Konsumen, Overclaim, Skincare, Media Sosial.

INTRODUCTION

Indonesia is one of the countries with the rapid growth of the beauty industry, especially in the skincare sector which has experienced a significant increase in recent years. This skincare trend is driven by the increasing public awareness of skin health as well as the great influence of social media in promoting beauty products. However, behind these positive developments, there is the phenomenon of overclaim, promotional practices that exaggerate the benefits of products and do not correspond to reality. This phenomenon raises serious concerns, especially since many consumers trust the product's claims without understanding its composition or side effects (Adiguna, Rahmatiar, & Abas, 2025).

Overclaim constitutes a legal issue because business actors frequently employ misleading promotional narratives in digital marketing. Empirical evidence of such claims can be traced on social media platforms such as Instagram, TikTok, and online marketplaces, where skincare advertisements often promise unrealistic results, including phrases like “whitening in one night,” “acne disappears instantly,” or “permanent skin repair.” Several monitoring reports issued by the Indonesian Badan Pengawas Obat dan Makanan (BPOM) have identified promotional content containing exaggerated efficacy claims and unsupported therapeutic promises in online cosmetic advertising. These findings indicate that misleading promotional language is not merely hypothetical but occurs in actual digital marketing practices, thereby strengthening the argument that overclaiming is a concrete legal concern in consumer protection. This practice is contrary to Law Number 8 of 1999 concerning Consumer Protection (UUPK), especially Article 9 paragraph (1) which prohibits business actors from making misleading or untrue statements about goods and/or services. According to Ajeng, Zazili, and Rohaini (2025), overclaim is not only a violation of business ethics, but also a violation of the law that can harm consumers both materially and healthily.

Social media is the main space for the spread of this overclaim practice. Platforms such as Instagram, TikTok, and Shopee Live are promotional means for brands and influencers to attract consumer attention with excessive narratives. According to Silaban (2025), this phenomenon is exacerbated by the lack of digital literacy of the community and weak supervision of skincare product promotional content. Many consumers are unable to distinguish between valid scientific claims and mere marketing strategies.

In addition, regulatory agencies such as the Food and Drug Supervisory Agency (BPOM) face great challenges in supervising the circulation of products promoted online. Although BPOM has the authority to control distribution permits, there are still many products that have passed supervision or even do not have permits at all (Anastasyia, 2025). Piyo, Munawwarah, and Kadir (2025) emphasized that the role of BPOM is still reactive, meaning that supervision actions are only carried out after violations or reports from the community. This shows the weakness of the consumer protection system in the digital era.

The phenomenon of overclaim not only causes economic losses but also threatens consumer health. Various studies indicate that a number of skincare products marketed as safe or effective were later found to contain hazardous substances such as mercury, hydroquinone, or excessive steroids, which may

cause skin damage, systemic toxicity, and long-term health risks (Santika et al., 2024; Oetary, 2025). Empirical monitoring by regulatory authorities also shows that illegal cosmetics containing prohibited ingredients continue to circulate in the market, reflecting weaknesses in supervision and compliance among business actors (Anastasyia, 2025). These findings reinforce the argument that misleading safety claims are closely linked to real public health risks and demonstrate the urgency of stronger law enforcement against business actors who violate marketing regulations (Khotimah, 2025). Therefore, consumer protection must be carried out comprehensively through legal enforcement, supervision mechanisms, and public education to prevent misleading product claims in the cosmetics industry (Pakaila, Aydin, & Abbiyya, 2024).

From a legal perspective, the UUPK has actually provided a strong basis for holding business actors accountable for overclaim. However, according to Akbar, Safitri, Mutaqin, and Sakti (2025), the implementation of this law is still ineffective because many business actors have escaped the snare of the law due to ignorance or weak evidence. This shows that the urgency of law enforcement against overclaims is not only a normative issue, but also an implementive issue related to coordination between law enforcement agencies.

In addition, the aspect of business ethics is also an important highlight. Diana, Kaunang, Herdiansyah, and Maharani (2025) explained that the practice of overclaim reflects the low morality of business in the beauty industry that prioritizes profit over consumer safety. In fact, the principle of business ethics requires business actors to be responsible for the products marketed and not to mislead the public. Therefore, the problem of overclaim is not only a violation of the law, but also a form of moral deviation in the modern business world.

In the social context, people tend to rely on influencer testimonials and reviews on social media as the basis for purchasing skincare products. According to Marlina, Raspita, Novrianto, and Bidari (2025), consumer perception of the truth of product claims is often shaped by social image and not by scientific evidence. This further exacerbates the potential for the spread of misleading information that has an impact on increasing cases of consumer losses.

This phenomenon requires concrete steps in the form of firm and measurable law enforcement. According to Rahmawanty, Azahrah, Maharani, and Maad (2025), law enforcement against overclaims must be carried out through synergy between the government, BPOM, business actors, and the community. The government must strengthen regulations and supervision mechanisms for promotion on social media, while consumers need to be equipped with knowledge to be able to recognize forms of overclaim. This effort is important so that the balance between economic interests and consumer protection can be realized in a fair manner.

Based on the above explanation, this study assesses that law enforcement against the practice of overclaiming skincare products is very urgent to be implemented. Indecisiveness in law enforcement has the potential to reduce public trust in business actors and have a negative impact on consumer safety. Therefore, it is necessary to study in depth how the urgency of law enforcement against overclaiming skincare products on social media can

be effectively implemented within the framework of Law Number 8 of 1999 concerning Consumer Protection (UUPK).

Research Objectives To analyze the urgency of law enforcement against the practice of overclaiming skincare products on social media from the perspective of Law Number 8 of 1999 concerning Consumer Protection. To identify forms of legal liability for business actors who carry out overclaim practices against consumers in the context of legal protection in Indonesia.

RESEARCH METHODS

This study uses a literature review method (library research) with a normative juridical approach. This approach is carried out through the analysis of primary legal materials such as Law Number 8 of 1999 concerning Consumer Protection, Law Number 7 of 2014 concerning Trade, and Law Number 36 of 2009 concerning Health, which is the basis for legal protection for consumers. In addition, this study also examines secondary legal materials in the form of scientific journals, dissertations, and relevant academic literature regarding overclaims and legal responsibilities of business actors. The analysis was carried out in a descriptive-qualitative manner with the aim of understanding and explaining the urgency of law enforcement against the practice of overclaiming skincare products on social media and its implications for consumer rights in Indonesia.

RESULTS AND DISCUSSION

A. The Urgency of Law Enforcement Against the Practice of Overclaiming Skincare Products on Social Media

The phenomenon of overclaim in skincare products refers to the practice of conveying information that exaggerates the efficacy or benefits of products to consumers, especially through social media platforms such as Instagram, TikTok, and online marketplaces. This practice often causes misleading perceptions for consumers and has the potential to harm their health and finances (Dewi & Setianingrum, 2025). In this context, overclaim is not only a matter of business ethics but also a violation of the law that can be categorized as an act of harm to consumers according to the provisions of Law No. 8 of 1999 concerning Consumer Protection (Kriswandaru, 2024). In the digital era, the influence of social media in marketing skincare products is getting bigger. Sellers often use exaggerated claims, such as promising instant effects, acne-free in a few days, or dramatically anti-aging, which have not been scientifically proven (Adiguna, Rahmatiar, & Abas, 2025). This creates an urgency for law enforcement because consumers do not have adequate ability to assess the veracity of the claim. Overclaim is a form of information exploitation that violates the principles of transparency and honesty in trade (Pakaila, Aydin, & Abbiyya, 2024).

Law No. 8 of 1999 concerning Consumer Protection (UUPK) provides a legal basis for consumers to obtain true, clear, and honest information about the condition and warranty of the products purchased (Law No. 8 of 1999). Article 4 paragraph (1) states that consumers have the right to obtain correct information about products, including content, benefits, side effects, and prices. Thus, the submission of claims that exaggerate the efficacy of skincare through social media is clearly contrary to this legal principle (Mohd, Siti Yulia,

& Daeng Yusuf, 2024). In addition, Law No. 7 of 2014 on Trade also emphasizes the importance of advertising and promotion that does not mislead consumers. In the practice of overclaiming, business actors often emphasize benefits without a scientific basis, which in turn can be considered a form of commercial fraud (Norma Sari, 2021). This phenomenon emphasizes that consumer protection regulations are not only preventive, but also provide space for law enforcement in the event of a violation.

Overclaim has the potential to have a serious impact, both in terms of health and economy. Consumers who use skincare products based on excessive claims can experience irritation, allergies, or other dermatological complications (Anastasyia, 2025). Economically, consumers are disadvantaged by paying for products in the hope of unrealistic benefits, which violates the principle of fairness in trade transactions (Santika *et al.*, 2024). From the side of business actors, overclaim practices that are revealed can damage brand reputation, cause litigation, and be subject to administrative and criminal sanctions. For example, the Food and Drug Supervisory Agency (BPOM) has the authority to stop the circulation of skincare products that are proven to make misleading claims, in accordance with the provisions of drug and cosmetic supervision (Anastasyia, 2025). Thus, law enforcement is an important instrument to ensure business actors' compliance with consumer protection standards.

The growth of e-commerce and social media has significantly increased the complexity of monitoring product claims in the skincare industry. In Indonesia, digital platforms such as Instagram, TikTok, and online marketplaces have become dominant promotional channels, allowing brands to disseminate product claims rapidly through influencers and resellers. Data released by the Badan Pengawas Obat dan Makanan shows that a substantial proportion of cosmetic violations identified in recent supervisory operations originated from online promotions, including misleading efficacy claims and unverified testimonials. This indicates that the decentralized nature of digital marketing complicates regulatory oversight, as promotional narratives are no longer controlled solely by producers but are reproduced by multiple actors in the distribution chain. Such conditions demonstrate that the challenge of supervising product claims is not merely theoretical but empirically observable in the current digital marketplace. Academic findings further support this phenomenon, noting that influencer-based promotion often relies on subjective experiences that cannot be scientifically verified (Adiguna, Rahmatiar, & Abas, 2025). This creates a legal loophole that demands the strengthening of regulations and active law enforcement. Several studies emphasize the importance of harmonizing law and consumer education. For example, Marlina *et al.* (2025) stated that law enforcement against overclaims is not only in the form of administrative sanctions, but also counseling to the public about consumer rights. With proper education and enforcement, overclaim practices can be minimized, and consumers get optimal protection. Law No. 8 of 1999 regulates several law enforcement mechanisms, ranging from administrative sanctions, material damages, to criminal prosecutions if business actors are proven to be detrimental to consumers (Kusumadewi & Sharon, 2022). Article 7 states that business actors are obliged to provide true, clear, and honest

information about product conditions and guarantees. Failure to fulfill this obligation can be categorized as an unlawful act.

In practice, several cases of overclaim skincare have been processed under this law. Akbar *et al.* (2025) cite examples of litigation against skincare owners who make excessive claims, which lead to compensation and legal warnings. This shows that law enforcement is effective as a tool to prevent overclaim practices that harm consumers, while upholding the principles of justice and responsibility of business actors. Law enforcement against overclaims cannot be separated from the dimension of business ethics. The research of Fadilah, Toto, & Marlina (2025) emphasizes that the practice of overclaiming is contrary to Islamic business ethics principles, especially honesty and the prohibition of deceiving consumers. Similarly, Diana *et al.* (2025) highlight the moral and ethical violations of business ethics that occur when well-known brands overclaim to attract the market. The synergy between law enforcement and business ethics education is an important strategy to encourage business compliance by business actors.

In addition, Kriswandaru (2024) emphasized that consumer protection regulations must be accompanied by effective monitoring mechanisms, especially on social media. Supervisory bodies, including BPOM and related ministries, need to play an active role in conducting inspections, audits, and sanctioning business actors who are proven to overclaim. Strict law enforcement balanced with consumer education will create a healthy and fair trade climate.

Although regulations are clear, law enforcement against overclaiming skincare products faces a number of challenges. First, evidence of misleading claims is often digital and easy to remove or modify (Silaban, 2025). Second, the complexity of the distribution chain through resellers and influencers causes difficulties in determining the responsible parties (Ajeng, Zazili, & Rohaini, 2025). Third, the lack of consumer awareness of their rights makes it difficult to file complaints and legal action (Mastrini, 2023).

An effective law enforcement strategy should include:

1. Strengthening regulations and derivative regulations specific to social media and e-commerce.
2. Consumer education through digital literacy and consumer rights campaigns.
3. Increasing the capacity of supervisory bodies to conduct audits and take action against misleading claims (Putra, 2025).

With this strategy, the urgency of law enforcement against the practice of overclaiming skincare products can be effectively addressed, while increasing consumer legal protection.

Based on the perspective of Law No. 8 of 1999, law enforcement against the practice of overclaiming skincare products on social media is very important. Overclaim practices cause real harm to consumers, violate the principles of honesty, and have the potential to undermine business ethics. Law enforcement supported by consumer education, active supervision, and the application of strict sanctions are the main instruments to ensure optimal consumer protection.

B. Forms of Legal Accountability of Business Actors for the Practice of Overclaiming Skincare Products in the Perspective of Law No. 8 of 1999

The legal liability of business actors is an inherent obligation of the provider of goods or services to ensure that the products marketed do not cause losses to consumers and are in accordance with the claims submitted. Law No. 8 of 1999 concerning Consumer Protection (UUPK) emphasizes that business actors are responsible if proven to have committed acts that mislead consumers or violate consumer rights (Kriswandaru, 2024). In the context of skincare products, this liability includes administrative, civil, and criminal liability, depending on the level of violations committed (Ajeng, Zazili, & Rohaini, 2025). Business actors who overclaim, such as promising instant effects or benefits that have not been scientifically proven, are considered to have defaulted on consumers. This is in line with the definition of legal liability put forward by Kusumadewi & Sharon (2022), namely the obligation to compensate for losses due to unlawful actions. In practice, this form of accountability can be individual, for example to the owner or director of the company, or the corporation as a legal entity (Akbar, Safitri, Mutaqin, & Sakti, 2025).

One form of legal accountability for business actors is administrative sanctions applied by relevant supervisory bodies, such as BPOM. In the case of overclaiming skincare, BPOM is authorized to withdraw products from circulation, stop advertising campaigns, or provide official warnings to business actors (Anastasyia, 2025). Piyo, Munawwarah, & Kadir (2025) emphasized that the reactive role of BPOM is very important to ensure that skincare product claims circulating on social media platforms comply with safety standards and do not mislead consumers. This administrative form focuses not only on sanctions but also as a preventive mechanism. With regular supervision and clear warnings, business actors will be encouraged to convey accurate and honest information about their products. This is in line with the purpose of the UUPK which provides protection to consumers to avoid deceptive and detrimental business practices (Dewi & Setianingrum, 2025).

In the civil realm, the legal liability of business actors can be realized through the obligation to provide compensation to consumers who are harmed by overclaims. Article 19 of Law No. 8 of 1999 states that consumers have the right to claim material and immaterial damages if they suffer losses due to excessive use of claimed products (Mohd, Siti Yulia, & Daeng Yusuf, 2024). For example, a consumer who buys a skincare product based on a "acne-free in three days" claim but experiences irritation may claim compensation for treatment costs and psychological losses. Juridical studies also show that the form of civil liability can be carried out through the lawsuit process in court. Marlina *et al.* (2025) exemplify several cases of litigation on e-commerce platforms, where consumers have successfully obtained compensation due to misleading product claims. This strengthens the urgency of law enforcement as a means of consumer protection in the context of digital transactions, especially through social media.

In addition to administrative and civil matters, Law No. 8 of 1999 provides space for criminal liability for business actors who carry out overclaim practices deliberately to harm consumers. Article 62 of the UUPK regulates criminal threats in the form of fines and/or imprisonment for business actors who are proven to deceive or disseminate misleading information about

products (Kuncoro & Syamsudin, 2024). This is important because some overclaims not only cause economic losses but can also endanger consumer health (Oetary, 2025). Akbar et al. (2025) emphasized that criminal liability is the last but effective instrument to enforce legal compliance among business actors. Especially in the context of social media, where the dissemination of excessive claim information can take place quickly and widely, criminal law enforcement is a means to provide a deterrent effect to business actors.

In the practice of overclaiming skincare, legal liability applies not only to the company as an entity, but also to the individuals who manage and make promotional decisions. Akbar et al. (2025) show that skincare owners can be subject to personal legal responsibility if proven to make misleading claims. This is supported by Ngabito's (2025) research which emphasizes the importance of separating responsibilities between individuals and corporations so that law enforcement is more targeted. Diana et al. (2025) also emphasized the moral and ethical dimensions of business in legal accountability. Business actors not only violate positive laws, but also the principles of honesty and integrity in business. Therefore, legal and business ethics accountability complement each other in protecting consumers from overclaim practices.

The phenomenon of overclaim is not only carried out by brand owners, but also resellers and influencers who promote products on social media. Adiguna, Rahmatiar, & Abas (2025) emphasized that resellers have a legal obligation to convey correct and non-misleading product information. Likewise, influencers who receive compensation for promoting products, must be responsible for the claims they spread (Silaban, 2025). This poses new challenges in law enforcement, as there needs to be a clear legal mechanism to assess the extent to which resellers or influencers are responsible for their claims. Marlina et al. (2025) highlight the importance of regulations that bind the parties involved in the product distribution chain, so that legal accountability can be applied comprehensively.

BPOM, the ministry of trade, and consumer protection institutions have an important role in enforcing the legal accountability of business actors (Anastasyia, 2025). They not only provide administrative sanctions, but also facilitate the resolution of disputes between consumers and business actors. Piyo, Munawwarah, & Kadir (2025) emphasized that synergy between supervisory and law enforcement agencies increases the effectiveness of consumer protection, especially against overclaim practices spread through social media. In addition, a study by Putra (2025) shows the importance of documenting misleading product claims to support legal proceedings. Digital evidence from social media and marketplaces is an important instrument in proving the guilt of business actors in court.

In addition to formal legal aspects, the accountability of business actors is also related to the principles of business ethics. Fadilah, Toto, & Marlina (2025) stated that the practice of overclaim violates the principles of honesty, transparency, and social responsibility in business. This business ethics is in line with the goals of Law No. 8 of 1999, which not only protects the rights of consumers legally, but also emphasizes the moral responsibility of business actors (Rahmawanty, Azahrah, Maharani, & Maad, 2025). Business actors who are aware of ethical obligations tend to be more compliant with regulations and avoid excessive claims. Thus, strengthening business ethics can be a

preventive mechanism before reaching the realm of formal legal sanctions (Pakaila, Aydin, & Abbiyya, 2024).

Several strategies can be implemented to ensure that business actors are held accountable for overclaim practices:

1. Harmonization of regulations between Law No. 8 of 1999, Law No. 36 of 2009 concerning Health, and Law No. 7 of 2014 concerning Trade to close legal loopholes (Norma Sari, 2021).
2. Educate consumers so that they can recognize excessive claims and report harmful practices (Santika *et al.*, 2024).
3. Strengthening the capacity of supervisory institutions in product audits and claims submitted on social media (Anastasyia, 2025).
4. Proportionate sanctions are given, ranging from warnings, compensation, to criminal penalties for deterrent effects (Kuncoro, 2024).

The legal liability of business actors who carry out the practice of overclaiming skincare products can be realized in administrative, civil, and criminal forms. This form of accountability includes companies, owners, resellers, and influencers involved in product distribution and promotion. Effective law enforcement, supported by consumer education and strengthening business ethics, is the main instrument in protecting consumer rights in accordance with Law No. 8 of 1999.

From the author's perspective, the problem of legal accountability for overclaim in skincare marketing cannot be addressed solely through conventional liability frameworks that focus on producers as the primary actors. In the digital marketplace, responsibility should be interpreted as a distributed legal accountability model, where liability extends proportionally to all actors involved in the promotional chain, including brand owners, resellers, digital marketers, and influencers. This model is necessary because product claims are no longer communicated through a single institutional channel but are reproduced through algorithm-driven dissemination on social media platforms. Therefore, legal enforcement in the digital era should not only emphasize sanctions after violations occur, but also incorporate preventive regulatory mechanisms, such as mandatory claim verification standards, traceable promotional accountability, and platform-based monitoring obligations. By reconceptualizing liability as a shared and traceable responsibility, consumer protection law can respond more effectively to the structural changes brought by digital commerce.

CONCLUSION

Based on the discussion of the urgency of law enforcement against the practice of overclaiming skincare products on social media and the form of legal accountability of business actors in the perspective of Law Number 8 of 1999 concerning Consumer Protection, it can be concluded Law enforcement against the practice of overclaiming skincare products on social media is essential to protect consumers from misleading information and excessive product claims. Social media as a promotional platform has a wide reach, so overclaims can cause financial and health losses for consumers. Law Number 8 of 1999 provides a strong legal basis for consumer protection, both through supervision, administrative sanctions, and consumer education to increase awareness and vigilance against unproven claims. Business actors who are

proven to overclaim are legally responsible in three main forms: administrative, civil, and criminal. Administrative accountability is realized through sanctions from supervisory institutions such as BPOM, including product recalls or termination of promotional campaigns. Civil liability includes the obligation to provide material and immaterial damages to aggrieved consumers, while criminal liability applies to business actors who deliberately mislead consumers, including the threat of fines or jail time.

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