

## Legal Responsibility of Business Actors for Overclaims in the Cosmetics Industry is Linked to the Principle of Moral Integrity

**Febri Nurfauzi<sup>1)</sup>, Melia Putri Purnama Sari<sup>2)</sup> & Anita Afriana<sup>3)</sup>**

<sup>1)</sup>Faculty of Law, Universitas Padjadjaran, Indonesia, E-mail: [febri23002@mail.unpad.ac.id](mailto:febri23002@mail.unpad.ac.id)

<sup>2)</sup>Faculty of Law, Universitas Padjadjaran, Indonesia, E-mail: [Melia18003@mail.unpad.ac.id](mailto:Melia18003@mail.unpad.ac.id)

<sup>3)</sup>Faculty of Law, Universitas Padjadjaran, Indonesia, E-mail: [anita.afriana@unpad.ac.id](mailto:anita.afriana@unpad.ac.id)

**Abstract.** *The cosmetic industry for skin care is increasingly growing in Indonesia, which is in line with the increasing business activities today. For women, cosmetics are one of the necessities. Along with such circumstances, overclaim actions in the cosmetics industry are rampant in Indonesia, this is related to business ethics that have not been fully implemented by business actors in Indonesia and the role of Law Number 8 of 1999 concerning Consumer Protection should be able to guarantee legal protection for consumers in Indonesia. The research method used in writing this article is normative juridical with qualitative juridical data analysis through collection from literature studies and linking the data obtained with laws and regulations, theories and legal principles.*

**Keywords:** *Analysis; Cosmetic; Increasingly; Juridical.*

### 1. Introduction

The current economic development in Indonesia is very rapid, thus encouraging people as business actors to be more creative in creating new inspirations in business competition. The booming business world in Indonesia today is one of them related to the cosmetics industry for skin care which is used as a primary, secondary or tertiary need depending on consumers' priorities in using it. Inosentius Samsul argues that consumers are users of a product whether it is obtained from a purchase or a gift.(Muthiah, 2018). Cosmetic products for skin care consumed by consumers include facial cleansers, toners, serums, moisturizers, sunscreens, masks, eye creams, which are effective in curing acne, brightening, removing spots, and preventing premature aging, which are also called skincare.

In building a healthy business as a business actor when producing, promoting, and trading goods must be done based on Law Number 8 of 1999 concerning Consumer Protection. The provisions of the Consumer Protection Law contain prohibitions that should not be carried out by business actors in the business world. This aims to provide legal protection for consumers and to ensure that the product is suitable for distribution.(Bunga Permata Sari, Yudhia Ismail, & Kristina Sulatri, 2022). In fact, there are still many business actors who are in conflict with UUPK, namely regarding producing

and promoting products that are not in accordance with conditions, as well as the special features or contents listed in the composition. One of them occurred in a case that is currently rampant on social media, namely related to the SS SKIN brand and reviewed by a beauty doctor commonly known as Doktif.

SS SKIN skincare products promote through TikTok live broadcasts and are distributed through e-commerce services, so that sales increase every year. The public as consumers buy these products because they are claimed to have very effective benefits and uses and have high levels of content. This statement was denied by Doktif because one of SS SKIN's skincare products did not include an expiration date, composition, or distribution permit, so they appealed to the public to be more careful in buying even though the price was quite expensive.(Yuliawati, 2025). The review presented by Doktif on the product concluded that the owner of the SS SKIN skincare brand as a business actor carried out an overclaim action when promoting it.(Revi & Tri, 2025).

The increasing number of overclaim incidents in skincare products needs to be a warning to the public as consumers to pay attention to the negative impact of the rapid development of the world of cosmetics for the skin.(Rafyanka Ivana, 2024). The term overclaim can be interpreted as a product whose content and benefits are marketed not in accordance with the claims in the composition listed. The beginning of the problem of overclaiming skincare products occurred in 2023 until now. In addition to the case that occurred with the SS SKIN brand, Doctor Dian Pratiwi, a Dermatologist, also revealed that there are other examples of cases related to overclaim, namely a skincare product that claims its product contains 5% niacinamide listed in the composition, but in fact after laboratory tests it was proven that the percentage was lower, so it would have less effect on the skin(Dian, 2024).

This overclaim action is one of the strategies in marketing the sale of skincare products which aims to create an attraction for consumers to buy and consume them. Article 8 letter f of the Consumer Protection Law emphasizes that such actions are prohibited by business actors so that honesty is needed as a form of awareness in marketing and distributing products so that consumers avoid negative impacts such as incompatibility that causes skin irritation, breakouts, and others.(Adinda Ayu & M, 2024). Business actors have an obligation to be transparent when selling products and provide appropriate information in skincare composition, but many of these issues are still ignored so that they do not have business ethics.

Business ethics is an understanding of the ideal steps in managing a business by paying attention to universally applicable norms and morality.(Muslich, 2004). The purpose of ethics in business is to build moral awareness of business actors based on noble values for the benefit of consumers and to maintain the image of personal businesses for the long term.(Handayani, 2019). Sonny Keraf argues that in business ethics there are several principles, one of which is the principle of moral integrity which is used as a benchmark for business behavior guidelines when doing business. The principle of moral integrity is the principle of not harming others in all business decisions and actions taken. This principle is based on the awareness that everyone's dignity and honor must be respected(Keraf, 1998).

## **2. Research Methods**

The approach used in writing this article is normative juridical, which is a scientific procedure to obtain logical truth in legal science, which is carried out through analysis

of laws based on dogmatic legal theory, legal philosophy, and other legal sources. This normative juridical research is based on primary, secondary, and tertiary legal materials carried out by means of literature study. Research conducted based on these legal materials is then presented in the form of arguments to provide concrete facts in accordance with *das sollen & das sein*.

### **3. Results and Discussion**

#### **3.1. Legal consequences for business actors who overclaim a product in terms of the Consumer Protection Law**

The act of overclaiming has become a topic of discussion because of problems in the business world of cosmetic products for skin or skincare. Overclaiming actions carried out by business actors is an option in marketing products to make them attractive to consumers. Characteristics of skincare products that overclaim include excessive promotion or inappropriate content in the composition, unclear distribution permits, and causing an impact on the skin after use.(Indonesia, 2024). Skincare that is distributed both abroad and domestically, as well as produced locally or imported, must be legally submitted to the Food and Drug Supervisory Agency (BPOM) to be tested first. BPOM is an institution that is given the authority to regulate, pay attention to standards according to procedures and criteria, and carry out supervision of quality, safety, labels, and advertising in Indonesia.(Nugraha, 2023).

*Skincare* which do not have a distribution permit are not only included in overclaim actions but can also be categorized as illegal actions because the results of BPOM tests on these products contain dangerous ingredients such as hydroquinone, tretinoin, clindamycin, resorcinol and fluocinolone.(Food, 2024). Many factors cause business actors to continue selling and promoting skincare with overclaims and illegally even though BPOM has issued an appeal to the public. This is due to the lack of consumer knowledge in choosing products, the desire for instant results, business actors who violate the rules, and the lack of knowledge of business actors if there is an inspection by BPOM because of fear(Hamidah & Mulianto, 2024).

As a result of business actors who still underestimate BPOM standardization and do not prioritize consumer health interests, this causes many losses experienced directly by consumers and criminal acts by business actors. The losses arising from overclaims in product composition descriptions have an impact that can endanger and threaten consumer safety. Consumer safety is highly prioritized so that the government provides a form of legal protection by creating the Consumer Protection Law(Izza & Zafira, 2020). Business actors who carry out overclaim actions and do not prioritize consumer safety have violated the provisions of Article 4 of the Consumer Protection Law, because consumer rights are not fulfilled by business actors.(Tahaanii & Waluyo, 2023).

The legal consequences of dishonest business actors due to overclaiming and producing in a manner that does not comply with regulations can be subject to administrative sanctions in the form of compensation of two hundred million rupiah as stipulated in Article 60 paragraph (1) and (2) of the Consumer Protection Law, so that consumers who feel they have been harmed can file a lawsuit or claim with the Consumer Dispute Resolution Agency (BPSK) whose jurisdiction covers the Consumer's domicile. In addition to administrative sanctions, there are also criminal sanctions in the form of imprisonment for a maximum of five years or a maximum fine of two billion rupiah, this is stipulated in Article 62 paragraph (1) of the Consumer Protection Law.(Ariadi, 2024). Consumers can

also file criminal charges with the local police in the form of formal crimes against business actors or their managers as stated in Article 61 of the Consumer Protection Law.

### **3.2. The responsibility of business actors towards consumers as a result of overclaiming a product is linked to the principle of good faith and the Principle of Moral Integrity**

The development of the business world in the cosmetics industry in 2022 reached 21.9% with details of 913 companies and in mid-2023 it reached 1,010 companies with a percentage of 4.75%, based on data submitted by the Indonesian Cosmetics Association and Association, and continues to experience an increase every year.(Akbar, Safitri, Mutaqin, & Sakti, 2025). The rapid growth of the skincare business today is certainly the influence of the help of digital technology developments, namely through social media and e-commerce. This makes business actors compete with each other in doing business using their respective strategies, one of which is promoting products through overclaim actions. Of course, this overclaim action is contrary to the provisions of Article 7 letter b of the Consumer Protection Law, namely advertising products not based on regulations and can harm consumers.

Article 8 letter f of the Consumer Protection Law emphasizes that business actors are prohibited from making or trading goods or services that do not match the claims stated in the form of labels, labels, and promotions. Efforts that must be made by Maklon and skincare brand founders as business actors are to provide accountability to consumers. One form of accountability that can be given is that business actors in running a business must be carried out healthily and are willing to bear the risk in the form of complaints from consumers due to the use of products that have been produced.(Arumbi, Hermawan, & Nugroho, 2024). Another effort that must be made by business actors is to provide responsibility to consumers without proving whether or not there is an error, as well as other additional efforts by still providing compensation.(Nur & Prabowo, 2011).

Article 19 of the Consumer Protection Law emphasizes that business actors are required to provide accountability to consumers in the form of compensation for consuming goods or services that they have made. The compensation in question is by returning money, goods, or services and their value is equivalent. A person is not only responsible for himself but also for people under his responsibility and supervision who cause losses to others, as explained in Article 1367 of the Civil Code. Providing compensation to consumers is not only carrying out accountability but this is part of the good faith of business actors. The principle of good faith in the business world is included in the principle of moral integrity which must include honesty, responsibility, and compliance with ethical norms.(Manik, Sipahutar, & Putra, 2024).

Business actors not only need to be responsible for the products or services they provide, but must also be based on the principle of good faith as a fundamental principle in contract law. Every business actor needs to prioritize the principle of good faith in e-commerce transactions by providing accurate and non-misleading information to consumers. If there are business actors who fail to fulfill their obligations on this principle, they have committed a violation of the law because it has harmed the consumer.(Jusar, Taher, & Dwivisari, 2023).

#### 4. Conclusion

The rapid growth of the cosmetics industry in Indonesia has led to the rise of marketing practices that are not in accordance with the provisions, one of which is the overclaim action. Overclaim is a form of promotion that exaggerates the benefits or content of skincare products, which legally violates the provisions of Article 8 letter f of Law Number 8 of 1999 concerning Consumer Protection. This action has the potential to cause losses to consumers and can be subject to administrative and criminal sanctions. In fact, business actors have a legal and moral responsibility to convey product information honestly and transparently. This obligation is based on the principle of good faith and the principle of moral integrity in business ethics, as regulated in Article 19 of the UUPK and Article 1367 of the Civil Code. Providing compensation to consumers is a real form of accountability for losses incurred, while the form of law enforcement by related institutions such as BPOM and increasing consumer literacy are important aspects in overcoming the practice of overclaim. In the long term, business actors who uphold honesty and ethical responsibility will be able to build a sustainable business and gain consumer trust consistently.

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