

Construction of Regulations for Consumer Protection in the Distribution of Dangerous Slimming Drugs Based on Justice

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Abstract. *This study aims to determine and analyze the current regulatory construction of consumer protection in the distribution of dangerous slimming drugs. know and analyze about Weaknesses in Regulatory Construction Regarding Consumer Protection in the Current Circulation of Dangerous Slimming Drugs, as well as knowing and analyzing the Construction of Regulations on Consumer Protection in the Distribution of Dangerous Slimming Drugs Based on Justice. Research using the method Normative Legal Research which includes legal systematic research, legal synchronization level research, comparative legal research, legal history research, research on positive legal norms, legal principles, legal principles, and legal doctrines, along with court decisions. The results of the study indicate that the current construction of consumer protection regulations in Indonesia is built on the foundation of Law Number 8 of 1999 concerning Consumer Protection. The weaknesses of the construction of consumer protection regulations against the circulation of dangerous slimming drugs lie in legal loopholes, weak enforcement, and inadequate supervision, which allow the circulation of dangerous products through misleading advertising and promotions. In addition, the sanctions applied may not provide a deterrent effect, and it is difficult to identify and prove violations of the distribution of illegal products.*

Keywords: *Construction; Consumer; Protection; Regulatory.*

1. Introduction

Legal protection is provided with the aim of protecting consumer rights, so that in the future consumers do not become the disadvantaged party.¹ Consumer protection has objectives that can be developed in stages, starting from awareness to empowerment.² Achieving consumer protection goals does not have to be done

¹Dedi Harianto, Legal Protection for Consumers Against Misleading Advertisements, Ghalia Indonesia, Bogor, 2010, p. 19.

²Celiana Tri Siwi Kristiyanti, Consumer Protection Law, Sinar Grafika, Jakarta, 2008, p. 22.

through regulatory measures, but rather by considering their urgency. Ideally, achieving consumer protection goals would be done simultaneously.³

Article 8 paragraph (1) point (AJ) of Law No. 8 of 1999 concerning Consumer Protection states that "business actors are prohibited from producing and/or trading goods and/or services that do not comply with the required standards, do not comply with the measurements and sizes, do not comply with the conditions, quality and guarantees, and do not include usage information in Indonesian in accordance with statutory regulations."

Many consumers are unaware of the dangers of diet and weight-loss products containing hazardous ingredients. These ingredients can damage human organs and significantly impact health. One common example is the distribution of drugs that do not meet health requirements. This means that these slimming products do not have a distribution permit from the Food and Drug Authority (BPOM).

Regarding endorsements, it is not uncommon to find illegal, dangerous, and inappropriate products promoted by celebrities or influencers, such as those promoted by Amanda Manopo and Sandra Dewi. These two celebrities promoted a diet drug containing a dangerous substance called "Fast Natural Extra Strong by Stevia Agnecya." Based on the explanation from Dr. Richard Lee, a cosmetic doctor, through his YouTube platform, it shows that the diet drug contains sibutramine, which can cause heart palpitations and dizziness. It can even trigger stroke and kidney failure. Drugs containing sibutramine have also been banned by the Food and Drug Monitoring Agency (BPOM), and their distribution permits have been revoked.⁴

As a result of the endorsed product information advertised by these celebrities on social media, consumers are tempted to purchase these dangerous diet/slimming products. Unfortunately, the majority of consumers don't research the products offered by celebrities or Instagram celebrities before deciding to buy them, leading many to feel deceived by the information they convey about these products.

2. Research Methods

This research uses the Normative Legal Research approach. Normative legal research encompasses legal systematics, legal synchronization, comparative legal research, legal history, positive legal norms, legal principles, and legal doctrines,

³Susanti Adi Nugroho, *Consumer Dispute Resolution Process Reviewed from Procedural Law and Implementation Constraints*, Kencana, Jakarta, 2008, p. 67.

⁴Ismail, "Richard Lee Exposes Dangerous Diet Pills Promoted by Artists and Instagram Celebrities, Their Ingredients Can Cause Strokes." <https://www.suara.com/entertainment/2023/01/18/094500/richard-lee-bongkar-obat-diet-berbahaya-yang-dipromosikan-artis-dan-selebgram-kandungannya-bikin-orang-kena-stroke>, on April 29, 2025.

along with court decisions.⁵

The research specification used in this research is analytical descriptive which is intended to provide an overview and description of the object being studied through data or samples that have been collected without conducting analysis and making a summary that applies to the public regarding Consumer Protection Against the Circulation of Dangerous Slimming Drugs Promoted by Artists Based on Law Number 8 of 1999 Concerning Consumer Protection. This is expected to be able to solve the problem by describing the research object as it is based on the facts obtained during the research.

The research data sources consist of primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations, official records such as academic papers and minutes of meetings drafting laws and regulations, and judicial decisions. Secondary legal materials include literature, expert opinions, books, articles, and research findings that provide interpretations and critiques of the primary materials. Tertiary legal materials include legal dictionaries, encyclopedias, and indexes of laws and regulations as tools to aid in understanding the terms and classifications of legal sources.

The data collection technique used document and literature study methods. This activity involves collecting, examining, or tracing documents or literature to obtain the information or details needed for this research. The goal is to find legal materials, both primary, secondary, and tertiary, and to serve as a reference in solving the research problems.

3. Results and Discussion

3.1. Construction of Regulations for Consumer Protection in the Current Circulation of Dangerous Slimming Drugs

The current framework for consumer protection regulations in Indonesia is based on Law No. 8 of 1999 concerning Consumer Protection and Law No. 36 of 2009 concerning Health, as well as oversight by the Food and Drug Authority (BPOM), which aims to protect consumers from unfair business practices. These regulations are reinforced by other, more sector-specific regulations, such as laws related to financial services, and incorporate principles such as transparency, fairness, reliability, and data security. Protection is realized through the enforcement of criminal sanctions for drug distributors without marketing authorizations, administrative sanctions, and oversight by BPOM and e-commerce platforms to verify illegal products.

Theoretically, the concept of consumer protection aims to create a strong civil society, namely in order to realize a just and prosperous society that is evenly

⁵Bambang Waluyo, *Legal Research in Practice*, Sinar Grafika, Jakarta, 2002, p. 15.

distributed both materially and spiritually in the era of economic democracy based on Pancasila and the 1945 Constitution (UUD). To implement all of that, the role of the state to regulate market mechanisms is very necessary, because only with the proper functioning of market mechanisms can economic activities in society produce prosperity for the people within it. The right market mechanism must be implemented using a system called by Jimly Asshidiqie as a new trias politica, where the state acts as a regulator and society must play a role in channeling the aspirations of the sovereign people, providing direction for the administration of the state, and controlling the course of government in a participatory manner and the market as an intermediary for the needs of the people's lives from producers to consumers.⁶

Active consumer involvement in oversight is crucial. Public education on the risks of OBA containing BKO and how to identify suspicious products must be carried out extensively through various media platforms. The Food and Drug Authority (BPOM) is focusing on improving drug and food literacy through public education programs, such as the "Cek KLIK" (Check Packaging, Label, Distribution Permit, and Expiration) campaign in various regions. This campaign is intended as a preventative measure to protect the public from the risks of using unsafe or illegal drugs and encourages the public to be more critical in selecting and using health products.⁷

According to the Food and Drug Authority (BPOM), dangerous weight loss drugs are natural-based products (OBA) known to contain chemical substances (BKO) that are hazardous to health. These weight loss products are known to be contaminated with chemicals such as sibutramine and bisacodyl. Sibutramine itself is a medication used as a supplemental treatment to aid weight loss. However, side effects of sibutramine can include dry mouth, headaches, insomnia, and even amnesia.

Comprehensive efforts to identify BKO require a multifaceted approach. At the regulatory level, strengthening the legal framework and imposing stricter sanctions for violators is necessary. Harmonizing regulations and testing procedures with international standards is also crucial to ensure imported products meet safety requirements. From a supervisory perspective, increasing the frequency and scope of post-market sampling and strengthening pre-market oversight through document evaluation and rigorous laboratory testing can prevent problematic products from entering the market. In the digital era, monitoring products marketed online presents a unique challenge. The Food and Drug Authority (BPOM) has developed cyber patrols to monitor the sale of

⁶Jimly Ashiddiqie, *Economic Constitution*, Kompas, Jakarta, 2010, p. 374.

⁷BPOM, "BPOM Encourages Health Literacy and National Resilience Through Responsible Self-Care Practices", Accessed from <https://www.pom.go.id/berita/bpom-dorong-literasi-kesehatan-dan-ketahanan-nasional-melalui-praktik-self-care-yang-bertanggung-jawab>, on November 12, 2025.

traditional medicines on e-commerce platforms and social media. Collaboration with digital platform managers in blocking the sale of illegal or dangerous products is crucial. The development of technology-based tracking and tracing systems, such as barcodes or QR codes, for traditional medicinal products can also help consumers verify product authenticity.⁸

In conclusion, the benefits of establishing consumer protection regulations regarding the distribution of dangerous weight loss drugs are to protect consumers from health risks and financial losses, ensure business actors are accountable, and improve the quality and safety of products on the market. These regulations ensure consumers receive accurate information, are protected from exploitative practices, and have legal recourse in the event of losses.

3.2. Weaknesses in Regulatory Construction Regarding Consumer Protection in the Current Circulation of Dangerous Slimming Drugs

In reality, Law Number 8 of 1999 concerning Consumer Protection cannot fully guarantee legal certainty for consumers. Although regulations governing consumer protection exist, enforcement is often inadequate. Limited resources and a lack of coordination between institutions hinder business compliance with existing regulations. To address these challenges, collaborative efforts between the government, businesses, and the public are needed to create a better consumer protection ecosystem in Indonesia. Improving consumer literacy, adapting regulations to technological developments, and firm law enforcement are key to addressing future consumer protection challenges.⁹

The weaknesses in consumer protection regulations against the distribution of dangerous slimming drugs lie in legal loopholes, weak enforcement, and inadequate oversight, which allow the distribution of dangerous products through misleading advertising and promotions. Furthermore, the sanctions imposed may be less effective as a deterrent, and it is difficult to identify and prove the violations behind the illegal distribution of these products.

Furthermore, weaknesses in consumer protection regulations regarding the distribution of dangerous slimming drugs lie in the difficulty of monitoring the distribution of illegal products, weak enforcement of sanctions, and minimal consumer education, which leaves them vulnerable to misleading advertising. Furthermore, businesses often ignore distribution permit procedures because existing sanctions are insufficient to deter consumers, especially when compared

⁸Mohamad Kashuri, *Challenges and Strategies of Supervision, Addressing the Regulation of Traditional Medicines, Health Supplements, and Cosmetics in Indonesia*, PT Reformasi Jangkar Philosophia, Banyumas, 2025, p. 513.

⁹Ermanto Fahamsyah, "A Quarter Century of Consumer Protection Law: Challenges and Hopes", accessed from <https://www.hukumonline.com/berita/a/seperempat-abad-uu-perlindungan-konsumen--tantangan-dan-harapan-lt678009202512d?page=all>, on November 10, 2025.

to the substantial profits to be made from selling these dangerous products.

Factors that cause the circulation of pharmaceuticals without distribution permits in Indonesia:¹⁰

- 1) Financial benefits: Business actors who do not have a distribution permit can gain greater profits because they do not need to pay registration and supervision fees from the Food and Drug Monitoring Agency (BPOM).
- 2) Lack of oversight and law enforcement: Weak oversight and law enforcement can make it easier for perpetrators to commit the crime of distributing pharmaceutical preparations without a distribution permit. This lack of oversight and law enforcement can influence the occurrence of criminal acts of distributing pharmaceutical preparations without a distribution permit in Indonesia.
- 3) High market demand for pharmaceutical preparations: High market demand for medicines can trigger perpetrators to commit the crime of distributing pharmaceutical preparations without a distribution permit. High market demand for pharmaceutical preparations can be a factor influencing the occurrence of the crime of distributing pharmaceutical preparations without a distribution permit in Indonesia.
- 4) Lack of public awareness of the dangers of using unregistered drugs or drugs that do not have a distribution permit: Lack of public awareness of the dangers of using unregistered drugs or drugs that do not have a distribution permit can trigger market demand for these drugs and make it easier for perpetrators to commit the crime of distributing pharmaceutical preparations without a distribution permit.
- 5) Over-the-counter drug sales: Over-the-counter drug sales can be a factor in the production and distribution of drugs or pharmaceutical preparations without a distribution permit. Over-the-counter drug sales can be a contributing factor to the crime of distributing pharmaceutical preparations without a distribution permit in Indonesia.
- 6) Economic factors: Economic factors in Indonesia have significantly impacted the increase in illegal distribution of pharmaceutical products. Economic factors can influence the occurrence of illegal distribution of pharmaceutical products in Indonesia.
- 7) Lack of awareness of business actors: Lack of awareness of business actors regarding the importance of having a distribution permit and maintaining product quality can trigger the occurrence of criminal acts of distributing pharmaceutical preparations without a distribution permit. Lack of awareness of business actors

¹⁰Alfa Yudha Longdong, Olga A. Pangkerego, and Thor Bangsaradja Sinaga, "Juridical Review of Criminal Acts of Distributing Pharmaceutical Preparations Without a Distribution Permit Online", *Journal of the Faculty of Law, UNSRAT*, Vol. 20, No. 1 (2020), pp. 8-11.

can be a factor influencing the occurrence of criminal acts of distributing pharmaceutical preparations without a distribution permit in Indonesia.

3.3. Construction of Regulations for Consumer Protection in the Distribution of Dangerous Slimming Drugs Based on Justice

Consumer protection through the Consumer Protection Law (UUPK) is crucial because it prevents consumer exploitation by businesses seeking profit. This law not only provides legal protection to consumers but also improves the quality of goods and services produced, ensures consumer health and safety, and raises consumer awareness of self-protection. Furthermore, the UUPK regulates halal production and prohibits unethical practices. Despite the development of a free market, transactions often lead to consumer dissatisfaction with products that do not meet desired safety and quality standards. This demonstrates the importance of consumer protection regulations in safeguarding consumer interests and safety from products that do not meet expected standards.¹¹

Enforcement of the Consumer Protection Law is not only concerned with taking action against businesses that harm consumers, but also with efforts to create a healthy, fair, and civilized trading ecosystem. A balance between rights and obligations is key. The public needs to be aware of their rights, but also understand that businesses have legal obligations that must be upheld. Legal protection for consumers is implemented as a joint effort based on five legal principles as stated in Article 2 of the Consumer Protection Law, namely:¹²

- a. Benefit,
- b. Justice,
- c. Balance,
- d. Consumer safety and security, as well as
- e. Legal certainty.

First, the principle of benefit. This principle states that all efforts to implement consumer protection must provide the greatest possible benefit to the interests of consumers and business actors as a whole. This principle requires that the regulation and enforcement of consumer protection laws are not intended to

¹¹Sutan Pinayungan Siregar, "Legal Certainty of Consumer Protection in Accordance with the Provisions of the Consumer Protection Law", *Journal of Law, Administration, and Social Science*, Volume 4 No. 2, 2024, p. 231.

¹² Sherly Risanty, "Principles of Justice in Consumer Protection", accessed from [https://marinews.mahkamahagung.go.id/artikel/asas-keadilan-dalam-perlindungan-konsumen-05a#:~:text=Penegakan%20Undang%2DUndang%20Perlindungan%20Konsumen,Kepastian%20hukum](https://marinews.mahkamahagung.go.id/artikel/asas-keadilan-dalam-perlindungan-konsumen-05a#:~:text=Penegakan%20Undang%2DUndang%20Perlindungan%20Konsumen,Kepastian%20hukum,), on 24 Nov 2025.

place one party above the other or vice versa, but rather to provide each party, producers-business actors and consumers, what is their right. Thus, it is hoped that the regulation and enforcement of consumer protection laws will benefit all levels of society and, in turn, benefit the life of the nation. Both consumers and business actors or producers have the right to receive the benefits provided. It must not be one of the two parties, so that neither party feels any benefit or loss.¹³

Second, the principle of justice. This principle is intended so that the participation of all people can be realized optimally and provide opportunities for consumers and business actors to obtain their rights and carry out their obligations fairly. This principle requires that through the regulation and enforcement of consumer protection laws, consumers and producer-business actors can act fairly by obtaining rights and fulfilling obligations in a balanced manner, therefore, this law regulates a number of rights and obligations of consumers and producer-business actors.¹⁴

Third, the principle of balance. This principle is intended to provide a balance between the material and spiritual interests of consumers, business actors, and the government. This principle requires that consumers, producers-business actors, and the government receive equal benefits from the regulation and enforcement of consumer protection laws. The interests of consumers, producers-business actors, and the government are regulated and must be realized in a balanced manner in accordance with their respective rights and obligations in the life of the nation and state.¹⁵

Fourth, the principle of security and safety requires that the implementation of consumer protection is expected to pay attention to the security and safety aspects for consumers regarding the goods and/or services they use and provide assurance that the products used are not dangerous to the safety of consumers' lives. To be able to realize the security and safety of consumers regarding the goods and/or services, it must begin with making good regulations, standardization, and optimization of supervisory institutions. The absence of mention of the interests of business actors in this fourth principle, the principle of consumer security and safety, shows that the realization of these interests should not be solely manipulated by the motive of the "economic principle of business

¹³Puteri Asyifa Octavia Apandy, Melawati, and Panji Adam, "The Importance of Consumer Protection Law in Buying and Selling," *Journal of Management and Business*, Volume 3, No. 1, July 2021, p. 16.

¹⁴Rhey A. Karinda, Anna S. Wahongan, and Karel Yosi Umboh, "Legal Protection for Consumers in the Financing Business According to Law Number 8 of 1999", *Lex Privatum Vol, VIII/No. 4/Oct-Dec/2020*, pp. 48-49.

¹⁵Agus Suwandono, "Scope of Consumer Protection Law", accessed from <http://repository.ut.ac.id/4102/1/HKUM4312-M1.pdf>, on November 24, 2025.

actors" (obtaining maximum profits with minimal costs).¹⁶ This means that the sole motive of making a profit while ignoring consumer safety and security when using goods and/or services is not permitted.

Fifth, the principle of legal certainty is intended to ensure that both businesses and consumers comply with the law and obtain justice in the implementation of consumer protection, and that the state guarantees legal certainty. This means that this law expects the provisions regarding rights and obligations contained therein to be implemented in everyday life so that each party obtains justice.¹⁷

4. Conclusion

The current construction of consumer protection regulations in Indonesia is based on Law No. 8 of 1999 concerning Consumer Protection. Consumer protection against dangerous slimming drugs currently involves preventative measures from consumers, oversight by the Food and Drug Authority (BPOM), and legal sanctions for businesses. Consumers can check product legality through the BPOM Mobile application, consult with doctors, and report suspicious products. Currently, the BPOM, in an effort to improve the efficiency and scope of supervision, has integrated information technology and artificial intelligence into its monitoring system. Regarding consumer protection regulations, Law No. 8 of 1999 concerning Consumer Protection itself is no longer relevant as a legal umbrella for consumers. Given the increasingly advanced and sophisticated era, Law No. 8 of 1999 concerning Consumer Protection needs to be revised because it can no longer keep up with technological developments. Many changes in the Consumer Protection Law must be synchronized with existing regulations, with the aim of balancing the interests of consumers and businesses. The weaknesses in consumer protection regulations against the circulation of dangerous slimming drugs lie in legal loopholes, weak enforcement, and inadequate oversight, which allow the circulation of dangerous products through misleading advertising and promotions. Furthermore, the sanctions imposed may not be effective enough to deter, and it is difficult to identify and prove violations that occur behind the illegal distribution of these products. Furthermore, the weaknesses in consumer protection regulations regarding the circulation of dangerous slimming drugs lie in the difficulty of monitoring the circulation of illegal products, weak enforcement of sanctions, and minimal consumer education, which makes them vulnerable to becoming victims of misleading advertising. Furthermore, business actors often ignore distribution permit procedures because existing sanctions are not sufficient to deter. Weaknesses in the implementation of the Consumer Protection Law allow business owners to irresponsibly sell dangerous slimming drugs, because

¹⁶Yusuf Shofie, *Selected Chapters on Consumer Protection Law in Indonesia*, PT. Citra Aditya Bakti, Bandung, 2008, p. 154.

¹⁷Yusuf Shofie, *Consumer Protection and Its Legal Instruments*, PT. Citra Aditya Bakti, Bandung, 2000, pp. 26-27.

inadequate supervision can allow them to avoid punishment. The principles of consumer protection are the fundamental principles that serve as guidelines for protecting consumers, namely the principles of benefit, justice, balance, security and safety, and legal certainty. Without these principles, consumers will be vulnerable to exploitation, and businesses will lack a clear basis for acting responsibly, which will ultimately undermine a healthy market ecosystem. However, the principles of consumer protection are not realized in the case of dangerous slimming drugs due to several factors, such as weak law enforcement, a lack of information from consumers, and irresponsible business behavior aimed solely at profit. Although laws exist, their implementation is often hampered by illegal practices and the difficulty of reaching fraudulent businesses.

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