RINGKASAN

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PERLINDUNGAN HUKUM BAGI KONSUMEN ATAS *MISLEADING INFORMATION* DALAM IKLAN DAN KEMASAN PRODUK *SKINCARE* DITINJAU DARI UNDANG-UNDANG NOMOR 8 TAHUN 1999 TENTANG PERLINDUNGAN KONSUMEN
(Prof. Dr. Faisal, S.Ag., S.H., M.Hum. dan Dr. Nurarafah, S.H., M.H)

Perkembangan industri *skincare* di Indonesia meningkatkan persaingan pelaku usaha yang sering disertai *misleading information* berupa klaim yang tidak benar, berlebihan (*overclaim*), atau tidak didukung bukti ilmiah pada iklan maupun kemasan produk. Praktik tersebut berpotensi melanggar hak konsumen atas informasi yang benar, jelas, dan jujur sebagaimana diatur dalam Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen (UUPK).

Penelitian ini bertujuan menganalisis perlindungan hukum bagi konsumen serta tanggung jawab pelaku usaha atas *misleading information* dalam iklan dan kemasan produk *skincare*.

Penelitian ini merupakan penelitian hukum normatif dengan pendekatan perundang-undangan dan pendekatan *konseptua*l. Bahan hukum diperoleh melalui studi kepustakaan dan dianalisis secara *kualitatif*.

Hasil penelitian ini menunjukkan bahwa pemberian informasi secara *overclaim* menghasilkan informasi yang tidak jujur, tidak transparan, tidak objektif, tidak benar dan menyesatkan, yang mengakibatkan kerugian bagi konsumen (kerugian materiil dan immateriil yaitu uang yang hilang, waktu yang terbuang, kerugian pada kulit, dan kekecewaan emosional) dan merupakan praktik bisnis yang dilarang karena melanggar beberapa peraturan tertulis. Konsumen yang menderita kerugian perlunya pertanggungjawaban oleh pelaku usaha diterangkan dalam Pasal 19-20 UUPK, Pasal 1365 KUHPer, dan Peraturan BPOM, selain itu pelaku usaha yang masih melanggar dapat dikenakan sanksi administratif dan sanksi pidana.

Berdasarkan hasil penelitian disimpulkan bahwa UUPK telah memberikan dasar perlindungan hukum bagi konsumen dari praktik *misleading information* dalam iklan dan kemasan produk *skincare*. Namun, efektivitasnya masih memerlukan dukungan pengaturan teknis melalui Peraturan BPOM agar terdapat kepastian mengenai batasan klaim yang diperbolehkan dan dilarang. Oleh karena itu, Pemerintah dan BPOM disarankan memperkuat pengawasan terhadap iklan dan kemasan produk *skincare* serta menyempurnakan pengaturan mengenai kriteria *misleading information* dalam UUPK guna meningkatkan kepastian hukum dan perlindungan konsumen.

Kata Kunci: Perlindungan Konsumen, *Misleading Information*, *Overclaim*, Produk *Skincare*, Tanggung Jawab Pelaku Usaha.

SUMMARY

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LEGAL PROTECTION FOR CONSUMERS AGAINST MISLEADING INFORMATION IN THE ADVERTISING AND PACKAGING OF SKINCARE PRODUCTS REVIEWED UNDER LAW NUMBER 8 OF 1999 CONCERNING CONSUMER PROTECTION
(Prof. Dr. Faisal, S.Ag., S.H., M.Hum. dan Dr. Nurarafah, S.H., M.H)

The development of the skincare industry in Indonesia has intensified competition among business actors, which is often accompanied by misleading information in the form of false, exaggerated (overclaim), or scientifically unsupported claims in advertisements and product packaging. Such practices have the potential to violate consumers' rights to obtain accurate, clear, and honest information as stipulated in Law Number 8 of 1999 concerning Consumer Protection (Consumer Protection Law/UUPK).

This study aims to analyze the legal protection afforded to consumers and the liability of business actors for misleading information contained in advertisements and packaging of skincare products.

This research constitutes normative legal research employing a statutory approach and a conceptual approach. Legal materials were obtained through library research and analyzed qualitatively.

The results of this study indicate that the provision of information through overclaim practices results in information that is dishonest, non-transparent, non-objective, inaccurate, and misleading, thereby causing losses to consumers, both material and immaterial, including financial losses, wasted time, damage to the skin, and emotional disappointment. Such practices constitute prohibited business practices because they violate several written legal provisions. Business actors are required to be held liable for losses suffered by consumers as provided under Articles 19 20 of the Consumer Protection Law, Article 1365 of the Indonesian Civil Code (KUHPerdata), and Regulation of the National Agency of Drug and Food Control (BPOM). Furthermore, business actors who continue to violate the applicable provisions may be subject to administrative and criminal sanctions.

Based on the findings of this study, it can be concluded that the Consumer Protection Law provides a legal basis for protecting consumers from misleading information practices in advertisements and packaging of skincare products. However, its effectiveness still requires support from technical regulations issued by BPOM to establish legal certainty regarding the boundaries of permissible and prohibited claims. Therefore, the Government and BPOM are recommended to strengthen supervision of advertisements and packaging of skincare products and to improve the regulation concerning the criteria for misleading information under the Consumer Protection Law in order to enhance legal certainty and consumer protection.
***Keywords: Consumer Protection, Misleading Information, Overclaim, Skincare Products, Business Actors' Liability**.*