

**PERLINDUNGAN HUKUM KONSUMEN TERHADAP *OVERCLAIM*
PRODUK *SKINCARE* BERDASARKAN UU NO. 8 TAHUN 1999
TENTANG PERLINDUNGAN KONSUMEN**

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ABSTRAK

Pesatnya perkembangan industri *skincare* di Indonesia, khususnya melalui *platform* perdagangan elektronik, mendorong meningkatnya praktik promosi yang mengandung *overclaim*, yaitu klaim berlebihan atau tidak akurat mengenai manfaat dan kandungan produk. Praktik tersebut berpotensi menyesatkan konsumen dan menimbulkan kerugian, baik secara finansial maupun kesehatan. Penelitian ini bertujuan untuk menganalisis bentuk perlindungan hukum bagi konsumen terhadap praktik *overclaim* dalam promosi produk *skincare*, bentuk ganti rugi yang dapat dimintakan kepada pelaku usaha, serta tanggung jawab Badan Pengawas Obat dan Makanan (BPOM) terhadap izin edar produk yang terindikasi melakukan *overclaim*. Penelitian ini merupakan penelitian hukum normatif dengan menggunakan pendekatan perundang-undangan dan pendekatan konseptual. Data diperoleh melalui studi pustaka terhadap bahan hukum primer, sekunder, dan tersier yang dianalisis secara kualitatif. Hasil penelitian menunjukkan bahwa Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen telah mengatur hak konsumen atas informasi yang benar, jelas, dan jujur, namun belum memberikan batasan yang tegas mengenai praktik *overclaim*, sehingga menimbulkan potensi kekaburan norma dalam penerapannya. Pelaku usaha yang melakukan *overclaim* dapat dimintai pertanggungjawaban hukum berdasarkan Undang-Undang Perlindungan Konsumen dan Pasal 1365 Kitab Undang-Undang Hukum Perdata, dengan bentuk ganti rugi berupa ganti rugi materiil maupun immateriil. Sementara itu, BPOM memiliki tanggung jawab administratif melalui pengawasan *pre-market* dan *post-market* terhadap produk *skincare* yang beredar, termasuk penindakan terhadap klaim promosi yang menyesatkan. Berdasarkan hasil penelitian, diperlukan penguatan pengaturan dalam Undang-Undang Perlindungan Konsumen, optimalisasi peran BPOM dalam pengawasan klaim produk, serta peningkatan kesadaran konsumen agar tercipta perlindungan hukum yang efektif dan industri *skincare* yang bertanggung jawab.

Kata kunci: Perlindungan Konsumen, *Overclaim*, *Skincare*, UUPK, BPOM.

**LEGAL PROTECTION OF CONSUMERS AGAINST OVERCLAIMS OF
SKINCARE PRODUCTS BASED ON LAW NO. 8 OF 1999 CONCERNING
CONSUMER PROTECTION**

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ABSTRACT

The rapid growth of the skincare industry in Indonesia, particularly through electronic commerce platforms, has led to an increase in promotional practices involving overclaims, namely exaggerated or inaccurate claims regarding product benefits and ingredients. Such practices have the potential to mislead consumers and cause harm, both financially and in terms of health. This study aims to analyze the forms of legal protection available to consumers against overclaim practices in skincare product promotion, the types of compensation that may be claimed from business actors, and the responsibility of the National Agency of Drug and Food Control (Badan Pengawas Obat dan Makanan/BPOM) concerning marketing authorizations issued for skincare products indicated to involve overclaims. This research is a normative legal study employing a statutory approach and a conceptual approach. Data were obtained through library research on primary, secondary, and tertiary legal materials, which were analyzed qualitatively. The results indicate that Law Number 8 of 1999 concerning Consumer Protection has regulated consumers' rights to obtain correct, clear, and honest information; however, it does not provide explicit limitations regarding overclaim practices, thereby giving rise to potential normative ambiguity in its implementation. Business actors who engage in overclaim practices may be held legally liable under the Consumer Protection Law and Article 1365 of the Indonesian Civil Code, with compensation taking the form of material and immaterial damages. Meanwhile, BPOM bears administrative responsibility through pre-market and post-market supervision of skincare products circulating in the market, including enforcement actions against misleading promotional claims. Based on the findings of this study, strengthening regulatory provisions within the Consumer Protection Law, optimizing BPOM's supervisory role over product claims, and enhancing consumer awareness are necessary to ensure effective legal protection and to foster a responsible skincare industry.

Keywords: *Consumer Protection, Overclaim, Skincare, UUPK, BPOM.*