LEGAL RESPONSIBILITY OF PRODUCT PROMOTION INFLUENCERS THAT ARE HARMING BUYERS FROM THE PERSPECTIVE OF UNLAWFUL ACTS

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ABSTRACT

The rapid development of information and communication technology has made social media a primary means of promoting products and services. Influencers play a strategic role in shaping public opinion and broadly influencing consumer purchasing decisions. However, behind the effectiveness of such promotions, there is the potential for misleading, non-transparent, or inconsistent promotional practices. This situation has the potential to cause losses, both material and immaterial, for buyers as consumers. This phenomenon raises legal issues regarding the extent of influencers' legal responsibility for their product promotions, as well as the forms of legal protection available to consumers who suffer losses. This study aims to analyze the legal regulations related to product promotion activities by influencers on social media, examine the forms of legal liability that can be imposed from the perspective of unlawful acts, and identify legal protection mechanisms for consumers who suffer losses due to misleading promotions. The research method used is normative legal research with a descriptive-analytical nature. This approach is carried out by examining relevant laws and regulations, particularly the Civil Code, the Consumer Protection Law, and regulations related to digital promotional activities. The research data sources include primary legal materials in the form of laws and court decisions, secondary legal materials in the form of legal doctrine and literature, and secondary data studies related to digital promotion practices and consumer protection issues. The results of the study indicate that influencers can be held legally accountable if proven to have committed unlawful acts through misleading, dishonest, or negligent product promotions. Article 1365 of the Civil Code serves as the primary basis for assessing the existence of elements of unlawful acts, which include actions, errors, losses, and the causal relationship between the promotion and the losses experienced by consumers. Legal protection for consumers needs to be carried out comprehensively through civil lawsuits, alternative dispute resolution such as mediation, increasing digital literacy and education, and monitoring promotional content on social media. This study emphasizes the importance of the principles of transparency, honesty, and social responsibility in digital marketing practices to create equitable consumer protection.

Keywords: Influencer, Product Promotion, Unlawful Act, Consumer Protection, Digital Marketing

A. Introduction

The development of information and communication technology has brought about significant changes in various aspects of people's lives, including the world of business and marketing. One of the most prominent phenomena is the emergence of social media as a primary platform for product and service promotion. Social media has become more than just a means of social interaction; it has also transformed into a highly effective marketplace for reaching consumers on a wide and rapid scale. Amidst this rapid development, a new, highly strategic role has emerged: that of the influencer.

These influencers leverage their online popularity and credibility to promote products to their followers. This marketing model, known as influencer marketing, has become one of the most popular digital marketing strategies among companies due to its ability to build consumer trust and accelerate purchasing decisions.(Munte et al., 2025).

Products promoted through social media by influencers sometimes don't always meet the facts or standards they should. This can occur due to a lack of product verification, commercial pressure, or even non-transparent and misleading promotional practices. Consumers, as the ones receiving information and deciding to purchase products, are highly vulnerable to such influence, especially when they lack the knowledge to distinguish between honest and manipulative promotions. This situation can lead to both material and immaterial losses, such as wasted money, health risks, and decreased trust in the product and the influencer.(Bachtiar & Chairunnisa, 2024).

This phenomenon raises important questions regarding the legal responsibility of influencers for the impacts arising from product promotions. Legal responsibility is a central issue because it determines who is responsible when consumers suffer losses due to misleading or inaccurate information. Legal systems need to adapt to technological developments and new patterns of social interaction to provide adequate protection for consumers while maintaining legal certainty for businesses and influencers. In many jurisdictions, applicable principles of legal responsibility include the obligation to compensate for losses in the event of unlawful acts or breaches of contract. The application of these principles to digital promotions by influencers still requires further study and adjustment to the unique characteristics of social media marketing.(NLSM Dewi, 2021).

Ethical aspects are also an important consideration in digital promotional activities. Influencers, as parties with significant influence over consumer behavior, are expected to conduct their activities with the principles of transparency, honesty, and social responsibility. Ethical promotional practices not only support consumer protection but also build a positive reputation for influencers and the brands they promote. Unethical practices include concealing negative facts, providing false testimonials, or using confusing language to make products appear more attractive. This phenomenon reinforces the need for clear regulations and effective oversight mechanisms to maintain a balance between business interests and consumer protection.(Arief, 2023).

The dynamics of product promotion through social media, involving influencers, are part of a major transformation in modern marketing that demands a comprehensive legal and social approach. Consumer protection must be a primary focus in policy and regulatory development to ensure that buyers' rights are not neglected amidst the rapid flow of information and market pressures.(Afrita & Triana, 2025).

Several previous researchers have conducted research on the legal responsibilities of influencers in promotional activities through social media. Daely (2025)(Daely, 2025)The Leuser: Jurnal Hukum Nusantara journal also examines the legal liability of influencers for products proven to harm consumers. This research confirms that influencers play a significant role in influencing consumer decisions and, therefore, should be held legally responsible for any losses.

The main problem that is the focus of this research is the rampant practice of product promotion by influencers on social media that is not accompanied by clear legal responsibility if the promoted product turns out to be detrimental to the buyer. This research aims to examine and analyze the form of legal responsibility of influencers who promote products on social media and cause harm to consumers from a civil law perspective, specifically within the framework of unlawful acts as regulated in Article 1365 of the Civil Code.

The urgency of this research lies in the increasing use of social media as a primary medium for product promotion, where influencers play a strategic role in influencing consumer behavior. The novelty of this research lies in its analytical focus, which explicitly uses a civil law perspective, specifically the unlawful act approach (Article 1365 of the Civil Code), regarding promotional practices by influencers on social media that are detrimental to consumers.

Based on the background, problems, urgency, and gaps in previous research that have not examined in depth the legal responsibility of influencers in product promotion from the perspective of unlawful acts, the author chose the title: "Legal Responsibility of Influencers in Product Promotion that Harm Buyers from the Perspective of Unlawful Acts"

B. Research Methods

A study cannot be called research if it does not have a research method.[1] Research methods are one of the factors of a problem that will be discussed. The study was conducted using secondary data which was analyzed qualitatively using the Desk Research Method. The literature materials used in writing this research are several references originating from research results, studies, and reviews of several writings which are then summarized into a scientific paper.[2]

C. Discussion

1. Legal Regulations for Influencers in Product Promotion that Harm Buyers

The development of information and communication technology has brought fundamental changes in the way people obtain information, particularly in consumption and purchasing behavior (consumer behavior).(Khatri & Shrestha, 2025)One of the most prominent phenomena is the emergence of influencers as new actors in digital marketing.(Mandal, 2025)Influencers have the capacity to influence consumer perceptions, preferences, and purchasing decisions through social media platforms such as Instagram, TikTok, YouTube, and other digital platforms. This phenomenon opens up new economic opportunities, but also poses significant legal risks, particularly when promotions harm consumers, either materially or immaterially.(Liu et al., 2025).

Under Indonesian law, the legal liability of influencers for promoting products that harm consumers must be examined within the applicable regulatory framework. This framework

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[1] Hanifah, I., Hariyanto, H., Ginting, L., Koto, I., & Syafriana, R. (2026). Legal Protection of Indonesia's Fisheries from Foreign Investment: A Social-State Approach. *Jurnal IUS Kajian Hukum dan Keadilan*, *14*(1).

[2] Simatupang, R. S. A., Hanifah, I., & Mansar, A. (2025). The Concept of Restitution as Legal Accountability in the Crime of Human Trafficking. Pena Justisia: Media Komunikasi dan Kajian Hukum, 24(1), 3554-3462.

includes the Civil Code, the Consumer Protection Law (UUPK), the Electronic Information and Transactions Law (ITE), and relevant Islamic legal principles, which can serve as guidelines for business morality and ethics. Legal analysis of these digital promotional practices must consider the elements of actus reus and mens rea, as well as the principle of prudence in interactions between businesses, influencers, and consumers.

1. Civil Code (KUHPerdata) Article 1365

Article 1365 of the Civil Code states that "Every unlawful act that causes harm to another person requires the perpetrator to compensate for said loss." This principle is the main basis for assessing the civil legal liability of influencers who promote products in a misleading or deceptive manner. In digital promotion, Article 1365 is the basis for claiming compensation when there is an element of an unlawful act, damages, and a causal link between the influencer's actions and the loss experienced by consumers.(Hakanadila & Salam, 2025).

*Act against the law*Misleading promotions through false words, images, videos, or endorsements can be categorized as unlawful because they cause financial, psychological, or reputational harm. For example, if an influencer promotes a health supplement that has not been scientifically proven and causes health harm to consumers, elements of Article 1365 of the Civil Code may be applied.(Permadi, 2025).

Further analysis shows that legal liability under Article 1365 is not limited to producers or sellers, but can extend to third parties who directly influence consumer purchasing decisions, including influencers. This is relevant in social media marketing, where influencers have enormous communication capacity and a broad audience, so the impact of losses can be massive and widespread.(Gultom et al., 2025).

Article 1365 requires a causal relationship between the act and the loss. In practice, this presents evidentiary challenges because influencers often use ambiguous promotional language or do not explicitly promise specific results.(Maharani & MTVM, 2025). Legal interpretation emphasizes the principle of reasonable consumer, namely whether an intelligent and rational consumer can be tempted or misled by information conveyed by influencers.(Yanti, 2025).

2. Law No. 8 of 1999 concerning Consumer Protection (UUPK)

The Consumer Protection Law (UUPK) is a specific regulation governing consumer rights and business actors' obligations to protect consumers from harmful practices. Several UUPK provisions are relevant to product promotion by influencers, particularly those concerning correct and honest information, the prohibition of fraud, and the obligation to provide compensation.(Rade et al., 2025).

Article 4 of the Consumer Protection Law states that consumers have the right to receive correct, clear, and honest information regarding the condition and guarantees of goods and/or services. Meanwhile, Article 8 emphasizes that business actors are prohibited from engaging in actions that mislead consumers. When influencers promote products with misleading information, they are directly engaging in practices prohibited by the Consumer Protection Law.(Njatrijani, 2025).

The Consumer Protection Law also regulates legal protection for consumers, including complaint mechanisms, mediation, and civil lawsuits. Consumers harmed by influencer promotions can seek compensation through the courts or consumer protection agencies. This demonstrates that influencers' responsibilities are not merely moral or ethical but also have concrete legal consequences.(Munawarah et al., 2025).

The Consumer Protection Law emphasizes the importance of transparency in the relationship between businesses, influencers, and consumers. In digital promotional practices, transparency can be achieved through disclosure that content is advertising or paid promotion. Failure to disclose this fact can be considered misleading and a violation of consumer rights.(S. Dewi et al., 2025).

3. **Law No. 11 of 2008 concerning Electronic Information and Transactions (ITE)**

The ITE Law provides a legal framework for digital interactions and electronic transactions. The ITE Law is relevant for influencer promotions, as many promotions are conducted through digital platforms linked to online transactions. Articles related to digital fraud, misleading information, and content provider liability provide additional legal basis for assessing influencer liability.(Saputra et al., 2025).

For example, Article 28 paragraph (1) of the ITE Law states that everyone is prohibited from electronically disseminating information that could cause harm to consumers or other parties. In practice, if an influencer disseminates false or misleading information through posts, videos, or live streaming, then he or she can be held legally responsible under the ITE Law.(Reyhan & Gultom, 2025).

The ITE Law also emphasizes the principle of accountability for digital content providers. Influencers, as content providers, are responsible for the accuracy, truthfulness, and integrity of the information they disseminate. Influencers' legal responsibilities are dual, under the Civil Code and the ITE Law, both of which emphasize consumer protection from misleading information and the resulting losses.

Enforcing legal liability against influencers in product promotions that harm consumers requires a comprehensive approach, as digital promotional activities are multifaceted and involve direct interaction between influencers, products, companies, and audiences (followers). Enforcing legal liability depends not only on formal provisions of laws and regulations, but also on the application of ethical marketing principles, consumer protection, and legal accountability in the cyber environment. In this regard, several important aspects must be considered to ensure that influencers act in accordance with their legal obligations and that consumer rights are effectively protected.

a. Verification and Validity of Information

The first aspect that underpins legal responsibility is information verification and validity. Influencers are required to ensure that any claims or information regarding the products they promote are true, not misleading, and in accordance with actual product information. Misleading promotional practices, such as exaggerating product benefits or concealing risks that could harm consumers, can give rise to civil liability, including the obligation to compensate for losses (compensation/restitution).

Information verification can involve several steps, including checking product certifications or standards, reviewing scientific evidence or data supporting claims, and coordinating with manufacturers to ensure the accuracy of the information. Without these procedures, influencers can be deemed negligent for failing to conduct due diligence, which is a crucial element of a tort (unlawful act) under Article 1365 of the Civil Code. Unverified information can also result in immaterial damages, such as loss of consumer trust in the brand or the influencer's own reputation.

b. Transparency (Disclosure)

Transparency is another crucial aspect. Any paid promotion must be clearly disclosed to consumers. The practice of sponsored content or endorsements without explanation can create the perception that the influencer's recommendation is entirely independent, even though there is actually a commercial relationship with the company. This disclosure is not only an ethical obligation but also a legal principle to prevent misleading information.

Transparency can be demonstrated through clear labels such as #sponsored, #paidpartnership, or direct disclosure statements in promotional content. Failure to disclose commercial relationships can be considered a violation of the Consumer Protection Law (UUPK) and the principle of good faith in transactions, which can result in civil liability and administrative sanctions. Transparency practices enhance influencer credibility and build long-term trust with audiences.

c. Causal Link (Cause-Effect Relationship)

Enforcing legal liability also requires proving a causal link between the influencer's promotion and the consumer's loss. In digital marketing, this is challenging because many external factors can influence consumer purchasing decisions, including other advertisements, third-party reviews, or prior experiences.

To establish a causal link, consumers or authorities must demonstrate that the material or immaterial loss they experienced was directly caused by the influencer's claims or promotions. For example, if a consumer purchases a product promised to be "safe for sensitive skin" but experiences irritation due to inaccurate information, there is a clear causal link between the influencer's actions and the resulting loss. Proving causation is a crucial element in a civil lawsuit under Article 1365 of the Civil Code and the principle of legal responsibility in the Consumer Protection Law.

d. Prudence Principle

Influencers must apply the principle of prudence (professional diligence) in all promotional activities, given their capacity to significantly influence consumer purchasing decisions. This principle requires professional judgment, avoiding unverified claims, and adhering to ethical standards in creating promotional content.

Failure to apply the principle of due care can be considered negligence, which increases the risk of legal liability. In practice, influencers should conduct fact-checking, consider the product's impact on consumers, and avoid using ambiguous claims. The principle of due care also includes a risk assessment of the claims made, including the potential for financial, health, or psychological harm to the audience.

e. Sanctions and Responsibilities

The final aspect is the sanctions and forms of responsibility (sanctions and accountability) that can be imposed on influencers. This responsibility is multidimensional:

1) Civil Liability: Influencers can be asked for material and immaterial compensation through a civil lawsuit based on Article 1365 of the Civil Code or UUPK.
2) Administrative Sanctions: If a violation occurs in a paid promotion, the regulatory

body can impose administrative sanctions, such as fines, warnings, or termination of the promotional content.

3) Moral and Ethical Accountability: Influencers must bear moral responsibility for any negative impacts they cause, including reputation risk, audience trust, and brand credibility.

These sanctions are not merely punitive but also a tool to encourage compliance with the legal and ethical principles of digital promotion. Effective enforcement of legal responsibility integrates civil, administrative, and moral aspects, thus creating a balance between freedom of promotion and consumer protection.

This framework ensures that product promotion by influencers is not merely a marketing strategy, but is also subject to strict legal, ethical, and moral standards, so that consumers are protected from harmful practices.

2. Legal Liability of Influencers for Product Promotions that Harm Buyers

The development of digital marketing and the use of social media has changed the paradigm of modern marketing.(Hidayah et al., 2025)Influencers, as individuals with a large number of followers, play a strategic role in shaping public opinion and consumer decisions.(Ansari et al., 2025)Product promotion through influencers is known to be effective because it leverages credibility, personal branding, and the emotional connection between influencers and their audiences. However, this promotional practice also carries risks for consumers, particularly if the information provided is misleading, inaccurate, or contains false claims. This phenomenon raises fundamental questions about influencers' legal liability for consumer losses.(Siregar et al., 2025).

The legal liability of influencers is an increasingly relevant issue, as the rapid development of information and communication technology drives the transformation of marketing patterns from conventional to digital. Social media serves not only as a means of communication but has also evolved into an economic space that brings together businesses, influencers, and consumers within a single digital marketing ecosystem. Influencers play a significant role in influencing consumer behavior and purchasing decisions. However, this influence also carries legal consequences, particularly when product promotions contain misleading or factual information. Therefore, the legal liability of influencers cannot be viewed simply but must be analyzed comprehensively, involving various interrelated legal regimes.

From a civil law perspective, the primary basis for influencer legal liability lies in Article 1365 of the Civil Code (KUHPerdata), which stipulates that any unlawful act that results in harm to another person requires the perpetrator to provide compensation. This provision is general and applies to anyone, including influencers who engage in promotional activities on social media. An act can be classified as an unlawful act if it meets the elements of the act, its unlawful nature, the existence of an error, the occurrence of harm, and a causal relationship between the act and the harm. In product promotion, an influencer's actions in the form of conveying false, exaggerated, or misleading information or product reviews can be considered unlawful if proven to be detrimental to consumers.

The element of fault in civil liability can be either intentional or negligent. An influencer can be considered willful if they knowingly convey information that does not correspond to the actual condition of the product for a specific profit. Negligence can occur when an influencer fails to conduct adequate verification of the product being promoted, despite their moral and professional obligation to ensure the accuracy of the information conveyed to the public. In endorsement practices, negligence often arises from a lack of transparency in the collaborative relationship between the influencer and the business, leaving consumers unaware that the content is a paid promotion. This situation strengthens the argument that influencers bear legal responsibility for the impact of their promotions.

In addition to civil law, the consumer protection legal regime also plays a crucial role in regulating the legal liability of influencers. Law Number 8 of 1999 concerning Consumer Protection (UUPK) guarantees the protection of consumer rights, including the right to comfort, security, and safety when consuming goods and/or services, as well as the right to obtain accurate, clear, and honest information. In product promotions by influencers, this provision is particularly relevant because consumers often rely on influencer reviews or recommendations as the primary basis for making purchasing decisions. If the information provided is inaccurate or misleading, consumers' right to honest information has been violated.

The Consumer Protection Law also prohibits businesses from producing or trading goods and/or services that do not conform to the information stated in advertisements or promotions. Although influencers are not always business actors in the conventional sense, their position as parties who convey promotional information places them in the information distribution chain to consumers. Therefore, influencers can be viewed as parties participating in promotional activities that have the potential to harm consumers. Therefore, influencers' legal liability is not only civil in nature under the Civil Code, but also closely related to the principles of consumer protection stipulated in the Consumer Protection Law.

Furthermore, the development of digital technology has also brought a new legal dimension known as cyber law. Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law) and its amendments serve as the primary legal basis for regulating activities in cyberspace. The ITE Law regulates the dissemination of electronic information, including a prohibition on the dissemination of information that is misleading and detrimental to others. In the practice of product promotion through social media, content uploaded by influencers constitutes a form of electronic information that is widely accessible to the public. Therefore, if such information is proven to be misleading and causes harm, the influencer could potentially be subject to legal liability under the provisions of the ITE Law.

This aspect of electronic law broadens the scope of influencers' legal liability, extending beyond the civil relationship between influencers and consumers to include liability for the digital content they disseminate. The fast-paced, massive, and uncontrollable nature of social media increases the potential for consumer harm from misinformation. Therefore, the application of the principle of prudence is crucial in all digital promotional activities. Influencers are required to understand that every post, review, or statement they make has significant legal implications.

The interconnectedness of civil law, consumer protection law, and cyber law demonstrates the multidimensional nature of influencer legal liability. These three legal regimes complement each other in providing consumer protection and upholding the principle of justice. In the event of a dispute, consumers can pursue various legal remedies, ranging from civil lawsuits under Article 1365 of the Civil Code, complaints to consumer protection agencies, to reporting violations of the ITE Law if there is an element of electronic dissemination of misleading information. This approach reflects the need for a comprehensive legal protection system that is adaptive to technological developments.

Ultimately, influencer legal accountability is not solely focused on imposing sanctions, but also serves a preventive and educational purpose. With legal certainty, influencers are expected to be more careful, transparent, and responsible in carrying out promotional activities. Consumers also need to improve their digital literacy to be more critical in accepting promotional information on social media. Synergy between law enforcement, influencer awareness, and consumer intelligence is key to creating a fair, healthy, and sustainable digital promotional ecosystem.

In this study, the legal liability of influencers is analyzed from the perspective of tort (unlawful act), ethical duty, and social responsibility. The study focuses on how the law positions influencers as parties who can be asked for compensation (restitution) if their product promotions are proven to be detrimental to consumers.(Mukmin et al., 2025).

Influencers' legal liability includes the obligation to compensate for losses arising from misleading product promotions.(Azzahra et al., 2025). This concept can be explained through several dimensions:

a. Elements of Unlawful Acts (Tort / Unlawful Act)

Based on Article 1365 of the Civil Code, there are five main elements of an unlawful act:

1) Human action: Influencers take active action, such as creating promotional content, writing testimonials, or recommending certain products to their followers. These actions are voluntary and can be analyzed in terms of both intention and negligence.

2) Unlawful: An act is considered unlawful if it violates laws and regulations, ethical standards, or principles of justice. Examples include unsubstantiated product claims, concealing risk information, or overclaims that mislead consumers.

3) Fault (Culpa): Faults can be negligent or intentional misconduct. Influencers can be considered negligent if they fail to verify the accuracy of product information, and intentionally misleading if they have a commercial motive for financial gain.

4) Damages: Consumer losses can be material, such as loss of money or defective products, or immaterial, such as psychological stress, loss of trust, or damage to reputation. Assessing immaterial losses is challenging in civil practice because they must be proven with concrete indicators.

5) Causation: There must be a causal relationship between the influencer's actions and the harm experienced by the consumer. For example, a consumer might purchase a product based on an influencer's claims, but the product doesn't live up to the advertised promises, resulting in financial loss and dissatisfaction.

In digital marketing, proving these elements becomes more complex because interactions occur on virtual platforms and information spreads rapidly (viral content). The law emphasizes the importance of transparency, honesty, and social responsibility on the part of influencers in every promotion.

b. Accountability Based on UUPK

Consumer Protection Law No. 8 of 1999 provides a more specific legal framework for influencers' responsibilities. Some key points include:

1) Consumers' right to accurate and clear information: Consumers have the right to know all relevant information about a product, including benefits, risks, and price. Influencers have an obligation to convey information accurately and not mislead.
2) Misleading Advertising Prohibition: Promotional activities that contain false claims, conceal risks, or manipulate facts can give rise to legal liability for influencers.
3) Joint liability with business actors: If an influencer promotes a product under a contract with a company, then legal liability can be shared between the influencer and the company, depending on each party's contribution to the consumer's loss.
4) Compensation and remediation: UUPK regulates the consumer's right to demand a refund, product replacement, or compensation/restitution for losses suffered as a result of misleading promotions.

The Electronic Information and Transactions Law (ITE Law) No. 11 of 2008, along with its amendments, provides a crucial legal framework for consumer protection and the legal liability of influencers in product promotion through digital media. The ITE Law was designed to regulate the dissemination of electronic information, digital transactions, and protect against the negative impacts of false or misleading information. In digital promotion practices, influencers act as information disseminators who have the capacity to influence consumer behavior, making their legal obligations crucial.(Sulfia et al., 2025).

a. Digital Promotional Content as Electronic Information

The ITE Law stipulates that any form of information conveyed through digital media, including social media, websites, mobile applications, or internet-based platforms, is categorized as electronic information. In product promotion, this includes:(Hossen et al., nd)

1) Posts containing product descriptions, benefit claims, testimonials, or influencer recommendations.
2) Promotional videos that show influencers using the product, explaining the benefits, or providing subjective testimonials about their experience using the product.

3) Other multimedia content, such as stories, reels, short-form videos, and interactive content, promotes products to audiences digitally.

In other words, all promotional activities conducted by influencers through digital platforms fall within the scope of the ITE Law. Consequently, any information disseminated must adhere to the principles of honesty, transparency, and non-harm to other parties, especially consumers.

b. Prohibition on the Spread of False Information

One of the main provisions of the ITE Law prohibits the dissemination of false or misleading information. In influencer marketing practices, this means that overclaiming a product, not being scientifically proven, or concealing product risks constitutes a violation of the law. For example, an influencer promoting a health supplement with the claim of "curing chronic diseases instantly" without scientific basis could be considered to be spreading false information that could potentially harm consumers.(Yusaira et al., 2026).

This prohibition applies not only to content that is intentionally misleading (intentional misconduct), but also to content produced through negligence. In other words, influencers who fail to conduct due diligence to verify the accuracy of product information can be held legally liable, as they are acting as the party disseminating electronic information that causes harm.(Arianty & Wahyuni, 2025).

c. Legal Sanctions

The ITE Law stipulates legal sanctions that can be applied to the dissemination of false or misleading information, depending on its nature and impact on others. These sanctions can include:(Surya & Ronald, 2025)

1) Administrative sanctions, such as warnings, content blocking, or fines, are imposed by regulatory authorities. These sanctions aim to ensure that digital promotional practices adhere to the principles of transparency and fairness, and to prevent the wider dissemination of content that harms consumers.
2) Criminal sanctions are imposed if the dissemination of false information results in serious harm, health risks, or significant social impact. In this case, influencers may be subject to criminal penalties in the form of fines or imprisonment under the ITE Law, which directly reinforces the principle of legal accountability.
3) Civil liability, where the ITE Law supports the application of Article 1365 of the Civil Code in digital media, is a key issue. Consumers harmed by misleading promotions

have the right to seek compensation/restitution from influencers through a civil lawsuit. This compensation can be material, such as a refund or product replacement, or immaterial, including compensation for psychological or reputational damages.

d. Integration of the ITE Law with the Civil Code and the Consumer Protection Law

It's important to understand that the ITE Law does not stand alone, but rather is integrated with the principles of unlawful acts in the Civil Code and consumer protection in the Consumer Protection Law. With this integration:(Sikandar et al., 2025)

1) Influencers who spread misleading content through digital platforms may be subject to civil legal liability under Article 1365 of the Civil Code, if it is proven that there is an element of loss and a causal link between the promotion and consumer losses.
2) The Consumer Protection Act (UUPK) affirms the consumer's right to receive correct and clear information, making disclosure of commercial relationships (paid promotions) a legal and ethical obligation for influencers.
3) The ITE Law strengthens the digital aspects of legal accountability, particularly regarding the dissemination of electronic information, provides additional sanctions for influencers, and ensures consumer protection in a dynamic digital ecosystem.

e. Practical Implications for Influencers

In daily practice, the ITE Law requires influencers to implement best practices in digital promotion, including:(Yadav et al., 2025)

1) Verify (fact-check) every product claim before publication.
2) Provide clear disclosure about commercial relationships or collaborations with the company.
3) Avoid misleading language or scientifically unsubstantiated claims.
4) Recognizing legal, ethical, and social accountability for the impact of promotions on consumers.

By implementing these principles, the ITE Law serves as an important instrument for regulating influencer accountability, protecting consumer rights, and maintaining the integrity of the digital marketing ecosystem.

3. Legal Protection for Buyers Harmed by Influencer Promotions on Social Media

In the rapidly evolving era of digital marketing, social media has become a primary platform for product and service promotion. Influencers leverage their power to build brand awareness and influence their followers' purchasing decisions. However, these promotional practices aren't always honest or accurate. Numerous cases have seen consumers harmed by misleading product claims, fake testimonials, or unverified information.(Mishra & Thaichon, 2025).

This phenomenon raises fundamental questions about how the law protects consumers (consumer protection), especially against losses arising from influencer promotions.(Xiong et al., 2025)Legal protection for buyers aims to ensure that consumer rights are met, influencers are legally and ethically responsible, and companies have effective dispute resolution mechanisms.(Alam et al., 2025).

The legal framework for consumer protection in Indonesia is based on Law Number 8 of 1999 concerning Consumer Protection (UUPK), which serves as the primary basis for guaranteeing consumer rights. UUPK affirms consumers' right to obtain correct, clear, and honest information regarding promoted products or services. Influencers are obligated to convey information transparently and without misleading intent. Promotional practices that conceal important facts, make excessive claims, or provide information not supported by adequate evidence can be classified as violations of the law. UUPK also expressly prohibits misleading advertising and creates the opportunity for joint liability between businesses and influencers if both contribute to consumer losses, including through compensation or restitution mechanisms.

In addition to the Consumer Protection Act, Article 1365 of the Civil Code provides a legal basis for unlawful acts that are relevant in assessing the responsibility of influencers. The elements of an unlawful act include the existence of a human act, the unlawful nature of the act, fault (culpa) in the form of negligence or intentional misconduct, damages, and a causal relationship between the misleading promotion and the loss experienced by the consumer. Based on this provision, consumers who are harmed have the right to file a civil lawsuit to demand material compensation, such as a refund or medical expenses, as well as immaterial compensation related to psychological harm, reputation, or loss of trust.

Consumer protection in the digital realm is further strengthened through Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE), which regulates promotional content as part of electronic information. Every promotional post delivered through social media, marketplaces, or other digital platforms falls within the scope of the ITE Law. Promotions containing false or misleading information are subject to legal sanctions, both administrative and criminal, depending on the level of harm and impact caused. Through a cyber law approach, consumers not only obtain civil protection but also have a legal basis to take action against the massive dissemination of false information that is detrimental to the public.

In addition to the regulatory framework, consumer protection mechanisms also encompass dispute resolution and prevention efforts through education and oversight. Consumers can file civil lawsuits by providing evidence of misleading promotions, material and immaterial losses, and utilizing alternative dispute resolution (ADR) such as mediation or negotiation. Improving digital literacy is a crucial tool for consumers to assess the accuracy of promotional claims and avoid fake endorsements. The government, digital platforms, and supervisory agencies such as the National Consumer Protection Agency are expected to conduct proactive regulatory oversight, establish ethical standards for promotions, and ensure transparency, honesty, and social responsibility in digital promotional practices to sustainably protect consumer rights.

D. Conclusion

Based on the results of the research and discussion that has been conducted, it can be concluded that the legal regulations for influencers in product promotion activities through social media have in principle been accommodated in the Civil Code, the Consumer Protection Law, and the Electronic Information and Transactions Law. However, the effectiveness of the regulations still requires strengthening through regulatory updates, consistent law enforcement, and increased consumer awareness and education. Influencers can be held legally accountable (legal liability) if proven to have carried out misleading promotions or caused losses to buyers, either in the form of material losses, immaterial losses, or restoration of the original state (status quo), with Article 1365 of the Civil Code as the main basis for assessing unlawful acts.

In line with these conclusions, strategic steps involving various parties are needed to achieve effective legal protection for consumers. The government is expected to strengthen digital promotion regulations, including disclosure obligations and the imposition of strict sanctions. Influencers need to prioritize the principles of transparency, honesty, and social responsibility in all promotional activities. Consumers also need to be equipped with legal and digital literacy to be able to critically evaluate promotional information. Social media platforms are expected to actively monitor content and provide effective complaint mechanisms. Going forward, further research is essential to examine the psychological and social impacts of misleading promotions to support consumer protection policies that are more adaptive to the dynamics of digital marketing.

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