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LEGAL LIABILITY OF INFLUENCERS FOR MISLEADING PRODUCT INFORMATION IN DIGITAL CONSUMER PROTECTION IN ELECTRONIC TRANSACTIONS

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Abstract

The rapid growth of social media has made influencers key actors in digital marketing, significantly affecting consumer purchasing decisions. However, misleading product information, exaggerated claims, and the failure to disclose paid partnerships have raised important legal concerns and weakened consumer protection. This study analyzes the legal status of influencers as subjects of legal liability, examines their responsibility for disseminating misleading information in electronic transactions, and compares Indonesia's legal framework with those of the United States and the European Union. Using normative legal research with statutory, conceptual, and comparative approaches, the study recommends stronger regulations, clearer disclosure obligations, and enhanced legal accountability for influencers.

Keywords: legal liability, misleading product information, consumer protection, electronic

INTRODUCTION

The development of information and communication technology has driven a major transformation in commercial activities through the use of digital media. The emergence of various social media platforms, such as Instagram, TikTok, YouTube, and Facebook, has not only served as a means of communication but has also evolved into an effective marketing medium for business actors. One marketing strategy that has experienced significant growth is influencer marketing, a promotional method that utilizes individuals with a large number of followers and a high level of audience trust to influence consumers' purchasing decisions. Compared to conventional advertising, influencer-based promotion is considered more effective because it is able to build emotional connections and create the perception that the recommendations provided are based on authentic personal experiences (Puspita 2025). The substantial influence of influencers on consumer behavior has made them important actors in the electronic commerce ecosystem. Many consumers make purchasing decisions solely based on reviews, testimonials, or recommendations shared by influencers on social media. However, this development has also been accompanied by an increasing number of promotional practices containing misleading information, such as exaggerated claims (overclaims), testimonials inconsistent with actual conditions, the concealment of product risks, and the failure to disclose that the content constitutes a paid partnership with a business actor. Such practices have the potential to reduce consumers' ability to obtain accurate, clear, and truthful information before engaging in transactions.

From the perspective of consumer protection law, the provision of accurate information is a fundamental consumer right (Nila Muhedina Simarmata 2025). In Indonesia, this right is guaranteed under Law Number 8 of 1999 concerning Consumer Protection, which obliges business actors to provide accurate, clear, and truthful information regarding the goods and/or services they offer (*Undang-Undang Republik Indonesia Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen*, n.d.). Furthermore, electronic transactions are regulated under Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 on Electronic Information and Transactions, along with its implementing regulations. Nevertheless, these regulations primarily focus on the liability of business actors, while the legal status of influencers as parties actively disseminating commercial information remains insufficiently regulated. Consequently, legal uncertainty arises regarding the extent to which influencers may be held liable when the information they disseminate is proven to be misleading and causes losses to consumers (*Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik*, n.d.).

This issue has become increasingly relevant with the growing number of digital promotions involving influencers across various sectors, including cosmetics, food, health products, and financial services. In practice, many influencers promote products without verifying their safety, quality, or legal compliance. Some even endorse products that lack marketing authorization, (Yulfin Tandi Buak 2023) contain health claims unsupported by scientific evidence, or rely on testimonials that do not reflect actual conditions. These circumstances demonstrate that influencers no longer merely function as communication channels but have become integral participants in marketing activities that shape public economic behavior.

Several previous studies have examined the legal liability of influencers in digital promotions. However, most have focused on the liability of business actors, the effectiveness of consumer protection, or ethical aspects of digital marketing. Research specifically addressing influencers as independent subjects of legal liability remains relatively limited, particularly within the Indonesian legal system. Moreover, few studies have compared Indonesia's legal framework with jurisdictions that have adopted more comprehensive regulations on influencer marketing, such as the United States through the endorsement guidelines of the Federal Trade Commission (FTC) (Congress 1914), and the European Union through the Digital Services Act, the Unfair Commercial Practices Directive, and other digital consumer protection policies. Such comparative studies are important for identifying weaknesses in Indonesia's regulatory framework while providing alternatives for legal reform that are more responsive to the development of the digital economy.

Based on these circumstances, this study is necessary to analyze the legal liability of influencers for disseminating misleading product information in electronic transactions and to evaluate the effectiveness of the existing legal framework in Indonesia. The study also seeks to identify the forms of legal liability that may be imposed on influencers through the perspectives of consumer protection law, civil law, and administrative law, while comparing them with regulatory practices in the United States and the European Union. The findings are expected to contribute to the development of digital consumer protection law and provide recommendations for establishing clearer regulations regarding influencers' obligations, limits of liability, and law enforcement mechanisms in social media promotional activities.

Accordingly, this study aims to analyze the legal status of influencers within Indonesia's digital consumer protection system, examine the forms of legal liability arising from the dissemination of misleading product information in electronic transactions, and formulate recommendations for strengthening the regulatory framework based on comparisons with the legal systems of the United States and the European Union, thereby providing more effective legal protection for consumers in the digital era. The research questions are as follows:

1. What is the legal status of influencers as subjects of legal liability within Indonesia's digital consumer protection system?
2. How can legal liability be imposed on influencers who disseminate misleading product information in electronic transactions?
3. What are the weaknesses of Indonesia's legal framework in providing legal protection for digital consumers compared to those of the United States and the European Union?

RESULTS AND DISCUSSION

A. Legal Status of Influencers in Digital Consumer Protection

From the perspective of Indonesian law, influencers are not yet explicitly regulated as legal subjects in digital promotional activities. Law Number 8 of 1999 concerning Consumer Protection primarily places responsibility on business actors as the parties that produce or trade goods and/or services. Likewise, Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 on Electronic Information and Transactions does not specifically regulate the liability of influencers as disseminators of commercial communications.

Nevertheless, developments in electronic commerce demonstrate that influencers can no longer be regarded as neutral parties. In commercial partnerships, influencers receive economic compensation to promote particular products, making such activities part of marketing practices. Therefore, influencers have both a moral and legal obligation to ensure that the information conveyed to the public accurately reflects the actual characteristics of the promoted products.

If influencers knowingly make false claims, conceal material facts, or promote products that fail to comply with legal requirements, they no longer function merely as communication channels but also as parties contributing to consumer harm. Accordingly, within the digital consumer protection framework, influencers may be regarded as commercial communicators who bear responsibility for the information they publish.

B. Legal Liability of Influencers for Misleading Product Information

From a civil law perspective, influencers may be held liable under the doctrine of unlawful acts if it can be established that they committed an unlawful act, caused damage, there is a causal relationship between the act and the damage, and fault is present. If all these elements are satisfied, consumers are entitled to seek compensation from the responsible party.

In addition to civil liability, influencers may also be subject to administrative sanctions for violating regulations governing the dissemination of information in electronic commerce. In practice, such sanctions may include written warnings, suspension of promotional activities, removal of content, or restrictions on promotional activities in accordance with applicable laws and regulations.

Under certain circumstances, criminal liability may also arise if influencers intentionally disseminate false or misleading information that causes harm to the public. However, the imposition of criminal sanctions must be applied cautiously, as it requires proof of criminal intent (*mens rea*) and a causal link between the influencer's conduct and the resulting harm.

These forms of legal liability demonstrate that influencers cannot avoid legal consequences merely by arguing that the information originated from business actors. As parties who derive economic benefits from promotional activities, influencers have a duty to conduct at least a minimum level of verification regarding the legality of the product and the accuracy of the information before publication.

C. Analysis of Weaknesses in Indonesia's Legal Framework

Although Indonesia has enacted various regulations concerning consumer protection and electronic transactions, the regulation of influencer marketing remains fragmented and does not provide adequate legal certainty. Existing regulations primarily focus on the liability of business actors and have not accommodated the evolution of digital marketing models involving third parties as disseminators of commercial communications.

The first weakness is the absence of a legal definition of an influencer. As a result, the legal status of influencers remains unclear, making law enforcement more difficult when disputes arise.

The second weakness is the absence of mandatory disclosure requirements for commercial relationships. Many promotional contents are presented as though they reflect personal experiences, whereas they are actually the result of paid partnerships with business actors. This practice has the potential to mislead consumers because they are unaware of the economic interests underlying the recommendations.

The third weakness is the lack of verification standards for promoted information. Most influencers simply rely on promotional materials provided by business actors without verifying the legality, safety, or accuracy of product claims. This increases the risk of misleading information circulating on social media.

Furthermore, the supervision of digital promotions continues to face various challenges, including the enormous volume of content published daily, limited regulatory resources, and insufficient coordination among government agencies in addressing violations occurring within the digital environment.

D. Comparative Analysis of the United States and the European Union

The United States is one of the jurisdictions that has developed specific regulations on influencer marketing through the *Endorsement Guides* issued by the Federal Trade Commission (FTC). These guidelines require influencers to clearly disclose any material relationship with business actors, whether in the form of monetary payment, free products, or other forms of compensation. Such disclosures must be easily understood by consumers so that endorsements are not perceived as independent recommendations.

Within the European Union, digital consumer protection is governed through various legal instruments, including the *Digital Services Act* (DSA), the *Unfair Commercial Practices Directive* (UCPD), and the *Consumer Rights Directive*. These regulations establish transparency as a fundamental principle of commercial communication. Any promotional activity capable of influencing consumers' economic decisions must be conducted honestly, transparently, and without misleading information.

Compared to Indonesia, both legal systems recognize influencers as integral participants in the marketing chain who bear legal responsibility. Mandatory disclosure obligations, stronger regulatory oversight, and the application of administrative sanctions serve as important mechanisms for ensuring influencer compliance with consumer protection principles.

The experiences of the United States and the European Union demonstrate that such regulations are not intended to restrict influencers' creative freedom but rather to achieve a balance between the interests of the digital economy and consumer protection. Therefore, Indonesia should adopt these principles while adapting them to the characteristics of its national legal system

E. Implications and Recommendations for Strengthening the Regulatory Framework

Based on the findings of this study, regulatory reform is necessary to ensure that the digital consumer protection system adequately accommodates the development of influencer marketing. First, a legal definition of influencers as commercial communicators should be incorporated into legislation. Second, mandatory disclosure should be required for every commercial partnership between influencers and business actors. Third, influencers should be subject to due diligence obligations requiring them to verify product legality, marketing authorization, and the accuracy of promotional claims.

Furthermore, the government, together with social media platforms, should strengthen monitoring mechanisms through the use of digital technologies, greater transparency of promotional algorithms, and the establishment of accessible public reporting systems. At the same time, professional organizations and influencer associations may contribute by developing codes of ethics emphasizing honesty, transparency, and accountability in promotional activities. Through these regulatory improvements, greater legal certainty regarding the status and responsibilities of influencers is expected, thereby enhancing public trust in digital marketing and providing more effective legal protection for consumers engaged in electronic transactions.

CONCLUSION

This study concludes that influencers may be held legally liable for disseminating misleading product information in electronic transactions when such conduct is proven to have caused consumer losses. However, the current legal framework in Indonesia does not yet provide legal certainty, as it has not explicitly regulated the legal status of influencers, the limits of their liability, mandatory disclosure obligations, or supervisory mechanisms for digital promotions.

Based on a comparison with the legal frameworks of the United States and the European Union, Indonesia should strengthen its influencer marketing regulations by recognizing influencers as legal subjects in commercial communications, requiring transparency in paid promotions, and clarifying the mechanisms of legal liability. In addition, the government and social media platforms should enhance monitoring mechanisms to provide more effective legal protection for consumers.

Influencers and business actors should apply the principles of prudence, good faith, and transparency in all digital promotional activities by ensuring that product information is accurate and not misleading. Future research is expected to adopt an empirical approach to examine the effectiveness of enforcing influencers' legal liability and to develop a regulatory model that is more adaptive to the advancement of digital technology

REFERENCES

Badan Pengembangan dan Pembinaan Bahasa,*Kamus Besar Bahasa Indonesia Daring*, Kementerian Pendidikan, Kebudayaan, Riset, dan Teknologi Republik Indonesia, Jakarta, 2016, diakses pada 3 Juni 2026.

Buak, Y. T., Kermite, J. A., dan Kasenda, V. D. D.,*Kajian Hukum terhadap Jasa Promosi oleh Influencer pada Media Sosial yang Menyimpang dari Ketentuan Undang-Undang Perlindungan Konsumen*, Lex Privatum, Vol. 11, No. 4, 2023.

European Parliament and Council,*Regulation (EU) 2022/2065 on a Single Market for Digital Services (Digital Services Act)*, Official Journal of the European Union, 2022.

Fefatikha, A., Heryanti, B. R., dan Triasih, D.,*Perlindungan Hukum bagi Konsumen Terkait Influencer Pelaku Endorsement pada Media Sosial Instagram*, Semarang Law Review (SLR), Vol. 4, No. 2, 2023.

Puspita, N.,*Komunikasi Social Media Influencer dalam Tatanan Membentuk Minat Konsumtif pada Pengguna Media*, Jurnal Paradigma: Jurnal Multidisipliner Mahasiswa Pascasarjana Indonesia, Vol. 6, No. 1, 2025.

Republik Indonesia,*Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen*, Lembaran Negara Republik Indonesia Tahun 1999 Nomor 42, Tambahan Lembaran Negara Republik Indonesia Nomor 3821.

Republik Indonesia,*Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik*, Lembaran Negara Republik Indonesia Tahun 2008 Nomor 58, Tambahan Lembaran Negara Republik Indonesia Nomor 4843.

Republik Indonesia,*Undang-Undang Nomor 19 Tahun 2016 tentang Perubahan atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik*, Lembaran Negara Republik Indonesia Tahun 2016 Nomor 251, Tambahan Lembaran Negara Republik Indonesia Nomor 5952.

Simarmata, N. M., Debora, dan Sihotang, L.,*Influencer Responsibilities in Disseminating Product Information: Consumer Protection Perspective in Indonesia*, Journal of Legal and Cultural Analytics (JLCA), Vol. 4, No. 1, 2025.

Siregar, S. P.,*Kepastian Hukum Perlindungan Konsumen Sesuai dengan Ketentuan Undang-Undang Perlindungan Konsumen*, Journal of Law, Administration, and Social Science, Vol. 4, No. 2, 2024.

United States Securities and Exchange Commission,*SEC Charges Celebrity Influencer Kim Kardashian for Unlawfully Touting Crypto Security*, SEC Press Release, Washington D.C., 2022.

Wibisono, B. A. A. dan Latumahina, R. E.,*Tanggung Jawab Hukum Influencer dalam Praktik Review Produk di Media Sosial*, Jurnal Hukum Siber dan Teknologi Digital, 2026.