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Skincare Reviews by Medical Doctors: Economic Incentives, Consumer Protection, and Ethical Regulation in Digital Markets

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Abstract

Social media enables individuals, including medical doctors, to exchange information. These platforms allow doctors to disseminate health education and raise public awareness of medical conditions. This study examines the legal position of doctors as social media influencers and analyses the consumer protection implications of their skincare product reviews. Using a normative legal research method with statutory and conceptual approaches, this study analyses the regulatory framework, medical ethics, and legal consequences of doctors' product reviews on social media. The findings show that doctors must ensure that their reviews are objective, fair, and based on scientific evidence. Misleading product reviews may violate consumers' rights to accurate and reliable information as guaranteed under the Indonesian Consumer Protection Law and the Indonesian Electronic Information and Transactions Law. Doctors who publish such reviews on social media may be subject to civil liability and criminal sanctions. The study contributes to the growing discourse at the intersection of medical professionalism, medical ethics, and consumer protection law by highlighting the importance of evidence-based medical communication in safeguarding public health in the digital market.

1. Introduction

Social media is increasingly being used to disseminate health-related professional information.[1] Medical doctors use social media for both personal and professional purposes. A survey of 4,000 doctors found that 90% use social media for personal, while 65% use it for professional purposes.[2] While social media offers significant benefits for the public health sector, it also presents certain risks.[3] Social media contributes to the global spread of misinformation.[4] As a result, the increasing use of social media by patients and medical doctors creates both opportunities and challenges for healthcare professionals.[5] Consequently,

[1] Jennifer Nicholas, Sandersan Onie, and Mark E. Larsen, "Ethics and Privacy in Social Media Research for Mental Health," *Current Psychiatry Reports 22* 23 (2020): 1–7, https://doi.org/10.1007/s11920-020-01205-9.
[2] A. P. Holtorf et al., "Ethical and Legal Considerations in Social Media Research for Health Technology Assessment: Conclusions from a Scoping Review.," *International Journal of Technology Assessment in Health Care* 39, no. 1 (2023): e62, https://doi.org/10.1017/S0266462323000399.
[3] Sushim Kanchan and Abhay Gaidhane, "Social Media Role and Its Impact on Public Health: A Narrative Review," *Cureus* 15, no. 1 (2023), https://doi.org/10.7759/cureus.33737.
[4] Emily Denniss and Rebecca Lindberg, "Social Media and the Spread of Misinformation: Infectious and a Threat to Public Health," *Health Promotion International* 40, no. 2 (2025), https://doi.org/10.1093/heapro/daaf023.
[5] Robert Macauley and and Jonathan M. Fanaroff Nanette Elster, "Ethical Considerations in Pediatricians' Use of Social Media," *Pediatrics* 147, no. 3 (2021), https://doi.org/10.1542/peds.2020-049685.

doctors must be able to identify and manage the ethical issues arising from social media use to promote public health while preserving fundamental ethical values.[6]

Social media has fundamentally changed the way people share and receive information.[7] Indonesia is one of the countries with the largest number of social media users globally. According to DataReportal research, the number of social media users at the end of 2025 totalled 180 million, equivalent to 62.9% of Indonesia's total population. TikTok, YouTube, Instagram, and Facebook were the most widely used social media platforms. The number of TikTok users is 180 million, YouTube users is 151 million, Facebook users is 121 million, and Instagram users is 108 million.[8] The large number of social media users indicates that these platforms have evolved into promotional tools, including for health and skincare products. As doctors increasingly use social media to review products, their statements can influence consumer decisions and public perception. This development raises important legal and ethical issues related to information accuracy, consumer protection, professional responsibility, and government oversight.

The current global economic landscape has encouraged the adoption of principles such as transparency and openness in digital transactions.[9] The development of digital information and communication technology, enabled by social media, has introduced society to a new reality. This ephemeral world appears on screens but is intricately synchronized with real life.[10] Social media often represents the freedom for everyone to speak and access information. Many social media users allow businesses to profit by innovating marketing techniques. Entrepreneurs must shift to digital platforms for product promotion across various social media, including TikTok, YouTube, Instagram, and Facebook.

One of the cases was a review conducted by an influencer who is also a medical doctor on the YouTube channel "dr. Richard Lee, MARS." In 2019, Richard Lee uploaded a review of the 'cream' produced by Helwa Beautycare and stated that the product was dangerous because it contained 5.7% hydroquinone based on laboratory testing that had been initiated independently. Furthermore, in 2020, he re-uploaded content about the product, highlighting its 5.7% hydroquinone content, based on the results of a sample test conducted by PT. Saraswati Indo Genetech is a laboratory specialising in skincare product testing. Based on these findings, Richard Lee argued that skincare products containing hydroquinone should be used under medical supervision. According to the Indonesian Food and Drug Authority (Badan Pengawas Obat dan Makanan, BPOM) Regulation Number 25 of 2025, hydroquinone

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[6] P. M. Massey et al., "Social Media, Public Health Research, and Vulnerability: Considerations to Advance Ethical Guidelines and Strengthen Future Research.," *JMIR Public Health and Surveillance* 9 (2023), https://doi.org/10.2196/49881.

[7] Michael Patrick, Rajitha D. Venkatesh, and David R. Stukus, "Social Media and Its Impact on Health Care," *Annals of Allergy, Asthma, and Immunology* 128, no. 2 (2022), https://doi.org/10.1016/j.anai.2021.09.014.

[8] Simon Kemp, "Digital 2026: Indonesia," 2025, https://datareportal.com/reports, November 5, 2025, https://datareportal.com/reports/digital-2026-indonesia.

[9] Alifia Aisya Hikma and Marwah, "Legal Protection for Digital Wallet Users Regarding Transactions Without Verification," *Hasanuddin Civil and Business Law Review* 2, no. 1 (2026): 47–70.

[10] Mohamad Rusdiyanto U. Puluhulawa and Riski Husain, "Body Shaming Through Social Media As A Digital Crime In The Era Of Disruption," *Jambura Law Review*, no. 1 (2021): 112–23, https://doi.org/10.33756/jlr.v3i1.7200.

is classified as a prohibited cosmetic ingredient and may be used only at a maximum concentration of 0.02%.[11]

A similar case occurred in 2024, when another doctor, Oky Pratama, uploaded laboratory test results on his YouTube channel showing that the skincare product Ratu Emas Night Cream contained 0.08% mercury. In addition to YouTube, Pratama frequently reviews skincare products that contain hazardous substances on his Instagram account.[12] Furthermore, in 2025, a case emerged involving an anonymous influencer known as "Doctor Detektif" (Doktif). Doktif regularly reviews skincare products and scrutinizes exaggerated marketing claims on social media platforms, particularly TikTok. She has alleged that numerous skincare products in Indonesia bear misleading labels, raising concerns about discrepancies between product claims and actual ingredients and the potential risks to consumers' health.[13] These cases illustrate the growing role of doctors and medically oriented influencers in using social media to disseminate information regarding the safety and quality of products available in the digital market.

However, a doctor's review on social media that a product contains a hazardous ingredient can also have legal and economic consequences. In the case of Richard Lee, Helwa Beautycare claims to have suffered material losses and non-material losses due to decreased consumer trust in its products. This demonstrates that statements made by doctors on social media not only impact consumer purchasing interest but also the business actors. Therefore, the cases involving Richard Lee and Oky Pratama illustrate the relationship between consumer protection, medical ethics, freedom of expression, and economic interests in the digital market. On the one hand, consumers have the right to receive information about product safety, and doctors who disclose laboratory findings can contribute to consumer health protection. However, doctors are also obliged to be professional and to adhere to ethical principles that require every public statement to be based on evidence, be objective, and be responsible. A business actor also has an interest in protecting their reputation from inaccurate reviews that can cause economic loss.

The main point in the case of Richard Lee and Oky Pratama is the tension between regulatory requirements and ethical guidelines governing doctors' reviews of products on social media. This conflict arises because, although manufacturers may pursue legal action where doctors' statements are false, misleading, or harmful, such warnings may also serve an important consumer protection function by ensuring access to accurate, clear, and honest information, as recognised in Article 4(c) of Law No. 8 of 1999 concerning Consumer Protection (hereinafter Law No. 8/1999). Accordingly, this study examines the role of doctors

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[11] Sergio Solaiman and Mariske Myeke Tampi, "Pertanggungjawaban Influencer Dalam Pembuatan Konten Pengiklanan Melalui Social Media Yang Mengandung Informasi Palsu (Contoh Kasus Kartika Putri Dan Dr. Richard Lee)," *Jurnal Hukum Adigama* 4, no. 2 (2021): 2901–11, https://doi.org/10.24912/adigama.v4i2.17874.

[12] Nanda Lusiana Saputri, "Dr. Oky Pratama Reveals the Dangers of Mira-Hayati Skincare," 2024, https://www.tribunnews.com/regional/2024/10/25/dokter-oky-pratama-bongkar-skincare-berbahaya-mira-hayati.

[13] Revi C. Rantung and Tri Susanto Setiawan, "The Doktif–Shella Saukia Dispute: Skincare Product Reviews and the Disclosure of CCTV Footage Following an Alleged Confrontation," 2025.

as influencers and analyses how the legal framework should balance consumer protection, medical professional ethics, and the rights of business actors in the digital market.

This study differs from several previous studies on the role of social media and its impact on public health. Akor and Awanu (2025) analysed the effectiveness of health promotion campaigns through social media, focusing on the role of digital platforms in influencing public health outcomes. Kanchan and Gaidhane (2023) examined the broader impact of social media on public health. Likewise, Terrasse, Gorin, and Sisti (2019) highlighted the ethical challenges arising from digital interactions in healthcare settings. These studies have not specifically examined the legal position of doctors as social media influencers in reviewing commercial products. In particular, few studies have examined the intersection of consumer protection, medical professional ethics, freedom of expression, and business actors' rights, including the legal consequences that arise when doctors publicly disclose laboratory findings about suspected harmful products.

2. Methods

This study is a normative legal research to examine the ethical and regulatory challenges faced by medical doctors as social media influencers. This study uses a statutory and conceptual approach. The statutory approach is used to examine primary and secondary legal materials. The primary legal materials consist of the Law on Medical Practice, Law No. 8/1999, the Indonesian Electronic Information and Transactions Law, and the Medical Code of Ethics. Secondary legal materials include books, research articles published in journals and at seminars, articles in online media, and court decisions relevant to the topic studied. Interpretation of the legal materials uses grammatical, systematic, and teleological methods to align legal provisions with ethical norms governing doctor reviews on social media. The legal materials are analysed qualitatively using prescriptive methods to identify gaps, assess consistency, and formulate arguments to strengthen transparency and professional accountability in medical doctors' social media reviews.

3. Results and Discussion

3.1. Ethical Guidelines for Doctors on Social Media

In general, globalisation has given rise to a new paradigm characterised by rapid economic change.[14] Almost all consumer products, including skincare products, can be promoted through advertising media. Advertising has a significant influence, as most consumers decide to purchase or use a product based on the persuasion or information it provides. The more widely recognised the type and brand of a skin care product are, the greater the chances of its success in the market. As consumer needs become increasingly diverse, this has led to various developments and innovations in the skincare production industry.

Consumers increasingly rely on social information channels in the digital era. Decisions to purchase a product are heavily influenced by consumer reviews[15] and by influencers who

[14] F. Sugianto et al., "A Scoping Review of Contract of Sale: The Case of Indonesia and Japan. .," *PETITA* 10 (2025), https://petita.ar-raniry.ac.id/index.php/petita/article/download/593/428.
[15] N. A. Alanazi et al., "Perceptions of Executive Decision Makers on Using Social Media in Effective Health Communication: Qualitative Study.," *Journal of Medical Internet Research* 27 (2025): e69269, https://doi.org/10.2196/69269.

endorse it on social media. Online reviews are becoming an increasingly valuable source of consumer information, with growing commercial significance and consumer impact. The persuasive power of online reviews is closely linked to perceived credibility and authenticity. Salminen et al.[16] Explain that online consumer reviews function not only as information signals but also as social proof mechanisms that significantly shape purchasing decisions. In the healthcare and skincare context, this influence becomes more complex when the reviewer is a medical professional, as professional authority enhances the message's persuasive effect.

Governments have a crucial role in supervising ethical advertising practices, including in the healthcare sector. To this end, governments can provide incentives and rewards to encourage adherence to medical and ethical standards. Such measures can encourage responsible behaviour while maintaining fair competition and consumer trust in the digital market. Ansari and Gupta[17] further argue that deceptive or exaggerated online reviews can constitute misleading speech that affects consumer perceptions at the pre-contract stage. In this context, advances in modern technology also play a crucial role in strengthening consumer protection mechanisms by improving the collection and analysis of legal evidence. The use of this technology enables more accurate identification of consumer rights violations, thereby supporting more effective law enforcement in cases involving misleading digital endorsements.[18]

From a consumer law perspective, Narciso[19] emphasises that transparency obligations in online reviews are essential to prevent unfair commercial practices and protect consumers. Therefore, doctors, as influencers, must clearly disclose any material relationships with manufacturers and ensure that their reviews are based on scientific evidence rather than promotional incentives. This reinforces the argument that medical product reviews in social media operate at the intersection of professional ethics and Law No. 8/1999.[20]

1. Intersection Between Professional Ethics and Law No. 8/1999

The relationship between medical ethics and consumer protection constitutes two inseparable regulatory frameworks. In the context of product reviews on social media, medical ethics standards are indicators of legal responsibility. When a medical doctor promotes or reviews products, ethical obligations regarding scientific, integrity, independence, and transparency directly affect consumers' perception. Accordingly, doctors' reviews that violate medical ethics may simultaneously constitute a breach of consumer protection principles. In this context, ethical violations are evidence that a doctor is unprofessional in carrying out their

[16] J. Salminen et al., "Creating and Detecting Fake Reviews of Online Products.," *Journal of Retailing and Consumer Services* 64 (2022): 102771, https://doi.org/10.1016/j.jretconser.2021.10277.
[17] Sana Ansari and Sumeet Gupta, "Review Manipulation: Literature Review, and Future Research Agenda," *Pacific Asia Journal of the Association for Information Systems* 13, no. 1 (2021): 97–121, https://doi.org/10.17705/1pais.13104.
[18] E. Ekakusumawati et al., "Compliance vs. National Interest: Why Do Trade Restrictions Fail under the WTO?.," *Padjadjaran Jurnal Ilmu Hukum (Journal of Law)* 12, no. 2 (2025), https://doi.org/10.22304/2442-9325.1336.
[19] Madalena Narciso, "The Regulation of Online Reviews in European Consumer Law," *European Review of Private Law* 27, no. 3 (2019): 557–581, https://doi.org/10.54648/erpl2019028.
[20] M. Jeyaraman et al., "Multifaceted Role of Social Media in Healthcare: Opportunities, Challenges, and the Need for Quality Control.," *Cureus* 15, no. 5 (2023), https://doi.org/10.7759/cureus.39111.

responsibilities. Therefore, medical ethics and consumer protection should be viewed as complementary frameworks governing doctors' conduct as influencers on social media.

In both common and civil law systems worldwide, the law allows parties to negotiate contractual terms freely to reach an agreement that reflects their intentions.[21] Legally, online reviews can be considered pre-contractual information. Misleading disclosures at this stage can lead consumers to abandon their purchase. Legal certainty is fundamental to written legal norms, as it preserves their meaning and enables the law to function as a standard of conduct.[22] Accordingly, clear and precise regulatory standards governing disclosure obligations are necessary to ensure transparency and prevent deceptive practices in digital health marketing.

However, developments and innovations in the skincare industry require special attention regarding consumer protection against hazardous substances in products. From 2020 to 2025, the BPOM revoked the distribution permits of several skincare products containing hazardous substances. The distribution of cosmetics containing hazardous and/or prohibited substances is a violation of Article 435 paragraph (1) in conjunction with Article 138 paragraph (2) of Law Number 17 of 2023 concerning Health (Law No. 17/2023). Based on this provision, any person who manufactures or distributes pharmaceutical products that fail to satisfy the required standards of safety, efficacy, and quality may be punished with imprisonment of up to 12 years or a fine of up to IDR 5 billion.

The following is a list of skincare products containing hazardous substances whose distribution permits have been revoked by the BPOM:

Table 1. Number of Skincare Products with Revoked Distribution Licenses

No	Year	Number of Products
1	2020	82
2	2021	115
3	2022	62
4	2023	181
5	2024	55
6	2025	73

Source: BPOM Press Release, 2026 (Edited)

According to information published on the BPOM website, BPOM regularly conducts sampling and testing of cosmetic products on the market, including those offered online. Data in Table 1 show that the number of cosmetic products whose distribution licenses were revoked fluctuated between 2020 and 2025. The highest number was in 2023, with 181 products, and the lowest in 2024, with 55 products. Based on laboratory testing, several cosmetic products were found to contain prohibited and/or harmful substances, including

[21] Omar Farouk Al Mashhour, Ahmad Shamsul Abd Aziz, and Nor Azlina Mohd Noor, "Smart Contract as a Novel Method of Contracting: Many Unanswered Legal Questions," *Hasanuddin Law Review* 11, no. 1 (2025): 1–27, https://doi.org/10.20956/halrev.v11i1.5061.

[22] M. Marwah et al., "Assessing The Evidentiary Power: Notarized Autopsy Reports Versus Visum Et Repertum.," *Indonesia Private Law Review* 6, no. 2 (2025): 177–92, https://doi.org/10.25041/iplr.v6i2.4536.

mercury, retinoic acid, hydroquinone, Red K3 dye, Red K10 dye, Acid Orange 7 dye, and lead. The use of cosmetics containing these prohibited and harmful substances can pose health risks to consumers.[23]

Table 2. List of Harmful Chemicals in Skincare Products

No	Chemical Substances	Negative Effects
1	Mercury	Skin discoloration (black spots/ochronosis), allergies, skin irritation, headaches, diarrhea, vomiting, and kidney damage.
2	Retinoic Acid/ Tretinoin	Dry skin, burning sensation, and potential teratogenic effects (changes in fetal organ shape or function).
3	Hydroquinone	Hyperpigmentation, ochronosis, and changes in the color of the cornea and nails.
4	Red K10 (Rhodamine B)	Cancer-causing and can interfere with liver function.
5	Red K3 (CI Pigment Red 53)	Cancer-causing and can interfere with liver function.
6	Acid Orange 7 Dye	Cancer-causing and can interfere with liver function.
7	Lead (> 20 ppm)	Damages organ function and affects body systems.

Source: BPOM Press Release, 2026 (Edited)

Based on the data in Tables 1 and 2, it is evident that product recalls and the discovery of hazardous ingredients in cosmetics indicate that consumers lack the technical capacity to assess product safety without expert assistance. In this context, consumers should heed the BPOM's public warnings and utilise the provided complaint and recall mechanisms. On the other hand, doctors, as influencers, can help address the information gap by explaining the risks of cosmetic ingredients in a proportionate, evidence-based manner, so that public education continues to support consumer protection goals.

2. Economic Incentives and the Role of Doctors as Social Media Influencers

The role of doctors as influencers becomes crucial. An influencer is a social media figure with a significant following whose statements can influence their audience's actions.[24] Several studies on online reviews have reported a significant impact on product sales.[25] Brand owners often offer incentives to influencers to review their products. However, incentivised product reviews can undermine influencers' credibility and authenticity, especially when overly positive. Given the more personal nature of influencer-generated reviews compared to other

[23] Abdullah M. Alnuqaydan, "The Dark Side of Beauty: An In-Depth Analysis of the Health Hazards and Toxicological Impact of Synthetic Cosmetics and Personal Care Products," *Frontiers in Public Health* 12 (2024): 1–19, https://doi.org/10.3389/fpubh.2024.1439027.
[24] B. Zhang et al., "Incentive Hierarchies Intensify Competition for Attention: A Study of Online Reviews.," *Decision Support Systems*, no. 185 (2024): 114293., https://doi.org/10.1016/j.dss.2024.114293.
[25] Ansari and Gupta, "Review Manipulation: Literature Review, and Future Research Agenda."

product review formats, Maximilian H.E.E. Gerrath and Bryan Usrey argue that influencers' motives for receiving incentives influence followers' reactions to incentivised reviews.[26]

The situation becomes more complex when the influencers involved are medical doctors. Professional independence requires them to provide objective medical assessments and recommendations, free from economic interests and undue external influence. However, when they receive incentives, commissions, or sponsorships to endorse specific skincare, conflicts of interest may arise that compromise, or at least create the perception of compromising, the objectivity of their judgment. In such circumstances, they risk shifting from trusted healthcare professionals acting in patients' best interests to intermediaries in commercial marketing. This transformation can blur the distinction between independent medical advice and product promotion, thereby undermining public trust in the medical profession.

The economic dimension of doctors as social media influencers requires attention, as sponsor incentives can affect the objectivity of reviews. Product endorsements create a conflict of interest, as doctors' judgments can be influenced by sponsored rewards, which potentially violates consumer protections. Therefore, clear disclosure requirements are necessary to enable consumers to distinguish between independent medical opinions and sponsored promotions.

The presence of such conflicts of interest raises concerns about consumer protection. Reviews requested by manufacturers may be misleading due to the commercial cooperative agreement between doctors and product owners. Thus, consumers must be able to assess objectivity through transparency, and there should be a clear distinction between advertising or promotional content and health education content, as well as a prohibition on inaccurate or exaggerated claims.

The term 'influencer' is derived from 'influence,' which means to affect or change someone's opinions and behaviour. Therefore, an influencer is someone whose words can impact others. An influencer does not have to be a celebrity; even an ordinary person can be considered an influencer if they have a large following and their words can influence others.[27] Famous influencers often do not work independently but are contracted by various brands to promote products and drive sales for the brand or specific products.[28]

An individual must meet certain criteria to become a social media influencer. These criteria include attractiveness, trustworthiness, and expertise in order to influence consumers' purchasing decisions.[29] Social media influencers are generally classified into four main categories based on their number of followers: mega or super influencers (more than 1 million

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[26] Maximilian Hee Gerrath and Bryan Usrey, "The Impact of Influencer Motives and Commonness Perceptions on Follower Reactions Toward Incentivized Reviews," *International Journal of Research in Marketing* 38, no. 3 (2021): 531–48, https://doi.org/10.1016/j.ijresmar.2020.09.010.

[27] Daniel Belanche et al., "Building Influencers' Credibility on Instagram: Effects on Followers' Attitudes and Behavioral Responses Toward the Influencer," *Journal of Retailing and Consumer Services*, 2021, 102585, https://doi.org/10.1016/j.jretconser.2021.102585.

[28] Meizhi Pan et al., "Influencer Marketing Effectiveness: A Meta-Analytic Review," *Journal of the Academy of Marketing Science* 53 (2024): 52–78, https://doi.org/10.1007/s11747-024-01052-7.

[29] Inyoung Ju and Chen Lou, "Does Influencer–Follower Relationship Matter? Exploring How Relationship Norms and Influencer–Product Congruence Affect Advertising Effectiveness across Product Categories," *Journal of Interactive Advertising* 22 (2022): 157–77, https://doi.org/10.1080/15252019.2022.2087809.

followers), macro influencers (100,000–1 million followers), micro influencers (5,000–100,000 followers), and nano influencers(fewer than 5,000 followers).[30] Given that they can influence consumer preferences, market behaviour, and public opinion, influencers play a crucial role in the digital economy.

For international comparison, the European Commission enacted the Digital Markets Act (DMA) and the Digital Services Act (DSA) to reform digital market practices across the European Union. The DSA establishes obligations for influencers to be accountable for their content. It also requires social media platforms to monitor, remove harmful content, and suspend accounts that violate applicable standards.[31] Legal norms constitute a fundamental pillar of social life by regulating conduct and protecting human interests. Ultimately, such regulation seeks to promote social prosperity and public welfare.[32] The implementation of the DMA and DSA reflects the European Union's commitment to strengthening accountability in the digital ecosystem, including the activities of influencers who significantly influence consumer decision-making and market competition. Among the various categories of social media influencers, healthcare professionals, particularly medical doctors, occupy a unique position because their influence stems not only from online popularity but also from their professional expertise and public credibility. Therefore, accountability, transparency, and adherence to legal and ethical standards require special attention.

Social media is a significant bioethics concern with profound implications for medical practice, research, and public health.[33] The use of social media in the medical profession plays a role in expanding professional networks, supporting continuing education, promoting institutions, and advancing health. Through social media, doctors can make it easier for patients to access health information and engage the public in discussions about health policies. Social media can also facilitate professional relationships among healthcare providers nationally and internationally.[34] Despite the rapid growth of social media in the medical sector, healthcare professionals remain uncertain about sharing medical content on these platforms. Misuse and ethical and legal violations resulting from difficulties controlling its use can lead to severe harm and unfavourable court decisions.[35]

Doctors can more easily educate patients, their families, and colleagues through social media. Using social media for professional purposes can expand professional networks and

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[30] Maureen Lehto Brewster and Jewon Lyu, "Exploring the Parasocial Impact Among Nano, Micro and Macro Influencers," *ITAA Proceedings* 77 (2020), https://doi.org/10.31274/itaa.12254.
[31] European Consumer Centre France, "Influencers: Obligations and Responsibilities in Europe," 2024, https://www.europe-consommateurs.eu/en/shopping-internet/influencers.html.
[32] Kusnaedi, Hasbir, and Marwah, "Intellectual Property Right Protection of Bantaeng Robusta Coffee through Geographical Indications," *IOP Conference Series: Earth and Environmental Science* 1230 (2023): 012010, https://doi.org/10.1088/1755-1315/1230/1/012010.
[33] Melanie Terrasse, Moti Gorin, and Dominic Sisti, "Social Media, E-Health, and Medical Ethics," *The Hastings Center Report* 49, no. 1 (2019): 24–33, https://doi.org/10.1002/hast.975.
[34] M. Hasham, V. Parshuram, and G. Bandre, "Social Media in Healthcare: Transforming Patient Engagement, Education, and Research Dissemination," *International Journal of Academic Medicine*, 2025, 4–9, https://doi.org/10.4103/ijam.ijam_48_24.
[35] Xiaolin Lin and Rajiv Kishore, "Social Media-Enabled Healthcare: A Conceptual Model of Social Media Affordances, Online Social Support, and Health Behaviors and Outcomes," *Technological Forecasting and Social Change* 166 (2021): 120574, https://doi.org/10.1016/j.techfore.2021.120574.

increase income in the healthcare field. In terms of professional development, social media enables doctors to stay up to date on medical news and discoveries, thereby enhancing their knowledge. However, to prevent conflicts, information shared on social media must comply with applicable ethical codes and regulations. The content must be accurate and supported by references with high-quality, evidence-based information. Digital professionalism requires that healthcare providers apply the same ethical standards online as they do in clinical settings. Guraya, Guraya, and Yusoff[36] highlight that maintaining professional identity in digital spaces demands consistency between ethical values, scientific integrity, and public communication. Similarly, Terrasse, Gorin, and Sisti[37] stress that social media blurs the boundary between private expression and professional authority, creating ethical risks when medical statements are disseminated without adequate verification.

In the context of skincare product reviews, this means doctors must clearly distinguish between general educational content and individualised medical advice. Massey[38] notes that ethical concerns arise when physicians provide public commentary that may be interpreted as clinical guidance without proper patient assessment. Therefore, disclaimers, evidence citation, and avoidance of definitive diagnostic language are essential safeguards.

By ensuring that medical reviews are grounded in peer-reviewed research and regulatory standards, doctors not only protect consumers from misinformation but also safeguard themselves from potential legal liability arising from claims of negligence, defamation, or unfair competition. This approach strengthens public trust and aligns digital engagement with the broader objectives of medical ethics and consumer protection. Doctors who post product reviews should also verify the content they share to ensure it builds public trust by confirming its accuracy.[39]

The public still holds the medical profession in high regard, so if a social media account mixes public medical education with personal freedom of expression, the public may perceive personal freedom as a reflection of professionalism. In Indonesia, there are no specific regulations governing doctors' use of social media. However, doctors are expected to use social media wisely, in accordance with the ethical principles of the Indonesian Medical Code of Ethics (*Kode Etik Kedokteran Indonesia*, KODEKI), particularly professionalism, the provision of valid information and opinions, honesty, collegiality, and confidentiality.[40] Nevertheless, reliance solely on ethical standards creates legal uncertainty because they do not clearly define the boundary between education and commercial endorsement on social media. As a result,

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[36] Shaista Salman Guraya, Salman Yousuf Guraya, and Muhamad Saiful Bahri Yusoff, "Preserving Professional Identities, Behaviors, and Values in Digital Professionalism Using Social Networking Sites: A Systematic Review," *BMC Medical Education* 21, no. 12 (2021): 381, https://doi.org/10.1186/s12909-021-02802-9.

[37] Terrasse, Gorin, and Sisti, "Social Media, E-Health, and Medical Ethics."

[38] Massey et al., "Social Media, Public Health Research, and Vulnerability: Considerations to Advance Ethical Guidelines and Strengthen Future Research."

[39] J. Kite et al., "A Model of Social Media Effects in Public Health Communication Campaigns: Systematic Review.," *Journal of Medical Internet Research* 25 (2023): e46345, https://doi.org/10.2196/46345.

[40] Janet Akor and Solace Awanu, "Evaluating the Effectiveness of Social Media Health Promotion Campaigns for Sustainable Behavior Change in the United States," *International Journal of Frontline Research in Life Science*, 2025, https://doi.org/10.56355/ijfrls.2025.3.2.0023.

promotional content may be presented as educational information, making it difficult for consumers to distinguish between paid endorsements and independent medical reviews. This challenge is further compounded by the lack of an integrated supervisory mechanism between BPOM and IDI, which may weaken regulatory enforcement and reduce the effectiveness of consumer protection in digital marketing. Policymakers and health professionals must work collaboratively to design and implement effective interventions.[41]

Healthcare providers are obligated to uphold ethical principles in their interactions with colleagues, patients, and society in the digital realm, just as they are in the real world. According to Article 9 of KODEKI 2012, a doctor is required to be honest in dealing with patients and colleagues and to remind colleagues when interacting with patients if they are aware that the colleague has shortcomings in character or competence, or has engaged in fraud or embezzlement. In the explanation of point (2) of this article, it is stipulated that every doctor, to prevent harmful consequences that could negatively affect clients/patients, is obligated to sincerely and willingly take time to offer advice/kindness and provide examples to colleagues who fall into the category of problematic doctors. Further, if a doctor has warned a colleague who has committed a violation and there is no change, they may report the matter to the relevant authorities.

Therefore, a doctor can examine the contents of a product to verify its accuracy without the product owner's permission. If a doctor suspects a mistake in the formulation of a product prepared by another doctor, this must be reported to the Indonesian Medical Association (IDI). IDI is the professional organisation for medicine in Indonesia, which will investigate, interrogate, and assess the evidence related to the suspicion. If the error was made by someone other than a colleague, the doctor can report it to the BPOM for inspection and review of the product's distribution permit.

Skin issues in Indonesia can only be handled by dermatologists and aesthetic doctors, whereas the specialists qualified to address skin problems are dermatologists and venereologists. This regulation is because aesthetic doctors are considered part of general practitioners, and the relevant medical bodies do not recognise their authority to perform clinical procedures on patients. Therefore, coordination with Perdaweri (The Indonesian Society of Anti-Aging, Wellness, Aesthetic, and Regenerative Medicine) is necessary. Consequently, a qualified doctor or dermatologist can only determine that a skin care product is harmful because it contains hydroquinone.

IDI does not require a doctor to obtain permission before examining a product. However, a doctor is prohibited from publicly commenting on a colleague's mistakes on social media; a professional organisation like IDI should address such matters. Article 9, paragraph 6, KODEKI 2012 stipulated that if a doctor has warned a colleague about a violation. However, the doctor may report the matter to the relevant authority if the warning is ignored. The authority referred to in this context depends on where the colleague is employed. The report can be submitted to the Medical Committee, the Medical Ethics Council, the Specialist Doctors Association Ethics Council, or through the local IDI.

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[41] Sezer Kisa and Adnan Kisa, "Comprehensive Analysis of COVID-19 Misinformation, Public Health Impacts, and Communication Strategies: Scoping Review," *Journal of Medical Internet Research* 26 (2024), https://doi.org/10.2196/56931.

This provision may be construed as limiting doctors' ability to alert the public, particularly when products contain harmful substances. From a consumer protection standpoint, it should be clearly stated that the IDI and the Indonesian Medical Ethics Council (*Majelis Kehormatan Etik Kedokteran*, MKEK) are responsible for addressing alleged ethical breaches, while the BPOM is responsible for investigating product safety complaints. Nevertheless, fact-based public education remains warranted if conducted truthfully and aimed at preventing consumer health risks, without targeting individuals.

Although KODEKI, MKEK, and IDI have established regulations and codes of ethics for medical doctors' behaviour, these measures have not been effective in preventing doctors from endorsing products. Current regulations still focus on professional responsibilities and administrative sanctions. There are no explicit regulations governing sanctions if doctors use their profession to advertise by accepting financial compensation from sponsors. This regulatory weakness creates uncertainty regarding the boundary between healthcare advertising and commercial advertising, making it difficult to determine when a doctor's social media activities violate regulations and codes of ethics. As a result, the current regulatory framework does not adequately protect consumers. This situation shows a conflict between the ethical obligation to respect colleagues and the public's right to health information. While KODEKI encourages medical doctors to report information about colleagues, the public also has the right to receive prompt information about the potential health risks of a skincare product. Therefore, ethical obligations should not prevent medical doctors from providing factual health information to protect consumers, provided it does not constitute a personal attack on a particular colleague.

A doctor must also refrain from disclosing a colleague's shortcomings in content posted on their social media accounts. The Fatwa on Medical Ethics No. 029/PB/K.MKEK/04/2021, regarding the Ethics of Doctors in Social Media Activities, requires that doctors should not disclose their names when using social media. If a problem occurs, a doctor should not post it on social media, as it could defame their colleagues. It is stipulated in Article 18 of KODEKI that doctors who become aware of a colleague's misconduct or error should provide advice or a warning in a private and collegial manner rather than exposing the matter publicly.

A doctor's public disclosure or criticism of alleged deficiencies in a colleague's product may constitute a breach of the medical code of ethics. Where a dispute arises between two doctors, the IDI, as the professional organisation, may facilitate mediation if the parties are unable to resolve the matter independently, except where the conduct of one of the doctors has resulted in a patient's permanent disability. If an ethical violation is established, the matter will generally be referred to the MKEK. Where the issue concerns professional discipline, it may be referred to the relevant disciplinary body. However, where the dispute involves a party outside the medical profession, the aggrieved party may pursue civil and/or criminal legal remedies.

The dimensions of the code of ethics are measured using indicators of alignment between the use of social media and the code of ethics, as well as the role of social media in clarifying the doctor's responsibilities. The alignment between social media use and the doctor's code of ethics is assessed through three questions. First, does using social media to interact between doctors and the public violate the doctor's code of ethics? Second, regarding

the alignment of each doctor's social media use with the code of ethics. Third, regarding which uses of social media are permitted by the doctor's code of ethics.

The World Health Organization (WHO) recommends that health workers take several steps to combat health-related misinformation:[42]

(1) All information shared by health workers must be based on accurate and up-to-date research.
(2) The need for local and global integration among health organizations is essential to ensure that the information conveyed is consistent and standardised.
(3) There is a need for cooperation with the authorities to remove hoax information from social media.

Healthcare professionals must understand that the same ethical and legal standards apply in both the digital and in-person spaces.[43] Regulations on the ethical use of social media in the health sector already have a solid foundation following the issuance of the Fatwa on Social Media Ethics for Doctors. The fatwa was issued by the MKEK under No. 029/PB/K.MKEK/04/2021 and contains thirteen ethical guidelines, six of which are particularly relevant to the present discussion:

(1) Doctors must consider the positive and negative impacts of social media on healthcare activities and follow the regulations.
(2) Doctors must adhere to the principles of integrity, professionalism, and medical ethics in their social media activities.
(3) The use of social media for public health services is permitted as long as it complies with scientific evidence, medical ethics, and regulations.
(4) Social media accounts for public health education should be separate from personal accounts to maintain focus on the goals. Doctors must understand and manage society's expectations of the medical profession if the same account is used for personal and professional purposes.
(5) When doctors use social media for personal purposes, they should utilise privacy settings or platforms that restrict public access.
(6) If doctors view their colleagues' social media activities as inappropriate, they must address the issue through personal channels. If the individual is unwilling to be reminded and correct their behaviour on social media, the doctor can report it to MKEK.

Based on these steps, doctors can improve the quality of information shared on social media and feel confident using it for health promotion.[44] Based on these steps, doctors can improve the quality of information shared on social media and feel confident using it for health promotion. These measures can contribute to enhanced consumer awareness, better protection

[42] Julian H. Neylan, Sonny S. Patel, and Timothy B. Erickson, "Strategies to Counter Disinformation for Healthcare Practitioners and Policymakers," *World Medical & Health Policy* 14, no. 2 (2022): 423–31, https://doi.org/10.1002/wmh3.487.
[43] Y. Zhang et al., "Reporting of Ethical Considerations in Qualitative Research Utilizing Social Media Data on Public Health Care: Scoping Review.," *Journal of Medical Internet Research* 26 (2024): e51496, https://doi.org/10.2196/51496.
[44] Poedjo Hartono, "Medical Doctor on Social Media: Skill, Knowledge, and Ethical Issue," *Surabaya Medical Journal* 3, no. 1 (2025), https://doi.org/10.59747/smjidisurabaya.v3i1.102.

of skin health, and stronger accountability of skincare producers and the BPOM in performing their regulatory and supervisory functions.

3.2. Ethical Guidelines for Doctors on Social Media

Hydroquinone is generally prohibited as a cosmetic ingredient under BPOM Regulation Number 25 of 2025. The only exception is its permitted use for artificial nails at a maximum concentration of 0.02 per cent. In the dispute between Richard Lee and the manufacturer of Helwa Beautycare, the doctor stated that the products were dangerous because they contained hydroquinone. The company defended the products, arguing that they had obtained BPOM marketing authorisation and were therefore legally permitted for sale. In addition to obtaining BPOM authorisation, Helwa Beautycare employed a doctor to provide consultations on facial conditions and determine appropriate treatments for patients' complaints.

The legal issue in this dispute is whether the doctor's statements were justified by evidence of regulatory non-compliance or unlawfully harmed the company's interests. If the company can establish that the product complied with BPOM regulations and applicable safety standards, any resulting loss may give rise to a claim based on unlawful conduct. Based on the analyses, any loss suffered by the company as a result of an influencer's infringement of its subjective rights, who is also a medical doctor, may constitute unlawful conduct, provided that the company can prove that the product complies with BPOM regulations and applicable safety standards.

Theoretically, a claim for compensation may be pursued if it satisfies the elements set forth in Article 1365 of the Indonesian Civil Code. The elements consist of an unlawful act, damage or loss, fault, and a causal relationship between the unlawful act and the damage. In the context of doctors providing reviews or comments on social media, the content published may constitute an unlawful act if it meets one of the following criteria:[45]

(1) Actions that violate the rights of others
If a doctor makes a review that contains accusations, false statements, or information not supported by scientific evidence, thereby harming other colleagues or business actors of a product, this can be considered a violation of the right to honour and good name, which is protected by law.

(2) Actions that are contrary to their legal obligations
One category of unlawful act occurs when the action violates the individual's legal duties. When providing reviews on social media, medical doctors must comply with laws and regulations and the professional code of ethics. Therefore, providing misleading information, disclosing confidential information, inappropriate promotion, or unprofessional assessment of colleagues may be considered contrary to legal and professional obligations.

(3) Acts against morality
The public recognises acts that violate decency as contrary to unwritten social norms and may regard them as unlawful. Medical doctors, as a profession trusted by the public, are obligated to maintain ethical communication and respect the dignity of others. Therefore, using insulting, demeaning, or humiliating language in a review

[45] Djaja S. Meliala, *Perbuatan Melawan Hukum Dan Unsur Kerugian Menurut Hukum Perdata Dalam Yurisprudensi* (Bandung: Nuansa Aulia, 2024).

may be considered unethical, especially if it harms the person concerned. This also aligns with doctors' obligation to uphold the honour of their profession and respect fellow healthcare professionals.

(4) Actions that are contrary to prudence or the necessity of good social relations. Doctors' reviews that are not verified, contain inaccurate information, or have the potential to mislead the public may violate professional standards of care and give rise to liability if they result in losses for other parties.

Another important issue concerns the disclosure of commercial relationships between medical doctors and business actors. Doctors who promote products on social media should disclose any material relationship related to the endorsement, including sponsorship arrangements, paid partnerships, and affiliate relationships. Such disclosure is necessary because consumers may reasonably assume that a doctor's statements reflect an independent professional opinion. Accordingly, disclosure obligations serve as a safeguard against conflicts of interest, preserve professional integrity, and ensure that consumers receive accurate information. However, transparency is only insufficient. Doctors must also ensure that any review presented to the public is supported by scientific evidence and in line with their professional obligations. Failure to do so may expose them to legal liability, particularly where inaccurate statements cause harm to other parties.

Before reviewing a product, an influencer should possess adequate knowledge supported by reliable scientific evidence. Product reviews should not be intended to discredit a product for competitive or improper purposes, as such conduct may constitute an unlawful act, including defamation of the company's reputation. Where inaccurate or misleading information is disseminated, it may damage a person's reputation and honour in public. Under Article 1372 of the Indonesian Civil Code, a claim arising from defamation may seek both compensation and the restoration of the injured party's reputation and honour. In determining the amount of compensation, the court must take into account the seriousness of the defamatory statement, the parties' status and position, their respective circumstances, and other relevant factors. However, pursuant to Article 1376 of the Indonesian Civil Code, such a claim cannot succeed in the absence of an intention to defame. Accordingly, the defendant should demonstrate that the statement was supported by reliable scientific evidence and made in good faith for the protection of public health and consumer interests.

The legal issues arising from Richard Lee's negative review of Helwa Beautycare products are claimed by the manufacturer to have damaged its reputation, even though the products have received BPOM approval. However, the provisions regarding defamation regulated in Article 27 paragraph (3) of the Law Number 11 of 2008 concerning Electronic Information and Transactions (Law No. 11/2008) were previously revoked with the enactment of Law No. 1 of 2023 concerning the Criminal Code and amended in Article 27A of Law Number 1 of 2024 concerning the Second Amendment to the Law Number 11 of 2008 concerning Electronic Information and Transaction (Law No. 1/2024). This article addresses attacks on honour or good name intended to make them public knowledge, but its scope and conditions differ from those of Article 27, paragraph (3). The reformulation of Article 27A narrows the scope of criminalisation by requiring a clearer intent to attack a person's honour or reputation. This provides greater protection for scientific criticism, professional opinions,

and reviews made in good faith, while also aligning the regulation more closely with constitutional and human rights guarantees of freedom of expression.

Where an individual is found liable for an unlawful act, the obligation to pay compensation rests with the wrongdoer. In assessing the amount of compensation, the guiding principle is that damages should, so far as possible, place the injured party in the position they would have occupied had the loss not occurred. Accordingly, compensation should be limited to the actual loss suffered and should not take into account factors unrelated to the loss, such as the financial resources or wealth of the parties involved.[46] In the consumer protection context, consumers who suffer harm from a dangerous product may lodge a complaint with the Indonesian Consumer Dispute Settlement Agency (Badan Penyelesaian Sengketa) and the BPOM.

In the context of medical doctors' endorsements on social media, the assessment of damages should focus on the specific harms arising from misleading reviews. Such harm may include reputational damage to business actors, pure economic loss from reduced sales, consumer harm from misleading health information, and losses in the digital market. The extent of damages should be assessed based on the nature and consequences of the harm suffered in each case. This approach provides a more relevant basis for determining liability arising from doctors' social media activities while balancing professional accountability, consumer protection, and freedom of expression.

In civil law, damages for an unlawful act are categorised into two approaches: general damages and special damages. General damages apply to all cases, including defaults, contracts, engagements, and those arising from unlawful acts. Meanwhile, special damages are issued for specific engagements arising from an unlawful act. Pursuing a claim for damages is one way to assert rights and thereby obtain legal protection. A claim for damages must demonstrate a legally protected interest and satisfy the procedural and substantive requirements for the claim to be examined by the judge. The categories of damages are as follows:[47]

(1) Nominal Indemnity
In unlawful acts involving intent but no actual harm to the victim, the perpetrator must pay a specified sum to the victim, determined based on a sense of fairness rather than the actual loss incurred.

(2) Compensatory Indemnity
Compensatory damages are paid to the victim to cover the actual losses resulting from an unlawful act, reflecting the precise amount of the harm suffered.

(3) Punitive Compensation
Punitive damages are awarded as a substantial sum exceeding the actual loss, intended to punish the perpetrator for their actions.

However, consumers who suffer loss as a result of misleading product reviews must provide supporting evidence, including the allegedly misleading content, proof of purchase, medical records or examination results, evidence of expenses incurred, and other materials demonstrating a causal link between the review and the harm suffered. In addition to giving

[46] Ahmadi Miru, *Hukum Kontrak Dan Perancangan Kontrak* (Jakarta: RajaGrafindo Persada, 2020).
[47] Munir Fuady, *Perbuatan Melawan Hukum: Pendekatan Kontemporer* (Bandung: Citra Aditya Bakti, 2025).

rise to civil liability, such conduct may also attract criminal liability where the relevant legal requirements are satisfied. Compensation for victims of criminal offences, including consumers who suffer harm as a result of misleading information or unsafe products, may be pursued through either of the following mechanisms:

(1) Lawsuit for Unlawful Acts
The plaintiff, who is a victim of a crime, must wait for a court decision in a criminal case involving the perpetrator or the defendant.

(2) Merger of Compensation Cases
For the merger of compensation cases, the rules have been regulated in Article 98 paragraph (1) of the Indonesian Criminal Procedure Code (KUHAP), which stipulates:
"If an act that forms the basis for an indictment in an examination of a criminal case by a district court causes harm to another person, then the presiding judge at the trial may decide at the request of that person to combine the lawsuit for compensation in the criminal case."

A request to consolidate compensation cases must be made before the public prosecutor files criminal charges. If the public prosecutor is absent, the request should be made before the judge decides. When a crime victim requests the consolidation of compensation cases, the court must evaluate its jurisdiction, the validity of the grounds for the lawsuit, and the penalty for covering the victim's expenses. Compensation rulings will become final and binding once the criminal decision becomes final.

4. Conclusions

The Indonesian Medical Practice Law and the Indonesian Code of Medical Ethics restrict doctors from reviewing and promoting skincare products on social media. Legally and ethically, doctors are permitted to use social media only to provide public health education, including information on disease prevention and treatment, as well as advances in medical science. In creating social media content, doctors are prohibited from using their professional titles for promotional purposes, self-praise, or excessive advertising. All published content must be based on scientific evidence, be objective, and avoid endorsing a specific brand.

Reviews and opinions expressed by doctors may significantly influence consumer perceptions and purchasing decisions due to the authority and credibility associated with the medical profession. Accordingly, information communicated through social media must comply with the principles of transparency, accuracy, and good faith to prevent consumers from being misled. The Indonesian Code of Medical Ethics further requires doctors to uphold integrity, objectivity, professional independence, and the primacy of the public interest in all professional activities. Nevertheless, these ethical standards, when applied in isolation, are insufficient to address the legal risks arising from social media communications, particularly when consumers perceive doctors' statements as authoritative scientific opinions and rely on them in making purchasing decisions.

In cases where social media content is suspected of violating professional ethical standards, the MKEK has the authority to provide clarification, conduct ethical review proceedings, and impose appropriate professional measures in accordance with established procedures. Furthermore, if a doctor identifies a skincare product suspected of being unsafe

or failing to comply with applicable safety and quality standards, the matter should be reported to the IDI when the conduct involves another medical doctor. Where the responsible party is not a medical doctor, the matter may be reported to the BPOM for inspection and evaluation of the product's marketing authorisation and regulatory compliance. Therefore, strengthening coordination and oversight between the IDI and BPOM regarding the promotion and distribution of skincare products is crucial. Legal certainty requires effective supervision and coordinated enforcement to protect consumer rights while preserving public trust in the medical profession in the digital market

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