

The Legal Liability of Beauty Clinics in Achieving Justice for Consumers

Yuyut Prayuti¹, Yeni Arini², Yendi Risdiana³

^{1,2,3} Universitas Islam Nusantara, Indonesia

Author Correspondence: prayutiyuyut@gmail.com

Article History:

Submitted:

02-12-2024

Received:

02-01-2025

Accepted:

27-01-2025

Keywords:

beauty clinics;
consumer protection;
justice

Abstract

Beauty clinics have become an integral part of modern lifestyles, offering aesthetic solutions to enhance self-confidence. However, alongside their popularity, several challenges have emerged, including health risks stemming from hazardous chemicals, malpractice, and inadequate professional competence. Widespread consumerism often overlooks safety aspects, driven by media-induced unrealistic beauty standards. In this context, legal protection for consumers utilizing beauty clinic services is of paramount importance. This study aims to analyze the legal liability of beauty clinics in safeguarding consumer rights, focusing on the application of justice principles. These principles encompass distributive justice, which demands equitable access to services without discrimination, and procedural justice, which ensures transparency and active consumer participation in medical decision-making. Employing a normative juridical method. The findings reveal that, despite existing regulations outlining the obligations of service providers, numerous beauty clinics fail to adhere to established standards. Consumers often suffer harm due to unsafe procedures or the use of unregulated beauty products. In such instances, the BPSK offers an effective mechanism for dispute resolution, providing mediation, conciliation, and arbitration services characterized by low costs and simplified procedures. From the perspective of justice, ensuring that all consumers have equal rights to clear information and safe services is imperative. Furthermore, strengthening consumer involvement in medical decision-making processes is critical to avoiding the dominance of paternalistic relationships between healthcare providers and patients. By enforcing robust legal protections and adopting a holistic approach to justice, consumer protection in beauty clinic services can be significantly enhanced. This would not only mitigate potential harm but also foster a more balanced relationship between consumers and service providers.

1. Introduction

Many individuals, as consumers, often seek treatment or skincare services from dermatologists or beauty clinics for facial care.¹ However, some people encounter obstacles when undergoing facial treatments at dermatologists or beauty clinics, including the relatively high costs of consultations and treatments, as well as the scarcity of dermatologists or beauty clinics in certain areas. These conditions are among the factors that drive individuals to perform self-care using skincare products available in the market to address issues with their facial skin.² Many individuals with high mobility often neglect to maintain their skin's cleanliness, leading to skin problems, particularly in the facial area. To mitigate this, awareness

¹ Nindya Dwiana Putri, "Faktor-Faktor Keputusan Konsumen Dalam Membeli Kosmetika Perawatan Wajah," *Jurnal Tata Rias* 9, no. 2 (December 31, 2019): 22–31, <https://doi.org/10.21009/9.2.3.2009>.

² Stefanie Sirapanji and Seng Hansun, "Rancang Bangun Aplikasi Sistem Pakar Untuk Menangani Masalah Kecantikan Pada Wajah Menggunakan Metode Decision Tree," *Jurnal ULTIMATICS* 6, no. 1 (June 1, 2014): 9–14, <https://doi.org/10.31937/ti.v6i1.326>.

of optimal skin hygiene is essential. Maintaining healthy and well-cared-for skin can be achieved by visiting beauty clinics, complemented by the use of skincare products tailored to individual needs.³

The current trend in the use of skincare products aims to improve and address facial skin issues, thereby supporting the enhancement of an individual's self-confidence. Makeup remover, cleanser, exfoliator, toner, moisturizer, and sunscreen are examples of skincare products used for facial care.⁴ Each type serves distinct purposes and offers unique advantages, with their application tailored to the user's skin type. Many individuals are willing to spend significant amounts to receive treatments at beauty clinics. Cosmetic and skincare products, which are integral to the beauty industry, have shifted from being secondary or less essential needs to becoming indispensable references for students and young adults. This behavior exemplifies consumerism, characterized by an incessant desire to consume without limits. Consumption activities are no longer merely about satisfying needs but also reflect indications and directions leading individuals to transition toward fulfilling demands for prestige. The process of maintaining prestige often manifests as compulsive behavior. The emphasis on body and facial skincare in contemporary lifestyles has driven the growth of a larger market share. The presence of media, which provides unlimited platforms to support product promotion, build brand awareness, and foster positive product images, makes this phenomenon unsurprising.⁵

The public must allocate a specific budget to afford products and treatments at beauty clinics due to the high costs associated with procedures offered by such clinics. Society has been driven toward consumerist behavior, often neglecting the health and safety aspects of products and treatments at beauty clinics, which may ultimately harm them. This is largely influenced by the false realities deliberately promoted by various mass media regarding beauty standards. These false realities create a desire for white and flawless facial skin, as promised by beauty clinics, focusing solely on aesthetics. This paper explores the health aspects of beauty clinics and examines consumer protection for patients who simultaneously act as consumers, with a focus on linking these issues to the principle of justice for consumers.

Beauty clinics and cosmetic products pose significant legal challenges in consumer protection. While consumers seek beauty treatments and products, they often face risks from hazardous chemicals, malpractice, and incompetent practitioners.⁶ Legal protection for consumers is primarily governed by Law No. 8 of 1999 on Consumer Protection, which outlines the responsibilities of business operators to compensate for damages caused by non-compliant products.⁷ Consumers can seek redress through the Consumer Dispute Settlement

³ Sri Murlianti, "Cycles of Beauty Culture: Ethnography of Beauty Clinics Commodification," *Komunitas* 6, no. 2 (September 20, 2014): 327–35, <https://doi.org/10.15294/komunitas.v6i2.3312>.

⁴ Murlianti.

⁵ Putri, "Faktor-Faktor Keputusan Konsumen Dalam Membeli Kosmetika Perawatan Wajah."

⁶ Cahyani Utari, Sunny Ummul Firdaus, and Rehnalemkem Ginting, "Legal Protection of Beauty Clinic Service Users in Indonesia: Problems and Legal Responsibility," *Budapest International Research and Critics Institute (BIRCI-Journal): Humanities and Social Sciences* 3, no. 1 (January 29, 2020): 239–46, <https://doi.org/10.33258/birci.v3i1.737>.

⁷ Elvia Rahmawati, Miftakhul Huda, and Ian Firstian Aldhi, "Legal Liability of Business Operators For Beauty Products Containing Hazardous Chemicals," *Journal of Law, Politic and Humanities* 4, no. 3 (April 30, 2024): 334–43, <https://doi.org/10.38035/jlph.v4i3.357>.

Agency (BPSK) or litigation.⁸ Notably, only pharmaceutical workers are authorized to mix cosmetics, as per Government Regulation No. 51 of 2009.⁹ The use of toll manufacturing services in the beauty industry further complicates liability issues, necessitating clear accountability measures for violations that harm consumers.¹⁰ Strengthened supervision and enforcement are crucial to address these challenges effectively.¹¹ Referring to this research, the distinction of this study lies in its emphasis on the principle of justice, thereby extending beyond mere consumer protection.

2. Methods

This study employs a normative legal research method, which refers to the use of legal rules and principles as the basis for analysis. In the context of research on consumer protection in beauty clinics, the normative juridical method relies on applicable laws and relevant theories as primary data.¹² The study will analyze these legal documents and relate them to legal theories regarding dispute resolution. Relevant regulations, such as Law Number 36 of 2009 concerning Health (Law No. 36/2009), Minister of Health Regulation Number 4 of 2019 concerning Technical Standards for Quality Fulfillment of Basic Services in the Minimum Service Standards in the Health Sector (Permenkes No. 4/2019), and Law Number 8 of 1999 concerning Consumer Protection (Law No. 8/1999), will be examined within this framework.

3. Results and Discussion

3.1. The Legal Aspects of Beauty Clinics in Positive Law and Their Relation to Consumer Protection

Since ancient times (Ancient Greece), when a doctor treats a patient in need, a legal relationship has arisen between them. This relationship, referred to as a therapeutic transaction, is deeply personal as it is built on the trust the patient places in the doctor. A therapeutic transaction is an agreement between a doctor and a patient that establishes the legal rights and obligations of both parties.¹³ The purpose of this agreement is to attempt to help the patient recover through therapy. The legal relationship between doctor and patient is traditionally based on a vertical paternalistic pattern, akin to the relationship between a father and child, founded on the principle that "father knows best" and fostering a paternalistic

⁸ Rahmawati, Huda, and Aldhi.

⁹ Siska Diana Sari, "Reconstruction of Legal Protection for Aesthetic Clinic Patients," *Aloha International Journal of Multidisciplinary Advancement (AIJMU)* 3, no. 1 (January 18, 2021): 8, <https://doi.org/10.33846/aijmu30102>.

¹⁰ Alya Tsabita, Bambang Sugeng Ariadi Subagyono, and Zachry Vandawati Chumaida, "Kepastian Hukum Tanggung Gugat Dalam Perlindungan Konsumen Pengguna Jasa Maklon Pada Industri Kecantikan Oleh Perusahaan Maklon," *Perspektif* 28, no. 2 (August 24, 2023): 110–18, <https://doi.org/10.30742/perspektif.v28i2.858>.

¹¹ Utari, Firdaus, and Ginting, "Legal Protection of Beauty Clinic Service Users in Indonesia: Problems and Legal Responsibility."

¹² Asmah, "The Role of Business Competition Law in Online Business: A Comparative Study of United Kingdom and Indonesia," *Cogent Social Sciences* 8, no. 1 (December 31, 2022), <https://doi.org/10.1080/23311886.2022.2142398>.

¹³ Muhammad Purnomo, "Rekontruksi Perjanjian Therapiutik Dokter Dan Pasien," *Jurnal Ilmu Keperawatan Dan Kebidanan* 14, no. 1 (February 5, 2023): 216–26, <https://doi.org/10.26751/jikk.v14i1.1667>.

connection.¹⁴ When a patient calls on a doctor because they perceive a threat to their health, a legal relationship evolves. The patient's psycho-biological condition serves as a signal that they feel unwell, and in such cases, the patient believes the doctor is qualified to assist and provide support. As a result, the patient views the doctor as holding a higher status and playing a more significant role than the patient in this relationship.¹⁵

The Civil Code (KUHPerdata), Book III, discusses Obligations (*Van Verbintenissen*) and serves as the foundation for legal interactions between medical professionals and patients, as well as between patients and hospitals. Hospitals, doctors, and patients collectively constitute Legal Subjects. While hospitals are categorized as Non-Personal Legal Subjects (legal entities), doctors and patients are considered Personal Legal Subjects. Anything that can support rights and obligations qualifies as a legal subject. A legal object is defined as "something agreed upon between legal subjects," encompassing anything that benefits legal subjects and can be the subject of a legal relationship. Legal objects may be tangible (such as products) or intangible (such as services). When a patient first visits a doctor's practice (whether private or hospital-based) and reports a health issue to seek assistance, an agreement between the doctor and the patient is established (which does not necessarily require a written contract). Meanwhile, a legal agreement between the patient and the hospital is formed when the patient registers at the registration desk to receive treatment at the hospital's facilities. Similarly, in the field of aesthetic or cosmetic medicine, when a consumer consults with an aesthetic doctor and decides to obtain aesthetic services, a legal relationship arises between the two parties, creating rights, obligations, and accountability associated with that relationship.

Based on Article 3 of Law No. 36/2009, the purpose of health development is to enhance the knowledge, willingness, and ability of every individual to achieve the highest possible standard of public health. All actions undertaken, either individually or collectively, within an organization to maintain and improve the health of individuals, families, groups, and communities are referred to as health services. In realizing health services, the Regional Government of a Regency/City utilizes a guideline known as the Minimum Service Standards (SPM) in the Health Sector. SPM represents the standards concerning the Types and Quality of Basic Services, which are a Mandatory Governmental Affair that every citizen is entitled to receive at a minimum level. This SPM assists Regional Governments in providing public services tailored to the needs of the community. The SPM in the Health Sector is regulated under Minister of Health Regulation No. 4 of 2019.

The development of globalization has significantly advanced the healthcare sector. In the modern era, beauty clinics represent a cultural shift towards modern practices. Beauty clinics are established in response to consumer demand for specialized self-care treatments. The rapid growth of the beauty clinic business has led many women to willingly pay high fees, even traveling abroad, to receive such treatments. Clinics offering dermatology services are classified as beauty clinics. Dermatology is a branch of medicine that focuses on the study of the skin and its related structures, including hair, nails, sweat glands, and more. The term

¹⁴ Bing Waluyo, "Hubungan Dokter Dengan Pasien Dalam Bidang Kesehatan," *Wijayakusuma Law Review* 5, no. 2 (December 11, 2023), <https://doi.org/10.51921/wlr.v5i2.249>.

¹⁵ Jajang Arifin, "Tanggungjawab Hukum Dokter Terhadap Pasien Di Kamar Bedah," *Yustitia* 8, no. 2 (October 15, 2022): 167–81, <https://doi.org/10.31943/yustitia.v8i2.165>.

"derma" originates from the Greek word for skin. Therefore, beauty clinics can be described as facilities that provide treatments for the care of skin, hair, nails, and other body parts, while simultaneously emphasizing aesthetics.¹⁶ A clinic is an individual healthcare facility that provides basic and/or specialized medical services operated by more than one type of healthcare professional and managed by a healthcare worker, in accordance with Permenkes No. 9/2014. Dermatological services are offered in clinics specializing in facial treatments. The medical specialization of dermatology focuses on the study of the skin and its related tissues, including hair, nails, sweat glands, and others. Beauty clinics can be likened to skin care facilities managed by dermatology specialists, offering services for the body, hair, nails, and skin in the fields of health and beauty. Services in beauty salons combine aesthetics with health.¹⁷

Certainly, people's desire to improve their appearance is closely tied to the rapid growth of beauty clinics. We are offered the option to clean our faces at beauty salons to look more attractive. However, the majority of visitors to beauty salons have skin problems such as acne, facial wrinkles, or oily skin. Clinics (or parts of hospitals) or other healthcare facilities in the Indonesian Dictionary (*Kamus Besar Bahasa Indonesia*) are defined as places where people go for medical treatment, receive advice, and where medical students observe disease cases affecting patients. Other definitions include specialized care centers, family planning, lung diseases, and health organizations that provide curative health services (diagnosis and treatment), typically for a specific type of health disorder. The Indonesian Dictionary defines beauty, derived from the word "indah" (beautiful), as something that is beautiful; attractive (especially referring to a woman's face); pleasing in form and craftsmanship; very beautiful (when describing a woman); aesthetically pleasing (when something looks harmonious in form, appearance, etc.). According to this concept, a beauty clinic can be considered a place where patients visit when they need medical assistance due to their appearance issues, particularly when they feel their appearance is unattractive. Clinics providing dermatology services are beauty clinics. Dermatology is a branch of medicine that deals with conditions affecting the skin, hair, scalp, nails, and other related conditions. Most dermatology practices address skin problems and related therapies. This is due to the fact that many skin conditions and diseases affect individuals worldwide, as the skin is the largest organ in the human body. People of all ages, from infants to the elderly, are susceptible to skin issues, ranging in severity from acute to chronic, rare to common. Acne, a chronic skin condition, is frequently reported by patients.

In modern times, there are quite a few beauty clinics that cause harm, making it necessary to have regulations that outline the rights of patients.¹⁸ Protection for customers of beauty clinics is a form of constitutional rights, as outlined in Law No. 36/2009. The right to health is also held by beauty clinics because they must provide care for customers who are also patients. Care in beauty clinics is performed by skilled medical personnel, given that the

¹⁶ Anis Fitria and Laras Fira Fauziyah, "Pertanggung Jawaban Pidana (Mas'uliyah Al-Jinayah) Dalam Malapraktik Dokter Di Klinik Kecantikan," *Journal of Islamic Studies and Humanities* 7, no. 1 (August 4, 2022): 17–43, <https://doi.org/10.21580/jish.v7i1.11679>.

¹⁷ Rani Apriani, "Perlindungan Hukum Terhadap Konsumen Dari Praktik Klinik Kecantikan Ilegal Di Karawang," *Yurispruden* 2, no. 1 (January 23, 2019): 75, <https://doi.org/10.33474/yur.v2i1.1595>.

¹⁸ Apriani.

medical procedures carried out by beauty clinics are prone to errors that could lead to fatal consequences. Policies related to beauty clinics have become a new focus in the healthcare world, as they combine both aesthetics and health within one domain. Regulations concerning beauty clinics in healthcare law are clearly stipulated in Law No. 29 of 2004 concerning Medical Practice (Law No. 29/2004). Additionally, guidelines for operating beauty clinics are found in the Ministry of Health Indonesia 2007, Law No. 36/2009, and most recently in Law No. 17 of 2023 concerning Health (Law No. 17/2023).

The legal relationship between doctors and patients, as explained in the concept of therapeutic transaction, is based on the principles of trust and agreement between both parties. The principle of distributive justice requires that doctors, as providers of services, offer care that meets the needs of patients without discrimination based on financial capacity, gender, age, or social status.¹⁹ In providing public health services, distributive justice is reflected in Article 3 of Law No. 36/2009, which regulates the goal of health development to achieve the highest level of health for the entire population. This provision is further reinforced by the establishment of the Minimum Service Standards (SPM) in the field of health, which guarantees at least minimum access to health services for all citizens. However, in the often paternalistic legal relationship between doctors and patients, there is potential for a power imbalance that could undermine the principle of procedural justice. This imbalance arises from the assumption that "the doctor knows best," which can override the patient's autonomy in medical decision-making. Justice theory demands that every medical decision involve the active participation of the patient, including providing transparent information about the procedures, risks, and potential benefits. Based on this, justice strives to ensure that patients have control over decisions related to their own body and health.

In aesthetic healthcare services, the issue of justice becomes even more complex. The rapid growth of beauty clinics, as previously explained, highlights a cultural shift influenced by globalization and modernization.²⁰ Beauty clinics not only offer medical services but also provide aesthetic-based products that often involve highly subjective decisions made by the patients.²¹ From a justice perspective, these services may be considered exclusive due to their high costs, which tend to be accessible only to certain segments of society. This creates disparities in access to services that can affect an individual's quality of life. On the other hand, the principle of justice becomes a challenge in aesthetic healthcare services, especially when patients do not fully understand the risks of procedures or when harmful practices occur due to the lack of strict regulations. Health regulations, such as those outlined in Law No. 29/2004 and Law No. 36/2009, aim to bridge these justice gaps by establishing the rights of patients and the duties of medical professionals. Consumer protection in beauty clinics, for example, is an implementation of justice ensuring that patients receive safe and high-quality services.

¹⁹ Nafi'atun Nashriyah, "Hak Dan Kewajiban Pasien Terhadap Pemberian Pelayanan Kesehatan Yang Sama," October 8, 2021, <https://doi.org/10.31219/osf.io/cbu6d>; Deo Rembet, "Perlindungan Hukum Terhadap Pasien Dalam Pelayanan Kesehatan Berdasarkan Undang-Undang Nomor 36 Tahun 2009," *LEX ET SOCIETATIS* 8, no. 2 (May 18, 2020), <https://doi.org/10.35796/les.v8i2.28485>.

²⁰ Putri, "Faktor-Faktor Keputusan Konsumen Dalam Membeli Kosmetika Perawatan Wajah."

²¹ Siska Diana Sari, "Perlindungan Hukum Pengguna Klinik Kecantikan Estetika Dalam Perspektif Hak Konstitusional Warga Negara," *Citizenship Jurnal Pancasila Dan Kewarganegaraan* 6, no. 2 (October 31, 2018): 140, <https://doi.org/10.25273/citizenship.v6i2.3305>.

However, the success of these regulations depends on the extent to which these rules are effectively enforced, especially in the face of the rapidly evolving aesthetic services that are often difficult to monitor. The legal relationship between doctors and patients, and aesthetic services through justice theory, reveals the need for a balance between distributive and procedural justice. This includes the equitable distribution of access to healthcare services, fair treatment without discrimination, and the full involvement of patients in the medical decision-making process.

3.2. Responsibility in Beauty Clinic Disputes in the Principle of Justice

Nowadays, consumer protection has become a significant concern for those utilizing beauty salons as a means to access healthcare services. Given that consumers are considered the weaker party in this situation, legal protection for consumers is regarded as essential. Consumer protection is crucial both formally and practically in enhancing the productivity and efficiency of producers in the production of goods and/or services.²² The primary force driving the achievement of these objectives is science and technology, so the efforts made will have an impact on consumers both directly and indirectly.

Article 4 of Law No. 8/1999 outlines the rights of consumers that must be upheld about the protection of consumers using beauty salon services. These rights include the following:

- a. The right to feel safe, comfortable, and not threatened in terms of their safety when using beauty salon services and consuming cosmetics purchased from beauty clinics;
- b. The right to choose and obtain services and cosmetics that match the price, condition of the goods, and the guarantees promised;
- c. The right to accurate, transparent, and honest information regarding the terms and guarantees of the beauty clinic;
- d. Clients of beauty salons have the right to express concerns and provide feedback regarding services they consider serious. Complaints and consumer opinions provide valuable information for beauty clinics to improve the quality of services they offer;
- e. In the event of a dispute between the consumer and the beauty clinic, the consumer has the right to receive advocacy, protection, and appropriate efforts to resolve the consumer protection dispute;
- f. Consumers of beauty clinics have the right to obtain knowledge and skills, particularly regarding the proper use and storage of beauty products, as well as other relevant information, to prevent harm from their usage. Therefore, educational guidance from beauty clinics is very important;
- g. Beauty salon customers have the right to receive fair treatment and honest service, free from discrimination based on race, religion, culture, geography, education, wealth, or other social status;
- h. Customers of beauty clinics have the right to obtain compensation if the cosmetics they receive are defective or do not meet the terms of the agreement.

²² Fiorida Mathilda, Carolina Magdalena Lasambouw, and Patricia Gita Naully, "Penerapan Protokol Kesehatan Covid-19 Di Pusat Perbelanjaan Kota Bandung Dalam Perspektif Undang-Undang Perlindungan Konsumen," *Jurnal Hukum Bisnis Bonum Commune* 5, no. 2 (August 30, 2022): 211-20, <https://doi.org/10.30996/jhbhc.v5i2.7000>.

According to Article 8 paragraph (1) letter a of Law No. 8/1999, business actors are required to guarantee the quality of goods and/or services that are produced and/or traded under the applicable standards for goods and/or services. Business actors are prohibited from producing, distributing, or trading products or services that do not meet the required criteria. Business actors must comply with and implement these provisions. However, in practice, many business actors fail to provide or inadequately provide strict consideration regarding these duties and restrictions, which leads to problems with customers. These issues can give rise to consumer claims that will demand accountability from beauty clinics. Liability in civil law refers to a legal obligation that requires an individual to pay compensation or comply with other legal enforcement by the court in a lawsuit. Article 1366 of the KUHPerdata states that everyone is responsible for their actions, negligence, and lack of caution. Article 1367 paragraph (1) of the KUHPerdata states that an individual is also responsible for losses caused by persons under their care or property under their supervision.

Article 1365 of the KUHPerdata emphasizes that any act that violates the law and causes harm to another person obligates the person who caused the harm due to their fault to compensate for the loss. Compensation in civil law arises from a breach of contract or from an unlawful act. Compensation resulting from a breach of contract occurs when one party in an agreement fails to fulfill the commitments outlined in the agreement. According to the law, they can be held accountable if the other party in the agreement suffers a loss. One form of responsibility of beauty clinics, in general, is through compensation or restitution. Such compensation may include reimbursement of costs, replacement of products and/or services of equal or greater value, health services, or payment according to applicable regulations, as stated in Article 19 paragraph 1, number 2 of Law No. 8/1999. "Business actors who refuse and/or provide responses and/or fail to meet compensation for consumer claims as referred to in Article 19 paragraph 1, 2, 3, and 4 of Law No. 8/1999 may be sued through the Agency," as stated in Article 23 of Law No. 8/1999. Articles 19 paragraphs 1, 2, 3, and 4 of Law No. 8/1999 may be sued through the Consumer Dispute Settlement Agency (BPSK) or by filing a lawsuit in the court located where the consumer resides.

Consumer dispute resolution, particularly outside the courtroom, is an important mechanism for providing quick, cost-effective, and efficient solutions to issues between consumers and business actors. In arbitration, the parties have the freedom to appoint an arbitrator and determine the procedures for resolving the dispute. The arbitration award is final and binding on the parties, thus providing legal certainty on time. The Consumer Dispute Settlement Agency (BPSK) is also a primary option for resolving consumer disputes through non-litigation means. BPSK resolves consumer disputes using three main methods: conciliation, mediation, and arbitration, which are recognized as forms of Alternative Dispute Resolution (ADR) typical of Indonesia. This process is designed to settle disputes with low costs and simple procedures, making it accessible to consumers from various backgrounds, including those who have suffered losses due to the actions of business actors on both small and large scales.

Beauty clinic violation cases often involve consumer rights violations, such as the use of harmful chemicals, fraud related to products and services, and discrepancies between

treatment results and promotional promises.²³ The BPSK mechanism and mediation play a crucial role, especially when consumers feel harmed but are reluctant to bring their cases to court due to the costs and time involved. For example, a consumer who experiences skin damage due to the use of harmful products from a beauty clinic can file a complaint with the BPSK. Through the mediation process, the clinic and the consumer can engage in dialogue to reach a compensation agreement without undergoing a lengthy legal process. If mediation fails, the dispute can proceed to arbitration, where the decision is final and binding. This process ensures justice for consumers without incurring significant costs. In certain cases, such as the use of unregistered chemicals or those not in accordance with the standards set by the Food and Drug Monitoring Agency (BPOM), a beauty clinic can be sued under Civil Law No. 8/1999. Here, the BPSK can also act as an intermediary body, ensuring that consumers receive their rights, including compensation for the losses incurred. However, arbitration is only an alternative form of dispute resolution. As previously explained, consumers can claim compensation from a beauty clinic if they feel harmed due to errors or negligence in healthcare services. This claim can be pursued through civil or even criminal litigation. Consumers can seek compensation civilly, provided they meet certain conditions, such as suffering losses, the existence of fault, a causal relationship between the fault and the loss, and that the action constitutes an unlawful act.

As discussed in the analysis of the rights of consumers using beauty salon services, the theory of justice provides an important philosophical foundation for understanding the relationship between consumers and business actors. The theory of justice, particularly as formulated by John Rawls in *A Theory of Justice*, emphasizes the principles of equality and distributive justice.²⁴ In this relationship, consumers are seen as the vulnerable party in economic transactions, so the state and the law have a responsibility to ensure that this imbalance does not result in structural injustice. Rawls argues that justice should be viewed as fairness, which includes two main principles: first, equal liberty for all individuals, and second, the distribution of resources and benefits that favor the least advantaged members of society.²⁵ These two principles require that the services and products provided by business actors meet the quality standards set by law. This is not only related to the obligation of business actors to provide safe products and services, but also encompasses the consumer's right to receive accurate and transparent information, as regulated in Article 4 of Law No. 8/1999.

Rawls' principle of distributive justice highlights the importance of redistributing responsibility in situations where there is a power imbalance.²⁶ In the relationship between consumers and business actors, consumers often do not have equal access to information, technology, or legal mechanisms to protect their rights. Therefore, distributive justice demands that business actors are responsible for meeting minimum standards and for providing compensation or restitution to consumers in the event of loss due to their negligence

²³ Fittria and Fauziyah, "Pertanggung Jawaban Pidana (Mas'uliyah Al-Jinayah) Dalam Malapraktik Dokter Di Klinik Kecantikan."

²⁴ Pan Mohamad Faiz, "Teori Keadilan John Rawls (John Rawls' Theory of Justice)," *SSRN Electronic Journal*, 2009, <https://doi.org/10.2139/ssrn.2847573>.

²⁵ Sunaryo Sunaryo, "Konsep Fairness John Rawls, Kritik Dan Relevansinya," *Jurnal Konstitusi* 19, no. 1 (March 28, 2022): 001, <https://doi.org/10.31078/jk1911>.

²⁶ Faiz, "Teori Keadilan John Rawls (John Rawls' Theory of Justice)."

or fault. This aligns with Article 19 of Law No. 8/1999, which regulates the consumer's right to compensation in cases of default or unlawful actions.

Furthermore, the theory of justice formulated by Rawls emphasizes the importance of fair and accessible dispute resolution mechanisms.²⁷ Consumer dispute resolution through BPSK, with methods such as mediation, conciliation, and arbitration, reflects this principle of procedural justice. This process is designed to ensure that consumers, regardless of their social or economic status, have an equal opportunity to assert their rights without facing barriers such as costs or procedural complexities within the judicial system. Violations of consumer rights by beauty salon business actors, such as the use of harmful chemicals or fraud related to products, often indicate structural imbalances involving the fault of the business actors. According to the principle of Justice, business actors who cause harm to consumers must be held accountable for restoring the situation to its original state before the loss occurred. This can be done through financial compensation, service repairs, or other forms of restitution, as outlined in Article 1365 of the KUHPerdata. However, justice cannot only be viewed within the formal legal framework but also includes ethical and moral dimensions. Justice demands that legal protection must consider the balance between the interests of consumers and business actors on a broader scale.²⁸ For example, providing accurate information about products and services by business actors reflects respect for consumer autonomy and the right to make decisions based on adequate information. Through this theoretical perspective, consumer protection in the beauty salon service sector can be seen as an effort to achieve distributive, procedural, corrective, and substantive justice. By ensuring that consumers' rights are protected and business actors fulfill their legal responsibilities, the legal system not only functions to regulate the relationship between consumers and business actors but also to create a more just social structure overall.

4. Conclusions

Beauty clinics have become prominent in modern society, catering to the growing demand for aesthetic services and self-care treatments. However, their rapid growth is accompanied by significant legal and ethical challenges, primarily concerning consumer protection. This study underscores the critical need for comprehensive legal frameworks and enforcement mechanisms to safeguard consumers against malpractice, unsafe procedures, and the use of unregulated products within the beauty industry. The analysis reveals that, while legal provisions such as Law No. 8/1999 provide a robust foundation for consumer rights, there are substantial gaps in the implementation and compliance by beauty clinic operators. Many clinics fail to adhere to established standards, exposing consumers to risks that include physical harm, financial loss, and psychological distress. Cases of malpractice and the use of hazardous chemicals are particularly concerning, as they highlight the insufficiency of regulatory oversight in ensuring the safety and reliability of services. From a justice perspective, two principles are central to addressing these challenges: distributive justice and procedural justice. Distributive justice demands equitable access to safe and high-quality

²⁷ Faiz.

²⁸ Alfensius Alwino, "Diskursus Mengenai Keadilan Sosial: Kajian Teori Keadilan Dalam Liberalisme Locke, Persamaan Marx, Dan 'Justice as Fairness' Rawls," *MELINTAS* 32, no. 3 (2017), <https://doi.org/10.26593/mel.v32i3.2696.309-328>.

services for all consumers, regardless of socioeconomic status, geographic location, or other demographic factors. However, the high costs of beauty clinic services often limit access to affluent individuals, leaving vulnerable populations without adequate options. Procedural justice, on the other hand, emphasizes the need for transparency and consumer participation in medical decision-making processes. This includes providing consumers with clear, accurate, and honest information about the risks, benefits, and potential outcomes of beauty treatments, thereby empowering them to make informed choices. An essential mechanism in achieving justice for consumers is the BPSK, which offers mediation, conciliation, and arbitration as alternatives to litigation. These methods are cost-effective, accessible, and efficient, making them particularly valuable for resolving disputes in the beauty industry. However, the effectiveness of BPSK and similar mechanisms depends on the extent to which they are utilized by consumers and supported by enforcement agencies. The study also emphasizes the role of justice theory in framing legal protections within the beauty clinic sector. Drawing on John Rawls' concept of fairness, the study advocates for a balance between consumer rights and business obligations. This balance requires that service providers not only meet minimum quality standards but also actively contribute to reducing structural inequities in access to care. Furthermore, the study highlights the importance of consumer education and awareness, which can help individuals recognize unsafe practices and assert their rights more effectively.

5. Acknowledgments

The author would like to thank the Universitas Islam Nusantara for helping with this research and the author's colleagues and relatives who have provided support and input.

6. Reference

- Alwino, Alfensius. "Diskursus Mengenai Keadilan Sosial: Kajian Teori Keadilan Dalam Liberalisme Locke, Persamaan Marx, Dan 'Justice as Fairness' Rawls." *MELINTAS* 32, no. 3 (2017). <https://doi.org/10.26593/mel.v32i3.2696.309-328>.
- Apriani, Rani. "Perlindungan Hukum Terhadap Konsumen Dari Praktik Klinik Kecantikan Ilegal Di Karawang." *Yurispruden* 2, no. 1 (January 23, 2019): 75. <https://doi.org/10.33474/yur.v2i1.1595>.
- Arifin, Jajang. "Tanggungjawab Hukum Dokter Terhadap Pasien Di Kamar Bedah." *Yustitia* 8, no. 2 (October 15, 2022): 167-81. <https://doi.org/10.31943/yustitia.v8i2.165>.
- Asmah. "The Role of Business Competition Law in Online Business: A Comparative Study of United Kingdom and Indonesia." *Cogent Social Sciences* 8, no. 1 (December 31, 2022). <https://doi.org/10.1080/23311886.2022.2142398>.
- Faiz, Pan Mohamad. "Teori Keadilan John Rawls (John Rawls' Theory of Justice)." *SSRN Electronic Journal*, 2009. <https://doi.org/10.2139/ssrn.2847573>.
- Fitria, Anis, and Laras Fira Fauziah. "Pertanggung Jawaban Pidana (Mas'uliyah Al-Jinayah) Dalam Malapraktik Dokter Di Klinik Kecantikan." *Journal of Islamic Studies and Humanities* 7, no. 1 (August 4, 2022): 17-43. <https://doi.org/10.21580/jish.v7i1.11679>.
- Mathilda, Florida, Carolina Magdalena Lasambouw, and Patricia Gita Naully. "Penerapan Protokol Kesehatan Covid-19 Di Pusat Perbelanjaan Kota Bandung Dalam Perspektif Undang-Undang Perlindungan Konsumen." *Jurnal Hukum Bisnis Bonum Commune* 5, no. 2 (August 30, 2022): 211-20. <https://doi.org/10.30996/jhbbc.v5i2.7000>.
- Murlianti, Sri. "Cycles of Beauty Culture: Ethnography of Beauty Clinics Commodification." *Komunitas* 6, no. 2 (September 20, 2014): 327-35. <https://doi.org/10.15294/komunitas.v6i2.3312>.

- Nashriyah, Nafi'atun. "Hak Dan Kewajiban Pasien Terhadap Pemberian Pelayanan Kesehatan Yang Sama," October 8, 2021. <https://doi.org/10.31219/osf.io/cbu6d>.
- Purnomo, Muhammad. "Rekontruksi Perjanjian Therapiutik Dokter Dan Pasien." *Jurnal Ilmu Keperawatan Dan Kebidanan* 14, no. 1 (February 5, 2023): 216–26. <https://doi.org/10.26751/jikk.v14i1.1667>.
- Putri, Nindya Dwiana. "Faktor-Faktor Keputusan Konsumen Dalam Membeli Kosmetika Perawatan Wajah." *Jurnal Tata Rias* 9, no. 2 (December 31, 2019): 22–31. <https://doi.org/10.21009/9.2.3.2009>.
- Rahmawati, Elvia, Miftakhul Huda, and Ian Firstian Aldhi. "Legal Liability of Business Operators For Beauty Products Containing Hazardous Chemicals." *Journal of Law, Politic and Humanities* 4, no. 3 (April 30, 2024): 334–43. <https://doi.org/10.38035/jlph.v4i3.357>.
- Rembet, Deo. "Perlindungan Hukum Terhadap Pasien Dalam Pelayanan Kesehatan Berdasarkan Undang-Undang Nomor 36 Tahun 2009." *LEX ET SOCIETATIS* 8, no. 2 (May 18, 2020). <https://doi.org/10.35796/les.v8i2.28485>.
- Sari, Siska Diana. "Perlindungan Hukum Pengguna Klinik Kecantikan Estetika Dalam Perspektif Hak Konstitusional Warga Negara." *Citizenship Jurnal Pancasila Dan Kewarganegaraan* 6, no. 2 (October 31, 2018): 140. <https://doi.org/10.25273/citizenship.v6i2.3305>.
- — —. "Reconstruction of Legal Protection for Aesthetic Clinic Patients." *Aloha International Journal of Multidisciplinary Advancement (AIJMU)* 3, no. 1 (January 18, 2021): 8. <https://doi.org/10.33846/aijmu30102>.
- Sirapanji, Stefanie, and Seng Hansun. "Rancang Bangun Aplikasi Sistem Pakar Untuk Menangani Masalah Kecantikan Pada Wajah Menggunakan Metode Decision Tree." *Jurnal ULTIMATICS* 6, no. 1 (June 1, 2014): 9–14. <https://doi.org/10.31937/ti.v6i1.326>.
- Sunaryo, Sunaryo. "Konsep Fairness John Rawls, Kritik Dan Relevansinya." *Jurnal Konstitusi* 19, no. 1 (March 28, 2022): 001. <https://doi.org/10.31078/jk1911>.
- Tsabita, Alya, Bambang Sugeng Ariadi Subagyono, and Zachry Vandawati Chumaida. "Kepastian Hukum Tanggung Gugat Dalam Perlindungan Konsumen Pengguna Jasa Maklon Pada Industri Kecantikan Oleh Perusahaan Maklon." *Perspektif* 28, no. 2 (August 24, 2023): 110–18. <https://doi.org/10.30742/perspektif.v28i2.858>.
- Utari, Cahyani, Sunny Ummul Firdaus, and Rehnalemkem Ginting. "Legal Protection of Beauty Clinic Service Users in Indonesia: Problems and Legal Responsibility." *Budapest International Research and Critics Institute (BIRCI-Journal) : Humanities and Social Sciences* 3, no. 1 (January 29, 2020): 239–46. <https://doi.org/10.33258/birci.v3i1.737>.
- Waluyo, Bing. "Hubungan Dokter Dengan Pasien Dalam Bidang Kesehatan." *Wijayakusuma Law Review* 5, no. 2 (December 11, 2023). <https://doi.org/10.51921/wlr.v5i2.249>.