ABSTRAK

TANGGUNG JAWAB PRODUSEN TERHADAP *SKINCARE OVERCLAIM* DALAM PERSPEKTIF *ABUSE OF TRUST*

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Industri *skincare* di Indonesia berkembang pesat seiring meningkatnya kebutuhan masyarakat akan perawatan kulit. Namun, perkembangan tersebut diikuti oleh maraknya praktik *overclaim* atau klaim berlebihan yang tidak didukung bukti ilmiah. Klaim menyesatkan tersebut menimbulkan ketimpangan informasi antara produsen dan konsumen, sehingga konsumen melakukan pembelian berdasarkan kepercayaan dan ekspektasi yang tidak sesuai dengan kondisi produk sebenarnya. Praktik ini mencerminkan adanya penyalahgunaan kepercayaan (*abuse of trust*) yang berpotensi menimbulkan kerugian finansial, risiko kesehatan, serta menurunkan kepercayaan publik terhadap industri *skincare.*

Permasalahan penelitian ini adalah bagaimana bentuk perlindungan hukum terhadap konsumen atas praktik *overclaim* produk *skincare* dalam perspektif *abuse of trust*, serta bagaimana penerapan tanggung jawab hukum produsen berdasarkan prinsip tanggung jawab karena kesalahan. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan dan konseptual untuk menganalisis ketentuan hukum yang mengatur kewajiban produsen dan hak konsumen,

Hasil penelitian menunjukkan bahwa praktik *overclaim* dapat dikualifikasikan sebagai wanprestasi dan pelanggaran asas itikad baik. Perlindungan hukum secara preventif dilakukan melalui pengaturan kewajiban klaim berbasis bukti ilmiah, pengawasan BPOM, dan pengendalian iklan produk. Sementara itu, perlindungan hukum secara represif dilakukan melalui sanksi administratif, penarikan produk, dan tuntutan ganti rugi perdata. Penelitian ini menyarankan penguatan pengawasan, peningkatan kepatuhan produsen, dan edukasi konsumen guna mencegah penyalahgunaan kepercayaan.

Kata Kunci: A*buse of Trust, Skincare Overclaim*, Tanggung Jawab Produsen.

ABSTRACT

PRODUCER LIABILITY FOR SKINCARE OVERCLAIM IN THE PERSPECTIVE OF ABUSE OF TRUST

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The skincare industry in Indonesia has grown rapidly in line with the increasing public demand for skin care products. However, this development has been accompanied by the widespread practice of overclaim*, namely exaggerated product claims that are not supported by scientific evidence. Such misleading claims create information asymmetry between producers and consumers, leading consumers to make purchasing decisions based on trust and expectations that do not reflect the actual condition of the products. This practice constitutes an* abuse of trust *that may result in financial losses, health risks, and a decline in public confidence in the skincare industry.*

This research examines the forms of legal protection available to consumers against skincare overclaim *practices from the perspective of* abuse of trust*, as well as the application of producer liability based on the fault-based liability principle. The study employs a normative juridical method using statutory and conceptual approaches to analyze legal provisions governing producer obligations and consumer rights.*

The research results indicate that the practice of overclaiming can be classified as a breach of contract and a violation of the principle of good faith. Preventive legal protection is provided through the obligation to regulate claims based on scientific evidence, supervision by the Food and Drug Authority (BPOM), and control of product advertising. Meanwhile, repressive legal protection is provided through administrative sanctions, product recalls, and civil compensation claims. This research recommends strengthening oversight, increasing producer compliance, and educating consumers to prevent undermining trust.

Keywords: Abuse of Trust, Skincare Overclaim, Producer Liability.