

## ABSTRAK

### PERLINDUNGAN HUKUM DOKTER SEBAGAI KREATOR KONTEN DALAM MENGUNGKAP *OVERCLAIM SKINCARE* DI TIKTOK

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Perkembangan TikTok memicu promosi *skincare* dengan klaim tanpa dukungan ilmiah atau *overclaim* yang merugikan konsumen. Data BPOM tahun 2025 memperburuk situasi dengan temuan ratusan ribu produk impor ilegal senilai Rp31,7 miliar serta penarikan puluhan produk lokal berbahaya. Kondisi ini memicu munculnya peran dokter detektif yang mengungkap klaim produk berdasarkan bukti medis namun berisiko menghadapi kriminalisasi maupun gugatan pelaku usaha. Penelitian ini menganalisis pengaturan klaim *skincare* dari sisi perlindungan konsumen sekaligus perlindungan hukum bagi dokter sebagai edukator di TikTok termasuk aspek tanggung jawab perdata dan penyelesaian sengketanya.

Metode penelitian ini adalah penelitian hukum normatif dengan tipe deskriptif. Pendekatan yang digunakan adalah pendekatan perundang-undangan. Data yang digunakan merupakan data sekunder. Metode pengumpulan data dilakukan melalui studi kepustakaan dan studi dokumen. Data yang diperoleh kemudian diolah melalui proses pemeriksaan, penandaan, rekonstruksi dan sistematisasi data, kemudian analisis dilakukan secara kualitatif.

Hasil penelitian menunjukkan bahwa meski aturan klaim *skincare* telah ada, namun pengawasan di media sosial masih lemah sehingga praktik *overclaim* terus terjadi dan memicu Perbuatan Melawan Hukum (PMH). Sesuai Pasal 1365 KUHPperdata dan Undang-Undang Perlindungan Konsumen, pelaku usaha wajib mengganti kerugian materiil maupun immateriil, bahkan dapat dikenakan tanggung jawab mutlak (*strict liability*). Di sisi lain, dokter detektif memiliki dasar hukum untuk mengedukasi publik, namun dapat terancam kriminalisasi dan gugatan SLAPP yang bertujuan membungkam kritik. Sebagai jalan keluar, Alternatif Penyelesaian Sengketa (APS) melalui UU No. 30 Tahun 1999 menjadi solusi terbaik. Melalui mediasi, para pihak bisa mencapai kesepakatan damai (*win-win solution*) yang melindungi profesi dokter sekaligus menjamin hak konsumen di era digital. Maka, diperlukan penguatan perlindungan konsumen dan profesi dokter dari praktik *overclaim* maupun gugatan SLAPP dalam harmonisasi regulasi kepastian hukum.

**Kata kunci:** *Dokter Detektif, Kepastian Hukum, Overclaim, Perlindungan Konsumen, Skincare, TikTok.*

**ABSTRACT****LEGAL PROTECTION FOR DOCTORS AS CONTENT CREATORS IN  
REVEALING SKINCARE OVERCLAIMS ON TIKTOK**

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*The rapid growth of TikTok has triggered skincare promotions featuring claims without scientific support or overclaims that harm consumers. BPOM data from 2025 exacerbates this situation with the discovery of hundreds of thousands of illegal imported products valued at IDR 31.7 billion as well as the withdrawal of dozens of dangerous local products. This condition has sparked the emergence of 'doctor detectives' who reveal product claims based on medical evidence but face risks of criminalization or lawsuits from business actors. This study analyzes skincare claim regulations from the perspective of consumer protection as well as legal protection for doctors as educators on TikTok including aspects of civil liability and dispute resolution.*

*This research method is normative legal research with a descriptive type. The approach used is a statutory approach. The data utilized is secondary data. Data collection methods were conducted through literature studies and document studies. The obtained data was then processed through examination, coding, reconstruction and systematization before being analyzed qualitatively.*

*The research results indicate that although regulations regarding skincare claims already exist, supervision on social media remains weak, allowing overclaim practices to persist and trigger tort law (PMH). Pursuant to Article 1365 of the Indonesian Civil Code and the Consumer Protection Law, business actors are required to compensate for material as well as immaterial losses and may even be subject to strict liability. On the other hand, doctor detectives have a legal basis to educate the public but are threatened by criminalization and SLAPP lawsuits aimed at silencing criticism. As a way out, Alternative Dispute Resolution (ADR) under Law No. 30 of 1999 serves as the best solution. Through mediation, parties can reach a win-win solution that protects the medical profession while ensuring consumer rights in the digital era. Therefore, strengthening consumer and medical profession protection from overclaiming practices as well as SLAPP lawsuits is required within the harmonization of legal certainty regulations.*

**Keywords: Consumer Protection, Doctor Detective, Legal Certainty, Overclaim, Skincare, TikTok.**