 Copyrights © Authors

JIHK is licensed undera Creative Commons Atribusi4.0 Internasional license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

DOI: 10.46924/jihk.v8i2.578

Who Is Liable for Business Losses Arising from Influencer Reviews?

Alexandro Gilbert Yonathan Fono[1*] & Abdullah Fikri[2]

[1,2]Universitas Pembangunan Nasional "Veteran" Jawa Timur, Indonesia

Correspondence

Alexandro Gilbert Yonathan Fono, Universitas Pembangunan Nasional "Veteran" Jawa Timur, Indonesia, Letjen S. Parman St No.1, RT.6/RW.16, Tomang, Grogol petamburan, West Jakarta City, Jakarta 11440, *e-mail:* 22071010134@student.upnjatim.ac.id

How to cite

Fono, Alexandro Gilbert Yonathan., & Fikri, Abdullah. 2027. Who Is Liable for Business Losses Arising from Influencer Reviews? *Jurnal Ilmu Hukum Kyadiren* 8(2), 419-434. https://doi.org/10.46924/jihk.v8i2.578

Original Article

Abstract

The rise of social media has amplified the role of content creators, commonly known as influencers, in shaping consumer perceptions and purchasing decisions. However, irresponsible or misleading negative reviews can undermine business reputations and threaten commercial viability, particularly for micro, small, and medium-sized enterprises (MSMEs). This study examines the legal protections available to business owners against harmful influencer reviews, the legal consequences arising from such reviews, and the remedies available for resulting losses. Employing a normative legal research methodology, this study adopts statutory, conceptual, and case approaches, with particular emphasis on the controversy surrounding Codeblu's review of Warung Madun Oseng Nyak Kopsah. Legal materials are analyzed qualitatively using prescriptive legal reasoning. The findings demonstrate that business owners may seek legal protection under Indonesia's Consumer Protection Law and Article 1365 of the Indonesian Civil Code, provided that the elements of an unlawful act, fault, loss, and causation are established. Available legal remedies include preventive legal measures, formal legal notices (somasi), mediation, and civil litigation. This study concludes that an appropriate balance must be maintained between freedom of expression and the protection of business reputation and economic interests, ensuring that the exercise of review rights does not result in unlawful harm to business owners.

Keywords: *Influencers, Legal Protection, Negative Reviews, Business Owners*

Abstrak

Perkembangan media sosial telah memperkuat pengaruh influencer dalam membentuk persepsi konsumen, tetapi review negatif yang tidak bertanggung jawab berpotensi merugikan reputasi dan keberlangsungan usaha, khususnya UMKM. Penelitian ini bertujuan menganalisis perlindungan hukum bagi pelaku usaha terhadap review influencer serta akibat hukum dan upaya pemulihan hak atas kerugian yang ditimbulkan. Penelitian menggunakan metode hukum normatif dengan pendekatan perundang-undangan, konseptual, dan kasus melalui studi kasus review Codeblu terhadap Warung Madun Oseng Nyak Kopsah. Bahan hukum dianalisis secara kualitatif dengan penalaran preskriptif. Hasil penelitian menunjukkan bahwa perlindungan hukum tersedia melalui UUPK dan Pasal 1365 KUHPerdata, sepanjang unsur perbuatan melawan hukum, kesalahan, kerugian, dan hubungan kausal terbukti. Upaya hukum mencakup pencegahan, somasi, mediasi, dan gugatan perdata. Penelitian menyimpulkan bahwa diperlukan keseimbangan antara kebebasan berekspresi dan perlindungan reputasi serta kepentingan ekonomi pelaku usaha.

Kata kunci: *Influencer, Perlindungan Hukum, Review Negatif, Pelaku Usaha*

1. INTRODUCTION

The advancement of digital technology has transformed marketing communication practices and reshaped the legal relationships between consumers and business operators. Social media has evolved from a platform for information exchange into a digital public sphere where individuals can create and disseminate content and shape public perceptions of products and services.[1] Influencers occupy a strategic position in this environment as communication actors who can shape public opinion and influence purchasing decisions through their credibility, popularity, and emotional connections with their followers.[2] Their influence is further reinforced through electronic word of mouth (E-WOM), a form of consumer-to-consumer communication based on personal experiences that is often perceived as more authentic and trustworthy than conventional advertising.[3] In practice, E-WOM takes two primary forms; paid endorsements, which are based on contractual arrangements between influencers and business operators, and organic reviews, which are voluntarily shared without any formal commercial relationship.[4]

The distinction between these two forms of communication has significant legal implications. Paid endorsements are subject to transparency and accuracy requirements governing promotional activities, whereas organic reviews fall within the scope of consumers' freedom to express their experiences, opinions, and complaints about the products or services they use. Nevertheless, this freedom should not be construed as an absolute or unrestricted right, particularly when reviews contain unverified claims, defamatory statements, or expressions that may damage another party's business reputation or commercial viability.[5] This issue is illustrated by the controversy surrounding food vlogger Codeblu's review of Warung Madun Oseng Nyak Kopsah in September 2023. The review criticized several aspects of the business, including food quality, packaging, and pricing. Disseminated through social media, these criticisms attracted widespread public attention and reportedly had substantial economic consequences for the business. The reported decline in revenue, the need to secure a loan of IDR 250,000,000, and the subsequent dismissal of nine out of thirteen

---

1 Gil Appel et al., "The Future of Social Media in Marketing," *Journal of the Academy of Marketing Science* 48, no. 1 (2020): 79–95, https://doi.org/10.1007/s11747-019-00695-1.

2 Charli Oliver et al., "Pemasaran Digital Sebagai Strategi Manajemen Pemasaran Modern: Konsep, Saluran, Dan Pengukuran Kinerja," *Prosiding Management Business Innovation Conference* (Pontianak) 9 (2025), https://jurnal.untan.ac.id/index.php/MBIC/article/view/102883.

3 Chandra Kuswoyo and Clarissa Nathania Pangestu, "The Influence of Content Marketing and Product Reviews on Purchase Decisions on TikTok: The Role of Live Streaming as a Supporting Factor," *Jurnal PASTI (Penelitian Dan Aplikasi Sistem Dan Teknik Industri)* 19, no. 1 (2025): 50, https://doi.org/10.22441/pasti.2025.v19i1.005.

4 Eli Febriani et al., "Analisis Praktik Endorsement Dan Review Produk Oleh Influencer Terhadap Transaksi Najasy Di Media Sosial Perspektif Fikih Muamalah Kontemporer: Studi Pada Produk Skincare Non-BPOM Tahun 2024," *Jurnal Ilmiah Manajemen Dan Kewirausahaan* 4, no. 2 (2025): 477–92, https://doi.org/10.55606/jimak.v4i2.4707.

5 Emre Yildirim et al., *Digital Ethics in Marketing* (Sakarya University Press, 2025), https://doi.org/10.59537/saupress.2447.

employees demonstrate that the consequences of digital reviews may extend beyond reputational damage to threaten the operational sustainability of a business.[6]

Under Indonesian law, this situation raises a potential conflict between consumers' rights under Article 4(d) of Law Number 8 of 1999 concerning Consumer Protection (the Consumer Protection Law or UUPK) and business operators' rights under Article 6(b) and (c) of the same Law. This tension must also be examined in light of Article 28J(2) of the 1945 Constitution of the Republic of Indonesia, which requires individuals to respect the rights and freedoms of others when exercising their constitutional rights. Accordingly, the central legal issue is not whether consumers are entitled to publish negative reviews, but rather how the law establishes the boundaries between legitimate consumer criticism and conduct that may give rise to legal liability.

Scholarly discussions of influencer accountability and legal protection against the consequences of digital reviews have developed across several legal perspectives, including contractual liability, consumer protection, civil liability, and freedom of expression. Although existing studies provide valuable theoretical and doctrinal foundations, their differing research objectives and analytical scopes leave several issues insufficiently explored. Examining these studies collectively is therefore essential to identifying the unresolved legal questions and establishing the research gap addressed in this study.

Wibisono and Latumahina examine the legal liability of influencers for inaccurate reviews of beauty products through the perspectives of civil, criminal, and administrative law. Their findings indicate that influencers may incur liability under the legal provisions governing breach of contract or unlawful acts when their fault or negligence causes harm to others. The study emphasizes the importance of a comprehensive legal framework for determining influencer liability.[7] However, its primary focus is on influencers' responsibility for the accuracy of product-related information rather than on the legal protection available to business operators who sustain economic losses as a consequence of organic reviews.

Furthermore, Wijayanti and Novelin examine the legal status of review content published on social media and the legal protections available to business owners who suffer harm as a result of negative reviews. They argue that freedom of expression must be balanced against the obligation to respect the rights and reputations of others.[8] Similarly, N. Z. A. Putri et al. investigate the legal protection of business owners against

---

6 Yuliana Indah Sari, "Perlindungan Hukum Bagi Perempuan Atas Pengingkaran Janji Kawin Pada: Putusan Hakim Nomor: 14/Pdt.g/2023/Pt.Kpg Ditinjau Berdasarkan Kitab Undang-Undang Hukum Perdata," *Jurnal Res Justitia: Jurnal Ilmu Hukum* 5, no. 1 (2025): 587–98, https://doi.org/10.46306/rj.v5i1.269.

7 Bella Amanda Alung Wibisono and Rosalinda Elsina Latumahina, "Pertanggungjawaban Hukum Influencer Atas Ulasan Produk Kecantikan Secara Tidak Benar Di Tiktok," *Quantum Juris: Jurnal Hukum Modern* 8, no. 1 (2026): 45–60.

8 Ni Wayan Cahya Wijayanti and Tania Novelin, "Analisis Perlindungan Hukum Pelaku Usaha Atas Dampak Review Tidak Jujur Food Vlogger Di Media Sosial," *Jurnal Media Akademik* 4, no. 8 (2026): 1–20, https://doi.org/10.62281/y19xeb06.

reviews posted by food vloggers under Indonesia's Consumer Protection Law (UUPK). Their findings indicate that the existing legal provisions remain broadly formulated and lack specific criteria for determining the permissible boundaries of digital reviews. Both studies provide an important foundation for understanding the relationship between consumer rights and the legitimate interests of business owners.[9]

Naufal et al. focus on consumer protection in the context of reviews published on social media. By comparing Supreme Court Decision Number 6057 K/Pid.Sus/2022 with North Jakarta District Court Decision Number 1265/Pid.Sus/2023, they highlight the legal challenges involved in distinguishing fact-based criticism from statements that may constitute defamation.[10] Meanwhile, Febriani et al. examine influencer endorsements and reviews from the perspective of fiqh muamalah (Islamic commercial jurisprudence), with particular emphasis on the principles of honesty and transparency and the prohibitions against gharar (uncertainty or excessive ambiguity) and tadlis (fraudulent misrepresentation or concealment). Their study broadens the understanding of the ethical dimensions of digital marketing communication.[11]

Ananda and Samsithawrati investigate the contractual nature of endorsements and influencers' liability for testimonials made in bad faith under the Consumer Protection Law (UUPK). Unlike organic reviews, paid endorsements involve a contractual relationship between influencers and business owners, establishing a distinct legal basis for determining the parties' respective rights and obligations.[12] In addition, Pradnyani, Pradnyani and Putri et al. examine legal protection for micro, small, and medium-sized enterprises (MSMEs) and influencer liability in relation to negative reviews, drawing on legal provisions governing unlawful acts (torts) and electronic information. Meanwhile, Novianto et al. focus on consumer protection against deceptive and manipulated endorsement practices.[13]

Although previous studies have addressed influencer liability, MSME protection, and the limitations of freedom of expression, an integrated analysis of the legal protection available to business owners against organic reviews published by food vloggers remains underdeveloped. In particular, insufficient attention has been paid to the interaction between consumer rights, the principle of good faith, and the constituent elements of an unlawful act, as illustrated by the Codeblu–Warung Madun Oseng Nyak

---

9 Nur Zalza Amalia Putri et al., "Analisis Yuridis Perlindungan Hukum Bagi Pelaku Usaha Atas Review Produk Yang Dipublikasikan Oleh Food Vlogger," *Jurnal Ilmu Hukum Toposantaro* 2, no. 3 (2025): 1–12.

10 Daffa Rizqy Naufal et al., "Pelindungan Hukum Bagi Konsumen Dalam Menyampaikan Ulasan Atas Suatu Produk Melalui Platform Media Sosial," *Jurnal Hukum & Pembangunan* 55, no. 1 (2025): 7, https://doi.org/10.21143/jhp.vol55.no.1.1813.

11 Febriani et al., "Analisis Praktik Endorsement Dan Review Produk Oleh Influencer Terhadap Transaksi Najasy Di Media Sosial Perspektif Fikih Muamalah Kontemporer."

12 Ni Ketut Novita Ananda and Putu Aras Samsithawrati, "Pertanggungjawaban Influencer Atas Pemberian Testimoni Yang Beritikad Tidak Baik Ditinjau Dari Undang-Undang Perlindungan Konsumen," *Kertha Desa: Journal Ilmu Hukum* 14, no. 3 (2026): 155–71.

13 Nurul Shafira Novianto et al., "Perlindungan Hukum Terhadap Konsumen Atas Endorsement Dari Influencer," *Jurnal Riset Multidisiplin Edukasi* 2, no. 5 (2025): 184–94, https://doi.org/10.71282/jurmie.v2i5.278.

Kopsah controversy. This study addresses this research gap by examining the legal boundaries of legitimate reviews and analyzing the resulting legal consequences and remedies available to business owners under the Indonesian legal framework. Its originality lies in integrating these legal dimensions into a single analytical framework to assess when organic reviews may give rise to civil liability and what legal remedies are available to affected business owners.

This study has two primary objectives. First, it examines the forms of legal protection available to business owners against influencer reviews under the Consumer Protection Law, the Indonesian Civil Code, and other relevant legislation, particularly in determining the boundaries between consumers' right to express criticism and their obligation to respect the reputational and economic interests of business owners. Second, it analyzes the legal consequences of reviews that cause harm and identifies the preventive and remedial legal measures available to business owners to obtain legal protection and seek redress for their losses.

2. RESEARCH METHODOLOGY

This study employs a normative legal research methodology using statutory, conceptual, and case approaches. The statutory approach examines legal provisions governing consumer protection, the rights and obligations of business operators, freedom of expression, and legal liability for losses arising from digital content. The principal legal instruments examined include Law Number 8 of 1999 concerning Consumer Protection, the Indonesian Civil Code, and other relevant legislation. The conceptual approach is used to analyze the legal concepts of good faith, freedom of expression, business reputation protection, and unlawful acts (onrechtmatige daad). Meanwhile, the case approach focuses on the controversy surrounding food vlogger Codeblu's review of Warung Madun Oseng Nyak Kopsah to identify its legal implications and the resulting losses suffered by the business operator.

The legal materials consist of primary, secondary, and tertiary sources collected through library research. These materials are analyzed qualitatively using prescriptive legal reasoning and statutory and conceptual interpretation to determine the appropriate forms of legal protection and remedies available to business operators while ensuring that consumers' legitimate rights remain protected.

3. RESEARCH RESULT AND DISCUSSION

3.1. Legal Protection for Business Operators against Influencer Reviews under Indonesian Law

The Indonesian legal system provides a normative framework for protecting the interests of both business operators and consumers. Nevertheless, the implementation

of legal protection for business operators remains challenging because specific legal standards for objectively distinguishing legitimate consumer criticism from conduct that may give rise to legal liability have yet to be clearly established. This issue becomes particularly complex when reviews are published by influencers, whose extensive audience reach and substantial ability to shape public perceptions can amplify the potential consequences of their statements.

An influencer who purchases and uses a product for personal consumption may be classified as a consumer under Article 1(2) of Law Number 8 of 1999 concerning Consumer Protection (the Consumer Protection Law or UUPK). Accordingly, Article 4(d) of the UUPK grants influencers the right to express opinions and complaints regarding goods and services they have used. This right constitutes an important mechanism for promoting market transparency, as consumer reviews provide the public with information about product quality based on firsthand experiences. Negative reviews may also generate social and economic benefits by encouraging business operators to improve product quality, service delivery, and operational accountability.[14] Therefore, the legal assessment of an influencer's review should not be based solely on whether its content is positive or negative. Rather, it should consider the substance of the statements, their factual basis, the reviewer's underlying intent, and the manner in which the information is communicated to the public.

However, consumers' right to express criticism should not be construed as an absolute or unrestricted freedom. Article 28J(2) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) establishes the constitutional principle that the exercise of individual rights and freedoms must respect the rights and freedoms of others. The business reputation and economic interests of business operators likewise constitute legitimate legal interests deserving protection. This limitation is reinforced by Article 5(b) of the UUPK, which requires consumers to act in good faith when purchasing and using goods and services. Furthermore, Article 6(b) of the same Law recognizes business operators' right to legal protection against consumers who act in bad faith. Taken together, these provisions demonstrate that the legal relationship between consumers and business operators does not merely establish consumers as rights holders; it also recognizes their status as legal subjects who must respect the legitimate interests of other parties.

A further legal issue arises from the absence of an explicit operational definition of good faith in Articles 5 and 6 of the UUPK. Consequently, the interpretation of this principle requires reference to established civil law doctrine. Widjaja and Muljadi distinguish between subjective good faith, which concerns an individual's honesty and sincerity of intention, and objective good faith, which relates to the standards of

[14] Martina Pocchiari et al., "Online Reviews: A Literature Review and Roadmap for Future Research," *International Journal of Research in Marketing* 42, no. 2 (2025): 275–97, https://doi.org/10.1016/j.ijresmar.2024.08.009.

propriety, reasonableness, and fairness governing conduct within a legal relationship.[15] Similarly, Khairandy conceptualizes good faith as an obligation to give due consideration to the legitimate interests of the other party.[16]

Objective good faith provides an important standard for evaluating influencers' conduct when publishing reviews to the public. Accordingly, even when a review is based on genuine personal experience, the manner in which it is presented must remain consistent with standards of propriety, proportionality, and respect for the business operator's reputation. Nevertheless, the use of strong language or unfavorable criticism does not automatically establish bad faith, provided that the statements represent subjective assessments grounded in factual experiences and are intended to inform consumers. Thus, the legal assessment must distinguish between legitimate expressions of dissatisfaction and conduct that exceeds the boundaries of good-faith criticism.

This analysis is further supported by Article 1365 of the Indonesian Civil Code (KUHPerdata), which governs unlawful acts (perbuatan melawan hukum). This provision establishes a legal basis for business operators to seek civil liability when an influencer's review satisfies the requisite elements of an unlawful act, fault, damages, and a causal relationship between the wrongful conduct and the resulting loss. In the context of digital reviews, the element of unlawfulness may be established through the infringement of another party's subjective rights, the violation of statutory obligations, conduct contrary to public morality, or actions that violate prevailing standards of social propriety. Accordingly, the assessment of an influencer's potential civil liability requires a comprehensive examination of the content, context, and consequences of the review rather than merely its negative characterization.

Meanwhile, the element of fault must be established by demonstrating that the influencer acted intentionally or negligently in disseminating information that was false, misleading, or insufficiently substantiated. Damages may be material, including reduced revenue and customer losses, or immaterial, such as reputational harm and diminished public trust. Article 1365 of the Indonesian Civil Code provides a basis for repressive legal protection by allowing business operators to seek compensation, provided that all the constituent elements of an unlawful act (perbuatan melawan hukum) are established.

The relevance of these legal provisions is illustrated by the controversy surrounding Codeblu's review of Warung Madun Oseng Nyak Kopsah in September 2023. Statements concerning the food products, including a description comparing fuyunghai (an Indonesian-style omelet dish) to a "clump of vomit," illustrate the complex boundary between subjective consumer assessments and expressions that may undermine a business's reputation.

---

15 Gunawan Widjaja and Kartini Muljadi, *Pedoman Menangani Perkara Kepailitan*, 1st ed. (PT. Rajagrafindo Persada, 2003).

16 Ridwan Khairandy, *Itikad Baik Dalam Kontrak Di Berbagai Sistem Hukum.* (FH UII Press, 2017).

The legal assessment of such statements requires more than an examination of the words used. It must consider the overall context of the content, the accuracy of the information presented, the intent underlying the statements, and their effects on the legal interests of the business operator concerned. If a statement is established to lack a factual basis, to have been made through intentional or negligent conduct, and to violate applicable standards of propriety, thereby causing legally recognizable harm, Article 1365 of the Indonesian Civil Code may provide a basis for civil liability. Conversely, when a statement constitutes a subjective opinion grounded in a genuine consumer experience, the constitutional protection of freedom of expression must also be considered.

The reported economic consequences experienced by Warung Madun Oseng Nyak Kopsah, including declining revenue, the need to obtain a loan of IDR 250,000,000, and the dismissal of nine out of thirteen employees, illustrate the potentially substantial economic effects of negative reviews disseminated through social media. An influencer's impact extends beyond shaping consumer perceptions and purchasing decisions; it may also affect the operational viability of businesses, particularly micro, small, and medium-sized enterprises (MSMEs), which often operate under capital constraints and depend heavily on their market reputation.

The occurrence of such losses does not automatically establish a causal relationship between the published review and the resulting economic harm. Business operators must substantiate their claims through relevant evidence, including revenue records before and after the review's publication, changes in customer numbers, the extent of the content's dissemination, and other factors that may have contributed to declining business performance. Establishing this causal relationship is essential to determining whether the losses constitute a legally attributable consequence of the influencer's conduct.

Legal protection must also be considered within the framework of Indonesia's Law on Electronic Information and Transactions (the EIT Law), most recently amended by Law Number 1 of 2024. Provisions governing electronic information and content that violate an individual's or legal entity's honor or reputation must be interpreted carefully, taking into account the applicable statutory definitions, constituent elements of the relevant offense, and the context in which the information was disseminated. However, criminal law should not be used as an instrument to criminalize legitimate consumer criticism grounded in factual experiences. Furthermore, civil liability under Article 1365 of the Indonesian Civil Code must be distinguished from criminal liability because the two involve different legal foundations, evidentiary requirements, and legal consequences. Maintaining this distinction is essential to ensuring that the protection of business reputation does not result in disproportionate restrictions on freedom of expression.

The effectiveness of legal protection for business operators continues to face substantive, structural, and normative challenges. Substantive challenges arise from the difficulties involved in proving an influencer's fault and establishing a causal relationship between the publication of a review and the losses sustained by a business. Structural challenges reflect the imbalance of power between influencers, who often command extensive digital audiences, and MSMEs, which frequently lack the financial and institutional resources required to pursue legal proceedings. Meanwhile, normative challenges stem from the absence of specific regulatory provisions establishing clear standards of transparency, accuracy, proportionality, and accountability in the publication of digital reviews.[17] These challenges indicate that existing general legal instruments have yet to provide a sufficiently comprehensive framework for ensuring effective legal protection for business operators.

These findings are consistent with the research conducted by Wijayanti and Novelin, which emphasizes the importance of maintaining a balance between freedom of expression and the protection of business owners' reputations.[18] Similarly, Putri, Ikbal, and Korompot demonstrate that Indonesia's Consumer Protection Law (UUPK) does not specifically establish the legal boundaries governing reviews published by food vloggers.[19] Meanwhile, Pradnyani argues that subjective, non-objective, or excessive reviews may result in both material and immaterial losses for micro, small, and medium-sized enterprises (MSMEs).[20] Building on these findings, the present study advances the existing literature by integrating Article 5(b) and Article 6(b) of the UUPK as a normative basis for assessing the principle of good faith through both subjective and objective doctrinal perspectives, together with the constituent elements of an unlawful act (perbuatan melawan hukum) under Article 1365 of the Indonesian Civil Code. This integrated approach provides a more comprehensive analytical framework for determining when a negative review constitutes a legitimate exercise of consumer rights and when it may give rise to legal liability.

Within the Indonesian legal framework, business owners may obtain protection against harmful influencer reviews through both preventive and repressive legal mechanisms, although the effectiveness of these mechanisms requires further strengthening. Preventive protection is reflected in consumers' obligation to act in good faith and respect the legitimate rights and interests of business operators. Repressive protection, in turn, may be pursued through civil claims based on unlawful acts,

---

17 Putu Sri Widari Pradnyani, "Perlindungan Hukum Terhadap UMKM Akibat Review Makanan Yang Tidak Objektif: Analisis Normatif Berdasarkan KUH Perdata Dan UU ITE," *Konsensus : Jurnal Ilmu Pertahanan, Hukum Dan Ilmu Komunikasi* 3, no. 1 (2026): 37–50, https://doi.org/10.62383/konsensus.v3i1.1518.

18 Wijayanti and Novelin, "Analisis Perlindungan Hukum Pelaku Usaha Atas Dampak Review Tidak Jujur Food Vlogger Di Media Sosial."

19 Putri et al., "Analisis Yuridis Perlindungan Hukum Bagi Pelaku Usaha Atas Review Produk Yang Dipublikasikan Oleh Food Vlogger."

20 Pradnyani, "Perlindungan Hukum Terhadap UMKM Akibat Review Makanan Yang Tidak Objektif."

provided that all the requisite legal elements are established. The legal legitimacy of a review cannot be determined solely by the reviewer's status as a consumer or by whether the assessment is positive or negative. Rather, it must be evaluated based on the factual foundation of the statements, the reviewer's good faith, the appropriateness and proportionality of the manner of communication, and the legally demonstrable consequences. A proportionate legal framework must protect consumers' freedom to express criticism while preventing the misuse of digital influence in ways that unlawfully undermine the reputations and economic viability of business operators.

3.2. Influencer Liability and Legal Remedies for Businesses Harmed by Negative Social Media Reviews

Indonesian positive law provides a legal framework for holding influencers accountable through civil law mechanisms, particularly claims for unlawful acts (perbuatan melawan hukum) under Article 1365 of the Indonesian Civil Code (Kitab Undang-Undang Hukum Perdata). Business operators may also pursue alternative dispute resolution through both nonlitigation and litigation mechanisms. The effectiveness of these legal remedies depends largely on the ability of business operators to establish the influencer's fault, demonstrate the losses sustained, and prove a causal relationship between the publication of the review and the resulting damages. Accordingly, effective legal protection requires more than the mere existence of liability provisions; it also necessitates evidentiary and remedial mechanisms that account for the distinctive characteristics of digital disputes.

The principal legal consequence for an influencer whose review is established as unlawful is the obligation to compensate the injured party. Such liability is grounded in the principle of liability based on fault, under which an individual may be held legally responsible only when an attributable form of fault, whether intentional or negligent, can be established.[21] Consequently, the publication of a negative review does not automatically give rise to an obligation to pay damages. A business operator must establish the cumulative elements of an unlawful act under Article 1365 of the Indonesian Civil Code, namely an act, unlawfulness, fault, damages, and a causal relationship between the act and the resulting loss. Therefore, the assessment of an influencer's civil liability must consider all these elements rather than rely solely on the magnitude of the negative consequences following the publication of the content.

The element of an act may be established through the influencer's conduct in creating, uploading, and disseminating content to the public. Unlawfulness may be established when the published content infringes upon a business entity's subjective rights, violates a statutory obligation, or contravenes prevailing standards of social

[21] Ananda and Samsithawrati, "Pertanggungjawaban Influencer Atas Pemberian Testimoni Yang Beritikad Tidak Baik Ditinjau Dari Undang-Undang Perlindungan Konsumen."

propriety and morality. Meanwhile, fault may arise when an influencer intentionally disseminates information known to be false or negligently fails to verify factual allegations before publishing them. Damages may take various forms, including reduced revenue, a decline in the customer base, disruption of business relationships, and reputational harm. Furthermore, a causal relationship must be demonstrated through sufficient evidence connecting the publication of the content to the losses sustained by the business operator. Relevant evidence may include recordings or copies of the published content, screenshots, data concerning the content's reach and dissemination, financial statements, sales and transaction records, and witness testimony.

Nevertheless, the legal liability of influencers is subject to important limitations that must be carefully observed to prevent legal instruments from being misused to restrict freedom of expression. Article 28E(3) of the 1945 Constitution of the Republic of Indonesia guarantees the freedom to express opinions, while Article 4(d) of the Consumer Protection Law (UUPK) recognizes consumers' right to express opinions and complaints concerning the goods and services they have used.

In principle, reviews based on genuine personal experiences, expressed in good faith and without misleading factual assertions, remain protected under the law. However, Article 28J(2) of the 1945 Constitution requires that the exercise of constitutional rights and freedoms respect the rights and freedoms of others. Accordingly, legal protection must maintain an appropriate balance between consumers' freedom to express criticism and business operators' legitimate interests in protecting their reputations and economic well-being. The substance of the criticism, its factual foundation, the context and manner of its presentation, and the existence of fault therefore constitute essential considerations in determining whether an influencer may incur legal liability. This approach ensures that legitimate consumer criticism remains protected while providing legal recourse against reviews that satisfy the statutory requirements for unlawful conduct.

Business operators have access to three categories of legal mechanisms: preventive measures, nonlitigation dispute resolution, and litigation. First, preventive measures are intended to minimize the risk of disputes while strengthening a business operator's legal position if losses arise. These measures include consistently implementing product and service quality standards, maintaining comprehensive business records, managing digital reputation, and establishing responsive consumer complaint-handling mechanisms. Business operators may also use social media platforms' reporting features when they encounter content suspected of violating the platforms' terms of service. However, such reports must be supported by legitimate grounds and must not be used to suppress lawful consumer criticism. These preventive measures are essential because protecting business reputation depends not only on invoking legal remedies after damage has

occurred but also on the ability of business operators to establish credibility and manage public communication effectively.

Second, nonlitigation mechanisms provide alternative approaches to dispute resolution, including formal legal notices (somasi), negotiation, mediation, and conciliation. A formal legal notice (somasi) serves to communicate an official objection while giving the influencer an opportunity to provide clarification, correct inaccurate information, issue an apology, or remove content established to have violated another party's legal rights. If the parties fail to reach an agreement through direct negotiation, they may pursue mediation with the assistance of a neutral third party.

The possibility of resolving disputes through the Consumer Dispute Settlement Body (Badan Penyelesaian Sengketa Konsumen or BPSK) must also be considered carefully. Under Articles 45 and 49 of the Consumer Protection Law (UUPK), the BPSK is authorized to resolve disputes between consumers and business operators. Nevertheless, its jurisdiction over disputes arising from influencer reviews cannot be presumed. It must first be established that the nature of the dispute falls within the BPSK's statutory jurisdiction. Where a claim concerns compensation for losses arising from an alleged unlawful act (perbuatan melawan hukum) that falls outside the scope of consumer dispute resolution, the district court may constitute a more appropriate forum. Sitohang and Rahayu emphasize that alternative dispute resolution offers several advantages over litigation, particularly in terms of procedural simplicity, time efficiency, and cost-effectiveness.[22]

Third, litigation may be pursued through a civil lawsuit based on Article 1365 of the Indonesian Civil Code (KUHPerdata) when amicable dispute resolution fails. Business operators may seek compensation for material losses and, where legally justified and adequately substantiated, immaterial damages. They may also request appropriate measures to restore their business reputation, including the publication of a clarification or corrective statement intended to rehabilitate their good name. However, litigation requires the preparation of sufficient evidence, financial resources, time, and legal representation. These requirements can create substantial obstacles for micro, small, and medium-sized enterprises (MSMEs), which often have limited resources when confronting disputes involving influencers with considerably greater communication reach and public visibility.

The practical relevance of these mechanisms is illustrated by the controversy surrounding Codeblu's review of Warung Madun Oseng Nyak Kopsah. A business operator who considers itself adversely affected may initiate the dispute resolution process by issuing a formal legal notice (somasi) requesting clarification, correction of inaccurate information, and an apology if the statements are established to have

[22] Dahlan Sitohang and Maria Helena Sri Rahayu, "Kekuatan Hukum Hasil Mediasi Dalam Sengketa Asuransi Di BPSK: Tinjauan Dari Undang-Undang Perlindungan Konsumen," *Aliansi: Jurnal Hukum, Pendidikan Dan Sosial Humaniora* 2, no. 6 (2025): 36–46, https://doi.org/10.62383/aliansi.v2i6.1289.

infringed upon the business operator's legal rights. If this approach fails to resolve the dispute, mediation may provide an alternative means of reconciling the parties' interests and formulating mutually acceptable remedies.

In this particular case, the dispute was ultimately resolved through an amicable settlement facilitated by a third party who brought the two parties together. Codeblu subsequently issued a direct apology, which was accepted by representatives of the Nyak Kopsah business, thereby preventing the dispute from proceeding to civil litigation. This outcome demonstrates that restoring social relationships and business reputation through an amicable settlement may offer a more practical alternative to litigation, particularly for microenterprise owners with limited financial and institutional resources. Nevertheless, the settlement should not be interpreted as a legal admission that all the elements of an unlawful act (perbuatan melawan hukum) under Article 1365 of the Indonesian Civil Code have been satisfied.

The findings of this study are consistent with those of Ni Ketut Novita Ananda and Putu Aras Samsithawrati, who argue that influencer liability must be established on the basis of fault and applicable legal provisions.[23] Similarly, Sitohang and Rahayu emphasize the importance of nonlitigation dispute resolution as a simpler and more cost-effective alternative to judicial proceedings.[24] Meanwhile, Pradnyani identifies evidentiary limitations and challenges in law enforcement as significant obstacles to protecting micro, small, and medium-sized enterprises (MSMEs) against harmful digital reviews.[25] Building on these findings, the present study integrates civil liability, evidentiary strategies, and mechanisms for restoring legal rights within a comprehensive framework encompassing preventive measures, nonlitigation dispute resolution, and litigation.

The legal consequences of harmful influencer reviews do not arise automatically; rather, they depend on whether the constituent elements of an unlawful act (perbuatan melawan hukum) have been established and a causal relationship between the conduct and the resulting losses has been demonstrated. A proportionate approach to legal protection should prioritize preventive measures and nonlitigation dispute resolution, with civil litigation serving as a subsequent option when these mechanisms fail and sufficient evidence of liability is available. The effectiveness of legal protection for business operators depends not only on their right to seek compensation but also on the availability of mechanisms for reputational restoration that are timely, measurable, and accessible to MSMEs. Accordingly, an effective digital legal protection framework should integrate fault-based liability, proportionate dispute resolution mechanisms, and the protection of consumers' freedom to express criticism responsibly.

---

[23] Ananda and Samsithawrati, "Pertanggungjawaban Influencer Atas Pemberian Testimoni Yang Beritikad Tidak Baik Ditinjau Dari Undang-Undang Perlindungan Konsumen."

[24] Sitohang and Rahayu, "Kekuatan Hukum Hasil Mediasi Dalam Sengketa Asuransi Di BPSK."

[25] Pradnyani, "Perlindungan Hukum Terhadap UMKM Akibat Review Makanan Yang Tidak Objektif."

4. CONCLUSION

Indonesia's Consumer Protection Law (UUPK) and Civil Code (Kitab Undang-Undang Hukum Perdata or KUHPerdata) provide a normative foundation for protecting business operators through consumers' obligation to act in good faith, business operators' right to legal protection, and the availability of civil claims for unlawful acts under Article 1365 of the Civil Code. A negative review does not automatically give rise to legal liability unless the requisite elements of an unlawful act, including unlawfulness, fault, damages, and a causal relationship, are established. Legal protection may be pursued through preventive measures, such as digital reputation management and systematic business documentation, as well as remedial mechanisms, including formal legal notices (somasi), mediation, and civil litigation. This study highlights the importance of maintaining a balance between freedom of expression and the protection of business operators' reputational and economic interests.

From a practical perspective, these findings provide a legal framework to help micro, small, and medium-sized enterprises (MSMEs) address the risks associated with digital reviews and identify appropriate avenues for legal protection when their business interests are harmed. Nevertheless, this study is limited by its reliance on a normative legal research approach and its examination of a single case. These limitations indicate the need for more specific regulations clarifying the legal standards governing digital reviews and establishing accessible mechanisms for recovering losses. Future research should adopt empirical and comparative approaches to assess the effectiveness of existing legal protections and develop a proportionate framework for determining influencer liability in the digital environment.

REFERENCES

Journals

Ananda, Ni Ketut Novita, and Putu Aras Samsithawrati. "Pertanggungjawaban Influencer Atas Pemberian Testimoni Yang Beritikad Tidak Baik Ditinjau Dari Undang-Undang Perlindungan Konsumen." *Kertha Desa: Journal Ilmu Hukum* 14, no. 3 (2026): 155–71.

Appel, Gil, Lauren Grewal, Rhonda Hadi, and Andrew T. Stephen. "The Future of Social Media in Marketing." *Journal of the Academy of Marketing Science* 48, no. 1 (2020): 79–95. https://doi.org/10.1007/s11747-019-00695-1.

Febriani, Eli, Yerna Wiza, Widi Nugraha, and Aidil Alfin. "Analisis Praktik Endorsement Dan Review Produk Oleh Influencer Terhadap Transaksi Najasy Di Media Sosial Perspektif Fikih Muamalah Kontemporer: Studi Pada Produk Skincare Non-BPOM Tahun 2024." *Jurnal Ilmiah Manajemen Dan Kewirausahaan* 4, no. 2 (2025): 477–92. https://doi.org/10.55606/jimak.v4i2.4707.

Kuswoyo, Chandra, and Clarissa Nathania Pangestu. "The Influence of Content Marketing and Product Reviews on Purchase Decisions on TikTok: The Role of Live Streaming as a Supporting Factor." *Jurnal PASTI (Penelitian Dan Aplikasi Sistem Dan Teknik Industri)* 19, no. 1 (2025): 50. https://doi.org/10.22441/pasti.2025.v19i1.005.

Naufal, Daffa Rizqy, Henny Marlyna, and Zahrashafa Mahardika. "Pelindungan Hukum Bagi Konsumen Dalam Menyampaikan Ulasan Atas Suatu Produk Melalui Platform Media Sosial." *Jurnal Hukum & Pembangunan* 55, no. 1 (2025): 7. https://doi.org/10.21143/jhp.vol55.no.1.1813.

Novianto, Nurul Shafira, Nazwa Lutfiah, Siti Atillldhia Thunovtufi, and Sri Handayani. "Perlindungan Hukum Terhadap Konsumen Atas Endorsement Dari Influencer." *Jurnal Riset Multidisiplin Edukasi* 2, no. 5 (2025): 184–94. https://doi.org/10.71282/jurmie.v2i5.278.

Pocchiari, Martina, Davide Proserpio, and Yaniv Dover. "Online Reviews: A Literature Review and Roadmap for Future Research." *International Journal of Research in Marketing* 42, no. 2 (2025): 275–97. https://doi.org/10.1016/j.ijresmar.2024.08.009.

Pradnyani, Putu Sri Widari. "Perlindungan Hukum Terhadap UMKM Akibat Review Makanan Yang Tidak Objektif: Analisis Normatif Berdasarkan KUH Perdata Dan UU ITE." *Konsensus : Jurnal Ilmu Pertahanan, Hukum Dan Ilmu Komunikasi* 3, no. 1 (2026): 37–50. https://doi.org/10.62383/konsensus.v3i1.1518.

Putri, Nur Zalza Amalia, Mohammad Ikbal, and Ratu Ratna Korompot. "Analisis Yuridis Perlindungan Hukum Bagi Pelaku Usaha Atas Review Produk Yang Dipublikasikan Oleh Food Vlogger." *Jurnal Ilmu Hukum Toposantaro* 2, no. 3 (2025): 1–12.

Sari, Yuliana Indah. "Perlindungan Hukum Bagi Perempuan Atas Pengingkaran Janji Kawin Pada: Putusan Hakim Nomor: 14/Pdt.g/2023/Pt.Kpg Ditinjau Berdasarkan Kitab Undang-Undang Hukum Perdata." *Jurnal Res Justitia: Jurnal Ilmu Hukum* 5, no. 1 (2025): 587–98. https://doi.org/10.46306/rj.v5i1.269.

Sitohang, Dahlan, and Maria Helena Sri Rahayu. "Kekuatan Hukum Hasil Mediasi Dalam Sengketa Asuransi Di BPSK: Tinjauan Dari Undang-Undang Perlindungan Konsumen." *Aliansi: Jurnal Hukum, Pendidikan Dan Sosial Humaniora* 2, no. 6 (2025): 36–46. https://doi.org/10.62383/aliansi.v2i6.1289.

Wibisono, Bella Amanda Alung, and Rosalinda Elsina Latumahina. "Pertanggungjawaban Hukum Influencer Atas Ulasan Produk Kecantikan Secara Tidak Benar Di Tiktok." *Quantum Juris: Jurnal Hukum Modern* 8, no. 1 (2026): 45–60.

Wijayanti, Ni Wayan Cahya, and Tania Novelin. "Analisis Perlindungan Hukum Pelaku Usaha Atas Dampak Review Tidak Jujur Food Vlogger Di Media Sosial." *Jurnal Media Akademik* 4, no. 8 (2026): 1–20. https://doi.org/10.62281/y19xeb06.

Proceedings

Oliver, Charli, Yosafat Jois Evan Lumban Tobing, Roland Franklin, and Theo Andriano. "Pemasaran Digital Sebagai Strategi Manajemen Pemasaran Modern: Konsep, Saluran, Dan Pengukuran Kinerja." *Prosiding Management Business Innovation Conference* (Pontianak) 9 (2025). https://jurnal.untan.ac.id/index.php/MBIC/article/view/102883.

Books

Khairandy, Ridwan. *Itikad Baik Dalam Kontrak Di Berbagai Sistem Hukum.* FH UII Press, 2017.

Widjaja, Gunawan, and Kartini Muljadi. *Pedoman Menangani Perkara Kepailitan*. 1st ed. PT. Rajagrafindo Persada, 2003.

Yildirim, Emre, Remzi Altunişik, Doğa Ekrem Doğancı, and Kazım Mert. *Digital Ethics in Marketing*. Sakarya University Press, 2025. https://doi.org/10.59537/saupress.2447.