



Consumer-SLAPP: The Concept of Legal Protection for Influencers as Consumers in Digital Review

Farel Putra Betharyana¹, Gusti Yosi Andri²

¹ Gunung Jati Swadaya University, Cirebon, West Java, Indonesia. E-mail: farelp746@gmail.com

² Universitas Swadaya Gunung Jati, Cirebon, West Java, Indonesia. Email: gusti.yosi@ugj.ac.id

Corresponding Author. Email: farelp746@gmail.com

Abstract:

Background. The development of digital space has created legal uncertainty regarding the position of influencers who deliver reviews of goods and/or services based on their personal experience as consumers.

Aims. This research aims to analyze the legal standing of influencers as consumers in digital review activities and to examine the application of H.L.A. Hart's The Concept of Law to the legal protection of such activities.

Methods. This research employs a normative juridical method using statutory and conceptual approaches. Legal materials, comprising primary, secondary, and tertiary sources, were analyzed qualitatively through grammatical, systematic, and conceptual interpretation.

Result. The results show that influencers may have the legal standing of consumers insofar as they use goods and/or services for personal purposes rather than for resale. This standing entitles influencers to express opinions, assessments, and complaints regarding the products used, including through digital reviews. However, the development of digital space has led to reviews being perceived as public information that can affect business reputation, prompting the use of legal instruments against consumer reviews. Based on Hart's theory, this condition reflects uncertainty in primary rules due to the absence of specific regulations protecting consumer review activities in the digital space.

Conclusion. The concept of Consumer-SLAPP is proposed as a legal protection framework to recognize influencers' standing as consumers and safeguard honest, objective, and good-faith reviews.

Implication. This research implies the need for regulatory reform in consumer protection law to address the evolving dynamics of digital consumer participation.

Keywords: Consumer-SLAPP, Hart, Influencer, Consumer, Digital Review.



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INTRODUCTION

Advances in social media and information technology have changed the way customers and businesses connect. In addition to being consumers of goods and services, people now

share information, experiences, and evaluations about the products and services they use. Social media is one of the many digital platforms used to convey these views. Ultimately, this effort opens up new communication channels for consumer protection¹.

The existence of *digital reviews* has an important function for society, one of which is as a new source of information for consumers². The information conveyed through reviews can be a source of consideration for other consumers before using certain goods and/or services. *Review* also serves as a means of evaluating the quality of products and services provided by business actors. The delivery of consumer opinions is not only related to individual interests, but also has social value for the wider community³.

In this development, *influencers* are one of the parties who actively convey information about goods and/or services through the digital space. Review activities carried out by *influencers* are not always related to promotions or commercial cooperation with business actors⁴. Influencers can act as customers by using products and/or services for personal gain. According to this view, influencers are subjects who have the freedom to voice their thoughts and complaints about the goods they use⁵.

Article 4 letter d of Law Number 8 of 1999 concerning Consumer Protection (UUPK) basically recognizes the freedom to express ideas and complaints. According to these rules, consumers are allowed to express their opinions, experiences, and complaints about the products and/or services they use. In addition, the national legal system guarantees the right to freedom of expression. As a result, the submission of consumer evaluations, complaints, and criticisms online basically requires legal protection⁶.

This protection becomes important as the digital space develops as a means of information exchange and community participation. Conveying consumer opinions through digital media can contribute to increased transparency, accountability, and consumer

¹ "Adis Nur Hayati, et al., *Fake Reviews on Digital Platforms: Legal Protection for Consumers and Business Actors*, Journal of Indonesian Society, Volume 49 Number 1, 2023, pages 123-133."

² "Endang Sutrisno et al., *Legal Disparities and Social Change: A Monograph* (Cirebon: UGJ Press, 2025), page 179."

³ "Rumpa Roy, et al., *Evaluating Social Media Content's Effect on Consumer Engagement in the Context of Digital Marketing*, Edelweiss Applied Science and Technology, Volume 9 Number 6, 2025, pages 521-536."

⁴ "Aal Fachru Rozi Ardhana, *Juridical Review of Endorsement Cooperation Agreements Between Influencers and Online Shops Reviewed from the Civil Code and the ITE Law*, Indonesian Journal of Education, Volume 6 Number 7, 2025, pages 3084-3094."

⁵ "Tata Julian Putri, et al., *Analysis of Legal Liability for Influencers for Negative Review Content that Causes Business Losses*, Al-Zayn: Journal of Social & Legal Sciences, Volume 4 Number 3, 2026, pages 4590-4598."

⁶ "Tahani Zulfa Pranoto, et al., *Legal Protection for MSMEs in the Digital Era: Negative Reviews Conducted by Influencers on the Tiktok Shop Platform that Are Detrimental*, Al-Zayn: Journal of Social & Legal Sciences, Volume 4 Number 2, 2026, pages 5187-5201."

protection⁷. The existence of the digital space also allows information about product quality to be spread more widely and quickly. The development of digital review activities requires arrangements that are able to ensure a balance between freedom of opinion and legal protection for consumers⁸.

However, the regulation has not explicitly placed digital review activities as part of the implementation of consumer rights. However, Law Number 11 of 2008 concerning Electronic Information and Transactions (ICT Law) also imposes a limit on the expression of opinions through reviews in the digital realm. Articles 27 and 28 of Law Number 1 of 2024 concerning the Second Amendment to the ICT Law, which covers illegal behavior including hate speech, defamation, and the spread of false information, reflect these limitations. Consumer complaints, criticisms, and views of the products and/or services they use may be limited by these rules⁹. As a result, the legal status of *influencers* as digital consumers still does not have a clear regulation.

The absence of this regulation causes reviews submitted by *influencers* in the digital space to still have the potential to be seen as unlawful actions. Conveying user experience, criticism, or complaints about certain products can face accusations of defamation or other forms of criminalization rather than consumer rights¹⁰. This condition creates vulnerability to the freedom of opinion that should be inherent in the consumer's right to be heard. On the other hand, the UUPK has not provided a special protection mechanism for the submission of consumer opinions in the digital space. This situation shows that there is a void in legal protection norms for *influencers* as digital consumers.

The absence of these norms shows that the UUPK still focuses on consumer protection in transaction relationships and has not accommodated the development of the digital space. The existing regulations do not provide a guarantee for the submission of consumer reviews, criticisms, and complaints made through digital media, especially by *influencers*¹¹. In fact,

⁷ “Melisa, et al., *Consumer Protection of AI-Based Products: Legal Challenges in the Digital Era*, Scientific Journal of Management and Entrepreneurship, Volume 4 Number 2, 2025, pages 696-708.”

⁸ “Baiq Miftahul Jannah, et al., *The Impact of Negative Reviews of Culinary Vloggers on the Sustainability of MSMEs: Stakeholder Analysis and Digital Ethics Regulatory Framework in Indonesia*, Journal of Social & Humanities, Innovation, Economics, and Education, Volume 2 Number 1, 2025, pages 1-14.”

⁹ “Mirza Mar’Ali and Priliyani Nugroho Putri, *Legal Protection for Consumers in Reviewing a Product on Social Media from Defamation Delik*, Padjadjaran Law Review, Volume 9 Number 2, 2021, pages 1-10.”

¹⁰ “Bella Amanda Alung Wibisono and Rosalinda Elsina Latumahina, *Legal Liability of Influencers for Improper Reviews of Beauty Products on Tiktok*, Quantum Juris: Journal of Modern Law, Volume 8 Number 1, 2026, pages 45-60.”

¹¹ “Son of Sudianto Daely, *Influencers' Legal Responsibilities Towards Products Promoted on Social Media*, Nusantara Leuser Law Journal, Volume 2 Number 2, 2025, pages 1-6.”

these activities have the function of protecting and disseminating information for other consumers¹². In addition, the submission of opinions by consumers also encourages transparency and accountability for the quality of products, both goods and services.

This research is important because there is no regulation that specifically accommodates the position of *influencers* as digital consumers who submit *reviews*, criticisms, or complaints about the goods and/or services used. The absence of such regulation has the potential to cause legal uncertainty and vulnerability to freedom of opinion inherent in consumer rights. Considering that the development of information and technology has changed people's behavior globally¹³. Therefore, the purpose of this research is to contribute by developing a legal protection concept that can consider the role of influencers as digital consumers in expressing ideas online.

LITERATURE REVIEW

According to Article 1 paragraphs 1 and 4 of Law Number 11 of 2008, which has been amended by Law Number 19 of 2016, opinions submitted through digital reviews in the Indonesian legal system qualify as Electronic Information and/or Electronic Documents, which are defined as a collection of electronic data, including writings that have meaning or can be understood by people who are able to understand them. According to Article 23 paragraph (2) of Law Number 39 of 1999 concerning Human Rights, this activity is basically a manifestation of human rights, where everyone is free to own, express, and disseminate opinions through electronic media while still paying attention to religious values, morality, order, public interest, and national unity.

According to Hans Kelsen's idea of legal certainty, a law is a set of rules that are codified and legally enforceable. When set clearly and consistently, legal norms offer certainty¹⁴. Legal certainty provides clarity for legal subjects regarding the limits of permissible and prohibited behavior as a basis for compliance with the law¹⁵. Article 1, number 2 of the Consumer

¹² “Diena Dwidienawati, et al., *Customer Review or Influencer Endorsement: Which One Influences Purchase Intention More?*, Heliyon, 6, 2020, pages 1-11.”

¹³ “Gusti Yosi Andy, et al., *Legal Liability in E-Commerce Agreements Through The Cash on Delivery (COD) Payment System*, Journal of Hermeneutics, Volume 6 Number 2, 2022, pages 1-13.”

¹⁴ “Itok Dwi Kurniawan and Souad Ezzerouali, *Revisiting the Principle of Legal Certainty: A Contemporary Analysis through the Lens of Legal Positivism*, Nusantara: Journal of Law Studies, Volume 3 Number 2, 2024, pages 137-146.”

¹⁵ “Muhamad Bacharuddin Jusuf and Adara Khalfani Mazin, *The Application of Hans Kelsen's Theory as a Form of Legal Order in Indonesia*, Das Sollen: Journal of Contemporary Studies of Law and Society, Volume 2 Number 1, 2023, pages 1-25.”

Protection Law clarifies this by defining a consumer as anyone who uses a product or service for personal gain. If an influencer uses a product or service before writing a review, they can be categorized as a consumer. Consumers have the right to voice their opinions about the products and services they use, in accordance with Article 4, letter d of the Consumer Protection Law¹⁶.

The right to express these opinions by *influencers* is packaged as the experience of using products in the form of digital content¹⁷. The content is designed and presented through audiovisual media that is disseminated through digital platforms in order to attract attention while building audience trust¹⁸. The content of the review has the potential to influence other consumers' perceptions and decisions. This influence is caused by the desire of consumers who idolize influencers, so that they tend to follow their habits, one of which is the advertised product¹⁹.

The shift from experience to public information has repositioned influencers from ordinary consumers to parties that produce and disseminate electronic information. At this point, *influencers* are no longer in the private space of consumption. Article 28, paragraph (1) of the Electronic Information and Transaction Law prohibits the dissemination of information that may harm customers. The digital evaluation of influencers has the potential to spread quickly and widely; they must adhere to the rules of caution and ²⁰truthfulness.

According to H.L.A. Hart's legal theory, law is understood as a combination of primary and secondary rules that together constitute a legal system, not merely a set of directives or prohibitions. A legal system is considered comprehensive when it not only establishes the rights, responsibilities, and prohibitions that govern the behavior of legal subjects, but also offers a way to assess the legitimacy, modification, and implementation of those regulations. As a result, the law regulates not only behavior but also recognition, modification, and law enforcement.

¹⁶ "Celina Tri Siwi Christian, *Consumer Protection Law*, (Sinar Grafika, Jakarta, 2008), page 55."

¹⁷ "Aditya Wardhana, *Social Media Marketing Strategy*, (Purbalingga: Eureka Media Aksara, 2025), page 160."

¹⁸ "Agus Wibowo, *Marketing Through Influencers*, (Semarang: Prima Agus Engineering Foundation and STEKOM University, 2023), page 8."

¹⁹ "Upik Djanier et al, *The Role of Social Media Endorsements and Promos on Purchasing Interest Decisions: Literature Review*, Darma Agung Journal, Volume 31 Number 1, 2023, pages 563-570."

²⁰ "Tumanggor, T., & Sazali, H. (2025). *Ethics of Digital Media Regulation and Policy: Raising Public Awareness in the Information Age*. Indonesian Journal: Informatics and Communication Management, 6(3), pages 1657-1669."

Hart explained that primary rules are basic rules that regulate the behavior of legal subjects through certain obligations, prohibitions, and rights²¹. The Consumer Protection Law and the Electronic Information and Transaction Law are the main regulatory frameworks in this study. Articles 27 and 28 of the Electronic Information and Transaction Law regulate restrictions on the distribution of certain electronic information, while Article 1, paragraph 2, and Article 4, letter d of the Consumer Protection Law regulate the status and rights of consumers to express their opinions regarding the goods and/or services they use. The actions of influencers when providing reviews through digital media are bound by these clauses.

However, according to Hart, primary rules have three fundamental weaknesses, namely *uncertainty*, *static character*, and *inefficiency*²². Uncertainty arises because it is not always clear which rules apply to new social relationships. Static nature arises when rules are difficult to adjust to societal development, and there is no mechanism for change. Meanwhile, inefficiencies occur because there is no specific mechanism to identify violations and to address them.

This weakness can be seen in *influencers' digital review activities*. The UUPK has given consumers the right to express their opinions, but has not clearly regulated *the position of influencers as digital consumers when submitting reviews online*. This situation creates uncertainty regarding the norms that apply to *review activities*. In addition, the development of digital space has changed how consumers express their opinions, shifting from conventional forms to electronic information disseminated through digital platforms, while the UUPK has not fully accommodated these changes. On the other hand, there is no specific mechanism to distinguish consumer reviews from acts that violate the provisions of the ITE Law.

To overcome the weaknesses of the primary rule, Hart established secondary rules consisting of *the rule of recognition*, *the rule of change*, and *the rule of adjudication*. *The rule of recognition* determines which norms are recognized as applicable law. Influencers must be recognized as digital customers who use products and/or services before writing reviews. *The rule of change* provides a mechanism for legal changes to adapt to developments in the digital space that are not accommodated in the UUPK. *The rule of adjudication* serves to determine

²¹ “Danilo Angulo-Molina, *How International Law is Law: Decoding H. L. A. Hart's Concept of Law*, *Oxford Political Review*, <https://oxfordpoliticalreview.com/2024/08/27/how-international-law-is-law-decoding-h-l-a-harts-concept-of-law/>, retrieved May 26, 2026, at 15.03 WIB.”

²² “Peter CKL. Bello, *The Relationship of Law and Morality According to H.L.A. Hart*, *Journal of Law and Development*, Volume 44 Number 3, 2014, pages 373-386.”

the assessment mechanism for review activities, so that it can distinguish between the submission of consumer opinions and unlawful acts.

On this basis, a legal framework is needed that can accommodate the position of influencers as consumers in review activities in the digital space. The concept of *Consumer-SLAPP* is needed as a basis for legal protection for *influencers* as consumers in the digital realm. The concept of *Strategic Lawsuit Against Public Participation (SLAPP)* itself was initially initiated by business actors to attack back at consumers who give negative comments or *reviews* on their products²³. Black's Law Dictionary defines SLAPP as a lawsuit often used by developers, company executives, or government officials to suppress public criticism. The goal is to stop resistance to major investment projects or silence anyone who opposes policies related to the public interest, such as environmental issues²⁴.

In response to the practice of SLAPP, the concept of Anti-Strategic Lawsuit Against Public Participation (Anti-SLAPP) has also developed, a legal protection mechanism designed to defend the sued party in exercising its right to public participation and freedom of opinion. This concept was first formulated by George W. Pring and Penelope Canan in the late 1980s in the United States, and was then adopted dynamically through *Anti-SLAPP* legislation that has been enacted in more than 30 states and one district in the United States²⁵.

In general, *the Anti-SLAPP* mechanism includes the filing of a motion to dismiss at the initial stage of the lawsuit (*special motion to dismiss*) if the lawsuit is indicated as *SLAPP*, the transfer of the burden of proof to the plaintiff to show that the lawsuit is indeed founded, the suspension of the trial process while the motion is examined, and reimbursement of the costs of the case for the defendant if the motion is granted. The mechanism ideally fulfills four fundamental dimensions: being protective of parties who participate in good faith, deterrent to non-good-faith plaintiffs, restorative for *SLAPP victims*, and requiring plaintiffs to compensate victims.²⁶

In Indonesia, *the principle of Anti-SLAPP* has not been regulated in general and is still sectoral, namely only in the environmental sector through Article 66 of Law Number 32 of 2009 concerning Environmental Protection and Management, which emphasizes that everyone

²³ "Alvina Sony Putri, et al., *Legal Consequences of Strategic Lawsuit Against Public Participation in Consumer Protection Law*, Diponegoro Law Review, Volume 5 Number 2, 2016, pages 1-16."

²⁴ "Bryan A. Garner, *Black's Law Dictionary*, 9th Edition, US: Thompson Reuter, 2009, page 1515."

²⁵ "George W Pring, *SLAPPs: Strategic Lawsuits Against Public Participation*, Pace Environmental Law Review, Volume 7 Number 1, 1989, pp. 1-19."

²⁶ *Ibid*.

who fights for the right to a good and healthy environment cannot be criminally prosecuted or sued civilly. These provisions are further elaborated technically through the Regulation of the Minister of Environment and Forestry Number 10 of 2024, and accommodated in terms of procedural law through Supreme Court Regulation Number 1 of 2023 concerning Guidelines for Adjudicating Environmental Cases.²⁷

However, the Anti-SLAPP principle has not been adopted in the field of consumer protection, creating a legal vacuum, even though counterattacks by business actors against consumers who express criticism are also a potential risk. This legal vacuum underscores the need to construct new protections for consumers, including influencers as digital consumers, as offered by the Consumer-SLAPP concept in this study.

In this study, the concept is directed at influencers in the field of consumer protection through the term "Consumer-SLAPP". This concept enables the submission of reviews, user experiences, criticisms, or complaints related to products and/or services, allowing consumers to exercise their right to voice their opinions. Thus, *review activities* are not seen solely as digital content production, but also as a form of consumer participation in the dissemination of information, protection of other consumers, and market transparency.

The concept of *Consumer-SLAPP* in this study is built based on the *Anti-SLAPP* principles that have been explained above, so that when the consumer's right to submit a review is actually responded to with a counterclaim by the business actor, the lawsuit can be qualified as *Consumer-SLAPP* against which the *Anti-SLAPP* principle can be applied as a basis for defense.

The expected protection of the concept aims to distinguish review activities as the exercise of consumer rights from unlawful acts. At this point, Hart's *rule of recognition* serves to provide recognition of *the position of influencers* as digital consumers; *the rule of change* is the basis for the establishment of new legal protection, while *the rule of adjudication* serves to determine the boundary between *protected review* activities and actions that can be held legally accountable. In this framework, the *Anti-SLAPP* principle functions as an operational instrument of the rule of adjudication, serving as the basis for defense when honest and good-faith consumer reviews are actually sued back by business actors through the *Consumer-SLAPP mechanism*.

²⁷ "Nani Indrawati, *Legal Protection of Community Participation (Anti SLAPP) in Environmental Law Enforcement in Indonesia*, Iuris Media Journal, Volume 5 Number 1, 2022, pages 115–134."

Farel Putra Betharyana

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Previous Research

Hengki Irawan (2024) reviewed the role of business law in regulating the ethics of influencer support and the legal issues involved in applying rules to illegal product advertising in Indonesia, in his previous research on influencer marketing practices. To protect society and uphold moral marketing standards in the digital age, this study underscores the importance of broader regulatory changes, such as creating a specific code of conduct for influencers. Nevertheless, this study does not explicitly link the provisions of the Electronic Information and Transactions Act to the marketing of online gambling sites²⁸.

Muhammad Arif Widyanto (2021) examined consumer protection in electronic transactions in Indonesia in another study. Outdated rules and regulations are just one of many factors that can cause difficulties in consumer protection, according to the study. However, the function of influencers in promoting and reviewing electronic materials was not specifically examined in this study²⁹.

RESEARCH METHODS

Types of Research

This study is a normative legal research, which views law as a rule or norm that applies in a positive legal system. The main purpose of normative legal research is to examine laws, legal theories, and legal principles related to the issue under study³⁰. This kind of study examines the legal status of influencers as digital consumers and the creation of legal protection through the concept of Consumer-SLAPP in delivering reviews of products and/or services in the digital realm

²⁸ “Hengki Irawan, *Business Law Regulations in the Practice of Online Gambling Endorsement on Social Media by Indonesian Influencers: A Review*, Islamic Law Journal, Volume 2 Number 2, 2024, pages. 47-56.”

²⁹ “Muhammad Arif Widyanto, Consumer Protection Issues in Electronic Transactions in Indonesia. *Journal of Private Law*, Volume 9 Number 1, 2021, page. 137-142.”

³⁰ “Mardani, *Legal Research Methodology & Publication of Legal Articles in Scientific Journals*. Refika Aditama, Bandung, 2025, pp. 168-170.”

Research Approach

Legal approaches based on law, conceptual, analytical, comparative, historical, philosophical, and case studies are some of the methods that are often used in normative legal studies³¹. Because the problem of this research is directly related to the legal standards set by the Electronic Information and Transaction Law and the Consumer Protection Law, as well as the creation of the Consumer-SLAPP concept as a legal basis for protecting influencers as digital consumers, this research uses a legal and conceptual approach.

Sources and Types of Legal Substances

Suteki argues that legal material is used in normative juridical studies as a substitute for the term "data."³² This is because primary, secondary, and tertiary legal materials are the only secondary data (literature studies) used in normative law research.³³

Finding, searching, or visiting the location of sources of legal material such as libraries, offices/institutions, bookstores, universities, etc. requires the personal involvement or involvement of a researcher in the focus of his research³⁴.

The primary legal materials needed are:

1. Consumer Protection Law Number 8 of 1999 which was updated with Law Number 19 of 2016 and the second amendment with Law Number 1 of 2024.
2. Electronic Information and Transaction Law Number 11 of 2008 as amended last by Law Number 1 of 2024.
3. Law Number 39 of 1999 concerning Human Rights.
4. Civil Code.

To assist academics in conducting analysis related to the status of influencers as digital consumers and the concept of Consumer-SLAPP, secondary legal materials such as books, journals, and other tertiary legal materials such as legal dictionaries are needed.

³¹ "Johnny Ibrahim, *Normative Legal Research Theory and Methods*, (Malang: Bayumedia, 2005), page 300."

³² "Suteki and Galang Taufani, *Legal Research Methodology* (Philosophy, Theory, and Practice), (Depok: Rajawali Press, 2020), page 266."

³³ "Soerjono Soekanto and Sri Mamudji, *Normative Law Research: A Brief Review, 17th printing*, (Jakarta: RajaGrafindo Persada, 2015), page 13."

³⁴ "Abdulkadir Muhammad, *Law and Legal Research*, (Bandung: Citra Aditya Bakti, 2004), page 81, said that there are three ways to collect legal materials, namely through literature studies, documents, and archive studies."

Legal Materials Analysis Techniques

In the study of normative juridical law, primary, secondary, and tertiary legal sources are analyzed. The analytical method used is qualitative because the data collected is in the form of normative texts, not numbers or statistics³⁵. All legal materials are then interpreted so that their meaning is known³⁶.

Grammatical interpretation is used to examine the text of the law, word by word, to ensure understanding of the formal meaning of the articles relevant to the problem being studied. Systematic interpretation is used to situate the analyzed norms within the unity of the legal system, examining the relationships among regulations to obtain a complete understanding. In addition, conceptual interpretation is used to develop the concept of Consumer-SLAPP as a form of legal protection for *influencers* as digital consumers.

Knot Extraction Technique

Drawing conclusions uses a deductive approach, which starts with a more general legal theory or principle, then analyzes more specific legal material to test or apply that theory to a particular case or phenomenon³⁷.

DISCUSSION

Legal Position of *Influencers* as Consumers in Submitting *Reviews* of Goods and/or Services in Digital Content

People's communication habits have shifted from traditional to digital forms as a result of advances in information technology. Social media is now a platform to share information about products and/or services, in addition to being a communication tool³⁸. These changes gave rise to activities that convey product-use experiences through various forms of digital content. One of the parties that actively carries out these activities is *influencers* through review

³⁵ "Soerjono Soekanto and Sri Mamudji, op.cit, page 12. Afrizal added that the so-called "qualitative" analytical technique in doctrinal research refers to textual and conceptual approaches that are interpretive, not to a qualitative methodological approach in the sense of empirical research (see Zuchri Abdussamad, *Qualitative Research Methods*, Makassar: Syakir Media Press, 2021, page 32)."

³⁶ "Sudikno Mertokusumo explained that there are several methods of interpretation including grammatical, systematic, historical, teleological, comparative, and anticipatory interpretations (see *Discovery of the Law of an Introduction*, Yogyakarta: Liberty, 2004, page 57)."

³⁷ Muhaimin, *Legal Research Methods*, (Mataram: Mataran University Press, 2020), page 71.

³⁸ "Yuni Fitriani, *Analysis of the use of various social media as a means of disseminating information for the community*, *Journal of Paradigm*, Volume 19 Number 2, 2017, pages 148-152."

content published to the audience. The existence of influencers then raises questions about their legal position when submitting reviews of used products.

At the beginning of its development, *influencers* were more often seen as parties who promoted through digital media. This view arises because *influencers* are often involved in product marketing activities through collaboration with business actors. These activities are carried out through uploads, recommendations, and digital marketing campaigns. This position places *influencers* as part of the marketing strategy of business actors³⁹. As a result, *review activities* are often seen as synonymous with commercial promotions.

This view is not entirely correct because *influencer* activities are not always related to paid promotions. In practice, *influencers* also use goods and/or services for their own interests before submitting *reviews* for the sake of digital content creation⁴⁰. Use can be made independently, without a cooperative relationship with business actors. The user experience is then processed into information that is published through digital content. This situation shows that *influencers* are not always in a position as a promoter⁴¹.

This distinction is important because it determines the legal position of influencers. Influencers who freely consume goods and those who participate in promotional collaborations with companies have distinct legal relationships. Influencers act as marketing tools in promotional partnerships. On the other hand, influencers are positioned as customers of products and/or services when they use them for personal gain. The legal rules used to evaluate the actions of influencer reviews are determined by these differences in position. As a result, their legal obligations will also change⁴².

The explanation of Article 1, number 2 of the Consumer Protection Law must be referred to ensure the legal position of the influencers. Christian Gamas concluded that the end consumer, not the intermediary customer, is the definition of a consumer used in the Consumer Protection Act⁴³. The reason is that the article clearly shows several elements that must be met

³⁹ Upik Djanier et al, *loc. cit.*

⁴⁰ “Nurkhadijah, et al., *Legal Consequences of False Praise for Products Reviewed by Influencers*, Journal of Dialogica, Volume 1 Number 1, 2025, pages 1-16.”

⁴¹ “Resti Riancana, et al., *Legal protection for consumers due to the advertising of cosmetic products*, Journal of Legal Science: The Juris, Volume 7 Number 2, 2023, pages 376-382.”

⁴² “Ni Made Sanisca Puri Dewanti and Putri Triari Dwijayanthi, *Civil Law Liability for Influencers in Reviewing Goods or Services Products*, Journal of Academic Media, Volume 3 Number 10, 2025, pages 1-16.”

⁴³ “Christian Gamas, *Elements in Consumers as End Consumers regulated in the Consumer Protection Law*, <https://christiangamas.net/unsur-unsur-dalam-konsumen-selaku-konsumen-akhir-yang-diatur-dalam-undang-undang-perlindungan-konsumen/>, accessed on May 29, 2026, at 09.40 WIB.”

to determine a person's status as an end consumer. The following are the elements contained in the formulation of the article⁴⁴:

1. Elements of the phrase "everyone".

This phrase shows that consumers are not limited to any particular profession, occupation, or social status. Anyone who meets the elements of using goods and/or services can qualify as a consumer. This provision opens up the possibility for *influencers* to position as consumers. Status as a digital creator does not eliminate *influencers' position* as product users. Therefore, *influencers* can still be the subject of consumer protection.

2. Elements of using goods and/or services for their own interests.

This element is related to the experience of using a particular product. *Influencers* who buy, use, or consume products before submitting *reviews* have fulfilled these elements of use. This use positions influencers as parties who directly experience the product's benefits and disadvantages. The experience of use then becomes the basis for delivering assessments through *review*. Thus, *review* activities are directly related to influencers' position as users.

3. Elements of goods and/or services are used not for trade.

This element distinguishes consumers from business actors. *Influencers* who use products for their own interests do not lose their consumer status, even when they submit *reviews* through digital media. Delivering a user experience does not necessarily turn a product into a commercial object. These activities still depart from previous consumption experiences. Therefore, the consumer element can still be met.

The results of the analysis of Article 1, number 2 of the UUPK show that influencers can be considered consumers as long as they use goods and/or services before submitting *reviews*. The position does not depend on being a digital creator. The main determinant lies in how the product is used and for what purpose. Thus, *the status of influencers* as consumers is born first before the *review activity* is carried out⁴⁵. This position provides the legal basis for protecting *influencers*.

However, not all *influencers* automatically rank as consumers. The legal position of influencers needs to be differentiated based on the activities they carry out. First, influencers can be positioned as consumers when using products for their own interests. Second,

⁴⁴ "Yessy Kusumadewi and Grace Sharon, *Consumer Protection Law*, (Yogyakarta: Fatiham Azzahra Institute, 2022), page 21."

⁴⁵ "Agung Waluyo and Yudha Trishananto, *Customer Reviews and Influencers on Purchase Decisions with Buying Interest Variables as Intervening Variables*, Srikandi: Journal of Islamic Economics and Banking, Volume 1 Number 2, 2022, pages 103-112."

influencers can act as *endorsers* when they are bound by a promotional agreement with business actors, given their large follower counts⁴⁶. Third, *influencers* can serve as business actors if they conduct business activities independently. This distinction is necessary to avoid generalizing the legal position of *influencers*.

This difference in position affects the rights and obligations inherent to *influencers*. *Influencers* as consumers receive protection under the UUPK. On the other hand, *influencers*, as endorsers, are more often engaged in contractual relationships and digital promotions. This difference determines the basis for assessing review activities. This study positions influencers as consumers because the discussion focuses on product use and the sharing of opinions about the experience of use. Therefore, the study framework used is a consumer protection system.

Influencers have the right to voice their opinions about the products and/or services they use because they are customers. Article 4, letter d of the Consumer Protection Act regulates this right, which allows customers to voice their concerns and opinions about the products and/or services they use. This clause shows that voicing ideas is part of consumer protection. This right is not limited to a particular mode of delivery. As a result, a variety of media, including digital media, can be used to communicate points of view.

The meaning of the opinion in Article 4, letter d, of the UUPK is not limited to complaints about losses incurred by consumers. Opinions also include assessments, user experience, and responses to the quality of goods and/or services. Submissions can be positive or negative reviews. The submitted assessment was based on consumers' experience using the product. Thus, *digital reviews* can be positioned as a form of actualization of consumers' rights to express opinions⁴⁷.

The development of information technology has changed the way consumers express their opinions. Initially, opinions are conveyed directly to business actors or through certain complaint mechanisms. The development of social media then changed this pattern to open delivery through digital space. Consumer opinion is no longer limited to individual relationships between consumers and business actors. This information turns into content that can be accessed by the wider community. These changes gave birth to a new function of digital reviews.

⁴⁶ “Krisna Vida Fabiano and Endang Prasetyawati, *Legal Position of an Influencer in Endorsement*, Journal of Socialites, Volume 2 Number 1, 2023, pages 105-114.”

⁴⁷ “Andriana, et al., *Legal Protection of Business Actors against Misleading Digital Reviews: Reconstruction of Platform Responsibility in Indonesia*, Journal of Scientific Research Center, Volume 5 Number 2, 2026, pages 2327-2344.”

Digital reviews are no longer just about conveying personal experiences but also about serving as a source of information for other consumers. The information submitted may affect the decision to use the goods and/or services⁴⁸. Other consumers use *reviews* as a factor when making a purchase. These activities show that *reviews* have informative value and protection for the community. Therefore, *review* functions not only for the conveyor of information but also for the recipient.

The change shifted the *review's position* from private relations to public spaces. The user experience that was previously individual has become electronic information disseminated through digital platforms. Such information may be accessed, stored, and redistributed by other users. As a result, *reviews* are no longer seen as mere personal expressions. These activities have become part of digital information traffic. These activities then intersect with the provisions of the Electronic Information and Transaction Law.

According to Article 4 letter d of Law Number 8 of 1999 concerning Consumer Protection (PK Law), honest evaluation is an expression of the consumer's right to be heard for their opinions and complaints. According to the Explanation of Article 27 paragraph (1) of Law Number 1 of 2024 (Second Amendment to the ITE Law), this review falls under the category of electronic information that is "known to the public". According to Article 4, letter c of the Criminal Code Law, negative customer reviews basically fulfill the public's right to accurate, transparent, and correct information about the condition of the product or service.

Potential buyers use the review as an objective reference. If the review reveals negative facts, such as the product is damaged, defective, or not in accordance with the standards of Article 8 of the Criminal Court Law. The decline in public buying interest in these products is a natural consequence of the market⁴⁹. Although this condition is detrimental to business actors, the submission of honest reviews to protect the public cannot be punished under Article 45 paragraph (7) of the Second Amendment ITE Law, as it constitutes fulfillment of the public interest or self-defense.

Juridically, digital reviews serve as instruments of supervision and correction for the sake of trade transparency. Business actors' losses from honest reviews are not a violation of the law

⁴⁸ "Ahmad Syahbani, et al., *The Influence of Online Reviews and Ratings on Purchase Decisions on the Tiktok Shop Marketplace*, Journal of Artificial Intelligence and Digital Business (RIGGS), Volume 4 Number 3, 2025, pages 7207-7215."

⁴⁹ "Radhin Fauzan Abdillah and Aurora Nendita Pramesti, *The Impact of Consumer Ratings and Reviews on Purchase Decisions in E-commerce*, Proceedings of the Amikom National Seminar of Surakarta, Volume 2, 2024, pages 1480-1494."

by consumers. Honest and objective digital reviews by *influencers*, both as consumers and endorsements, are human rights and consumer rights. Therefore, the review is protected by both the Human Rights Law and the Criminal Court Law. Meanwhile, the ITE Law serves to maintain the ethics of the digital space, not to suppress the freedom of responsible opinion.

The legal position of the influencer as a consumer also needs to be affirmed, provided that the honest reviews he submits are actually met with legal action by business actors, in the form of civil lawsuits and criminal reports. Such actions are basically a form of *Strategic Lawsuit Against Public Participation (SLAPP)*. When directed at *influencers* as consumers, such a lawsuit can be qualified as *Consumer-SLAPP* because it essentially attacks the implementation of consumers' rights to be heard and their complaints as guaranteed by Article 4 letter d of the Consumer Protection Law, as well as the right to freedom of opinion and information as guaranteed by Article 28E paragraph (3) and Article 28F of the 1945 Constitution.

The *position of influencers* as consumers in such situations should be protected based on the *Anti-SLAPP principle*. Even though the *current Anti-SLAPP* regulation in Indonesia is still sectoral and limited to the environmental sector through Article 66 of the PPLH Law, the same principle of granting immunity to parties who exercise their rights honestly and in good faith can be applied analogically in the field of consumer protection.

The basis for the defense of *Consumer-SLAPP* has been implicitly available through Article 45 paragraph (7) of the Second Amendment ITE Law, which categorizes the submission of information in the public interest or self-defense as a reason for criminal expungement. These provisions function similarly to the element of burden of proof in the conventional Anti-SLAPP mechanism, which shifts the obligation to the plaintiff to prove that the review is indeed in bad faith, rather than burdening consumers or influencers with proving the veracity of the review alone. Thus, the *legal position of influencers* as consumers is not only reflected in the recognition of their right to submit reviews based on the Consumer Protection Law and the Human Rights Law, but also includes their protection from attempts to silence them through counterclaims, as reflected in the *Anti-SLAPP* principles that underlie the *concept of Consumer-SLAPP* in this study.

Digital Review Activities by *Influencers* as Consumers from the Perspective of the Concept of Law

Review activities carried out by influencers are a form of expressing opinions about goods and/or services that have been used. The *review* can contain positive or negative assessments based on the experience of using the product. In practice, not all business actors accept the assessment as part of consumer rights. *Reviews* that reveal product shortcomings are often seen as information that is detrimental to business interests or defamation⁵⁰. As a result, relationships that were originally within the scope of consumer protection can develop into legal disputes.

The change in the dispute stems from the *review function*, which is no longer limited to a personal consumer experience. The development of social media allows *reviews* to be accessed by a large number of people in a short period of time. The information conveyed by influencers has a wider range than consumer complaints in general. This condition causes *reviews* to be able to affect public perception of a product⁵¹. The more followers an *influencer* has, the greater the potential for influence.

This influence can have an impact on other consumers' decisions in choosing goods and/or services. *Positive reviews* can increase purchase interest, while negative *reviews* can reduce public trust in certain products. This situation places *reviews* among the factors that affect the reputation of business actors. Reputation is an important asset in business activities because it is related to consumer trust⁵². As a result, business people often pay special attention to information circulating online.

From a consumer protection perspective, a decrease in buying interest due to *reviews* does not always indicate an unlawful act. The assessment submitted by consumers can be born from the actual user experience. This information provides an overview of the quality of goods and/or services to the public. The explanation of Article 45 paragraph (7) of Law Number 1 of 2024 explicitly states that the public interest includes the protection of the community

⁵⁰ “Vanessa Stefanie, et al., *Consumer Protection in Providing Honest Product Reviews on Social Media*, Proceedings of the National Seminar Series, Volume 1 Number 1, 2021, pages 939-944.”

⁵¹ “Didit Darmawan and M. Akmal Maulidi Zam-Zami, *The Influence of Customer Reviews on Marketplace Purchase Decisions*, Journal of Information Systems and Business Management Publications, Volume 5 Number 2, 2026, pages 218-233.”

⁵² “Dalmatius Duncan, *The Influence of Company Reputation on Customer Decisions in Choosing Products at PT. Bank Sulselbar Main Branch Makassar*, Journal of Business and Entrepreneurship, Volume 9 Number 1, 2020, pages 40-52.”

expressed through the right to expression, including in the form of criticism. Therefore, honest *reviews of influencers* are seen as an instrument of public education rather than personal attacks.

However, business actors often consider that *negative reviews* have the potential to cause economic losses⁵³. These differences in interests became the starting point for disputes. The legality of material broadcast through digital media has become the focus of disputes that previously centered on the quality of products and/or services⁵⁴. Business actors begin to assess whether the content of *the review* can be considered detrimental to their reputation or business activities. The shift shows a change in the character of the dispute from a consumption relationship to a more complex legal relationship.

This suggests that there is still little protection for digital review operations. Customers have the right to voice their concerns and opinions under Article 4, paragraph (d), of the UUPK. However, the protection procedures that apply when such ideas are conveyed through digital media are not covered by this clause. The UUPK was built when the digital environment was less advanced than it is now, making this obstacle much more visible. Interaction between customers and businesses in traditional transactions remains the main focus of the UUPK legislation⁵⁵.

However, the provisions of the Information Technology Act also show a partial trend, with a major emphasis on elements of information technology and criminal sanctions in cyberspace. Some of the provisions of the law do not specifically include consumer rights as outlined in the Consumer Protection Law. Article 28, paragraph (1) of Law Number 1 of 2024 addresses the significant losses incurred by consumers in electronic transactions. Instead of ensuring that customer feedback is protected, this article focuses on making the dissemination of misinformation an illegal act.

The rules related to insult or defamation in Article 27A of Law Number 1 of 2024 further highlight this difference. There is no express provision granting special immunity to customers who file complaints, so this section applies broadly. The explanation of Article 45 paragraph (7) of Law Number 1 of 2024 provides an exception, stating that the activity is not punishable if carried out in the public interest.

⁵³ "Paulinus Rolansa Dawa, et al., *Legal Protection for Business Actors Who Suffer Losses Due to Negative Reviews on Social Media*, Journal of Social Sciences & Law, Volume 3 Number 5, 2025, pages 7586-7592."

⁵⁴ "Agus Wibowo, *op. cit.*, page 85."

⁵⁵ "Deny Puspitasari, et al., *Consumer Protection Law: Regulations, Challenges, and Implementation*, (Jakarta: Adikara Cipta Aksa, 2025), page 3."

This condition indicates an unfilled regulatory gap in the consumer protection system. This space then serves as the basis for examining the need for a more specific protection framework for consumer review activities in the digital space. One way to close the gap between consumer rights under the ITE Act and the Consumer Protection Act is to use the concept of Anti-SLAPP (Strategic Lawsuit Against Public Participation).

Conceptually, *SLAPP* was born from the understanding that community participation is an important part of democratic life. The public has the right to express opinions, criticisms, and information related to the public interest⁵⁶. These rights not only serve to protect the interests of individuals but also support transparency, accountability, and supervision of various activities that impact society. Therefore, the use of legal instruments to silence participation is seen as a threat to freedom of opinion.

Anti-SLAPP, or the protection of public participation, then emerged as a component of human rights protection. Environmental activists, human rights defenders, educators, journalists, and civil society organizations who oppose government policies are all protected under the Anti-SLAPP principle⁵⁷. These groups are seen as performing important social functions. Therefore, their activities are protected against attempts to silence them through legal instruments. The protection is given not solely because of the status of the subject, but also because the activities carried out have public-interest value.

The main emphasis of the Anti-SLAPP concept is not on the right or wrong of an opinion from the outset, but on the need to protect the space for public participation so that it is not limited by disproportionate legal pressure. Thus, *Anti-SLAPP* serves to maintain a balance between law enforcement and the protection of freedom of opinion. This principle is an important foundation in the development of the concept of protecting public participation.

In Indonesia, *the Anti-SLAPP principle is not a completely foreign concept within* the positive legal system. Provisions with a similar spirit have been accommodated in the environmental field through Article 66 of Law Number 32 of 2009 concerning Environmental Protection and Management, which emphasizes that anyone who fights for the right to a good and healthy environment cannot be criminally prosecuted or sued in civil court. The existence of this provision shows that lawmakers have recognized and accepted the logic of protecting

⁵⁶“Daniel Nathanio and Erick Gabriel, *The Right of the Community to Voice Their Thoughts on Social Media*, *Jurnal Begawan Hukum*, Volume 2 Number 2, 2024, pages 37-43.”

⁵⁷“Nani Indrawati, *Legal Protection of Community Participation (Anti-SLAPP) in Environmental Law Enforcement in Indonesia*, *Journal of Media Iuris*, Volume 5 Number 1, 2022, pages 115-134.”

public participation as articulated in the Anti-SLAPP concept, even though its application remains sectoral and limited to a specific area of law.⁵⁸

But the same protection logic has not been adopted in the field of consumer protection, even though the pattern of power inequality between business actors and consumers is essentially comparable to the inequality that underpinned the birth of Article 66 of the PPLH Law. Business actors generally have greater legal and economic resources than individual consumers, including *influencers* who independently submit reviews. This regulatory vacuum is the fundamental reason for this study to develop the *concept of Consumer-SLAPP* as an analogous extension of the existing *Anti-SLAPP* principle, as well as as an answer to the weakness of the primary rule in Hart's *concept of law* that has been described earlier.⁵⁹

Such conditions are similar to *review* activities carried out by *influencers* in digital media. In addition to sharing personal experiences, the submitted reviews also serve as a source of information for other consumers. Reviews of product quality, service, and user experience can help people make consumption choices. This means that the development of the digital space has given birth to a new form of participation that cannot be ignored, namely, consumer participation through *digital reviews*⁶⁰.

Such developments indicate an expansion of *the Anti-SLAPP* concept. The expansion of *the Anti-SLAPP* concept to the field of consumer protection can be achieved through the development of *the Consumer-SLAPP* concept. This concept is built on the assumption that *consumer review* activities are a form of participation that has protective value for the community. Customers are protected because they have the right to openly and responsibly discuss their usage experience. Thus, the act of expressing thoughts in good faith is the main subject of protection.

The purpose of consumer protection aligns with the creation of the concept of Consumer SLAPP. The customer has the right to accurate, transparent information about the condition of the product and/or service under the Consumer Protection Law. The existence of knowledge gained from other customers' experiences is closely related to this right⁶¹. *Digital reviews* are

⁵⁸ Indrawati, *loc. cit.*

⁵⁹ Pring, *loc. cit.*

⁶⁰ "Mutria Farhaeni and Sri Martini, *Digital Culture and the Transformation of Community Meaning in Urban Society*, Journal of Social and Political Sciences, Volume 5 Number 2, 2025, pages 289-295."

⁶¹ "Eka Syafrina Monica, et al., *Consumers' Rights to Product Information in the Perspective of Business Law and Ethics*, INNOVATIVE: Journal Of Social Science Research, Volume 5 Number 4, 2025, pages 3786-3801."

Farel Putra Betharyana

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one of the most accessible sources of information for the public. Protection of honest review activities indirectly supports the fulfillment of consumers' right to information.

The concept of *Consumer-SLAPP* here is not intended to provide legal immunity to consumers. Protection is only given to opinion submission activities carried out based on user experience, accountable information, and good faith. This protection does not cover the spread of false information, defamation, manipulation of facts, or other forms of abuse of freedom of opinion. Thus, the concept of *Consumer-SLAPP* still places responsibility as an integral part of freedom of opinion. This balance is important to maintain the interests of consumers and business actors.

At this point, *Consumer-SLAPP* can be understood as a conceptual development of *Anti-SLAPP* directed at consumption relationships in the digital space. The protection provided does not depart from *the influencer's status as a public figure, but rather* from his position as a consumer who conveys the experience of using the product. Review activities are seen as a form of consumer participation in disseminating information useful to the community. The need for *Consumer-SLAPP* arose from changes in the review function within the modern consumer protection system. The development of *the Consumer-SLAPP* concept has become relevant in bridging the need for consumer protection and the development of public participation in the digital era.

The need for *the Consumer-SLAPP* concept can be analyzed using the legal theory of H.L.A. Hart. Hart's *theory of the concept of law* divides law into a primary rule that contains rights, obligations, and prohibitions that govern the behavior of legal subjects⁶². In this study, the primary rules are reflected in the provisions of the UUPK, which grant consumers the right to express their opinions, as well as in the provisions of the ITE Law, which regulate limits on the dissemination of electronic information. Both rules govern legal conduct related to consumers' digital review activities. However, the existence of primary rules alone has not been able to address all the problems arising from the development of the digital space.

Hart explained that primary rules have weaknesses, including *uncertainty, static character, and inefficiency*⁶³. The uncertainty is evident in the lack of clear recognition of influencers' position as digital consumers within the consumer protection system. The UUPK recognizes only the term "consumer" without explaining the development of forms of

⁶² "Achmad Gunaryo, *Some Notes on the Legal Concept of H.L.A. Hart in the book The Concept of Law*, Journal of Progressive Law, Volume 3 Number 1, 2007, page 66."

⁶³ "H.L.A. Hart, *The Concept of Law, 2nd Edition*, (Oxford: Clarendon Press, 1994), pp. 90-94."

consumption and communication that occur through digital media. In reality, modern consumption behavior involves sharing information across various electronic platforms, in addition to using products and/or services. This situation often causes influencers' positions to be understood differently. On the one hand, it is seen as a consumer; on the other, as a disseminator of electronic information.

The static nature is evident in the lack of adjustment of norms to the development of *digital review* activities. When the UUPK was formed, the conveyance of consumer opinions was still handled through a relatively simple, limited mechanism. The development of social media has changed this pattern into communication that is open, fast, and has a wide reach. This change gave birth to a new legal relationship that had not yet received a specific arrangement. As a result, the existing norms are not fully able to meet the need for protection against digital review activities.

The inefficiency of law enforcement can be seen from the lack of clear parameters to distinguish between *reviews* that are the implementation of consumer rights and acts that are considered unlawful. The assessment of review activities often relies on different interpretations⁶⁴. This condition can cause uncertainty for consumers when they share their experience using the product. At the same time, business actors also lack a clear measure of the limits of protection for their business reputation. This situation shows the need for a legal framework that can provide clear guidelines.

To overcome these weaknesses, Hart introduced secondary rules consisting of *the rule of recognition*, *the rule of change*, and *the rule of adjudication*.⁶⁵ *The rule of recognition* determines the norms and legal status recognized in the legal system. The results of the study show that recognition is the main problem in digital *review* activities by *influencers* as consumers based on the UUPK. However, the recognition of this status has not been followed by recognition of digital review activities as the exercise of consumer rights. Therefore, the concept of Consumer-SLAPP first serves to recognize influencers as digital consumers who exercise their right to express their opinions.

This recognition is important because it is the basis for the next legal protection. Without recognition of the status of digital consumers, *review activities* will be easier to understand

⁶⁴ "Ragil Pangestu, et al., *Implementation of Digital Storytelling as an Innovation in History Learning in Stimulating Critical Interpretation and Analysis Skills*, Journal of Social Research in Humanities and Education, Volume 4 Number 2, 2026, pages 226-238."

⁶⁵ *Ibid*, page 96.

solely as the dissemination of electronic information. As a result, the consumer rights on which these activities are based risk being neglected. Through *the concept of Consumer-SLAPP*, review activities are positioned as a form of implementing consumer rights that have been recognized by the UUPK. Thus, legal protection focuses not only on the information disseminated, but also on the rights that consumers are exercising⁶⁶.

In addition to recognition, Hart places the *rule of change* as a mechanism to adjust the law to the development of society⁶⁷. Among them is the development of digital space, which changes the patterns of relationships among consumers, business actors, and society. Consumers no longer play the role of recipients of information, but also producers of information through *digital reviews*. The change gave birth to a need for legal protection that is not explicitly found in the current arrangements. Therefore, the concept of *Consumer-SLAPP* is a form of legal reform directed at responding to these developments.

Under the rule of change, the concept of *Consumer-SLAPP* is not understood as a replacement for the UUPK or the ITE Law. This concept actually serves to connect the two legal regulations in order to be able to answer problems that arise due to the development of the digital space. The UUPK remains the basis for recognizing consumer rights, while the ITE Law continues to regulate the dissemination of electronic information. However, the relationship between the two needs to be complemented by the construction of protections for review activities carried out responsibly. The construction became a workspace for *the Consumer-SLAPP* concept.

Hart also explained the importance of *the rule of adjudication* as a mechanism for determining how the law applies to an event⁶⁸. In this study, the rule serves as a basis for distinguishing review activities that are eligible for protection from activities that are not. Not all information submitted by *influencers* can be categorized as the exercise of consumer rights. Protection is only given to activities carried out in good faith, based on real use, and in the interest of information for other consumers. Therefore, clear parameters are needed in determining the scope of such protection.

Thus, the *concept of Consumer-SLAPP* not only functions as an instrument of protection for *influencers* as digital consumers. This concept also serves as a mechanism for integrating

⁶⁶ Deltalivia Anggraiyani, et al., *Legal Protection for Consumers Who Get Misleading Advertisements Circulating on Social Media Digital Platforms*, Rewang Rencang : Lex Generalis Legal Journal, Volume 6 No. 12, 2025, pages 1-23.

⁶⁷ Peter CKL. Bello, *loc. cit.*

⁶⁸ H.L.A. Hart, *op.cit.*, page 98.

Farel Putra Betharyana

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consumer rights, developments in information technology, and the need for legal certainty. Through this construction, digital review activities are positioned as part of the implementation of consumer rights, serving a social function for the community. The concept of *Consumer-SLAPP* can serve as a legal basis that is more adaptable to the development of digital activities.

CONCLUSION

Influencers have a position as consumers in submitting *reviews* of goods and/or services if they meet the consumer elements stipulated in Article 1, number 2 of the UUPK, namely using products for personal interests and not for trade, regardless of their profession as digital creators. This position gives influencers the right to *express their opinions under Article 4 letter d of the UUPK, as well as protection under the Human Rights Law* as a form of freedom of expression. When this right is actually responded to with a counterclaim by the business actor, the action can be qualified as a *Consumer-SLAPP* and requires protection under the Anti-SLAPP principle, with Article 45 paragraph (7) of the ITE Law as the basis for a defense that shifts the burden of proof to the plaintiff.

The application of H.L.A. Hart's concept of law shows that the primary rules in the form of the UUPK and the ITE Law have three weaknesses, namely uncertainty, static, and inefficiency of implementation in answering the problem of digital reviews by influencers. These weaknesses are overcome through secondary rules. The rule of recognition recognizes the position of influencers as digital consumers, the rule of change bridges the UUPK and the ITE Law without replacing either, and the rule of adjudication provides distinguishing parameters between protected and unlawful reviews. The three gave birth to the concept of Consumer-SLAPP as a legal construction that is adaptive to the development of the digital space.

Suggestions

1. The government needs to update the UUPK by accommodating the position of digital consumers and providing protection against *reviews*, criticisms, and complaints submitted based on experience in using goods and/or services. The regulation needs to contain the concept of *Consumer-SLAPP* as a protection mechanism for consumers who express their opinions in good faith in the digital space.
2. The Supreme Court of the Republic of Indonesia needs to develop guidelines for judges in examining disputes arising from *consumer reviews* in digital media. The guidelines need to

place honest, objective, and experience-based reviews as a form of exercising consumer rights and distinguish them from acts that contain defamation, false information, or other forms of misconduct.

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