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Consumer Protection Against Side Effects of Beauty Clinic Services Without Specialist Doctors Based On Law Number 8 Of 1999 Concerning Consumer Protection

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Abstract: As technological advancements in the health sector have led to increased demand for beauty clinic services, many beauty clinics are now offering their services without the involvement of specialized doctors. This practice poses significant health risks to consumers, especially regarding possible illegal actions. Based on Law No. 8/1999 on Consumer Protection, this research investigates the legal protection of consumers in relation to beauty clinic services that do not use specialist doctors. By using a normative juridical method with a statutory approach, and reviewing regulations related to consumer health and safety, including Law No. 17 of 2023 on health. The results of this study show that beauty clinics that do not involve specialist doctors in their services often violate applicable legal standards, especially in terms of the obligation to provide services that are safe and according to medical standards. Consumers who suffer losses due to these services have the right to file a lawsuit, in accordance with the provisions listed in Article 19 and Article 45 of the Consumer Protection Law. This research confirms the need for regulations governing beauty clinics, especially regarding the certification and competence of medical personnel who provide services to ensure the fulfillment of consumer rights to security and safety in using beauty services.

Keyword: Consumer Protection, Malpractice, Specialist Doctors.

INTRODUCTION

Human needs continue to increase as time goes by. In addition to primary needs, tertiary needs are also prioritized. Everyone wants the best look. In addition, there are beauty standards where many women, especially Asian women, want fair skin and an ideal body because it is considered a beauty standard. Therefore, they compete to carry out treatments to get white skin and an ideal body through various treatment processes, one of which is using beauty services. The advent of different types of beauty services in the market has left customers with many options, from skincare to invasive aesthetic procedures. Statistical reports show that the beauty and personal care market is expected to experience an annual growth of 5.81%, with the largest market volume being personal care, which is estimated to reach US\$ 7.23 billion or Rp 111.83 trillion in 2022 (exchange rate of 1 USD = 15,467).

Other segments include cosmetics worth US\$ 1.61 billion, fragrances worth US\$ 39, and skincare worth US\$ 2.05 billion. This of course must be supported by the role of specialist doctors in beauty services, namely to serve consultations on beauty problems experienced by consumers by providing the right treatment solutions.

Consumers are often tempted to choose a service based on a more affordable price and quick effect, without considering the qualifications and experience of the medical personnel providing the service. As a result, the decision to choose a beauty service is often not based on quality and safety, but rather on cost factors and instant results. This can increase the risk for consumers, considering that treatment is not carried out by a competent specialist doctor so that it can cause complications and serious health problems. Therefore, the involvement of trained and experienced specialist doctors is crucial to ensure that each treatment is not only effective but also safe for the health of consumers. Legal protections for consumers, especially in terms of comfort and safety when consuming goods or services, still do not fully meet these standards. This emphasizes the importance of understanding the level of sanctions given for consumer protection violations, so that there is certainty about comfort and safety when using these goods or services. The relationship between producers and consumers requires and relies on each other because without consumer support, producers are unlikely to produce high-quality goods or services. (Setyawati & Dahlan, 2017) One of the weaknesses of consumers is their low level of awareness of their rights as consumers. Therefore, Law Number 8 of 1999 concerning Consumer Protection provides a strong legal basis for the public to carry out consumer training and education efforts. In Article 4 of Law Number 8 of 1999 concerning Consumer Protection, it is explained that one of the rights of consumers is the right to comfort, security, and safety in consuming goods and or services.

In the context of beauty services, it is important to ensure that treatment is carried out by specialist doctors who meet legal standards, as stipulated in article 7 letter d of Law number 8 of 1999 concerning Consumer Protection. The article states that business actors are obliged to ensure the quality of goods or services produced or traded based on the provisions of the applicable quality standards of goods and/or services. (Izza & Zavira, 2020) In principle, every treatment in beauty services must begin with a consultation with a specialist doctor at the clinic. The doctor will observe and diagnose the skin type and determine the treatment that is safe for consumers. However, often the mass media reports cases where consumers feel disadvantaged due to the use of beauty services, especially related to the use of inappropriate drugs or treatments, which ultimately cause damage to consumers' facial skin.

Based on the description above, it shows that there is a conflict with the service provider's obligations in the security of a service or goods provided as stated in article 7 letter d of Law number 8 of 1999 concerning Consumer Protection. It is very important for consumers to understand the correct procedure in filing complaints or demands if they feel aggrieved by a beauty service provider. This is so that business actors do not act carelessly towards consumers. (Gandhi, 2021) Based on this problem, this study is entitled "**Consumer Protection Against Side Effects of Beauty Clinic Services Without Specialist Doctors Based on Law Number 8 of 1999 concerning Consumer Protection**".

METHOD

The author designed this study to respond to and convey the main problems that have been designed to conduct this research correctly and in accordance with scientific standards. This research is included in the category of normative legal research which is equipped with interviews. By reviewing and providing a clear explanation or picture in Law No. 8 of 1999 concerning Consumer Protection. In legal research, there are several approaches. The approach used in this study is in the form of a Statute Approach by reviewing and the Criminal Code and Law No. 8 of 1999 concerning Consumer Protection. This method of law

will provide an opportunity for researchers to review whether there is consistency and relationship between a law and other laws and regulations.

RESULTS AND DISCUSSION

Legal Protection for Consumers Who Use Beauty Clinic Services Without a Specialist Based on Law Number 8 of 1999 concerning Consumer Protection

Legal protection in general means that the state guarantees all its citizens in having the legal rights and interests that they have as legal subjects. Legal protection is an act or effort to protect society from arbitrary actions by rulers who violate the law to realize peace and tranquility, so that human beings can enjoy their dignity as human beings.(Gandhi, 2021) Doctors have a very important role as the main component of health service providers to the community because they are directly related to the provision of health services and the quality of services provided. The main foundation for doctors to perform medical actions on others is the science, technology, and competencies acquired through education and training.

The practice of medicine, including beauty services, must keep up with the rapid development of science and technology. To ensure this, efforts are needed to improve, direct, and provide a strong legal foundation and reorganize various legal instruments that regulate the implementation of medical practice in beauty clinic services. The goal is that medical practice is not only in line with technological advances, but also in accordance with safety and patient protection standards. One of the relevant legal tools in this context is Law No. 8 of 1999 concerning Consumer Protection, this law also applies to the health service industry, including beauty clinics because in this business there are large customers from all elements of society so they must have the responsibility to create safe services. Therefore, doctors and various health service facilities, including beauty clinics, must serve consumers according to their procedures and patients must be ensured to be safe in accordance with medical practice guidelines to provide safety in an action. This is very important to ensure consumer safety in health and beauty services.(Triana et al., 2023)

According to the provisions contained in Article 193 of Law Number 17 of 2023 concerning Health, it can be understood that the legal protection of patients' rights in health services based on the Health Law is comprehensively regulated. The responsibilities of health workers (Nakes) are clearly regulated to ensure that health services provided to the community meet the standards set by the Hospital is legally responsible for all losses that caused by negligence carried out by health human resources (HR) in hospitals. In this case, not only medical personnel such as doctors and nurses, but also other medical personnel such as, such as malpractice, negligence, or failure in meeting health service standards that have been determined by laws and regulations.(Abdurrohman et al., 2024) The rights stipulated in this law are not only aimed at maintaining patient safety, but also to ensure that medical procedures carried out by health workers or health institutions are carried out in accordance with applicable professional standards and operational procedures. These legal protections help prevent irregularities and practices in healthcare.

Articles 276 and 277, Law Number 17 of 2023 concerning Health, regulate patients' rights. Patients have the right to complete information about their medical condition, including an adequate explanation of the type of care provided to them. Patients have the right to refuse or consent to medical treatment, in accordance with professional standards and medical standards(Lubis, 2024). Thus, the patient has the right to give consent or refuse medical treatment to be performed against him/her, known as *informed consent*.(Convie et al., 2020) Without the valid consent of the patient, medical procedures performed may be considered unlawful and healthcare workers may be held legally liable.(Convie et al., 2020)

In order to protect the rights of patients, the Law provides the right of lawsuit to patients in cases where health services are not in accordance with standards. This can happen due to intentional actions, such as bad actions, omissions, or unwarranted failures or

failures.(Lestari, 2017) Everyone deserves help, either partially or completely. This means that the rights of one party in a legal relationship must be fulfilled by the other party. According to several academic studies, effective legal protection of patients' rights can improve the overall quality of healthcare services as healthcare providers become more careful and responsible in providing their services. According to academic studies, the protection of patients' rights is essential to improve the quality of health care and the level of compliance with the Patient's Charter of Rights.(Sharifi et al., 2021) This emphasizes that effective legal protection is not only to protect individual patients, but also to encourage systematic improvement in the delivery of health services, in order to achieve safe, quality, and fair services for the entire community.

Settlement Mechanism and Legal Liability in Cases of Consumers Who Feel Aggrieved by Beauty Clinic Services Without a Specialist

Law Number 8 of 1999 concerning Consumer Protection strengthens law enforcement in the field of consumer protection by providing basic rules on consumer protection. Article 4 letter a, Law Number 8 of 1999 explains that the responsibility of the service provider is an absolute responsibility that does not require an element of error to prove it. This means that the service provider must comply with all the requirements listed in the service agreement or contract. The principle of *strict product liability* is not based on *fault liability* and *contract liability*, but is based on *objective liability* and *risk based liability*. It is stated that the main purpose of the principle of absolute responsibility is to guarantee that consumers will be protected from the consequences or legal consequences of a product that cause harm to consumers.

The results of the study show that there are several consumers who use beauty treatments in several clinics handled by doctors who do not have specialist expertise experiencing problems such as irritation, swelling of the eyes, and causing allergies. For now, there is no regulation regulating beauty clinics Beauty clinic services handled by general practitioners are still controversial among medicine and general practitioners who perform aesthetic procedures have not been able to guarantee complete safety. Beauty competency certification is only an improvement in the ability of a doctor, if the treatment has been carried out according to *the Standard Operating Procedure (SOP)* then there is minimal error but there is no guarantee of full safety because things can happen beyond the control of the doctor. The doctor should explain the procedure and potential side effects before performing treatment. If the patient agrees, then the doctor will take action, although the doctor will try his best to see if the results may vary depending on the individual patient. Therefore, patients undergo anamnesis and physical examination before undergoing treatment to prevent side effects.

Doctors who perform beauty or aesthetic treatments must be in accordance with the Indonesia Physician Competency Standards (SKDI) before taking action on patients. Medical practice must refer to competencies 1, 2, 3, 4 in which these competencies do not explain aesthetics and do not cover the medical field. In severe skin problems, the general practitioner should only diagnose the patient's disease and cannot perform practices such as blackhead extraction, laser, microneedling or plastic surgery because it is not the responsibility of the general practitioner. In administering the dosage and type of drugs to be given to patients, they must be given or consulted with a Dermatologist (SPKK), if the general practitioner provides treatment such as aesthetics, then the doctor has violated the Indonesia Physician Competency Standards (SKDI)).

Medical professional standards (SPM) are standards that health workers must follow to carry out their jobs well. If the doctor does not follow these standards, the doctor can be found to have committed medical malpractice that can be prosecuted by law. Dispute resolution regulated in the Consumer Protection Law can be done both in court and out of

court. According to Article 45 of Chapter X of the Consumer Protection Law, consumers can choose to complete the settlement either in court or out of court. Article 45 covers the following, consumer losses, lawsuits against business actors and court proceedings. In addition, according to article 48 d paragraph (1), settlement can also be done outside the court. regulated in articles 49 to 58 of the UUPK, out-of-court settlement can be carried out through the use of the Consumer Dispute Settlement Agency (BPSK). In addition, as explained in article 45 paragraph (2), the parties to the dispute can resolve the case outside the court through a peaceful process, without the need for a court or BPSK. However, the settlement of out-of-court settlement cannot eliminate criminal liability.(Haq & Felandry, 2024)

According to article 299 paragraph 1, the Criminal Code (KUHP) stipulates that anyone who deliberately commits an act that can cause injury or death will be subject to criminal punishment. This action can be in the form of forgetfulness or awareness, doctors who act with negligence or knowingly commit malpractice can be subject to criminal penalties in accordance with article 299 paragraph (3) of the Criminal Code stipulating that the person who commits the act can be subject to a maximum prison sentence of 5 years or a maximum fine of Rp 2,000,000,000.00 (two billion rupiah) and Article 359 of the Criminal Code (KUHP) can be used to prosecute health workers who are negligent to cause death or serious injury to patients (Seregig, I. (2017). Health workers who are proven to have committed negligence that causes serious losses to patients may be subject to criminal sanctions in accordance with applicable provisions.(Seregig, 2017)

In the context of civil lawsuits, Article 1365 of the Civil Code (KUHP) which regulates unlawful acts (*onrechtmatige daad*) can be used as a legal basis for patients to demand compensation for losses suffered due to negligence or fault of health workers (Hadi, I. (2018) This article emphasizes that every act that violates the law and causes harm to others, obliging the party who committed the act to compensate for the loss.(Hadi, 2018) According to the Consumer Protection Law, a lawsuit for a breach of a service provider filed in the general court can be made by a consumer, heirs, a group of consumers, or a non-governmental consumer protection agency (LPKSM), which is a non-governmental institution responsible for the interests of consumers in obtaining access to justice.(Bambungan, 2022)

With the enactment of the Consumer Protection Law, it is hoped that consumers and business actors will have the same position, so that the idea that consumers are kings is no longer relevant. They have common rights and obligations. As in beauty clinics, doctors and patients must have the same understanding of the results that patients want to achieve so that unexpected events or outcomes do not occur, which is often referred to as malpractice acts. Problems like this are common in beauty clinics, so it is difficult to solve the problem because there are no recognized rules. Given the large number of people who use this service, this must be carefully considered so that they are not harmed and get the best service.

CONCLUSION

Consumer protection against the side effects of beauty clinic services that do not involve specialist doctors needs to be improved, because it is in accordance with the provisions of Law Number 8 of 1999 concerning Consumer Protection. Consumers have the right to security, comfort, and safety when using beauty services. However, many consumers prefer services with low prices and instant results without paying attention to the competence of medical personnel. The absence of a specialist doctor in beauty services can increase the risk of serious health complications.

Article 4 and Article 7 of the Consumer Protection Law emphasizes that business actors are obliged to ensure the quality of goods and services provided, including beauty services. In addition, the responsibilities of medical personnel must be in accordance with the

Indonesia Physician Competency Standards (SKDI) and Medical Competency Standards (SPM). When beauty clinics do not involve specialist doctors, consumers are at risk of health complications that can be categorized as malpractice or medical negligence. In the event of a violation, the settlement mechanism can be carried out both through the judiciary and outside the court through the Consumer Dispute Settlement Agency (BPSK). In addition, the Health Law and the Criminal Code (KUHP) also regulate sanctions for malpractice perpetrators who cause consumer losses or deaths. Therefore, strict legal protection is needed with clear regulations regarding the competence of medical personnel in beauty clinics. Consumers are expected to be wiser in choosing safe services, and medical personnel must adhere to professional standards to ensure patient safety.

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