

**CONSUMER PROTECTION FOR BEAUTY CLINIC PATIENTS BY
FAKE DOCTORS REVIEWED FROM LAW NUMBER 8 OF 1999
CONCERNING CONSUMER PROTECTION (UUPK))
*PERLINDUNGAN KONSUMEN TERHADAP PASIEN KLINIK
KECANTIKAN OLEH DOKTER GADUNGAN DITINJAU DARI UNDANG-
UNDANG NOMOR 8 TAHUN 1999 TENTANG PERLINDUNGAN
KONSUMEN (UUPK)***

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ABSTRAK

Penelitian ini bertujuan menganalisis perlindungan hukum konsumen yang menjadi korban dokter gadungan dalam perspektif UUPK serta kaitannya dengan tindakan malpraktik. Metode penelitian ini adalah yuridis normatif dengan pendekatan perundang-undangan dan konseptual. Hasil penelitian menunjukkan bahwa pasien yang mengalami kerugian akibat tindakan dokter gadungan dapat menuntut ganti rugi berdasarkan Pasal 19 UUPK serta mengajukan gugatan perdata atau pidana atas dugaan malpraktik. Selain itu, dokter gadungan dapat dijerat sanksi pidana sesuai Pasal 62 UUPK dan Undang-Undang Praktik Kedokteran. Namun, masih terdapat kendala dalam penegakan hukum, terutama dalam pengawasan perizinan tenaga medis di klinik kecantikan. Oleh karena itu, diperlukan penguatan regulasi dan pengawasan.

Kata Kunci: Perlindungan Konsumen, Klinik Kecantikan, Dokter Gadungan, Malpraktek

ABSTRACT

This study aims to analyze the legal protection of consumers who are victims of fake doctors from the perspective of UUPK and its relation to malpractice. This research method is normative juridical with a statutory and conceptual approach.

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The results of the study indicate that patients who suffer losses due to the actions of fake doctors can claim compensation based on Article 19 of UUPK and file a civil or criminal lawsuit for alleged malpractice. In addition, fake doctors can be subject to criminal sanctions in accordance with Article 62 of UUPK and the Medical Practice Law. However, there are still obstacles in law enforcement, especially in the supervision of licensing of medical personnel in beauty clinics. Therefore, strengthening regulations and supervision is needed.

Keywords: Consumer Protection, Beauty Clinics, Fake Doctors, Malpractice.

A. PENDAHULUAN

Philosophically, legal protection for consumers is rooted in the principles of justice, humanity, and respect for human rights. In the relationship between consumers and business actors, including in aesthetic health services such as beauty clinics, there is often an imbalance of information and bargaining position. Consumers do not always have the knowledge or ability to assess the eligibility and qualifications of service providers, so the state needs to be present to ensure that every consumer receives fair treatment and is not disadvantaged. When an individual claims to be a doctor and performs medical procedures without the necessary expertise or permission, this violates human values because it can cause serious physical and psychological damage to patients.¹

From a legal perspective, the Indonesian state has strictly regulated consumer protection through Law Number 8 of 1999 concerning Consumer Protection (UUPK). Article 4 of UUPK emphasizes that consumers have the right to comfort, security, and safety in using goods and/or services. In the case of fake doctors practicing in beauty clinics, patients as consumers of medical services have become victims of the business actor's deviance from their responsibilities. In addition, this kind of practice also conflicts with other legal provisions, such as Law Number 29 of 2004 concerning Medical Practice, which requires every medical worker to have a valid practice permit. Thus, the actions of fake doctors not only violate ethical norms, but also violate positive law and significantly harm consumer rights.

¹ R. S. Isbandi Rukminto Adi, *Etika dan Hukum Kesehatan*, Penerbit Rajawali Pers, Jakarta, 2013, p.78.

The urgency of legal protection for patients of beauty clinics is increasingly important considering the increasing public demand for aesthetic services which is often not balanced with strict supervision of business actors. Many clinics operate without adequate medical standards or employ incompetent personnel, thus opening up the gap for the emergence of fake doctors.² This puts consumers at high risk of physical, psychological, and economic losses. Therefore, law enforcement based on UUPK must be strengthened to provide a deterrent effect and guarantee protection for the public, as well as to maintain the integrity of the medical profession and the health services industry in general.

In the civil law aspect, the relationship between a doctor and a patient is a relationship in the provision of health services, the doctor as the service provider while the patient as the recipient of health services. There is a relationship between two legal subjects in the civil law environment. The relationship between a doctor and a patient is also known as an agreement, usually the agreement that often occurs between a doctor and a patient is an agreement, but it can also be in the form of an agreement based on law. The legal relationship between a doctor and a patient is based on an agreement based on trust to carry out efforts to maintain health, prevent disease, improve health, treat disease, and restore health.³

According to *Coughlin's Law Dictionary*, malpractice is the attitude of professional misconduct of a person by profession, as a doctor, engineer, lawyer, accountant, dentist, veterinarian. Malpractice can occur due to carelessness, negligence, or carelessness in carrying out professional obligations, such as intentional mistakes or unethical practices. In Indonesia itself, the core of medical malpractice began to be known in the eighties and became very popular since 2003 when there was a "medical malpractice crisis" in Indonesia. As a relatively new legal issue, it causes ignorance in the community about how to handle medical malpractice cases, and it is not very clear what exactly is meant by medical malpractice and how legal liability is. Most of the cases of medical malpractice are often found in hospitals, but that does not mean malpractice does not occur in other health care facilities such as clinics.⁴

² A. P. R. Soeharto, *Hukum Kesehatan*, Rineka Cipta, Jakarta, 2010, p. 112.

³ Fadillah Sabri, *Pertanggungjawaban Pidana Dokter atas Kesalahan dalam Praktik Kedokteran*, PT.Raja Grafindo Persada, Depok, 2021, p.49.

⁴ Ismail Koto, *Perlindungan Hukum terhadap Korban Tindak Pidana Terorisme*, Proceeding Seminar Nasional Kewirausahaan, Vol.2, No.1 (2021), p.1052-1059.

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In the last decade, the beauty industry in Indonesia has experienced very rapid growth. With lifestyle changes, increasing public awareness of appearance, and the influence of social media are driving the high demand for medical aesthetic services. Beauty clinics have sprung up in various regions. A beauty clinic is a medical facility that provides a wide range of beauty and cosmetic treatments, under the supervision of doctors and skin health professionals.⁵ Beauty clinics can be interpreted as a place to overcome skin problems, provide services in the form of *treatments* that can improve beauty and are served by doctors. The services offered at the beauty clinic include treatments to overcome skin problems such as acne, aging, hyperpigmentation, and others. Procedures performed in beauty clinics typically use advanced technology and high-quality treatment products to achieve optimal and safe results for patients. But now many beauty clinics offer a variety of procedures that promise quick and instant results, from facials, botox injections and *fillers*, to semi-invasive procedures such as *microneedling* and *derma* rollers. This phenomenon attracts the interest of the public, especially women, to try various beauty services without always considering the legality and safety aspects of the service provider.

Unfortunately, the growth of this industry is not accompanied by an adequate supervision and control system from the government over business practices and health workers who operate. The lack of oversight opens a gap for the emergence of illegal practices by individuals who do not have medical qualifications, but still offer aesthetic services to the public. One clear example of this weak supervision is the case that befell the illegal beauty clinic "Ria Beauty," which was run by Ria Agustina, a person with a bachelor's degree in fisheries, not medical personnel. Relying on unofficial training and certificates that are not recognized by the state, he runs medical practices without official permission, even performing procedures outside of health facilities, such as in hotel rooms. Even the materials and tools used, such as anesthetic creams and derma rollers, do not have a distribution permit from BPOM, thus posing a serious health risk to patients.

⁵ B. Christasya, *Perlindungan Hukum terhadap Konsumen Klinik Kecantikan*, Lex Privatum, Vol.14, No.1 (2024), p.2.

The arrest of Ria Agustina by the police in December 2024 in Jakarta while treating seven patients is a tipping point that highlights the weak regulation and supervision in the medical-based aesthetics industry. Juridically, Ria's actions violated various applicable legal provisions, both in terms of consumer protection and medical practice. Law Number 8 of 1999 concerning Consumer Protection (UUPK) provides a legal basis to protect consumers from adverse actions, including from service business actors such as beauty clinics. In Article 4 of the UUPK, it is emphasized that consumers have the right to comfort, security, and safety in consuming goods and/or services. When these rights are violated and result in losses, the perpetrator can be subject to criminal sanctions as stipulated in Article 62 of the UUPK.⁶

Furthermore, Law Number 17 of 2023 concerning Health also expressly states that anyone who provides health services without a permit can be subject to a maximum prison sentence of 12 years or a maximum fine of IDR 5 billion. In addition, Law Number 29 of 2004 concerning Medical Practice emphasizes that only doctors who have a Registration Certificate (STR) and a Practice License (SIP) can practice medicine.⁷ Ria Agustina's case clearly violates the three laws, placing her in the realm of criminal law while exposing the system's failure to ensure health service standards.

This study uses a normative juridical method with a descriptive-analytical approach, which focuses on the analysis of written legal norms, legal principles, and legal doctrine.⁸ The goal is to study legal protection for beauty clinic patients who are victims of illegal medical practices by fake doctors. Two main approaches are used, namely:

1. The legislative approach, which analyzes the Consumer Protection Law, the Health Law, the Medical Practice Law, and BPOM regulations;
2. Conceptual approach, to understand juridical concepts such as legal responsibility, malpractice, and professional legality.

⁶ Aswari Anjani, *Perlindungan Konsumen di Dunia Kesehatan : Hak Pasien dalam Perspektif Hukum*, Jurnal Kertha Wicara, Vol.13, No.12 (2024), p.594-602.

⁷ A. Fittria, *Pertanggung Jawaban Pidana (Mas'uliyah Al-Jinayah) dalam Malapraktik Dokter di Klinik Kecantikan*, Journal of Islamic Studies and Humanities, Vol.7, No.1 (2022), p.20.

⁸ Peter Mahmud Marzuki, *Penelitian Hukum*, Kencana, Jakarta, 2024, p.133.

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Legal materials consist of primary (regulation), secondary (literature and expert opinion), and tertiary (dictionaries and encyclopedias) legal materials, which are collected through literature studies. A case study of illegal practices at the Ria Beauty clinic was also used. All materials are analyzed in a descriptive-qualitative manner by interpreting legal norms and relating them to facts in society to assess the effectiveness of legal protection for consumers.

From the explanation above, the research entitled Consumer Protection Against Beauty Clinic Patients by Fake Doctors Reviewed from Law Number 8 Of 1999 Concerning Consumer Protection (UUPK), This condition shows that the practice of fake doctors in the beauty industry not only injures consumer rights, but also endangers the safety of people's lives. Therefore, this study is important to examine how the legal system in Indonesia provides protection to consumers against illegal medical practices, as well as the extent of the effectiveness of applicable law enforcement and regulations in preventing similar incidents. Based on this background, it can create the following problem formulation:

1. What is the relationship between the provisions in the Medical Practice Act and malpractice committed by individuals without medical competence in beauty clinics?
2. What is the legal basis that can be used to claim compensation or sanctions for the practice of fake doctors that harm consumers, based on applicable regulations?

B. PEMBAHASAN

1. The Relationship Between the Provisions in the Medical Practice Act and Malpractice Acts Carried Out by Individuals Without Medical Competence in Beauty Clinics

The relationship between the provisions of Law Number 29 of 2004 concerning Medical Practice (hereinafter referred to as the Medical Practice Law) and malpractice committed by individuals without medical competence in beauty clinics is an important issue in the law enforcement and consumer protection in the health service sector. The Medical Practice Law explicitly stipulates that only medical personnel who have competence and a valid practice license may perform medical procedures on patients.

This provision is not just administrative, but is a form of safeguarding the basic rights of patients to safe, quality, and responsible medical services.⁹

According to Article 1 number 1 of the Medical Practice Law, medical practice is a series of activities carried out by doctors or dentists to patients in the context of health maintenance, disease treatment, and health recovery. Furthermore, Article 36 states that every doctor or dentist who will practice medicine must have a Registration Certificate (STR) and a Practice License (SIP) as proof of legality. Without these two documents, a person is not allowed to provide medical services in any form. Therefore, individuals who perform medical procedures without having an STR and SIP are legally referred to as doctors, let alone perform medical practices on patients in health facilities such as beauty clinics.

Beauty clinics are a form of health services that have their own specificities. Although they do not always provide direct disease treatment services, procedures such as botox injections, fillers, chemical peels, or minor surgery are still classified as medical procedures. Therefore, perpetrators who perform medical procedures at beauty clinics are required to comply with the provisions of medical licensing as stipulated in the Law on Medical Practice. But in practice, not a few clinics employ individuals have no medical background, or even not health workers at all, to perform medical procedures on consumers. This is clearly contrary to the law and opens up opportunities for malpractice in both legal and ethical senses.¹⁰

Malpractice in the context of health law in Indonesia does not yet have an explicit definition in a single law. However, in general, malpractice is understood as a professional act that is wrong, negligent, or not up to standards, so as to cause loss or injury to patients. In the context of a beauty clinic, individuals who do not have a medical background, but still perform medical actions such as injecting certain fluids into the patient's body, can be qualified as malpractice because they do not meet competence, do not have a practice license, and do not understand the standards of medical

⁹ H. M. Thalib, *Hukum Kesehatan Indonesia*, Prenada Media, Jakarta, 2012, p.95.

¹⁰ M. Yusuf Hanafiah, *Praktik Kedokteran dan Etika Medis*, EGC, Jakarta, 2006, p.143.

procedures. In fact, because the perpetrator is not a doctor, he can be criminally charged on the basis of fraud and unlawful acts.¹¹

Furthermore, Article 79 of the *Medical Practice Law* stipulates that anyone who deliberately practices medicine without having a practice license can be sentenced to a maximum of three years in prison or a maximum fine of Rp 150 million. This provision shows that the practice of medicine without a license is a serious violation of the law and contains criminal consequences. This reinforces the position that fake doctors who perform medical procedures without permission, let alone cause harm to patients, have committed actions that violate the provisions of positive law.

Not only contrary to the Law on Medical Practice, actions by fake doctors at beauty clinics are also a violation of Law Number 36 of 2009 concerning Health, especially Article 75 which states that health service facilities may only hold health service activities after obtaining permission from the government. This means that in addition to medical personnel, the facility where medical procedures are carried out must also meet legal standards. If a beauty clinic employs personnel who do not have competence and legality, then the clinic can also be subject to administrative sanctions up to the revocation of a business license.

In terms of consumer protection, this action also violates Law Number 8 of 1999 concerning Consumer Protection (UUPK), which emphasizes that consumers have the right to comfort, security, and safety in using services. Beauty clinics that use the services of individuals without medical competence have deliberately misled consumers and violated the principles of transparency and responsibility of business actors as stated in Article 7 of the UUPK. More than that, Article 19 of the UUPK states that business actors are obliged to be responsible for losses caused by the services they consume, so consumers have the right to claim compensation or report the act to the competent authorities.¹²

¹¹ Andi Hamzah, *Undang-Undang Praktik Kedokteran: Penjelasan dan Implikasi Hukum*, Sinar Grafika, Jakarta, 2011, p.65.

¹² Agus Yudha Hernoko, *Hukum Perlindungan Konsumen di Indonesia*, Prenadamedia Group, Jakarta, 2014, p.67.

The case that befell the illegal beauty clinic "Ria Beauty" in Medan City is a clear example of a violation of the provisions of the Medical Practice Law and shows the great risk of malpractice committed by individuals without medical competence. The clinic is run by Ria Agustina, who is known to have a bachelor's education background in fisheries, not health workers or doctors. Despite not having a practice license, Ria performs various beauty procedures such as botox injections and fillers on her patients without legal medical supervision. As a result of this practice, a number of patients experience serious side effects, including facial swelling, skin infections, and psychological trauma. This practice blatantly violates Article 36 and Article 79 of the Medical Practice Law, because Ria does not have the STR or SIP required to perform medical procedures.¹³ In addition, this action also reflects a violation of the UUPK, because it has misled consumers by declaring themselves as parties who able to provide medical services even though they do not have the required competencies. The Ria Beauty case illustrates the weak supervision of illegal aesthetic clinics and the importance of strict law enforcement so that the public does not become victims of fraudulent medical practices that endanger health and safety.

In the context of civil law, the relationship between the patient and the beauty clinic, including those run by fake doctors as in the case of "Ria Beauty," is basically a civil law agreement born from an agreement between the consumer (patient) and the business actor (clinic or individual who claims to be a medical professional). In this case, the patient as the party receiving the service has incurred costs or rewards for beauty services, while business actors are obliged to provide services in accordance with the professional standards and expertise promised. If it turns out that the service is provided by a party who does not have proper medical competence, then there has been a breach or injury to the promise as referred to in Article 1239 of the Civil Code (Civil Code), because the business actor does not meet the achievements expected by the consumer. In addition to the default,

¹³ CNN Indonesia, *Ria Beauty, Klinik Kecantikan Ilegal di Medan yang Dioperasikan Lulusan Perikanan*, accessed from: <https://www.cnnindonesia.com/nasional/20230922120000-12-998776>, accessed on 2025, Jun 04.

the perpetrator's actions can also be qualified as unlawful acts (*onrechtmatige daad*) according to Article 1365 of the Civil Code, because they have committed actions that are contrary to legal obligations and cause losses to other parties. Therefore, patients as victims have the right to file a civil lawsuit to obtain compensation for material and immaterial losses arising from these illegal medical actions. This confirms that in addition to the criminal and administrative aspects, the practice of fake doctors in beauty clinics also has civil law consequences that are no less important to be enforced.

From the description, it is clear that the relationship between the Medical Practice Law and malpractice actions by individuals without medical competence in beauty clinics is mutually binding and mutually reinforcing. Violations of the provisions of medical practice licensing can be the beginning of malpractice that harm consumers. Therefore, supervision of beauty clinics, aesthetic service business actors, and the legality of the medical personnel involved must be improved. It is not enough to enforce the law only after a loss occurs, but must be carried out preventively through permit verification, consumer education, and enforcement of illegal clinics that employ fake doctors.¹⁴

Furthermore, this issue shows the importance of a more decisive reformulation of legal policies in regulating the practice of medical aesthetics. Given the magnitude of the potential losses and health risks caused, legal protection can not only depend on the Medical Practice Law alone, but needs to be synergized with other provisions such as the Health Law, the Law on Crime, and even the Criminal Code (KUHP) and the Civil Code (KUHPer) to impose sanctions for criminal acts such as fraud, persecution, or murder if it causes death. Thus, the protection of beauty clinic patient consumers will become more comprehensive and integrated.

¹⁴ Subekti, *Aspek Hukum dalam Pelayanan Medik*, Gramedia Widiasarana Indonesia, Jakarta, 2014, p.87.

2. Legal Basis That Can Be Used To Claim Compensation Or Sanctions For The Practice Of Fake Doctors That Harm Consumers, Based On Applicable Regulations

The case of the illegal beauty clinic "Ria Beauty" run by Ria Agustina, a bachelor of fisheries graduate who has no medical background, has come to public attention because it endangers consumer safety. Ria was arrested by the police while practicing facial care using dangerous tools and chemicals without a distribution permit at a hotel in the South Jakarta area in December 2024. The practice carried out by Ria was proven to have no official license as a medical personnel, nor a clinic operational permit from the relevant agency. This arrest is a concrete form of criminal liability for illegal medical acts that violate various legal provisions in Indonesia.¹⁵

In the aspect of criminal liability, Ria Agustina is subject to articles in Law Number 17 of 2023 concerning Health, namely Article 435 jo. Article 138 paragraphs (2) and (3), and Article 439 jo. Article 441 paragraph (2). These articles stipulate that any person who carries out the practice of health services without a license or without medical competence can be subject to a maximum of 12 years in prison and/or a maximum fine of IDR 5,000,000,000.¹⁶ In addition, the police also confiscated various medical equipment such as derma rollers, anesthesia, syringes, and other treatment materials that did not have a distribution permit from the Food and Drug Supervisory Agency (BPOM), thus strengthening the elements of unlawful acts in criminal and administrative aspects.¹⁷

In the realm of administrative responsibility, Ria Beauty is proven to not have a Registration Certificate (STR) or Practice License (SIP) as mandated in the Law Number 29 of 2004 concerning Medical Practice,

¹⁵ Restu Adiestha, *Polda Tangkap Pemilik Klinik Ria Beauty Saat Tangani Konsumen di Hotel*, accessed from: <https://www.tempo.co/hukum/polda-metro-jaya-tangkap-pemilik-klinik-ria-beauty-saat-tangani-konsumen-di-hotel-1178135>, accessed on: 2025, Jun 04.

¹⁶ Zahra Ayu Permata, *Klinik Kecantikan Ilegal: Kasus Ria Beauty dan Jeratan Pidana UU Kesehatan*, accessed from: <https://smartlegal.id/perizinan/2024/12/30/klinik-kecantikan-ilegal-kasus-ria-beauty-sl-gt.>, accessed on: 2025, Jun 04.

¹⁷ Bimo Aria Fundrika, *BPOM: Krim Klinik Ria Beauty Tidak Memiliki Izin Edar*, accessed from: <https://health.detik.com/berita-detikhealth/d-7677711/bpom-ri-buka-suara-soal-klinik-ria-beauty-pakai-krim-ilegal-hilangkan-bopeng>, accessed on: 2025, Jun 04.

which requires every medical professional to be legally registered and obtain a practice license from the Health Office. With the non-fulfillment of these two main permits, Ria cannot be considered a legitimate legal subject in providing medical services. BPOM also confirmed that the ingredients used by Ria, such as anesthetic creams and whitening serums, were not registered, and had not gone through safety or effectiveness tests. This violates the provisions of Law Number 36 of 2009 concerning Health and BPOM Regulation concerning Distribution Permits for Cosmetic Products and Traditional Medicines.¹⁸

Meanwhile, in terms of civil liability, patients who are harmed by illegal medical acts have the legal right to claim compensation based on Article 1365 of the Civil Code which regulates unlawful acts (*onrechtmatige daad*). In this case, Ria Agustina's actions without medical expertise in providing health services have resulted in physical and psychological losses to patients, so that there is a causal relationship that is the basis for civil liability. In fact, in consumer law, this action also violates Article 19 of Law Number 8 of 1999 concerning Consumer Protection, which states that business actors are obliged to provide compensation for damage, pollution, and/or losses suffered by consumers due to consuming goods and/or services.¹⁹

According to Wila Chandrawila Supriadi explanation, medical treatment or procedures by people who do not have medical authorization and expertise are serious violations of the law. The perpetrator not only violates criminal and administrative laws, but can also be prosecuted civilly for committing an act without rights to another person's body, which in medical law is known as "*unlawful touching*".²⁰ The case of Ria Beauty sets an important precedent to affirm that aesthetic services are not law-free areas, but must be subject to professional ethics and applicable legal norms.

¹⁸ Rini Handayani, *Hukum Kesehatan Indonesia: Regulasi Praktik dan Standar Pelayanan*, Prenadamedia Group, Jakarta, 2020, p.111–122.

¹⁹ Aditya Wahyu Pratama, *Pertanggungjawaban Hukum Terhadap Pelaku Usaha Klinik Kecantikan Ilegal Ditinjau dari UUPK*, Jurnal Hukum dan Kesehatan, Vol.10, No.1 (2023), p.56–68.

²⁰ Wila Chandrawila Supriadi, *Hukum Kedokteran*, Sinar Grafika, Jakarta, 2001, p.92.

When beauty services are carried out by unauthorized persons, and even result in facial damage, the restoration of victims' rights is not only administrative, but also criminal and civil.

In the context of consumer protection, practices such as Ria Beauty reflect a form of violation of consumers' basic rights to safety and security as affirmed in Article 4 letters a and c of the UUPK. In addition, the lack of correct and clear information about the perpetrator's medical background, as well as the quality and safety of the product, is another basis for demanding comprehensive legal liability. Therefore, the liability in this case is multidimensional: criminal, administrative, civil, and consumer all converging to provide protection to the victim as well as a deterrent effect for the perpetrator.

The legal basis for demanding compensation or imposing sanctions on the practice of fake doctors that are detrimental to consumers can be found in various positive legal provisions in Indonesia, both from civil, criminal, administrative, and consumer protection aspects. In the context of civil law, the actions of perpetrators who carry out medical practices without competence can be classified as unlawful acts (*onrechtmatige daad*), as stipulated in Article 1365 of the Civil Code (KUHPercivil), which states that every act that violates the law and causes harm to others, obliges the perpetrator to compensate for the loss. In this context, patients as service consumers have the right to claim compensation if they are physically or psychologically harmed due to actions taken by illegal medical personnel.²¹ In addition, the legal relationship between patients and business actors can also give rise to contractual obligations. If the medical services provided are not in accordance with the agreement or are carried out illegally, then the action can be considered as a default, as stipulated in Article 1239 of the Civil Code.²²

²¹ Husein Umar, *Perbuatan Melawan Hukum dalam Konteks Malpraktik Medis*, Jurnal Rechts Vinding, Vol.11, No.1 (2022), p.45–55.

²² Raka Aditya Yudhistira, *Wanprestasi dalam Hubungan Konsumen dengan Klinik Kecantikan Tanpa Izin Medis*, Jurnal Hukum dan Etika Kedokteran, Vol.5, No.2 (2021), p.89–97.

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In the perspective of consumer protection law, Law Number 8 of 1999 concerning Consumer Protection (UUPK) stipulates that consumers have the right to comfort, security, and safety in consuming goods and/or services (Article 4). The obligations of business actors include providing true, clear, and honest information and ensuring the quality of services (Article 7). Violation of this provision gives consumers the right to claim compensation as stipulated in Article 19 of the UUPK. Therefore, if medical services are provided by a person who is not an official medical personnel and then causes losses, then the patient has the right to demand legal liability.²³ This provision is relevant in the case of illegal beauty clinics, where patients are often unaware that the services received are actually provided by individuals who do not have a practice license or medical background.

In addition to civil aspects and consumer protection, Law Number 29 of 2004 concerning Medical Practice provides strict provisions that every medical personnel must have a Registration Certificate (STR) and a Practice License (SIP) to be able to carry out medical practice legally. Violations of this provision not only have criminal and administrative implications, but can also be grounds for civil liability, because there has been a violation of the patient's legal obligations and rights as a user of health services.²⁴ Furthermore, Law Number 36 of 2009 concerning Health emphasizes the importance of professional and ethical standards in the implementation of health services. Health services that are not in accordance with professional standards, such as medical procedures by fake doctors, violate the patient's right to proper health services and can be prosecuted legally.²⁵ In practice, the Supreme Court in Decision No. 1001 K/Pdt/2017 affirmed that doctors who commit medical errors can be held to civil liability and required to pay compensation to patients, an important precedent that can be applied analogously to the case of fake doctors.

²³ Achmad Rahman, *Implementasi UU Perlindungan Konsumen terhadap Pelayanan Medis yang Tidak Kompeten*, Jurnal Ilmu Hukum Universitas Muhammadiyah, Vol.12, No.3 (2020).

²⁴ Siti Nurmala, *Tanggung Jawab Hukum terhadap Dokter Gadungan dalam Layanan Estetika*, Jurnal Kesehatan dan Hukum Medis, Vol.9, No.2 (2023), p.134–143.

²⁵ Isnaini Hasanah, *Dimensi Hukum Kesehatan dalam Pelayanan Kecantikan oleh Non-Medis*, Jurnal Hukum Kesehatan, Vol.8, No.1 (2022), p.56–68.

Medical actions by people who do not have professional competence are violations of ethics, laws, and patient rights. He emphasized that patients who are victims have the right to claim compensation, either through the mechanism of default or through unlawful acts, depending on the construction of the legal relationship that occurs.²⁶ Thus, normatively, Indonesian law provides an adequate legal framework for patients as victims of illegal practices to claim civil damages or ensnare the perpetrators criminally and administratively. This strengthens consumer protection of the right to safe, professional, and responsible health services.

C. PENUTUP

1. Based on the analysis of the first discussion, it can be concluded that medical practices carried out by individuals without medical competence such as in the case of the illegal beauty clinic “Ria Beauty” constitute a form of multidimensional legal violation encompassing criminal, administrative, civil, and consumer protection domains. In this regard, Law Number 29 of 2004 on Medical Practice, Law Number 36 of 2009 on Health, and Law Number 17 of 2023 on Health strictly prohibit any healthcare practice conducted without proper authorization or medical qualifications, which may be subject to criminal and administrative sanctions. However, from the victim's perspective, compensation for damages suffered as a result of such illegal practice is clearly regulated under Article 1365 of the Indonesian Civil Code concerning unlawful acts (*onrechtmatige daad*), granting patients the right to claim compensation. Additionally, Law Number 8 of 1999 on Consumer Protection (UUPK) also stipulates the obligation of business actors to provide compensation for losses arising from the use of unsafe or misleading services (Article 19 of UUPK). Therefore, Indonesia’s positive legal framework provides a strong legal foundation for victims of illegal medical practices to obtain protection and the restoration of their rights through civil claims (compensation), administrative sanctions (license revocation or regulatory penalties), or criminal proceedings (imprisonment and fines for the perpetrators).

²⁶ Wila Chandrawila Supriadi, *Op.Cit.*, p.85–92.

This entire legal regime works in synergy to uphold justice and ensure the safety and rights of consumers to legal and professional healthcare services.

2. Based on the discussion presented, it can be concluded that the practice of impersonating a doctor, which causes harm to consumers, constitutes a serious violation of multiple legal provisions in Indonesia. The legal basis for claiming compensation and imposing sanctions on such perpetrators includes Article 1365 of the Indonesian Civil Code (KUHPerdata) concerning unlawful acts, which grants victims the right to seek compensation for damages suffered as a result of illegal and harmful actions. In addition, Law Number 8 of 1999 on Consumer Protection (UUPK) explicitly obliges business actors to be held accountable for consumer losses arising from services that do not meet safety, health, or proper information standards, as stipulated in Article 19 of UUPK. From a criminal and administrative standpoint, Law Number 29 of 2004 on Medical Practice, Law Number 36 of 2009 on Health, and Law Number 17 of 2023 on Health serve as the legal foundation to prosecute unauthorized medical practice with criminal sanctions, fines, and the suspension of illegal activities. Therefore, victims of illegal medical practices such as in the case of the “Ria Beauty” clinic may pursue their rights through civil, administrative, and criminal legal avenues simultaneously, with the full support of Indonesia’s legal framework designed to safeguard the integrity of the medical profession and protect consumers’ rights to lawful, safe, and professional health services.

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Sumber Hukum

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