

## JURIDICAL ANALYSIS OF DOCTORS' BUSINESS PRACTICES AS SKIN CARE INFLUENCERS ON SOCIAL MEDIA

Aris Prio Agus Santoso<sup>1\*</sup>, Indra Hastuti<sup>2</sup>, M. Susilo Agung Saputro<sup>3</sup>

<sup>1</sup> Law Study Program, Faculty of Law and Business, Duta Bangsa University, Surakarta, 57136, Indonesia

<sup>2</sup> Management Study Program, Faculty of Law and Business, Duta Bangsa University, Surakarta, 57136, Indonesia

<sup>3</sup> Law Study Program, Faculty of Law and Business, Duta Bangsa University, Surakarta, 57136, Indonesia

### ABSTRACT

During the industrial revolution era, many doctors have embraced the opportunity to venture into skin care business practices, taking on roles as influencers. However, it becomes apparent that this influencer skin care business brings about both advantages and disadvantages. Despite doctors being expected to prioritize the quality of healthcare services, they often end up prioritizing profit alone. The objective of this research is to comprehend the regulation of skin care business practices carried out by doctors on social media, as well as the ethical and legal dimensions of these practices. The research employs a normative juridical approach with secondary data collection through literature review. The findings of this study are subsequently analyzed qualitatively. It is evident from the research that doctors essentially have the right to engage in skin care business practices. However, they are prohibited from acting as influencers if they prominently display their professional title or indicate their status as a doctor when the content they present is profit-driven for themselves and their company, and aims to influence the public to purchase skin care products. This may result in breaches of medical ethics and trigger conflicts of interest between personal gain and patient welfare. Although not explicitly prohibited by law, being an influencer in the skin care industry as a doctor can pose risks regarding ethical concerns and medical advertising regulations. In summary, doctors should refrain from excessive promotion on social media and must carefully select the content they wish to convey.

### ARTICLE INFO

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\* Corresponding Author at Law Study Program, Faculty of Law and Business, Duta Bangsa University, Surakarta  
E-mail address: [arisprio\\_santoso@udb.ac.id](mailto:arisprio_santoso@udb.ac.id)

### 1. Introduction

Currently, the beauty industry is experiencing rapid growth, marked by the increasing number of beauty clinics and beauty treatment facilities. This drives every business in the beauty industry to compete fiercely in winning the hearts of each customer to maintain their loyalty to using their

products or services. Innovation, creativity, the use of modern technology, and excellent service are key factors in winning the current competitive competition. In a situation where there are many consumers (buyers) and service providers (sellers), these factors become the main attraction for beauty businesses to succeed.

The use of social media has increased significantly worldwide. Social media is not only used for communication and information sharing but also serves as an effective marketing platform. One emerging trend is that medical professionals, particularly doctors, are acting as influencers in the health sector, including skincare. They leverage their popularity and credibility to influence consumer decisions about health products and services.

As time progresses and self-awareness about health increases, health cosmetic products come in various types, including both local and international products available online. The awareness of maintaining skin health and appearance in developing countries is influenced by celebrities on social media. The increasing consumer demand for these products drives entrepreneurs in the health cosmetic product industry, including skincare, to compete in their businesses.

Technological advancements have been a driving factor in progress across various sectors of life. One area poised for significant development is social media as an advertising platform. In today's modern life, social media has become indispensable for communication, sharing information, and self-expression. This makes social media an enticing space for advertising, promising broad reach. The large number of social media users is one of the factors contributing to the popularity of social media as an advertising platform. On the other hand, the proliferation of social media platforms also brings its own challenges in its role as an advertising medium for cosmetic products. Influencer marketing now plays a larger role in digital advertising. Currently, the social media platform Instagram is widely used by influencers because it is more beneficial for businesses looking to endorse products.

Doctor influencers are a new concept in the era of the Industrial Revolution. They can reach a large number of customers and build relationships with them through social interactions. Doctor influencers utilize social media platforms for educational, financial, or political purposes. First, health influencers play a unique role in health communication and education, including disseminating health messages, evoking emotional resonance, and facilitating behavior change. This culture allows health influencers to create business models to profit from direct advertising revenue and revenue from various social media platforms.

Doctors hold a unique and influential role in society due to their knowledge and expertise in health care. When doctors begin to act as influencers on social media, they blend their professional authority with digital marketing strategies. This creates a new dynamic where medical information and health product recommendations are conveyed through unconventional platforms. While there are potential benefits to having doctors as influencers, such as the dissemination of accurate and educational health information, there are also concerns about conflicts of interest and professional ethics. Doctors promoting specific products may face a dilemma between their professional duty to provide objective and independent advice and commercial interests that may not always align with patient well-being.

In this era of the industrial revolution, many doctors are seizing the opportunity to engage in skin care business practices as influencers. Various beauty therapies are being promoted to the public, such as body detoxification using specific tools and ingredients, plastic surgery to correct eyelids and eyebrows, shaping cheeks, chin, and nose, face lift, neck lift, tattoo removal, tummy

tuck, as well as breast augmentation or reduction. However, it turns out that this influencer skin care business ultimately raises both pros and cons. Where a doctor should prioritize the quality of healthcare services, they end up prioritizing profit alone, resulting in patients not receiving optimal results. This highlights the increasing need for consumer protection to ensure that business owners and practitioners do not only focus on profit orientation. Ultimately, this actually leads to doctors' actions being considered as ethical violations.

As reported by CNN Indonesia on March 5, 2024, the Indonesian Medical Association has issued a ban on doctors promoting their products on social media platforms, in accordance with the ethical decree for doctors stated in Decision Letter No. 029/PB/K.MKEK/04/2021. Although advertising internationally is still possible, it is not allowed in Indonesia. Doctors are not allowed to advertise, especially if the advertisement involves claims of healing, beauty, and fitness. However, doctors in Indonesia are still permitted to advertise related to community services or to promote healthy lifestyle behavior changes. Doctors who are active on social media are also required to maintain the confidentiality of patient health information and to separate their personal accounts from those used for public purposes.

In contrast to Indonesia, in South Korea, the business practices conducted by doctors as influencers have been legalized by local government regulations. This is because of the high interest among the public in skin care, following recommendations from beauty specialist doctors. Furthermore, supported by a study conducted by M. Joshi, et.al, it is shown that doctors are entitled to provide good information and access to various licensed dermatological products. This proves that the choice of being a doctor and also an influencer for skin care and cosmetic products is allowed in Georgia. Later, a prior study conducted by Wirassanan Tuengtin revealed that Thai millennials trust doctor influencers as much as professional experts. This is because they are liked by Thai consumers, leading to active engagement and interaction with doctor influencers on social media. This indicates that in Thailand, there is no issue regarding who the influencers are promoting their products, whether they are doctors, celebrities, or other professions, as this is a business development for the welfare of the Thai society. In contrast to Georgia and Thailand, in Saudi Arabia, the community is not fully aware of skin care, appearance, dermatological surgery practices, and makeup, so there are still few doctor influencers found there, hence there are no restrictions on skin care business practices carried out by doctors on social media.

The business practices of doctors as influencers must also be viewed within the context of applicable laws. Various regulations govern the advertising and promotion of health products, along with professional codes of ethics that doctors must adhere to. This research is essential to assess whether these practices comply with existing laws and medical ethical standards.

Based on the phenomenon above, it is essential to conduct research on the business practices carried out by doctors as skin care influencers on social media. This is done to prevent legal issues in the future for both doctors and stakeholders, including professional organizations and the Ministry of Health.

The aim of this research is to understand the regulation of skin care business practices carried out by doctors on social media and to examine how these practices align with ethics and law.

## 2. Literature Review

So far there has been no research that has taken the title Doctors' Business Practices as Skin Care Influencers on Social Media. Most research only focuses on people who are also influencers, but no one has researched whether the influencer is someone who is a doctor.

### 3. Method, Data, and Analysis

The research method used is a normative juridical approach, which is a legal research conducted by examining only library or secondary materials. The research design used is Prescriptive Design. Data collection in this research is conducted through the collection of secondary or literature data. The legal materials used include the Republic of Indonesia Law No. 17 of 2023 on Health, Republic of Indonesia Law No. 7 of 2014 on Trade, Republic of Indonesia Law No. 20 of 2008 on Micro, Small, and Medium Enterprises, as well as the Indonesian Medical Code of Ethics, and Decision Letter No. 029/PB/K.MKEK/04/2021 on the Ethical Fatwa of Doctors in Social Media Activities. The research findings are then analyzed qualitatively to address the issue of how doctors' business practices as skin care influencers on social media are conducted.

### 4. Result and Discussion

#### 4.1. Regulation of Skin Care Business Practices by Doctors on Social Media

Article 273 (1) letter f of the Republic of Indonesia Law No. 17 of 2023 on Health states that individuals have the opportunity to develop themselves through competence, knowledge, and career development in their respective professions. Referring to this article, doctors have the right to engage in skin care business practices as it is part of their effort to develop their competencies and careers. However, if we refer to Article 279 which states that Medical Personnel and Health Workers are morally responsible to devote themselves according to their field of expertise, behave and act in accordance with professional ethics, prioritize the interests of patients and the public above personal or group interests, it can be interpreted that skin care business practices conducted by doctors on social media are a form of professional ethics violation. Doctors should devote themselves to serving the public, prioritizing patient and public interests instead of seeking profit for personal gain.

Article 65 (2) of the Republic of Indonesia Law No. 7 of 2014 on Trade states that every business actor is prohibited from trading goods and/or services using an electronic system that does not comply with data and/or information. This indicates that the Trade Law emphasizes consumer protection, including providing clear and accurate information about the products or services offered. As influencers, doctors must ensure that the promotions they make are not misleading or risky for consumers. This law also regulates that advertisements must not be misleading or direct consumers to take detrimental actions. Doctors as influencers must ensure that their promotions comply with these provisions. Furthermore, this law requires that the information provided to consumers must be honest and not misleading. Doctors as influencers must provide clear and accurate information about the products or services they promote on social media.

Article 3 of the Republic of Indonesia Law No. 20 of 2008 on Micro, Small, and Medium Enterprises states that Micro, Small, and Medium Enterprises aim to grow and develop their businesses in order to build the national economy based on fair economic democracy. Upon closer examination, this law provides specific regulations for micro, small, and medium enterprises, including skin care products. In this context, doctors who run skin care businesses can be considered as small or medium enterprises, depending on the scale and turnover of their business. In the practice of business as a skin care influencer, doctors can leverage their status as entrepreneurs to access support and facilities provided by the government. Doctors as skin care influencers on social media can utilize access to funding

and promotion provided to Micro, Small, and Medium Enterprises in accordance with the provisions of this law. Doctors as influencers can use their expertise and knowledge in the field of skin care to develop innovative products or services. However, doctors who run skin care businesses on social media need to ensure that their business practices comply with the supervision and control regulations established in this law.

Based on the Indonesian Medical Code of Ethics in Article 3, it is stated that in performing their medical duties, a doctor should not be influenced by anything that compromises professional freedom and independence, meaning that skin care promotion on social media should not be excessive and compromise professional independence. Doctors have an obligation to provide clear and accurate information on social media to patients. As skin care influencers, doctors must ensure that their promotions provide accurate information about the benefits, risks, and side effects of the products they promote. Doctors must conduct their business practices while adhering to medical ethics, including avoiding practices that harm patients or provide dishonest information about skin care products. The Medical Code of Ethics encourages doctors to protect the interests and welfare of patients. Doctors as influencers must ensure that their promotions do not mislead or pose risks to consumers. Based on this, it can be interpreted that doctors may be influencers as long as the content on social media is within reasonable limits and not solely for business profit. Additionally, doctors are not allowed to use their professional titles or indicate their status as a doctor when the content they present contains profit for themselves and their company.

Decision Letter No. 029/PB/K.MKEK/04/2021 on the Ethical Fatwa of Doctors in Social Media Activities in clause number 3 states that the use of social media for promotional and preventive health efforts has high ethical value and should be appreciated as long as it conforms to scientific truth, general ethics, professional ethics, and applicable regulations. Then, in clause number 5, it is stated that doctors must refrain from excessive self-promotion and practices, and advertising products and services in accordance with the Decision Letter of the Medical Ethics Honor Council No. 022/PB/K.MKEK/07/2020 on the Ethical Fatwa of Doctors Advertising and Multi-Level Marketing Sales. Based on these two clauses, it can be interpreted that the ethical fatwa of doctors emphasizes the importance of maintaining a professional relationship between doctors and patients, including in activities on social media. Doctors who become skin care influencers must ensure that their promotions do not ignore or harm the health interests of patients. Doctors as skin care influencers on social media must adhere to the ethical principles set forth in this Decision Letter. Doctors must be careful not to violate these principles in promoting skin care products on social media, ensuring that the information provided is honest, accurate, and does not harm patients or the public. Additionally, they must be able to filter the content they want to convey, meaning that doctors must separate accounts for advertising and accounts for health education purposes.

#### ***4.2. Skin Care Business Practices by Doctors: Ethical and Legal Perspectives***

Based on Article 3 of the Indonesian Medical Code of Ethics, it is stated that in performing their medical duties, a doctor should not be influenced by anything that compromises professional freedom and independence. This article explains that the practice of medicine is not intended to gain personal profit but is rather based on humanitarian values and prioritizes patient interests. It also prohibits doctors from seeking public attention with

the intention of making their practice more well-known or increasing their income, such as using advertisements or allowing others to announce their name and/or treatment results in newspapers or other mass media. Furthermore, Article 4 states that every doctor must refrain from self-praise, meaning that a doctor should be aware that their professional knowledge and skills are bestowed by God and praising oneself is inappropriate. Doctors are not allowed to include other information, especially advertisements unrelated to the type of medical service provided, or conduct interviews with the press or write articles in magazines/newspapers to introduce and promote their treatment methods because laypeople reading them cannot judge their accuracy. When this is associated with the business practices conducted by a Doctor as a Skin Care influencer, it is clear that the Doctor violates the Indonesian Medical Code of Ethics.

Doctors belong to the category of professional services, and therefore are considered as business actors under consumer protection. The medical profession is not a trade seeking profit. Professional service fees are based on humanitarian assistance, and patients express their gratitude by providing remuneration as an honor for that nobility.

Article 28C (1) of the 1945 Constitution states that every person has the right to self-improvement through fulfilling their basic needs, obtaining education, and benefiting from science and technology, arts and culture, to improve their quality of life and the welfare of humanity. Then Article 28F mentions that Every person has the right to communicate and obtain information to develop themselves and their social environment, as well as the right to seek, obtain, possess, store, process, and convey information using all available channels. From this, it can be perceived that a Doctor who is also an Influencer is their personal freedom, which in principle cannot be enforced by others. However, this activity does have its limitations.

So far, there are no specific regulations governing the business practices of medical or healthcare professionals, as their orientation is towards professional service and not profit. Skin care business practices in general are regulated by various laws, depending on the country and jurisdiction where the practice is located. However, some common principles are often applied in reviewing skin care business practices if they are conducted by doctors:

a. Practice Licensing

Doctors engaging in skin care businesses must have the necessary licenses to practice medicine in the country or region where they operate. Practicing medicine without a license can result in serious legal sanctions.

b. Medical Ethics Standards

Doctors are expected to adhere to strict medical ethics standards in their skin care business practices. This includes avoiding conflicts of interest, providing honest information to patients, and maintaining patient confidentiality.

c. Safe Product and Procedure Use

Doctors must ensure that the products and procedures used in their skin care business practices are safe and legal. They must comply with regulations related to the use of cosmetics, medical equipment, and aesthetic procedures.

d. Medical Supervision and Accountability

Doctors are responsible for all actions taken in their skin care business practices. They must provide adequate supervision to staff working under them and ensure that patients

receive appropriate care according to medical standards.

e. Consumer Protection

Doctors are required to provide clear and accurate information to consumers about the products and services offered, including benefits, risks, and costs involved. They must also comply with regulations related to medical advertising.

f. Compliance with Business Regulations

Skin care business practices conducted by doctors must comply with all applicable business regulations, such as business licensing, taxation, and contract provisions.

g. Complaint and Dispute Handling

Doctors must have clear procedures for handling complaints and disputes from patients regarding the services or products they provide. This may involve internal resolution or through relevant medical or legal institutions.

Based on the above description, it can be concluded that the business practices conducted by doctors are allowed but should not involve actions that could compromise professional freedom and independence or engage in unlawful competition. Skin care business practices by doctors must comply with various legal and medical ethics regulations to ensure the safety, health, and satisfaction of patients. Compliance with these regulations is important to maintain professional reputation and avoid legal sanctions. In principle, doctors may engage in any business activities permitted by the laws and regulations, but they should not appear excessive and instead result in the loss of professional freedom and independence. Additionally, it is advisable for doctors not to engage in businesses that are not suitable or contrary to the medical profession, or bring their dedication or profession into disrespect, separate goods and services produced from their medical practice and expertise so they are not confused by the public as medical services or recognized by the medical profession, and not to promote their name, expertise, and private practice services as a skin care influencer on social media.

Although not legally considered a violation, being a skin care influencer as a doctor can pose risks to ethical issues, medical advertising regulations, and professional credibility, so it is important for doctors who want to act as influencers to ensure that their promotions comply with medical ethics standards and applicable legal regulations.

## 5. Conclusion and Suggestion

Basically, doctors have the right to engage in skin care business practices, but they are not allowed to become influencers if they display their professional title or status as a doctor when the content they present contains profit motives for themselves and their companies, and the content is intended to influence the public to purchase skin care products. This could lead to a violation of medical ethics and trigger conflicts of interest between personal gain and patient welfare. Although not legally considered a violation, being a skin care influencer as a doctor can pose risks to ethical issues and medical advertising regulations. Doctor who become skin care influencers can affect the professional credibility of a doctor if the promotions they conduct are not in line with correct medical knowledge. Doctors must be careful not to provide incorrect or inaccurate information to their followers. Doctors acting as influencers must ensure that their promotions do not mislead or pose risks to consumers. They must also provide clear information about the benefits, risks, and costs associated with the products or services they promote. Doctors need to comply with strict

medical advertising regulations in promoting skin care products on social media to avoid misleading or inaccurate claims. Doctors' skin care business practices as social media influencers must comply with all applicable legal regulations to maintain professional integrity and avoid legal issues. If done properly, it can be ensured that the business practices of doctors as skin care influencers on social media are still within the bounds of legal and medical ethics. Additionally, they should be able to separate the content they want to present, so Doctors must separate which account to use for advertising and which one to use for health education purposes.

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