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Legal Analysis of Content Monetization by Influencers without Disclosure as A Violation of Consumer Protection Law

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Abstract

The development of digital technology has driven a transformation in marketing practices through social media, giving rise to the phenomenon of influencer marketing as an effective promotional strategy. Influencers not only act as messengers but also function as economic actors who profit by monetizing content through endorsement activities. Problems arise when monetized content is not accompanied by disclosure regarding commercial relationships, thus potentially misleading consumers and violating the principle of transparency from the perspective of consumer protection law. This study is directed at analyzing the practice of content monetization without disclosure, identifying the forms of legal violations that occur, and examining the legal responsibilities of influencers from the civil, criminal, administrative, and ethical perspectives. The method used is normative juridical with a statutory and conceptual approach. The results of the study indicate that this practice can be qualified as misleading advertising because it creates an imbalance of information between business actors, influencers, and consumers. In addition, influencers can be held legally accountable if the content they convey causes harm. This study concludes that influencers are part of digital advertising actors who are obliged to convey information transparently. Therefore, strengthening regulations related to disclosure obligations is needed to create effective and equitable consumer protection in the digital era.

Keywords: Influencer, Disclosure, Consumer Protection, Misleading Advertising, Digital Marketing.

INTRODUCTION

The rapid advancement of information and communication technology in the current digital era has driven a fundamental transformation in modern marketing practices, particularly through the use of social media as a promotional tool that is considered more effective, efficient, and has a wide reach without geographical boundaries, where the presence of influencers as individuals who have a high level of visibility and significant influence on public opinion has been optimally utilized by business actors as a primary strategy in increasing product appeal while shaping people's preferences and consumption behavior, so that endorsement activities carried out by influencers can no longer be viewed as a form of personal communication alone, but have developed into a structured, systematic, and high commercial value economic activity within the increasingly competitive digital marketing framework, but behind the effectiveness and economic benefits generated, quite serious legal problems arise when content monetized by influencers is not accompanied by clear disclosure regarding the existence of a commercial relationship between influencers and business actors, so that consumers do not obtain transparent and comprehensive information regarding the true nature of the content presented, which ultimately has the potential to cause misunderstandings, form wrong perceptions, and encourage consumers to make economic decisions that are not based on objective and honest information, which conditions can be normatively categorized as a form of violation of the principles of transparency and honesty in consumer protection law (1).

The research problem in this study stems from the increasingly widespread phenomenon related to the practice of content monetization by influencers that is not accompanied by adequate disclosure or disclosure regarding the existence of commercial relationships with business actors, which in the perspective of consumer protection law can be qualified as a form of misleading advertising, because the content presented is often packaged in such a way that it resembles an objective and authentic personal opinion, even though in reality it contains certain economic interests that are not transparently informed to the public, so that this condition creates an asymmetric information between business actors, influencers, and consumers as parties who are in the most vulnerable position to be harmed, both economically and non-economically, moreover this phenomenon is exacerbated by the absence of legal regulations that specifically and comprehensively regulate the position and role of influencers in the Indonesian positive law, which ultimately creates a regulatory vacuum and legal uncertainty regarding the limits of influencers' legal responsibility if losses occur to consumers due to such misleading information, so that this situation not only reflects the weakness of legal protection for consumers in the digital era, but also shows the urgency of establishing regulations that are more adaptive, progressive, and responsive to the dynamics of digital marketing practices that continue to develop (2).

In addition, the characteristics of influencer marketing which is included in the category of native advertising further emphasizes the blurring of the boundaries between personal content and commercial intent, because in practice the paid relationship between influencers and sponsors or business actors is often not explicitly disclosed to the public, so that consumers tend to consider the information conveyed as personal experiences or recommendations that are honest, objective, and have no particular interests, even though in reality the content is part of a marketing strategy that has economic goals, and this condition ultimately has the potential to violate consumers' rights to obtain correct, clear, and honest information as guaranteed in consumer protection law, especially related to the principles of transparency and honesty in conveying information, moreover in practice there are quite a few influencers who deliberately do not include disclosures or advertising markers with the consideration that such disclosures can reduce the level of credibility in the eyes of the audience and reduce the effectiveness of promotions in influencing consumer purchasing interest, so that this situation creates a complex dilemma between commercial interests oriented towards economic gain with legal and ethical obligations that require disclosure of information to consumers, which ultimately strengthens the urgency of the need for more stringent and specific legal regulations to guarantee consumer protection in the increasingly developing digital marketing ecosystem (3).

Based on these problems, this study attempts to offer conceptual insights as well as problem-solving plans through the use of a normative juridical approach that focuses on a comprehensive analysis of applicable laws and regulations, especially Law Number 8 of 1999 concerning Consumer Protection and various other regulations related to advertising and electronic transactions in the digital realm. with the main objective of systematically constructing the legal position of influencers as part of business actors and advertising actors within the framework of positive Indonesian law, while identifying and analyzing the forms of legal responsibility, both civil, administrative, and criminal, that can be imposed on the practice of content monetization without disclosure that has the potential to harm consumers, and at the same time providing normative recommendations in the form of strengthening regulations that are more adaptive, progressive, and responsive to the increasingly dynamic development of digital technology, including the affirmation of imperative disclosure obligations, the preparation of clear and measurable ethical standards for influencers in carrying out endorsement activities, and strengthening the monitoring and law enforcement mechanisms, so that in the end it is hoped that a proportional balance can be created between the interests of business actors in developing digital marketing strategies with the need to provide optimal legal protection for consumers as vulnerable parties in transactions in the digital space (4).

The purpose of this research is to examine the legal practice of content monetization by influencers without disclosure from a consumer protection law perspective, identify the forms of legal violations that may arise from this practice, and examine the legal responsibilities of influencers as parties involved in digital advertising activities. Theoretically, this research is expected to contribute to the development of legal science, particularly in the fields of consumer protection law and cyberlaw, as well as expand the study of digital marketing regulations. Meanwhile, practically, this research is expected to serve as a reference for policymakers in formulating more comprehensive regulations, and for business actors and influencers in carrying out promotional activities responsibly.**,** and for consumers to be more critical in responding to information circulating on social media. In order to support this analysis, this research is also based on relevant theoretical studies, including consumer protection theory which emphasizes the importance of fulfilling consumer rights to correct, clear, and honest information as a basis for making economic decisions, as well as the theory of legal responsibility which stipulates that every party that causes losses must provide accountability, either based on fault liability or without fault (strict liability), in addition to the concept of advertising disclosure being an important element in maintaining transparency and credibility of information in digital marketing, because the existence of disclosure has been proven to increase the trust and expertise of influencers which ultimately influence consumer purchasing decisions (3). The concept of influencers as part of advertising media that has the function of conveying commercial messages to the public so that it must comply with the principles of advertising law and consumer protection (2).

Thus, this study not only seeks to identify legal issues arising from the practice of content monetization without disclosure, but also provides a comprehensive analysis of legal solutions that can be applied to strengthen consumer protection in the digital era, so that it is expected to be able to make a real contribution in creating a legal system that is responsive to technological developments and modern marketing dynamics, as well as ensuring that digital economic activities continue to run within the corridor of fair, transparent, and responsible law.

METHOD/IDEA

This research uses a normative legal research method, namely an approach that views law as a set of norms or rules within a positive legal system. Therefore, this research focuses on a statutory review, legal principles, and doctrines relevant to the practice of content monetization by influencers without disclosure, with the aim of formulating an appropriate legal construction to assess whether this practice can be categorized as a violation of consumer protection law. This normative approach was chosen because it is able to provide a systematic analysis and is based on legal logic in addressing contemporary legal issues, particularly those related to the development of digital technology and social media. (5).

The research design used in this study is descriptive-analytical, namely an approach that not only describes the legal phenomena that occur in the practice of influencer endorsement without disclosure on social media, but also analyzes the suitability of this practice with existing legal provisions. happen**.** so that this research attempts to systematically describe the legal problems that arise while providing a legal assessment of this phenomenon, by using a statutory approach to examine various relevant regulations, such as the Consumer Protection Law and provisions related to digital advertising, as well as a conceptual approach to understand legal concepts such as legal responsibility, transparency, and misleading advertising, so that it is hoped that it will be able to produce a comprehensive analysis of the problems studied.(6).

This research field is in the realm of consumer protection law and cyber law, with the research target being positive legal norms that regulate digital advertising activities and electronic transactions, so that the focus of the study is directed at legal regulations regarding information transparency in promotional activities by influencers, the legal position of influencers as advertising actors, and forms of legal protection for consumers who are harmed due to the practice of content monetization without disclosure, where in normative legal research the main object is the legal norms or rules themselves, not the behavior of society directly, so that the analysis is carried out on relevant legal materials to find answers to the problems studied.

The data collection technique in this study was conducted using a literature review, which aims to obtain secondary data in accordance with the focus of the problem being studied. This data includes primary legal materials in the form of laws and regulations, such as Law Number 8 of 1999 concerning Consumer Protection and regulations related to electronic transactions. In addition, secondary legal materials were also used, including books, scientific journals, and previous research results relevant to the topic of influencer marketing and consumer protection. Tertiary legal materials in the form of legal dictionaries and other supporting sources were utilized to help clarify understanding of the legal concepts used. In normative legal research, the researcher acts as the primary instrument, conducting the search, categorization, and interpretation of all collected legal materials.

Furthermore, the data analysis method applied in this research is qualitative legal analysis, namely an approach carried out by systematically reviewing and interpreting legal materials, then compiling them into the form of legal arguments that are coherent, logical, and structured logically, as well as interpreting legal norms using legal interpretation methods such as grammatical, systematic, and teleological interpretation to obtain the exact meaning of the legal provisions analyzed, then deductively drawing conclusions from general provisions to specific cases studied, so that the results of the analysis are expected to be able to provide comprehensive answers as well as prescriptive recommendations in order to strengthen consumer protection in the digital era.

RESULTS AND DISCUSSION

Legal Qualifications of Content Monetization Practices by Influencers Without Disclosure from the Perspective of Consumer Protection Law in Indonesia

This research focuses on the legal study of the practice of content monetization by influencers without disclosure from a consumer protection law perspective. This study aims not only to address the primary issue of whether such practices can be categorized as a violation of the law, but also to analyze in more depth how applicable legal norms are constructed to regulate this phenomenon.,and what forms and limits of legal responsibility can be imposed on influencers in the context of digital marketing which continues to develop rapidly and is increasingly complex, where the legal relationship between business actors, influencers and consumers is no longer simple, but involves various economic and technological interests which are interrelated in a dynamic digital ecosystem (7).

Normatively, the results of this study indicate that the practice of content monetization without disclosure clearly fulfills the elements of misleading advertising, because in practice influencers often convey promotional content that is packaged in such a way that it resembles an objective and authentic personal opinion, without disclosing any commercial relationship with the business actor, thus creating an impression of objectivity that in reality does not fully exist, and this condition causes consumers to not have adequate ability to distinguish between commercial content and non-commercial content, which ultimately has the potential to cause losses for consumers in the economic decision-making process, both in the form of financial losses due to the purchase of products that do not meet expectations or non-material losses in the form of decreased trust in information circulating on social media, moreover in practice this phenomenon is further strengthened by empirical findings that show that most of the content produced by influencers on various social media platforms is not accompanied by transparent disclosure regarding its commercial nature, so that consumers often have difficulty in identifying whether a content is a pure recommendation or part of a hidden marketing strategy, which ultimately causes information distortion in the digital market and weakens the position of consumers as parties who should be protected by law.

This condition also shows a paradigm shift in modern advertising practices, where the boundaries between personal communication and commercial communication are becoming increasingly blurred due to the characteristics of native advertising inherent in influencer marketing, so that the conventional legal approach that has been used to regulate advertising is less adequate to answer the challenges that arise in the digital era, which ultimately demands a more progressive legal interpretation and regulatory updates that are able to accommodate technological developments and market dynamics, especially in terms of affirming disclosure obligations as the main instrument to ensure transparency of information and protect consumer rights to obtain correct, clear and honest information before making economic decisions (8).

The Position and Form of Influencers' Legal Responsibility for Consumer Losses Due to Content Monetization Practices Without Disclosure in the Indonesian Legal System

The research findings also reveal that the position of influencers in the Indonesian legal system is still in a gray area, because there is no legal regulation that explicitly and comprehensively determines the legal status of influencers as business actors or advertising actors in the digital marketing ecosystem, thus creating uncertainty regarding the legal position and responsibilities attached to the activities they carry out, even though functionally influencers have a very strategic role in conveying commercial messages to the public through content that is produced and distributed massively on various social media platforms, which in practice not only functions as a means of communication, but also as an effective marketing instrument in shaping public perceptions, preferences, and consumption decisions, so that substantively influencers can be qualified as part of digital advertising actors who play an active role in the process of conveying product information to consumers. Furthermore, when viewed from the perspective of consumer protection law, this strategic role logically gives rise to legal consequences that influencers should be subject to legal provisions that regulate the obligations of business actors, particularly regarding the obligation to convey correct, clear and non-misleading information to consumers, including the obligation to make transparent disclosures regarding every form of commercial relationship that underlies the promotional content conveyed, because without such disclosure, consumers are in an unbalanced position in accessing accurate information, thus potentially making economic decisions that are detrimental to themselves, both materially and immaterially (9).

In addition, the lack of clear regulations regarding the legal status of influencers results in weak law enforcement against non-transparent endorsement practices, because the absence of clear normative standards regarding the limits of influencer responsibility causes difficulties in determining the form of legal responsibility that can be applied when losses occur to consumers, so that this condition creates legal uncertainty that has the potential to be exploited by certain parties to avoid legal responsibility, while weakening the function of law as an instrument of protection for consumers in the digital era (10).

This finding is in line with various studies showing that influencers have a strong influence on consumer behavior, especially in shaping perceptions of products and driving purchasing decisions. Therefore, influencers can no longer be positioned as neutral parties, but rather as an inherent part of the marketing system, so that their existence needs to be placed within a clear and firm legal regulatory framework to prevent misleading endorsement practices and potentially harm consumers (11), and therefore it is necessary to reconstruct legal norms that are able to accommodate the role of influencers as legal subjects in digital advertising, including through affirmation of legal status, disclosure obligations, and proportional forms of legal responsibility, so that legal certainty can be created as well as optimal protection for consumers in facing the ever-evolving dynamics of digital marketing.

Furthermore, from a conceptual empirical perspective, it has been proven that advertising disclosure plays a crucial role in building consumer trust and perceptions of influencer content. This is because disclosure allows consumers to understand that the content contains commercial elements. With this understanding, they can evaluate the information more critically. Research shows that effective disclosure strategies do not necessarily reduce engagement but can instead increase influencer credibility and strengthen long-term relationships with audiences. Furthermore, disclosure has also been shown to influence consumer attitudes and purchasing decisions through mechanisms of trust and perceived transparency (12). If the findings are interpreted more deeply, it can be concluded that the practice of monetization without disclosure is a form of violation of the principle of good faith in consumer protection law, because there is an element of concealment of material information that should be known by consumers before making economic decisions, so that in this case the influencer does not only act as a party who conveys information, but also as a legal subject who has an active obligation to guarantee the honesty and transparency of the information conveyed, and in this context the influencer can be subject to legal responsibility either based on fault liability in certain conditions if the consumer's loss is proven to have occurred due to the information conveyed, as emphasized that misleading endorsements can have legal consequences including criminal liability in certain cases.

The results of this study are closely related to the existing legal knowledge structure, particularly related to consumer protection theory which highlights the importance of a balanced position between businesses and consumers, as well as the theory of asymmetric information which explains that the inequality of information between the parties producing and receiving information can result in losses for more vulnerable parties, in this case consumers. Thus, the practice of monetization without disclosure exacerbates the occurrence of information asymmetry which is contrary to the principle of fairness in digital economic transactions. In addition, this study is also relevant to the theory of source credibility which states that the trustworthiness and expertise of the communicator greatly influence the reception of messages by the audience, where without disclosure, consumers tend to consider the information as more trustworthy, even though it actually has a commercial bias. Based on the overall analysis, this study gives rise to the development of a new theory which can be called the "Imperative Transparency Theory in Influencer Marketing", namely a concept which emphasizes that in the modern digital marketing ecosystem, transparency is no longer voluntary, but rather a binding legal obligation requiring every business interaction on social media platforms to have clear, firm, and easily understood disclosures by consumers. This theory is an adaptation of consumer protection principles and traditional advertising theory, which previously focused more on conventional businesses. However, in the digital era, this theory has been expanded to include influencers as new legal entities with direct responsibilities to consumers. Therefore, there is a need for strengthened regulations specifically governing disclosure obligations as a legal standard applicable to digital marketing practices.

Any element of content monetization practices that does not include disclosure is closely and inseparably linked to the potential for legal violations, particularly in the realm of consumer protection laws. Here, the lack or lack of clarity in disclosing commercial relationships between influencers and businesses is a key cause of information asymmetry between the provider and the recipient, leaving consumers, as the more vulnerable, with inadequate access to fully understand the nature and purpose of the content they consume. This ultimately leads to a decline in the quality of legal protection for consumers, both from the perspective of their right to accurate, clear, and honest information, and from the perspective of their ability to make wise and responsible economic decisions.

In addition, this situation not only impacts the possibility of individual losses experienced by consumers, but can also create distortions in the overall digital market mechanism. The practice of conveying information that is less transparent can damage the principles of healthy competition and reduce public trust in the digital marketing system. If left unchecked, in the long term, this can harm both consumers and business actors who operate honestly and openly. In the context of legal responsibility, the findings of this study indicate that the practice of content monetization without disclosure does not only stop at the issue of marketing communication ethics, but has entered the legal realm that demands clear legal responsibility from influencers as actors who actively convey product information to consumers, where In the consumer protection legal system in Indonesia it is emphasized that business actors are not permitted to produce and/or trade goods or services that do not comply with the information conveyed (Law Number 8 of 1999). Therefore, the lack of transparency in the presentation of promotional content can be classified as a form of violation of these legal obligations, especially when the information conveyed contains elements of misleading or misrepresentation of facts (4).

Basically, the practice of endorsement without disclosure can also be qualified as misleading advertising, as stated in research that "influencer content that does not include disclosure tends to make consumers unaware that they are being exposed to advertising" (3), so this condition indicates the existence of manipulation of consumer perceptions which can have an impact on irrational purchasing decisions, because consumers consider the information to be an objective personal experience, even though in reality there are commercial interests that are not disclosed openly.

On the other hand, research also shows that the role of influencers in digital marketing cannot be seen as passive parties, but rather as actors who have a significant influence in shaping people's consumption behavior, as explained that "influencers have the ability to influence purchasing decisions through content that is considered credible by the audience" (11), so that substantively influencers can be positioned as part of advertising actors who should be subject to the provisions of consumer protection laws, especially regarding the obligation to be transparent about information and the prohibition on conveying misleading information.

Furthermore, the importance of disclosure in influencer marketing practices is also emphasized in research which states that “the use of clear disclosure can increase consumer awareness of the commercial nature of content” (13), which shows that the existence of disclosure not only functions as an ethical obligation, but also as a legal instrument that has an important role in maintaining transparency and trust in the digital marketing ecosystem, so that the absence of disclosure can be seen as a form of violation of the principle of information transparency which is the basis for consumer protection.

In addition, from the perspective of the theory of legal responsibility, the practice of monetizing content without disclosure can also be linked to the principle of strict liability, where business actors can be held responsible without having to prove the existence of an element of error if it is proven to cause harm to consumers, as stated that "the responsibility of business actors in consumer protection does not always depend on the existence of an error, but on the losses incurred" (14), so that in this context influencers as parties who help disseminate product information cannot avoid legal responsibility if the content conveyed is proven to be misleading or detrimental to consumers.

The responsibilities of influencers in promoting a product can be viewed from various legal perspectives as stipulated in Law Number 8 of 1999 concerning Consumer Protection. Article 4 regulates consumer rights, including the right to obtain correct, clear, and honest information regarding the products or services offered. In this context, influencers are obliged to convey information accurately and not misleadingly. If influencers provide false or incomplete information, this has the potential to violate consumer rights and can result in legal consequences. In addition, Article 7 prohibits practices that deceive or mislead consumers, including the provision of information that does not correspond to actual conditions. Therefore, influencers who make product claims without a clear scientific basis may be considered to have violated these provisions. In addition, Article 7 prohibits practices that deceive or mislead consumers, including the provision of information that does not correspond to actual conditions. Therefore, influencers who make product claims without a clear scientific basis may be considered to have violated these provisions. Article 8 requires business actors, including influencers who collaborate with brands, to provide true, clear, and non-misleading information about the products they promote. In addition, Article 19 regulates the responsibilities of business actors if the promoted product is proven to cause harm to consumers, so that parties with influence such as influencers can still be held accountable, even if they do not act as direct producers. In addition to Law Number 8 of 1999 concerning Consumer Protection, there are also various other regulations that govern influencers' obligations regarding the products they promote. Government Regulation Number 80 of 2019 concerning Electronic Commerce (E-Commerce), for example, regulates online transaction activities, including promotional and marketing activities by influencers. This provision requires influencers to provide clear, true, and accurate information about the products being promoted, and to ensure that these products do not conflict with applicable laws. In addition, the Indonesian Broadcasting Commission also establishes advertising guidelines that prohibit promotional practices that are misleading, dishonest, or exploit consumer vulnerabilities (15). If influencers violate these guidelines, they are potentially subject to administrative sanctions. In the context of financial products, influencers who promote investments or insurance are also required to comply with the provisions set by the Financial Services Authority, which emphasizes that the information provided must be accurate, not misleading, and in accordance with applicable laws and regulations. Thus, influencers' legal responsibilities in promotional activities on social media are closely linked to various regulations aimed at protecting consumers from potential harm. Therefore, influencers need to understand and comply with existing legal provisions to carry out their roles ethically and in accordance with the law. Furthermore, increased oversight and education of influencers regarding their legal responsibilities are crucial steps in realizing a more transparent and accountable digital promotional ecosystem.

In the digital era marked by the rapid development of social media as a marketing tool, influencers have become important actors in promoting various products to the wider community, where the influence that influencers have on people's consumption behavior makes them an integral part of the modern digital advertising system. Influencers not only function as communicators, but also as parties who actively shape consumer perceptions of a product through persuasive and personal content. As stated that "influencers play a significant role in shaping consumer perceptions and purchase decisions in digital markets" (11), so this position carries legal consequences that cannot be ignored.

From a civil law perspective, influencers can be held accountable if their promotional actions are proven to cause harm to consumers. This occurs when influencers convey information that is not in accordance with the facts or contains excessive claims (overclaims). In this case, it is emphasized that "promotions containing overclaims have the potential to mislead consumers and violate the principle of honesty in consumer protection" (16). Thus, influencers as parties who convey information to the public can be held accountable for losses that arise, both in the form of material and immaterial losses.

Furthermore, in the context of criminal liability, influencers can also be subject to sanctions if proven to have disseminated misleading or false information. This is in line with research findings stating that "misleading endorsements may give rise to criminal liability when false information causes consumer harm" (17). Thus, if an influencer intentionally or negligently conveys inaccurate information about a product, then this action can be qualified as an act that violates criminal law. In addition to legal aspects, influencers also have ethical and professional responsibilities in carrying out digital marketing activities. In practice, many influencers do not verify the products they promote, thus potentially harming consumers. As stated that "influencers must ensure the accuracy and reliability of the information they share with their audience" (18), so this obligation is not only legal, but also moral in maintaining public trust.

In addition to civil liability, influencers are also potentially subject to criminal sanctions if their activities violate applicable laws. Law Number 1 of 2023 concerning the Criminal Code, specifically Article 378, regulates the crime of fraud, which can be linked to the actions of influencers who intentionally convey false information about a product with the aim of misleading or deceiving consumers (19). Law Number 1 of 2024 as the second amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions also contains relevant provisions, one of which is Article 27 which prohibits the dissemination of misleading information through electronic media (20). In addition, Article 62 of Law Number 8 of 1999 concerning Consumer Protection regulates sanctions for parties who promote goods that do not meet safety and health standards. Therefore, influencers who recommend dangerous products or convey inaccurate information are potentially subject to legal consequences, either in the form of fines or imprisonment (21). Beyond the legal aspect, influencers must also pay attention to ethical responsibilities and professionalism in carrying out their roles. Honesty in marketing is crucial to maintaining a reputation in the eyes of the public. Influencers need to ensure that the products they advertise have undergone quality testing and provide clear information to their followers. In addition, disclosure regarding commercial collaborations is also important. Influencers are expected to clearly state that the promotion being carried out is paid to avoid involvement in fraud against their followers. Ambiguity can result in a decrease in the level of public trust and can lead to legal problems if consumers feel deceived.

Disclosure obligations are a crucial aspect of influencer marketing practices. Unclear disclosure can obscure the commercial nature of content and lead to misunderstandings among consumers. In this regard, it is emphasized that "lack of disclosure in influencer marketing creates information asymmetry and reduces consumer trust" (22). This condition indicates that transparency is a key element in maintaining a balanced relationship between influencers and consumers. Furthermore, other research also confirms that "Influencers who promote products without transparency can mislead consumers and undermine fair market practices." (23). Therefore, these practices not only impact individual consumers but also the market system as a whole. Therefore, it can be concluded that influencers' legal responsibilities encompass civil and criminal aspects, as well as ethical and professional aspects, all of which are interrelated in creating an effective consumer protection system. Influencers, as part of digital advertising actors, have an obligation to convey transparent, honest, and non-misleading information, so as to maintain public trust while complying with applicable legal provisions.

The implementation of legal responsibility for influencers in practice needs to be driven by strict regulations and oversight. The government and relevant institutions must continuously revise regulations to align with advances in the social media and digital industries. One step that can be taken is to establish promotional standards and oversight mechanisms for influencers so they are more careful in recommending products. With strict regulations and strict oversight, it is hoped that consumers will be protected from unethical or misleading marketing practices, and influencers can carry out their roles more responsibly. Thus, based on the overall findings and analysis supported by various sources, it can be concluded that the practice of content monetization without disclosure not only fulfills the elements of a violation of consumer protection law, but also indicates an urgent need to strengthen regulations that explicitly regulate disclosure obligations for influencers, as well as establish clear and firm standards of legal responsibility, so as to create legal certainty and provide optimal protection for consumers in facing the increasingly complex dynamics of digital marketing.

CLOSING

Based on the legal analysis conducted, this study concludes three main points. First, the practice of content monetization by influencers without disclosure is legally qualified as misleading advertising. This practice creates information asymmetry that violates the principles of honesty, transparency, and good faith as stipulated in Law Number 8 of 1999 concerning Consumer Protection. Second, although influencers currently remain a legal gray area, they are substantively and functionally part of digital advertising actors. Therefore, influencers cannot hide behind their status as "ordinary social media users" and must comply with consumer protection laws. Third, influencers bear multiple layers of legal responsibility for consumer losses arising from promotions without disclosure. This responsibility encompasses civil aspects (Article 1365 of the Civil Code concerning Unlawful Acts), criminal aspects (indications of fraud in the ITE Law and the Consumer Protection Law), and aspects of professional ethics. Based on these findings, this study confirms the validity of the "Transparency Imperative Theory," where disclosure in digital marketing is no longer a voluntary ethical choice, but rather a binding legal obligation.

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