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Health Product Advertising Regulations and the Legal Consequences of Misleading Claims

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ABSTRACT

Legal regulations on advertising and marketing of health products are important in maintaining public safety and guaranteeing the public's right to accurate information. Health products promoted through exaggerated claims or claims that are not supported by scientific evidence have the potential to cause health, economic and social harm. This study employs a normative legal approach by examining legislation governing advertising, consumer protection, health, broadcasting, information technology, and professional and corporate liability. The discussion shows that the national legal system has established a comprehensive control mechanism for health claims, including administrative supervision, criminal sanctions, civil liability, professional ethical sanctions, and legal entity accountability. Health claims are positioned as legal statements that must be normatively and scientifically accountable. The legal consequences of misleading claims are multidimensional and complementary, with the primary objective of protecting the public from the risks of false information. The results of this study confirm that compliance with regulations is not merely a formal obligation, but a prerequisite for maintaining public trust in health products and services. The existing legal framework provides a strong basis for the state to control health marketing practices and ensure that businesses and health workers act in accordance with the principles of integrity, transparency, and accountability.

INTRODUCTION

The development of the modern healthcare industry goes hand in hand with the intensification of advertising and marketing practices for healthcare products. Medicines, supplements, medical devices, and healthcare services are increasingly being marketed through various media, both conventional and digital, with narratives that highlight therapeutic benefits, disease prevention claims, and promises of improved quality of life. In social reality, the public often places health information as an important reference in medical decision-making, so promotional messages have a strong influence. This condition has legal consequences because statements in health advertisements have the potential to shape medical perceptions that are not always in line with scientific evidence (Sacco, 2018). Therefore, legal regulation is the primary instrument to ensure that health product marketing activities operate within the framework of public safety protection and legal certainty for consumers. Early 21st-century international literature has shown that uncontrolled health promotion can influence consumption patterns and pose health risks if the claims made are inaccurate or exaggerated (Mintzes, 2006; Hawkes, 2007).

In Indonesia, the regulation of advertising and marketing of health products has a strategic position because it directly intersects with the public's right to accurate and safe information (Fricella & Mamonto, 2023). Health products cannot be treated the same as ordinary consumer products because they relate to the human body, medical conditions, and the risk of side effects. When marketing messages present claims of benefits that cannot be scientifically substantiated, consumers are in a vulnerable position. This situation has prompted countries to establish clear legal boundaries for health promotion materials. The national legal framework views health advertising as an activity that must be controlled in order to maintain a balance between business

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interests and public safety. From a health law perspective, advertising regulations are not merely economic restrictions, but a form of protection for the dignity and safety of humans as legal subjects.

The entry of commercial interests into the health sector has increased the complexity of legal issues. Manufacturers and distributors of health products compete to build a superior image for their products through persuasive promotional language. In practice, this language often uses medical terms that are difficult for the general public to verify (Pranda, 2022). When these claims are not supported by adequate scientific evidence, there is the potential for misleading legal violations. This condition has long been a concern for the global academic community, which believes that health promotion requires strict ethical and legal standards so as not to harm the public interest (World Health Organisation, 2006). Therefore, the law serves as a balance between freedom of enterprise and the obligation to protect the public from potentially harmful information.

In the Indonesian legal system, advertising and marketing of health products are regulated through a combination of health law norms, consumer protection, and sectoral technical regulations. These regulations aim to ensure that any claims made to the public are objective, verifiable, and do not raise false medical expectations. The state positions itself as the authority responsible for determining the limits of claims that can be published. With this approach, the law does not stifle innovation or business activities, but rather guides health marketing practices to be conducted responsibly. Academic debates since the early 2000s have emphasized that health promotion regulations are an important part of equitable health system governance (Buse et al., 2005).

In addition to consumer protection, the regulation of health advertising is also related to the integrity of the medical profession and public trust in the health system. When health product advertisements make exaggerated claims, public trust in medical personnel and health institutions can be eroded (Prabowo et al., 2022). This has an impact on the relationship between patients and health service providers. Therefore, legal regulation of health advertising cannot be separated from efforts to maintain the credibility of the health system as a whole. A normative juridical approach is needed to examine how legal norms limit promotional space while establishing legal consequences for misleading claims.

The practice of advertising and marketing health products shows a tension between commercial interests and the obligation to protect the public. On the one hand, businesses have an interest in promoting their products widely. On the other hand, consumers often lack the capacity to adequately assess the truth of the health claims made. Public health literature notes that inaccurate promotional claims can encourage inappropriate use of products and potentially cause adverse health effects (Mintzes, 2006). This situation raises legal issues regarding the limits of business actors' responsibility for the information they disseminate.

Another problem arises from the unclear boundary between information and promotion. Health advertisements are often packaged as public education, when in fact they have strong marketing objectives. When promotional information is presented in the form of pseudo-scientific narratives, the public is at risk of misunderstanding. Global health policy studies show that health promotion regulations often lag behind the pace of marketing innovation (Hawkes, 2007). This raises legal questions about the adequacy of norms governing the content and form of health claims.

In addition, the legal consequences of misleading claims are often not fully understood by businesses. This lack of understanding leads to repeated violations that harm consumers. From a legal perspective, clarity is needed regarding the form of legal liability that can be imposed for claims that exceed the limits of scientific truth. This issue is relevant to be examined systematically through a normative juridical approach.

The study of regulations on advertising and marketing of health products is important because the public is increasingly exposed to health information through various media channels. The rapid flow of information increases the potential for the spread of claims that cannot be scientifically verified. In this situation, the law acts as a regulatory instrument that ensures that the health information circulating does not mislead the public. In addition, increased public awareness of consumer rights has led to demands for legal certainty. Consumers demand effective protection against exaggerated health claims. Therefore, a legal analysis of health advertising regulations and their legal consequences is relevant to strengthening public protection.

This study aims to analyses the legal regulation of advertising and marketing of health products and examine the legal consequences of misleading claims. This study is expected to provide a theoretical contribution to the development of health law and a practical contribution to the enforcement of consumer protection in the health sector.

RESEARCH METHOD

This study uses a normative legal approach that places law as a system of norms that regulates social behavior, particularly in the field of advertising and marketing of health products. This approach was chosen because the focus of the study lies in the analysis of legislation, legal principles, and legal doctrines relevant to the regulation of health claims and their legal consequences. Through a normative legal approach, this study examines how legal norms shape the boundaries of health product promotion practices and how legal liability is formulated when misleading claims occur. This study does not place empirical data as the main source but focuses on the coherence of norms, the systematics of regulation, and the consistency of law enforcement in protecting the interests of society. This approach is in line with the methodological view that places law as a prescriptive science that aims to provide normative guidelines for human behavior (Soekanto & Mamudji, 2001).

The type of research used is literature research with qualitative literature study techniques. The primary legal materials analyzed include legislation in the fields of health, consumer protection, and advertising. Secondary legal materials include health law textbooks, reputable scientific journals, and international policy documents relevant to the ethics of health product promotion (Creswell, 2003).

Data analysis was conducted using qualitative normative analysis techniques with thematic coding stages. Each legal material was classified based on regulatory themes, such as health claim restrictions, business operator responsibilities, and consumer protection. Next, thematic synthesis was conducted to identify regulatory patterns and their legal implications. Research quality assurance was carried out through source triangulation, namely comparing national legal provisions with relevant international ethical doctrines and standards. This technique aims to ensure that the resulting legal interpretations are consistent and scientifically accountable. With this approach, this study is expected to provide a systematic overview of the legal regulation of advertising and marketing of health products and the legal consequences of misleading claims within the national legal framework.

RESULT AND DISCUSSION

Legal Regulations on Advertising and Marketing of Health Products in the National Legal System

Health advertising regulations emphasize the role of the state in protecting citizens' constitutional right to accurate information. The legal regulation of advertising and marketing of health products in Indonesia's national legal system stems from the recognition that health is a constitutional right of citizens that must be actively protected by the state. Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia affirms the right of every person to obtain health services. This right cannot be separated from the right to obtain accurate, reliable, and non-misleading health information (Pranda, 2022). Therefore, all forms of advertising and marketing of health products are subject to strict public regulation. The state does not view the promotion of health products as merely an expression of freedom of enterprise, but rather as an activity that has the potential to pose health risks if the information conveyed deviates from scientific facts. True and responsible advertising information through reasonable marketing methods can help consumers make the right choices according to their needs and abilities and support decisions that benefit consumers (Abbas et al., 2023). On this basis, national law establishes a health advertising control system to prevent information manipulation, commercialization excesses, and the formation of misperceptions among the public. This framework ensures that health promotion is based on scientific facts and protects the public from misinformation.

The Health Law places distribution permits as the main instrument for controlling the distribution of health products. Law No. 36 of 2009 concerning Health is the main foundation for this regulation. This law stipulates that every health product distributed must meet quality, safety, and efficacy standards. Article 98 stipulates that medicines and food can only be distributed after obtaining a marketing authorization from the government. This norm does not stop at the physical distribution stage but extends to all forms of marketing communication accompanying the product (Fricella & Mamonto, 2023). Thus, health product advertisements must accurately reflect the scope of the marketing authorization granted. Any benefit claims made in advertisements must be in line with scientific assessments that have been verified by the competent authorities. Health laws explicitly prohibit additional claims that are not listed in the distribution permit, as such claims have the potential to mislead the public and endanger user safety. This rule ensures that the promotion of health products remains within the limits of valid scientific verification.

The supervision of health advertisements by BPOM emphasizes the importance of responsible communication standards. The role of the Food and Drug Supervisory Agency is central in regulating the

advertising of health products. Through BPOM Regulation No. 8 of 2019, advertising content standards have been established that must be objective, accountable, and not create exaggerated perceptions about the efficacy of products. This regulation prohibits the use of narratives of total healing, guaranteed results, or manipulative testimonials. The principles of preventive supervision and strict enforcement of safety standards by the regulatory authority are characteristic of the product control system in Indonesia. A study by Noor et al. (2023) on the implementation of criminal regulations on the use of hazardous chemicals in food distribution shows a similar approach, in which the supervisory function of BPOM is expanded to crack down on practices that have the potential to harm consumers, going beyond mere marketing communication aspects. This prohibition indicates that the national legal system treats health advertisements as a means of public information that must adhere to the principle of prudence. BPOM's supervision reflects the state's preventive approach in controlling health risks before real impacts occur in society (Susilo, 2023). The prohibition of exaggerated claims emphasizes the regulation's orientation towards protecting the public from health risks.

Health service advertising regulations emphasize the boundary between educational functions and commercial interests. In addition to products, national law specifically regulates health service advertising. Minister of Health Regulation No. 1787/MENKES/PER/XII/2010 stipulates that advertisements for health care facilities must be informative and educational. Hospitals, clinics, and health workers are prohibited from promoting the success of medical procedures or comparing services in an unethical manner. These restrictions, as analyzed in Sahidu et al. (2023) study on medical advertising regulations and patient protection, explicitly position patients as consumers who must be protected from misleading information, exaggerated promises, and unethical commercialization of health services. These provisions demonstrate that the law clearly separates service information from aggressive commercial promotion. Health services are positioned as public services that carry professional responsibility, so they cannot be reduced to free marketing commodities (Qothrunnadaa, 2023). This rule places health promotion as part of professional responsibility, not merely a market strategy.

The integration of health advertising regulations with consumer protection strengthens the legal position of the public as service recipients. Health advertising regulations are also integrated with the consumer protection regime. Law No. 8 of 1999 affirms consumers' right to accurate, clear, and honest information. Based on this law, all misleading and inappropriate advertising activities in the trade of goods or services are prohibited (Irawati et al., 2023). In the health sector, these right carries greater weight because it is directly related to life safety. Any misleading health product advertisement can be classified as a violation of consumer rights and result in legal liability for the business operator (Laila, 2017). With this approach, national law builds an additional layer of protection beyond sectoral health regulations. This framework shows that consumer rights are the main bulwark against misleading promotional practices.

Health advertising regulations demonstrate the close relationship between media regulation and public interest. Broadcast and digital media expand the scope of health advertising regulations. Law No. 32 of 2002 on Broadcasting regulates restrictions on certain advertising content in the public interest. Health products promoted on television and radio must comply with broadcast content and ethics standards. At the same time, the Electronic Information and Transaction Law regulate the distribution of information through electronic media. The combination of these two legal regimes ensures that the promotion of health products through digital platforms remains within the limits permitted by law. However, with the development of the advertising industry across various platforms, there are concerns about advertisements that deviate from established procedures, in the form of false claims, misleading practices, or manipulative tactics to influence consumer perceptions (Widijowati & Denysenko, 2023). This situation requires continuous oversight to maintain the integrity of health information.

The development of technology-based advertising requires stricter regulations on promotional practices. Oversight of digital advertising is becoming increasingly important with the growth of marketing through social media. The national legal system places full responsibility on businesses for all promotional content disseminated, including content delivered through third parties or influencers (Riancana et al., 2023). Therefore, recognition of the potential of social media as a highly effective promotional tool, as studied by Infante and Mardikaningsih (2022), must be balanced with an awareness of the increasing legal responsibility for content disseminated through

these platforms. This principle of responsibility prevents the shifting of blame and ensures that every health claim can be legally traced. Thus, the law does not lag behind developments in communication technology. Consistent enforcement of regulations is key to ensuring that digital promotion remains in line with legal certainty.

A robust legal framework requires effective enforcement instruments against health advertising violations. In addition to preventive regulations, the national legal system provides a multi-layered sanction mechanism. The Health Law regulates administrative and criminal sanctions for violations of health product distribution and advertising regulations. BPOM has the authority to impose sanctions in the form of warnings, advertising suspensions, and distribution license revocations. The Consumer Protection Law provides for civil claims for losses suffered by consumers (Indradewi & Sahid, 2023). This structure of sanctions demonstrates the state's seriousness in enforcing legal compliance in the field of health advertising. This multi-layered approach strengthens the position of the law as a protector of public interests.

The effectiveness of health advertising supervision depends on the synergy between authorities with different mandates. Coordination between state institutions is an important element in the supervision of health product advertising. BPOM, the Ministry of Health, the Indonesian Broadcasting Commission, and the Ministry of Communication and Information Technology have complementary authorities (Widyorini, 2020). This division of authority allows for comprehensive supervision of various promotional media. With this coordinated system, national law establishes a control mechanism that is adaptive to the dynamics of modern marketing. This inter-agency cooperation strengthens the legitimacy of the law in facing the challenges of health promotion.

Health advertising regulations serve as normative guidelines for legitimate promotional practices. In practice, the legal regulation of health advertising shapes the standards of conduct for business actors. Legal norms encourage the use of factual and verifiable promotional language. Every claim must be supported by a distribution permit and established technical standards. Thus, the law functions as an instrument for shaping responsible health marketing ethics. Compliance with these norms strengthens public trust in the health information that is circulated.

Health advertising policies affirm the role of law as a regulator of interactions between the market and society. Furthermore, these regulations reflect the state's efforts to maintain a balance between freedom of enterprise and the protection of public health. Business actors are still given space to market their products, but within strict legal boundaries. This approach shows that the national legal system does not close off investment and innovation, but directs commercial activities to be in line with the interests of society. With this framework, the law serves as a guide so that economic activities remain oriented towards the public interest.

The overall regulation of health advertising shows the state's consistency in building an integrated legal system. Ultimately, the legal regulation of advertising and marketing of health products in Indonesia's national legal system establishes a comprehensive framework of protection. The applicable regulations ensure that all health information that is disseminated is legally accountable. The basic principle underlying this responsibility for information is the right of patients to obtain accurate and complete information as a prerequisite for informed consent, as emphasized by Chairul et al. (2023). Health advertising regulations thus serve to protect this fundamental right in the public sphere. With this approach, the state seeks to maintain public trust in the health system and protect the public's right to accurate and safe information. This framework affirms the national legal commitment to ensuring transparency and accountability of health information.

Legal Consequences of Misleading Health Claims

Misleading health claims demand serious attention because they concern the safety and rights of citizens. The legal consequences of misleading health claims in the Indonesian legal system must be understood as part of protecting the public from false information that has the potential to endanger public safety. Misleading health claims can take various forms, ranging from commercial advertisements and health product promotions to medical service statements that promise excessive results and are not in line with valid scientific evidence. The state views health information as having a direct impact on public behavior, thereby positioning misinformation as a threat to the basic rights of citizens. Article 28F of the 1945 Constitution of the Republic of Indonesia affirms the right of every person to communicate and obtain accurate information, which means that the state has an obligation to ensure that the health information circulating does not contain manipulative or misleading elements. From a legal perspective,

inaccurate health claims are not merely viewed as a violation of marketing ethics, but as a violation of the constitutional rights of the public that can trigger serious legal consequences for the responsible parties. From this perspective, regulations serve as the main defense against promotional practices that are detrimental to the public.

The legal basis for health claims affirms the state's position in maintaining public safety standards. Law No. 36 of 2009 on Health provides the main normative basis for imposing legal consequences on misleading health claims. This law stipulates that all health products, including medicines, medical devices, and health foods, must meet quality, safety, and efficacy standards before being marketed to the public. Law enforcement against harmful practices in the health sector is part of a systematic effort to ensure the integrity of the system. This is evident in the study by Setiawan et al. (2023) on the implementation of positive law in combating fraud in health insurance, which emphasizes that criminal, administrative, and civil law approaches are often needed simultaneously to create a deterrent effect and comprehensive protection for the public.

Claims made in advertisements or promotions must be consistent with marketing authorizations and test results approved by the government. If the health claims made deviate from these provisions, business actors may be subject to administrative sanctions in the form of revocation of marketing authorizations and product recalls (Fricella & Mamonto, 2023). Furthermore, Articles 196 and 197 of the Health Law provide for criminal sanctions against parties who distribute health products with false or misleading information. With this construction, health law places misleading claims as acts that have the potential to incur criminal liability, especially if these acts pose a real risk or loss to the public. This criminal framework reinforces the national legal commitment to protect the public from harmful promotional practices.

The position of BPOM in the legal system emphasizes the importance of a special authority to maintain the safety of health products. Legally, BPOM is in a strategic position as a non-ministerial agency that reports directly to the President and has the authority to formulate policies in the field of medicines and food, particularly in the context of supervising and monitoring products circulating in Indonesia (Fricella et al., 2023). Mustika et al. (2023) show that this agency's preventive and enforcement approach is a key strategy in protecting the public from substandard products.

In addition, Khayru (2022) research shows the complex dynamics between local practices, national regulations, and integration into the modern health system, which requires a sensitive yet firm supervisory approach. The role of the Food and Drug Supervisory Agency is central to enforcing legal consequences for misleading health claims. Through BPOM Regulation No. 8 of 2019 concerning the Supervision of Advertising of Medicines, Health Supplements, Traditional Medicines, and Cosmetics, it is stipulated that advertisements for health products must be objective, rational, and not give the impression that the product can replace the role of health workers. If inappropriate claims are found, BPOM has the authority to impose administrative sanctions in stages, ranging from written warnings, suspension of advertising, to revocation of distribution permits (Irawati & Ayupermata, 2022). This mechanism shows that the legal consequences for misleading claims are progressive and designed to prevent wider impacts. However, if violations are systematic or repeated, administrative sanctions can escalate to a total ban on the distribution of the product in question. This demonstrates BPOM's role as the front line in ensuring the integrity of health information.

Consumer protection is an important instrument in ensuring the accuracy of health product information. In the realm of consumer protection, Law No. 8 of 1999 provides direct and explicit legal consequences for misleading health claims. This law affirms consumers' rights to accurate, clear, and honest information about the condition and guarantees of the products they consume. Health claims that deviate from the facts can be classified as a violation of consumer rights and result in legal liability for business actors (Rahmadhani & Mufidi, 2023). Article 62 of the Consumer Protection Law even stipulates criminal sanctions for business actors who deliberately produce or trade goods and/or services that do not match the information provided. Thus, misleading claims not only result in administrative sanctions but also open the door to criminal liability for corporations and individuals involved. This provision strengthens the position of consumers as parties fully protected by law.

The broadcasting and digital media sectors have expanded the scope of regulations on health claims that could potentially be misleading. Legal consequences for misleading health claims also apply in the broadcasting and digital media sectors. Law No. 32 of 2002 on Broadcasting prohibits the broadcasting of advertisements that are misleading

or potentially harmful to the public. Broadcasting institutions that broadcast problematic health advertisements may be subject to administrative sanctions, including the revocation of their broadcasting license. On the other hand, Law No. 11 of 2008 on Electronic Information and Transactions, as amended by Law No. 19 of 2016, prohibits the dissemination of misleading information that harms consumers through electronic systems. This challenge becomes even more complex because it concerns public health. False health claims disseminated through social media or digital platforms are subject to criminal sanctions in the form of fines and imprisonment (Riancana et al., 2023). The challenges of enforcing the law against misleading claims and digital fraud require both regulatory adaptation and responsive oversight mechanisms. This shows that legal consequences are not limited to conventional media but also extend to the digital space, which is increasingly dominant in health product marketing. With this scope, regulations are able to adapt to modern technology-based communication patterns.

The health profession dimension places information integrity as part of professional obligations. In the health profession, misleading health claims carry significant ethical and administrative consequences. Law No. 29 of 2004 concerning Medical Practice emphasizes the obligation of doctors to provide accurate, honest, and accountable information to patients. This obligation is rooted in the principle of protecting patient rights, as emphasized in the study by Herisasono et al. (2023), where the therapeutic relationship must be based on transparency and honesty of information as part of fulfilling the right to safe and quality health services. If healthcare professionals make exaggerated claims, such as promising complete recovery without a valid scientific basis, then such actions can be considered a violation of professional obligations. The consequences that may be imposed include reprimands, restrictions on practice, and even revocation of practice licenses by the Indonesian Medical Council (Fricella & Mamonto, 2023). Thus, the law not only regulates products but also the professional behavior of individuals who contribute to the dissemination of misleading information. This emphasizes that professional ethics are a key pillar in maintaining patient trust.

The civil law provides a concrete avenue of redress for victims of misleading health claims. Legal consequences also exist in civil law through the mechanism of compensation claims. Article 1365 of the Civil Code provides the basis that any unlawful act that causes loss must be compensated. The principle of recovery through compensation for consumers who have been harmed by business actors is also at the core of legal protection in consumer transactions, as analyzed by Darmawan et al. (2023), which shows the consistency of the legal approach in providing restorative justice. Consumers who suffer losses due to misleading health claims, whether in the form of financial losses or health problems, can file civil lawsuits against business actors. This civil law route strengthens legal protection by providing victims with the opportunity to obtain direct recovery (Susilo, 2023). Thus, misleading claims carry cumulative legal consequences, as they can result in administrative, criminal, and civil sanctions simultaneously. With this mechanism in place, victims gain access to broader and more measurable justice.

Corporate liability in health advertising affirms the role of law in overseeing business practices. Manufacturers are liable for misleading promotions because misleading promotions clearly violate guarantees, as guarantees are one of the meanings of promotion (Santoso et al., 2023). In the corporate sphere, misleading health claims can lead to criminal liability for legal entities. Indonesian law recognizes the doctrine of corporate criminal liability if unlawful acts are committed in the context of company policy or interests. Supreme Court Decision Number 811 K Pid Sus 2010 confirms that corporations can be punished if they are proven to have committed a criminal offence. In the practice of health claims, this means that companies can be subject to sanctions in the form of large fines, revocation of business licenses, or restrictions on business activities (Pranda, 2022). This approach emphasizes that legal responsibility cannot be transferred entirely to the individuals carrying out the actions. Thus, corporations are positioned as legal entities that are obliged to maintain the integrity of health promotions.

The aspect of business competition reveals another dimension of the legal consequences of misleading health claims. The legal consequences of misleading health claims also extend to the realm of business competition. Law No. 5 of 1999 prohibits unfair business practices that mislead consumers. False health claims can be considered fraudulent practices because they create false advantages and harm other business actors who comply with legal provisions. The Business Competition Supervisory Commission has the authority to impose sanctions on business actors who engage in such practices (Rahmadhani & Mufidi, 2023). Thus, misleading

claims not only violate health and consumer protection laws, but also business competition laws. This emphasizes that market integrity must be maintained so that competition can take place fairly.

The reputation dimension shows that the impact of misleading health claims is not only formal legal in nature. In addition to formal sanctions, misleading health claims carry reputational consequences that are implicitly recognized in the legal system. Revocation of distribution permits, court rulings, or administrative sanctions will have a direct impact on public trust in businesses or health workers. In the health sector, public trust is a key prerequisite for the sustainability of services. Therefore, reputational consequences serve as a social control mechanism that encourages ongoing legal compliance. With this mechanism, reputation acts as a reinforcement of legal compliance as well as a guardian of the credibility of health services.

The legal consequences of misleading health claims in the Indonesian legal system are multidimensional and complementary, reflecting the complex interconnection between various regulatory regimes. Criminal, administrative, civil, professional ethical, corporate liability, and competition law sanctions form a comprehensive control network. Applicable regulations, ranging from the Health Law, Consumer Protection Law, to BPOM implementing regulations, emphasize that health claims are not a free marketing tool, but rather legal statements that must be accounted for normatively and based on valid scientific evidence.

With this comprehensive legal framework, the state actively seeks to protect the public from the risks of misleading information and the health impacts it can cause. At the same time, this framework ensures that businesses and health workers act in accordance with the principles of integrity, transparency and accountability as the main pillars of responsible practice. This multi-layered approach reflects the national legal commitment to balancing freedom of enterprise with the fundamental obligation to safeguard public safety and trust in the healthcare system as a whole.

Overall, the complexity of these legal consequences demonstrates the strength and maturity of the Indonesian legal system in establishing holistic and responsive protection. By covering various aspects (content, media, actors) and types of actors (corporations, individuals, professions), this framework not only aims to provide a deterrent effect, but also to create an ethical, transparent health promotion ecosystem that is oriented towards the interests and informed decisions of consumers. Thus, this comprehensive approach strengthens the resilience of the national legal system in protecting the public from illegal and irresponsible promotional practices, while supporting the realization of a more trustworthy health ecosystem.

CONCLUSION

Legal regulations concerning advertising and marketing of health products, as well as the legal consequences of misleading claims, demonstrate that the national legal system considers health information to be part of the public interest that must be strictly protected. Health claims are not positioned as ordinary commercial expressions, but rather as statements that have broad legal, ethical, and social implications. Through various laws and regulations, the state has established a comprehensive control framework, ranging from licensing regulations and advertising content supervision to criminal, administrative, civil, and professional ethical sanction mechanisms. This approach reflects the legal desire to prevent promotional practices that have the potential to mislead the public and endanger public safety. Thus, health claims made without a valid scientific basis or beyond the scope of the permit granted are understood as unlawful acts that can result in serious liability for business actors and health workers.

The legal implications of this regulation emphasize that business actors in the health sector are required to internalize legal compliance in all marketing and public communication activities. Health product advertisements must be carefully crafted, based on accountable data, and in line with marketing authorization requirements and professional standards. For healthcare professionals, the obligation to provide accurate information demands a high level of professional integrity, as every statement has legal and ethical consequences. For regulators, the existing legal framework provides a strong basis for cross-sectoral oversight, including in the rapidly evolving digital space. More broadly, these implications encourage the creation of a more equitable business climate, protect consumers, and maintain public trust in the healthcare system.

Strengthening the effectiveness of legal regulations on advertising and health claims needs to be directed towards consistent law enforcement and improved coordination between supervisory agencies. Regulatory adjustments to developments in digital media and new marketing patterns are necessary to ensure that supervision remains relevant and responsive. On the other hand,

improving legal and health literacy among the public is important so that consumers are able to critically assess the claims they receive. Business actors and health workers need to make legal compliance part of their internal governance, so that violations can be prevented from the marketing communication planning stage. With these steps, the objectives of public protection and legal certainty can go hand in hand.

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