

BEYOND LIKES AND FOLLOWS: Navigating Consumer Trust and IPR-Related Risks in Influencer Marketing

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Abstract

The rapid growth of influencer marketing has revolutionized the way brands connect with their target audiences. However, this novel marketing strategy has also brought forth new legal challenges, particularly in consumer trust and intellectual property rights (IPRs). This study aims to bridge the gap in the current understanding of the interplay between consumer trust and IPR risks in the context of influencer marketing. Through a normative legal research method with a statutory approach, this study seeks to comprehensively examine the wider implications of influencer marketing. The research aims to contribute to developing a more robust legal framework that can effectively address the unique challenges posed by influencer marketing while fostering consumer trust and protecting intellectual property rights. The findings reveal inadequacies in the existing

Indonesian legal frameworks, particularly the Consumer Protection Law, Copyright Law, and Trademark and GI Law, in addressing the unique challenges of influencer marketing. The study proposes targeted amendments to these laws, including mandatory disclosure requirements, clear guidelines on fair use and trademark usage, and stronger enforcement mechanisms to mitigate consumer trust and IPR risks.

Pertumbuhan pesat pemasaran melalui influencer telah merevolusi cara mengenalkan merek berhubungan dengan audiens target mereka. Namun, strategi pemasaran baru ini juga memunculkan tantangan hukum baru, terutama di bidang kepercayaan konsumen dan hak kekayaan intelektual (HKI). Penelitian ini bertujuan untuk menjembatani kesenjangan dalam pemahaman saat ini mengenai keterkaitan antara kepercayaan konsumen dan risiko HKI dalam konteks pemasaran influencer. Melalui metode penelitian hukum normatif dengan pendekatan perundang-undangan, penelitian ini berupaya memberikan pemeriksaan menyeluruh terhadap implikasi luas pemasaran influencer. Penelitian ini bertujuan untuk berkontribusi pada pengembangan kerangka hukum yang lebih kuat yang dapat secara efektif menangani tantangan unik yang ditimbulkan oleh pemasaran influencer sambil mendorong kepercayaan konsumen dan melindungi hak kekayaan intelektual. Temuan mengungkapkan ketidakcukupan dalam kerangka hukum Indonesia yang ada, terutama Undang-Undang Perlindungan Konsumen, Undang-Undang Hak Cipta, dan Undang-Undang Merek dan Indikasi Geografis, dalam menangani tantangan unik pemasaran influencer. Penelitian ini mengusulkan amandemen khusus terhadap undang-undang ini, termasuk persyaratan pengungkapan wajib, pedoman yang jelas tentang penggunaan wajar dan penggunaan merek dagang, serta mekanisme penegakan yang lebih kuat, untuk mengurangi risiko kepercayaan konsumen dan HKI.

Keywords: *consumer trust, influencer marketing, intellectual property rights.*

Introduction

The digital revolution has ushered in a new era of marketing strategies, creating many opportunities for brands to expand their market. One of the ways that brands can utilize the digital landscape for their advantage is by utilizing the influence of certain active people who have huge followers or are often referred to as influencers.¹ By leveraging the influence of established social media personalities with significant audience reach, brands can promote products and services without having to create a complex marketing campaign.² While seemingly straightforward, influencer marketing presents complex legal challenges in Indonesia, particularly regarding consumer trust and intellectual property rights (IPRs). Analyzing the interplay between these factors can provide a crucial understanding of what can be considered the present and the future of advertising in this increasingly globalized and digitalized world.

Unpacking the theoretical foundations of influencer marketing's effectiveness is crucial and perhaps urgent due to the rising relevancy of digital marketing in general.³ Examining the factors that contribute to an influencer's power and the trust they inspire in consumers can provide a base understanding of how their marketing efforts for certain brands can positively and negatively impact many relevant legal aspects for those brands. Existing challenges, such as the lack of clear disclosure guidelines, can lead to deceptive practices, further complicating the analysis of consumer trust's true nature

¹ Hesti Armiwulan et al., "Artificial Intelligence and Its Challenges To Elections In Indonesia: A Legal Analysis," *Jambura Law Review* 6, no. 2 (July 22, 2024): 264–85, <https://doi.org/10.33756/jlr.v6i2.24243>.

² Gaëlle Ouvrein et al., "The Web of Influencers. A Marketing-Audience Classification of (Potential) Social Media Influencers," *Journal of Marketing Management* 37, no. 13–14 (2021): 1313–42, <https://doi.org/10.1080/0267257X.2021.1912142>.

³ Charles R. Taylor, "The Urgent Need for More Research on Influencer Marketing," *International Journal of Advertising* 39, no. 7 (2020): 889–91, <https://doi.org/10.1080/02650487.2020.1822104>.

within the digital landscape.⁴ This lack of transparency presents a serious risk to consumer trust, possibly misleading consumers by not disclosing sponsorships, which can negatively impact brand sentiment among consumers. Furthermore, it undermines consumer rights, as consumers are deprived of making informed decisions based on accurate information.

Further complicating the legal landscape, the intersection of influencer marketing and intellectual property rights (IPRs) can also present unique challenges that might also need to be properly regulated. As traditional legal frameworks struggle to keep up with the rapid changes in digital marketing, ambiguity and legal disputes can arise. This problem can also extend to IPRs, where many aspects of the digital landscape are not yet fully consolidated in the relevant Indonesian legal frameworks.⁵ Influencer marketing that is not done under serious research and a robust understanding of legal compliance can lead to potential legal disputes where the use of certain materials might not infringe upon the IPRs of other people, which can drag brands behind the influencer into a possible legal dispute.⁶ IPR risks can also stem from influencer marketing that involves a product infringing upon another brand's IPR, such as a trademark.⁷ Consequently, these issues can damage consumer trust and typically ruin a brand's reputation.

The interplay between these factors is not often visible, but analyzing the legal implications is nevertheless important to mainly reveal how it can reflect consumer sentiments to some degree. This research paper investigates how

⁴ Liselot Hudders, Steffi De Jans, and Marijke De Veirman, "The Commercialization of Social Media Stars: A Literature Review and Conceptual Framework on the Strategic Use of Social Media Influencers," *International Journal of Advertising* 40, no. 3 (2021): 327–75, <https://doi.org/10.1080/02650487.2020.1836925>.

⁵ Loso Judijanto et al., "Challenges and Opportunities in Implementing Intellectual Property Rights Protection System for Creative Industry Development in Indonesia," *West Science Law and Human Rights* 2, no. 01 (January 2024): 28–35, <https://doi.org/10.58812/wslhr.v2i01.605>.

⁶ Caroline E. Kim, "Insta-Fringement: What Is a Fair Use on Social Media?," *UIC Review of Intellectual Property Law* 18, no. 1 (2018): 101–22.

⁷ Peter Kotecki, "Intellectual Property Infringement and the Possibility of Influencer Liability," *Washington University Law Review* 100 (2022): 1555–82.

these factors interact within the existing legal framework in Indonesia. By analyzing this interplay, this paper aims to identify areas where current regulations may be inadequate in addressing this marketing practice and how the identified inadequacies can affect consumer trust. Consumer trust is a crucial topic of analysis in this paper, and it will also be analyzed from the legal point of view by extracting relevant principles from the legal frameworks regarding consumer protection. By connecting these dots, this paper hopes to clarify the otherwise murkiness of legal intersection, which is increasingly becoming important as Indonesia adapts to the digital environment.

The rapid rise of influencer marketing has sparked significant academic interest, with researchers delving into its effectiveness, ethical considerations, and potential legal implications. A study explores the theoretical foundations of influencer marketing's power, highlighting the role of perceived expertise, social identity, and social interaction in building trust between influencers and their audiences. This trust can outperform traditional advertising in shaping consumer brand perception and influencing purchase decisions.⁸ However, despite mentioning that there might be possible legal implications of unethical marketing practices by influencers, the study does not dive into how these implications can affect consumer trust. Another study seeks to explore the ethical issues and legal implications of influencer marketing by focusing its analysis on the future of influencer marketing by setting virtual reality as the main context.⁹ Future-oriented analysis can also be found in another study, where the interplay between influencer marketing and artificial intelligence¹⁰

⁸ Asif Iqbal et al., "Unveiling the Power of Influencer Marketing: A Systematic Review of Influencer Marketing Antecedents, Outcomes, Theoretical Framework and the Future Research Directions," *Research Journal for Societal Issues* 5, no. 2 (June 2023): 362–95, <https://doi.org/10.56976/rjsi.v5i2.119>.

⁹ Floris Mertens and Julie Goetghebuer, "Virtual Reality, Real Responsibility: The Regulatory Landscape for Virtual Influencers," *Financial Law Institute Working Paper Series* (Gent, 2024), <https://doi.org/10.2139/ssrn.4718820>.

¹⁰ Nanda Yuniza Eviani, Maskun Maskun, and Ahmad Fachri Faqi, "Legal Challenges of AI-Induced Copyright Infringement: Evaluating Liability and Dispute Resolution Mechanisms in Digital Era," *Jambura Law Review* 6, no. 2 (July 22, 2024): 403–28, <https://doi.org/10.33756/jlr.v6i2.24459>.

(AI) was analyzed. However, these analyses might be far-sighted, as the current practice of influencer marketing is still not fully understood in the legal sphere, particularly with consumer protection and how it affects consumer trust.

The legal landscape surrounding influencer marketing has its own unique set of challenges. Existing legal frameworks, primarily focused on traditional advertising and consumer protection, often struggle to keep pace with the rapid growth of this digital marketing strategy, as highlighted by a study.¹¹ The study ultimately suggests establishing ad-hoc rules, mainly through a self-regulatory body that can identify the relevant legal issues and their normative implications. In the context of IPRs, a study outlines those influencers often operate in a grey area of IPR protection and digital marketing, mainly because of the lack of regulations that can fully consolidate the legal implications of influencer marketing.¹² However, these studies separately analyze consumer trust and IPRs despite the intrinsic connection between these two elements in the context of influencer marketing. Ultimately, this highlights the lack of nuance in understanding the wider implications of influencer marketing.

While existing research has explored the effectiveness and psychological mechanisms of influencer marketing, there is a lack of in-depth analysis of the direct impact of legal issues on consumer trust. Moreover, the current legal landscape surrounding influencer marketing practices requires further investigation. The review identifies challenges faced by legal frameworks in keeping pace with the rapid growth of influencer marketing, with suggestions for ad-hoc rules through self-regulatory bodies. However, a significant gap exists in understanding the interplay between consumer trust and IPR risks, as these aspects are often analyzed separately despite their inherent connection. To address this gap, this research aims to provide a more nuanced and

¹¹ Mariacristina Reale, "Digital Market, Bloggers, and Trendsetters: The New World of Advertising Law," *Laws* 8, no. 3 (2019): 1–14, <https://doi.org/10.3390/laws8030021>.

¹² Zijun Liu, "Intellectual Property Controversies in China's Emerging Influencer Economy" (Simon Fraser University, 2019).

comprehensive understanding of the wider implications of influencer marketing by examining the intersection of consumer trust and IPR risks. By bridging this gap, the research seeks to contribute to the development of a more robust legal framework that can effectively navigate the unique challenges posed by influencer marketing while fostering consumer trust and protecting intellectual property rights. This study also utilizes the pure theory of law as explained by Hans Kelsen, which focuses on the analysis of law as it is, without the influence of external factors such as morality or justice. Kelsen argues that justice should not be a concern of legal science, as law should be understood as a system of norms that governs behavior rather than a tool for achieving moral outcomes.¹³ The relevance of the pure theory of law in the research lies in its focus on the normative structure of law, which separates legal rules from social or ethical considerations. Kelsen's theory provides a framework for understanding the legal obligations and rights within influencer marketing, specifically regarding consumer trust and IPRs. By applying the pure theory of law, this research can analyze legal norms governing influencer marketing independently of moral or social influences, clarifying the legal boundaries and potential risks.

Research Methods

This research utilizes the normative legal research method by analyzing the existing legal norms within the positive laws that govern the relevant topic.¹⁴ The normative legal research method typically involves identifying a certain issue, which is then analyzed to reveal how the existing law governs that issue. In its purest form, this involves utilizing secondary data in the form of

¹³ Darmini Roza and Gokma Toni Parlindungan S, "Teori Positivisme Hans Kelsen Mempengaruhi Perkembangan Hukum Di Indonesia," *Lex Jurnalica* 18, no. 1 (2021): 20–26.

¹⁴ Hari Sutra Disemadi, "Lenses of Legal Research: A Descriptive Essay on Legal Research Methodologies," *Journal of Judicial Review* 24, no. 2 (2022): 289–304, <https://doi.org/10.37253/jjr.v24i2.7280>.

primary law sources to find the inadequacy within the relevant legal system.¹⁵ Therefore, the statutory approach is the most suitable approach for this research, as it paves the way for analyzing the existing legislation. Secondary data employed in this research include Law No. 8 of 1999 concerning Consumer Protection, Law No. 11 of 2008 concerning Electronic Information and Transactions, Law No. 28 of 2014 concerning Copyright, and Law No. 20 of 2016 concerning Trademarks and Geographical Indications. The method involves analyzing statutory laws and relevant case law as primary sources, obtained through legal databases and official publications and processed by evaluating their consistency and alignment with the current regulatory framework governing consumer trust and intellectual property rights in influencer marketing.

Discussion

The Interplay Between Consumer Trust and Intellectual Property Rights (IPR) in Influencer Marketing

As technological developments continue, many utilizations of digital technology have been to improve aspects of marketing, allowing better productivity and wider reach.¹⁶ This development presents significant opportunities and challenges for brands, influencers, and consumers. As social media platforms evolve and influencers gain increasing prominence, their ability to shape consumer preferences and purchasing decisions has become more apparent than ever. This has led to the widespread rise in what is called ‘influencer marketing’, where certain brands would pay influencers to market their product through ‘endorsement’, relying on the influencers’ impacts and

¹⁵ David tan, “Metode Penelitian Hukum: Mengupas Dan Mengulas Metodologi Dalam Menyelenggarakan Penelitian Hukum,” *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 8, no. 5 (2021): 1332–36.

¹⁶ Anak Agung Sagung Mas Anastassia Nawang Asti, “Digital Marketing in the Era of Society 5.0 by Applying Design Thinking,” *International Conference Faculty of Economics and Business* 1, no. 1 (August 2022): 290–301.

big social media followers.¹⁷ This process also takes advantage of algorithms behind the relevant social media platforms, as they typically favor content with many engagements through likes, follows, and comments.¹⁸

One of the legal implications of this practice is consumer protection, which stems from trust as one of the most valuable currencies in the digital landscape.¹⁹ When influencers promote a product or service, they essentially leverage the trust they have built with their audience to endorse that item. However, when these endorsements are not disclosed as sponsored content or when an influencer engages in misleading or deceptive practices, it can erode consumers' trust. This erosion of trust can have far-reaching consequences, not only for the influencers themselves but also for the brands they promote. In a world where consumers increasingly rely on trusted influencers' recommendations, any breach of trust can be devastating for a brand's reputation.²⁰ This essentially goes back to consumer protection laws which typically govern those consumers have a right to transparent and honest information when making purchasing decisions, and influencer marketing lacking proper disclosures violates that fundamental right.²¹

Kelsen's pure theory of law offers insight into how legal obligations regarding transparency in influencer marketing should be viewed strictly as legal norms, independent of moral considerations like trust or fairness. From

¹⁷ Kanika Gambhir and Rubaid Ashfaq, "The Role of Influencer Marketing in Building Brands on Social Media: An Analysis of Effectiveness and Impact," *Journal of Language and Linguistics in Society (JLLS)* ISSN 2815-0961 3, no. 04 (June 2023): 16–28, <https://doi.org/10.55529/jlls.34.16.28>.

¹⁸ Fine F. Leung et al., "Influencer Marketing Effectiveness," *Journal of Marketing* 86, no. 6 (November 2022): 93–115, <https://doi.org/10.1177/00222429221102889>.

¹⁹ Anca-Alexandra Ducman, "Redefining Wine Brand Engagement through Influencer Marketing and Ephemeral Content," *Theoretical and Applied Economics* XXXI, no. 1 (2024): 43–56.

²⁰ Kikelomo Fasilit Anjorin, Mustafa Ayobami Raji, and Hameedat Bukola Olodo, "The Influence of Social Media Marketing on Consumer Behavior in the Retail Industry: A Comprehensive Review," *International Journal of Management & Entrepreneurship Research* 6, no. 5 (May 2024): 1547–80, <https://doi.org/10.51594/ijmer.v6i5.1123>.

²¹ Hardiana Clarisa and Hany Areta A, "Fake Review and Liabilities Defect Goods in E-Commerce," *The Lanpreneurship Journal* 2, no. 1 (November 2022): 19–42, <https://doi.org/10.21632/tlj.2.1.19-42>.

this perspective, the legal system must enforce disclosure requirements because they are established legal rules, not because they uphold consumer trust. Therefore, this issue must be connected to consumer protection law by referencing some of the key basic provisions. This is even more important as the ambiguous nature of influencer marketing is taken into account, where influencers often operate in a grey area, making it difficult for consumers to distinguish between genuine content and paid promotions. By establishing a set of legal norms that can address this particular aspect, the ambiguity of influencer marketing can be remedied using stern legal enforcement.

The issue of intellectual property rights further complicates this dynamic, as influencers often operate in a grey area when using copyrighted material.²² Influencers who are not aware of the importance and the consequences of using other people's IPRs might end up infringing them, mainly through the use of music, images, or other content in their posts, including the ones used to endorse a certain product. This lack of knowledge can lead to unintentional infringements, which can harm the original creators' rights and expose the influencer and the brands they work with to legal liability.²³ Ultimately, this disturbs the marketing campaign the brand is working on, as issues such as content takedown can also happen even with no legal repercussions. Issues regarding IPRs can also damage influencers, as an infringement committed by the brand, they represent can also drag them into a possible legal problem. This has happened before in the United States, where an influencer was sued to be held liable for infringement, as the influencer has endorsed a brand that, according to the plaintiff, has infringed their IPRs.²⁴

The implications of these legal issues are becoming increasingly complex as users of electronic systems demand better clarity and electronic systems.

²² Caroline Russ, "Tweet Takers & Instagram Fakers: Social Media & Copyright Infringement," *Tulane Journal of Technology & Intellectual Property* 22 (2020): 205–24.

²³ Stuart Cunningham and David Craig, "Creator Governance in Social Media Entertainment," *Social Media and Society* 5, no. 4 (2019): 1–11, <https://doi.org/10.1177/2056305119883428>.

²⁴ Kotecki, "Intellectual Property Infringement and the Possibility of Influencer Liability."

Providers try to consolidate these demands into an integral part of their platform's features.²⁵ Unfortunately, some influencers are also complicating this issue by actively trying to avoid transparency and any form of disclosure to trick their audience and algorithm of the relevant electronic systems into thinking that they are authentically promoting a product with no payment.²⁶ These problematic developments showcase not only the problem with enforcement but also the available legal norms to prevent this, as the rising level of transparency can indicate the lack of deterrent effect from the relevant legal framework.

To significantly improve consumer trust amid these dynamics, it is essential for both brands and influencers to prioritize transparency, authenticity, and overall respect for legal compliance.²⁷ Another aspect that needs to be navigated carefully is the realm of IPRs, which is important in developing legal culture.²⁸ The significance of these aspects is multiplied when the role of influencers in today's society is taken into account, particularly in shaping the perception of trust in brands to help increase brand engagements.²⁹ Therefore, relevant legal frameworks must be able to ensure a fair and transparent influencer marketing ecosystem by consolidating the prevention of these risks through a wall of legal compliance that can also help stakeholders navigate the complex legal terrain. This could include stronger disclosure

²⁵ C Zabel, "The Business of Influencing: Business Models of Social Media Influencers—a Literature Review," *Nordic Journal of Media Management* 4 (2023): 3–36, <https://doi.org/10.54337/njmm.2597-0445.7224>.

²⁶ Ruvimbo Musiyiwa and Jenna Jacobson, "Sponsorship Disclosure in Social Media Influencer Marketing: The Algorithmic and Non-Algorithmic Barriers," *Social Media and Society* 9, no. 3 (2023): 1–19, <https://doi.org/10.1177/20563051231196870>.

²⁷ Delia C. Balaban, Meda Mucundorfeanu, and Brigitte Naderer, "The Role of Trustworthiness in Social Media Influencer Advertising: Investigating Users' Appreciation of Advertising Transparency and Its Effects," *Communications* 47, no. 3 (2022): 395–421, <https://doi.org/10.1515/commun-2020-0053>.

²⁸ Muhammad Deovan Reondy Putra and Hari Sutra Disemadi, "Counterfeit Culture Dalam Perkembangan UMKM: Suatu Kajian Kekayaan Intelektual," *KRTHA BHAYANGKARA* 16, no. 2 (September 2022): 297–314.

²⁹ Deske Mandagi, Danny I Rantung, and Deske W Mandagi, "The Role of Social Media Influencers in Shaping Customer Brand Engagement and Brand Perception," *Jurnal Manajemen Bisnis* 9, no. 2 (2022): 1–15.

requirements, more robust digital governance tools for detecting and preventing IPR infringements, and greater support for influencers in understanding their legal rights and responsibilities.

To consolidate these legal necessities, it is important to note that a legal system does not have to normatively connect all of these aspects. This is also not what this research aims to accomplish. Instead, it may be more favorable for a legal system to continue developing the existing legal frameworks while understanding the interplay brought about by influencer marketing. Therefore, there needs to be a base individual analysis of the relevant legal framework in Indonesia, particularly those related to influencer marketing, consumer protection, and intellectual property. These analyses will, in turn, create a web of conceptual relations between the relevant aspects of the issue that can be used to further develop the relevant legal frameworks in consideration of the web to create a normative harmony.

The State of The Art in a Relevant Legal Framework

Indonesia has gone deep into the digital revolution, with many aspects of daily life no longer separate from digital technologies, such as fintech and e-commerce, which can significantly affect financial behavior.³⁰ These two utilizations of digital technology often go hand-in-hand in bringing many monumental shifts to Indonesian society, which eventually call for the adaptation of the Indonesian legal system to continue to facilitate development in many sectors. In 2014 and 2015, according to the McKinsey Report, Indonesia underwent significant growth in the utilization of digital technology,³¹ marking the country's leap into the digital revolution, which

³⁰ Febrianty Febrianty et al., "Gender Issues in Digital Financial Literacy and Financial Behavior among Millennials," *Jurnal Economia* 20, no. 1 (February 2024): 79–94, <https://doi.org/10.21831/economia.v20i1.56529>.

³¹ Kaushik Das et al., "Unlocking Indonesia's Digital Opportunity," *McKinsey & Company*, 2016.

would rather be accelerated even more during the COVID-19 pandemic era.³² However, these developments also result in monumental tasks for Indonesia's legislative sphere, to continue to develop the country's legal framework to adapt and fully facilitate the utilization of digital technology to support economic growth.

Historically, digital transformation has long been a part of Indonesia's legal politics, with many legal developments focusing on ensuring legal certainty regarding the utilization of digital technology, which now become ever-relevant in Indonesian society.³³ Aside from fintech and e-commerce, another sector of digital transformation has fueled the development of a legal framework to support digital transformation. This sector is social media, which has opened new doors of communication, and has shifted how people see social interaction. Social media allows many people to interact despite locational barriers while improving access to information. As social media continues to become an important part of Indonesian society and economy, the legal framework must also be able to ensure that the utilization of social media by any party does not infringe upon the rights of other people to eventually ensure responsible usage of social media as a tool to support many businesses.

The effort to consolidate these changes into the Indonesian legal system has been rather fragmented, with the focus on relevant aspects of digital technology shifting from time to time. Mainly, the legal politics revolves around the Law No. 11 of 2008 concerning Electronic Information and Transactions, which was the first cyber law.³⁴ The law covers the basic

³² Amni Rahman et al., "Disaster and New Adaptations: Digital Transformation in Public Services as an Impact of the COVID-19 Pandemic in Indonesia," in *Proceedings of the 1st Tidar International Conference on Advancing Local Wisdom Towards Global Megatrends, TIC 2020*, 2021, 1–7, <https://doi.org/10.4108/eai.21-10-2020.2311858>.

³³ Satria Prayoga, Febrian, and Iza Rumestan, "Legal Politics of Digitalization Policy in The Implementation of General Elections in The Context of Prevention of General Election Disputes in Indonesia," *Journal of Namibian Studies* 35 (2023): 2491–2503.

³⁴ Mahrina Mahrina, Joko Sasmito, and Candra Zonyfar, "The Electronic and Transactions Law (EIT Law) as the First Cybercrime Law in Indonesia: An Introduction and Its Implementation," *Pena Justisia: Media Komunikasi Dan Kajian Hukum* 21, no. 2 (January 2023): 345–62, <https://doi.org/10.31941/pj.v21i2.2680>.

guidelines for conduct and responsibilities regarding the utilization and provision of electronic systems. However, the development of other legal frameworks that require their own legislation, such as consumer protection and IPRs, has not always been in line with the effort to consolidate the changes brought by digital technology. It is especially more complex in the case of the IPR legal framework, as its development has been completely fragmented.³⁵ While the fragmented nature of legal development can make it difficult to trace the continued legislative efforts, it can also provide a better focus on specific legislation, allowing for more consolidation of normative aspects by analyzing the relevant and unique challenges that need to be tackled by relevant legislation. This is especially true when the distinctions between the relevant legal frameworks are firm, rendering any attempt to overlap them inherently invalid.³⁶

In the consumer protection circle, Indonesia still relies mainly on Law No. 8 of 1999 concerning Consumer Protection (Consumer Protection Law). The law establishes several key provisions to safeguard the rights and interests of consumers. Article 1 provides important definitions, including "consumer protection" as all efforts guaranteeing legal certainty to protect consumers. Article 2 outlines the fundamental principles of consumer protection, such as benefit, justice, balance, security, and legal certainty. Article 3 highlights the objectives, including raising consumer awareness, empowerment, and protection. Notably, Article 4 enumerates the rights of consumers, such as the right to comfort, security, and safety in consuming goods and services, the right to choose and obtain goods and services at fair market value, and the right to

³⁵ Ampuan Situmeang, Ninne Zahara Silviani, and David Tan, "The Solving Indonesian Intellectual Property Rights Transfer Issue," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 23, no. 1 (2023): 59–74, <https://doi.org/10.30631/alrisalah.v23i1.1341>.

³⁶ Roger Halson and David Campbell, *Research Handbook on Remedies in Private Law* (Cheltenham: Edward Elgar Publishing Limited, 2019), <https://doi.org/10.4337/9781786431271>.

accurate, clear, and honest information³⁷. These provisions and the obligations of business actors in Article 7 create a legal basis for ensuring consumer trust in the marketplace.

However, when analyzing the Consumer Protection Law's capacity to fully accommodate the legal implications of influencer marketing³⁸, it becomes apparent that the law does not contain explicit provisions addressing this specific form of marketing. The law predates the widespread use of social media and the rise of influencer marketing, which has become a significant force in modern advertising. While some basic provisions could potentially be applied to influencer marketing, such as Article 9, which prohibits misleading advertisements, and Article 17, which regulates advertising practices, these provisions lack the specificity needed to effectively address the unique challenges posed by influencer marketing. For example, the law does not provide clear guidelines on disclosure requirements for sponsored content, leaving room for ambiguity and potential abuse. Mandatory disclosure is important as consumers have the right to know whether or not what is being displayed to them is an advertisement. Consumers need to be able to distinguish authentic content from paid promotions to evaluate the credibility and potential biases involved.³⁹

This lack of specific provisions may lead to difficulties in enforcement and regulation, as the existing legal framework may not be sufficient to hold influencers and brands accountable for deceptive or misleading practices. Furthermore, the law's focus on traditional forms of advertising may not fully

³⁷ Risma Nur Arifah, "Barriers to Prohibiting the Trade of Imported Second-Hand Clothing in Malang City," *De Jure: Jurnal Hukum dan Syaria'h* 7, no. 1 (June 1, 2015): 89–100, <https://doi.org/10.18860/j-fsh.v7i1.3513>.

³⁸ Ria Setyawati, Stefan Koos, and Zalfa A. F. Jatmiko, "Data Driven Dominance in Digital Markets: Assessing Indonesian Competition Law in the Digital Age," *Jurnal IUS Kajian Hukum Dan Keadilan* 12, no. 2 (August 31, 2024): 264–84, <https://doi.org/10.29303/ius.v12i2.1377>.

³⁹ Zofia Saternus, Patrick Weber, and Oliver Hinz, "The Effects of Advertisement Disclosure on Heavy and Light Instagram Users," *Electronic Markets* 32, no. 3 (2022): 1351–72, <https://doi.org/10.1007/s12525-022-00546-y>.

capture the dynamic and rapidly evolving nature of influencer marketing, which often relies on subtle and less overt forms of promotion. Consequently, this legal gap can seriously damage consumer trust, as there is no layer of protection for consumers from indirect advertising. Perhaps more worrying than this is that there is no normative support for the observance of the principle of transparency despite mentioning other relevant principles in Article 2 of the Consumer Protection Law. An example of the exploitation of this gap famously happened in South Korea, where certain influencers in a video-sharing platform promoted certain food brands through what Koreans referred to as 'backdoor advertising'. These influencers would do a type of content called 'Mukbang' where they would eat large amounts of food and record it as a form of entertaining video from a brand that secretly paid them to advertise their culinary product.⁴⁰ This practice triggered many backlashes, subsequently eroding consumer trust, damaging the reputation of the relevant brands, and significantly reducing the number of followers behind the influencers.

In influencer marketing, the Copyright Law (Law No. 28 of 2014 concerning Copyright) and Trademark and GI Law (Law No. 20 of 2016 concerning Trademarks and Geographical Indications) are the most relevant IPR regimes when considering the potential risks faced by brands.⁴¹ Influencers may inadvertently or intentionally infringe upon the copyrights of others, such as using unauthorized music and images or objects that are trademarked⁴². This can lead to legal issues for the associated brands, as they may be held liable for the infringing content. This can damage the brand's reputation and potentially

⁴⁰ Jin Lee and Crystal Abidin, "Backdoor Advertising Scandals, Yingyeo Culture, and Cancel Culture among YouTube Influencers in South Korea," *New Media and Society* 26, no. 1 (2024): 405–25, <https://doi.org/10.1177/14614448211061829>.

⁴¹ Lu Sudirman and Hari Sutra Disemadi, "The Role of Indonesian Online Marketplace in Intellectual Property Rights Infringements: A Comparative Analysis," *Jurnal Pembaharuan Hukum* 10, no. 1 (April 2023): 90–103, <https://doi.org/10.26532/jph.v10i1.30883>.

⁴² Ampuan Situmeang et al., "Trademark in Sustainable Fashion: A Comparative Legal Analysis of Indonesia and Italy," *Jurisdictie: Jurnal Hukum Dan Syariah* 14, no. 2 (January 10, 2024): 185–211, <https://doi.org/10.18860/j.v14i2.24114>.

lead to legal consequences. While other IPR regimes, such as Patent Law (Law No. 13 of 2016) and Industrial Design Law (Law No. 31 of 2000), among others, may be relevant in specific cases, they are less likely to be central concerns in most influencer marketing campaigns.

Law No. 28 of 2014 concerning Copyright (Copyright Law) provides a general framework that can be used for protecting copyrights in the digital space but lacks specific provisions tailored to address the unique challenges posed by influencer marketing. The law outlines the scope of protection for various types of works (Article 40) and establishes the rights of copyright holders, including the right to publish, reproduce, translate, adapt, distribute, perform, communicate, and rent their works (Article 9). However, it does not explicitly address situations where influencers may infringe upon brands' IPRs during their digital marketing campaigns. For instance, the law does not provide clear guidelines on using brand names, logos, or copyrighted materials by influencers, nor does it establish specific obligations for influencers to respect brands' IPRs when creating and sharing content. Despite providing a provision that can be used as a basis for the doctrine of contributory liability through Articles 10 and 55, the provision can only be applied to electronic system providers, not influencers.

When it comes to Law No. 20 of 2016 concerning Trademarks and Geographical Indications (Trademarks and GI Law), similar inadequacies are also found. Despite providing a comprehensive framework for protecting trademarks, it lacks specific provisions tailored to address the unique challenges posed by influencer marketing in the digital sphere. The law establishes provisions related to using trademarks in advertising (Article 17) and the transfer of trademark rights (Article 41). However, when it comes to influencer marketing, the law does not provide clear guidelines on the use of trademarks by influencers in sponsored content, nor does it establish specific obligations for influencers to respect brands' trademark rights when creating and sharing content. Additionally, the law's provisions on the enforcement of trademark rights (Article 83) and the liability of intermediaries (Article 102)

do not fully capture the complexities of influencer marketing, where infringing content may be disseminated rapidly across multiple platforms. Due to the ease of sharing content in the digital landscape, brands may face significant risks as possible infringements can be shared easily, ultimately damaging the brand's reputation. Furthermore, the law does not provide any normative basis for the application of contributory liability doctrine, unlike the Copyright Law.

This regulatory gap ultimately leaves all parties vulnerable. Consumers can be tricked into watching an endorsement instead of authentic content, while brands and influencers are legally vulnerable. Therefore, it is imperative for Indonesia to consider amending existing laws to directly tackle the intersection of IPR risks and consumer trust in influencer marketing. By establishing clear guidelines for influencer disclosure, implementing effective enforcement mechanisms against IPR infringement, and promoting greater transparency in the digital advertising ecosystem, the law can play a crucial role in safeguarding consumer interests and fostering a more trustworthy online environment.

Efforts to Mitigate Consumer Trust and IPRs-Related Risks

The rapid evolution of influencer marketing presents a dynamic landscape with emerging challenges that require proactive measures to safeguard consumer trust⁴³ and protect intellectual property rights (IPR)⁴⁴. As the digital ecosystem continues to expand and new technologies⁴⁵, such as artificial intelligence and virtual reality, become more integrated into

⁴³ Anis H. Bajrektarevic et al., "Costumer Explicit Consent Under Indonesian Open Banking Regulations," *Jambura Law Review* 4, no. 2 (July 30, 2022): 176–94, <https://doi.org/10.33756/jlr.v4i2.15377>.

⁴⁴ Risma Nur Arifah, Azlin Alisa Ahmad, and Silvana Oktavia Rochmawati, "Trademark Cancellation of The PT. DIPOSIN in The Principle of Legal Certainty by Sudikno Mertokusumo | Arifah | El-Mashlahah," June 30, 2023, <https://doi.org/10.23971/el-mashlahah.v13i1.5333>.

⁴⁵ Vifi Swarianata et al., "The Legality of Brushing Practices in the Viewpoint of Consumer Protection Law and Telematics Law," *Jambura Law Review* 5, no. 2 (July 30, 2023): 356–85, <https://doi.org/10.33756/jlr.v5i2.24040>.

influencer marketing strategies, the complexity of the legal terrain is bound to increase. This ever-changing landscape necessitates a forward-thinking approach and quicker response from the Indonesian legal framework to consolidate the existing changes. A quicker response to consolidate the current technological advances that have had widespread societal impact is particularly important, mainly because law always lags behind the current development in society, or what is often quoted as “*Het recht hinkt achter de feiten aan*”.⁴⁶ As such, the effort to consolidate the current landscape of influencer marketing will eventually help the future effort to consolidate the digital marketing landscape using artificial intelligence, virtual reality, or other possible novel technologies.

To effectively navigate the future challenges in influencer marketing, developing a comprehensive understanding of the interplay between consumer trust and IPRs is crucial. This interplay can be conceptualised through a theoretical equation that captures the key variables and their relationships:

$$CT = (T + D + A) - (IPR i + IPR b)$$

A theoretical equation can be drawn using the previous analysis regarding the relationship of the relevant legal implications. This theoretical equation suggests that consumer trust (CT) is a function of the positive factors of transparency (T), disclosure (D), and authenticity (A), minus the negative impact of IPR infringements by both influencers (IPR i) and brands (IPR b). As transparency, disclosure, and authenticity increase, consumer trust is enhanced. Conversely, consumer trust is eroded as IPR infringements by either influencers or brands increase. This equational representation underscores the

⁴⁶ Rian Saputra, M. Zaid, and Silaas Oghenemaro Emovwodo, “The Court Online Content Moderation: A Constitutional Framework,” *Journal of Human Rights, Culture and Legal System* 2, no. 3 (2022): 139–48, <https://doi.org/10.53955/jhcls.v2i3.54>.

importance of proactively addressing these factors to maintain and strengthen consumer trust in the face of future challenges.

A hypothetical case would be a popular influencer promoting a skincare product without disclosing that the post is sponsored. In this case, the lack of transparency (T) and disclosure (D) would reduce consumer trust (CT) according to the formula, while authenticity (A) may also be questioned. If the influencer also uses copyrighted music in the promotional content without permission, this results in an IPR infringement by the influencer (IPR i). These factors would lead to a significant decline in consumer trust, as demonstrated by the formula $CT = (T + D + A) - (IPR\ i + IPR\ b)$. The failure to ensure transparency and respect intellectual property would negatively affect the influencers and the brand's reputation.

The equation presented is not intended to enhance marketing effectiveness but rather to elucidate the legal phenomena and implications arising from issues identified in this research. More precisely, it is not a formula for practical application in marketing strategies; instead, it serves as an equation to rationalize specific aspects related to the legal issues explored. This equation is structured based on the identification of normative problems, providing a conceptual framework to understand how elements like transparency, disclosure, authenticity, and IPR infringements interplay in influencing consumer trust within the legal context of influencer marketing.

A multi-faceted approach to normative development within the Indonesian legal system is necessary to mitigate the risks associated with consumer trust and IPR in influencer marketing. Utilizing the theoretical equation found from the previous analysis as the foundation, this research proposes a model that Indonesia can follow to consolidate the much-needed normative aspects into the relevant Indonesian legal framework:

Table 1: Suggested Amendments to Relevant Legal Frameworks

Legal Framework	Proposed Amendments
Consumer Protection Law	<ul style="list-style-type: none"> - Introducing specific provisions for influencer marketing disclosure requirements. - Establishing clear guidelines for sponsored content identification. - Strengthening enforcement mechanisms against deceptive practices.
Copyright Law	<ul style="list-style-type: none"> - Clarifying fair use provisions in the context of influencer-generated content. - Introducing liability provisions for influencers who infringe upon copyrights. - Simplify bureaucratic process for infringement cases in electronic systems.
Trademarks and GI Law	<ul style="list-style-type: none"> - Providing clear guidelines on the use of trademarks in sponsored content. - Strengthening enforcement mechanisms against trademark infringements in influencer marketing.

Source: Primary law

This proposed model aims to address the identified gaps in the existing legal frameworks by introducing targeted amendments that directly tackle the unique challenges posed by influencer marketing. By introducing specific provisions for disclosure requirements, clarifying fair use and trademark usage guidelines, and strengthening enforcement mechanisms, this model seeks to create a more robust legal foundation for fostering consumer trust and protecting IPR in the digital age. Consumer Protection Law can be revised to specifically include mandatory advertisement disclosure standards, which can bind influencers in their endorsement practices. It must also include a provision that can criminalize deceptive mechanisms influencers can use to make their marketing practices seem like authentic content with no bias.

In the realm of IPRs, fair use as an important part of the copyright framework must be regulated within the context of social media influencers. Typically, the provision should not allow the use of copyrighted materials and trademarks with no permission for advertising purposes, mandating possible criminal punishments for infringement in that form. The provision regarding contributory liability as governed by Articles 10 and 55 of the Copyright Law must also be expanded to include influencers to push influencers towards more ethical endorsement practices, supporting only brands that do not infringe upon the rights of others. Specifically for Trademark and GI Law, the legal framework must give room to allow the application of contributory liability doctrine, much like the one already available in the Copyright Law, along with the suggested amendment. Finally, the bureaucratic process regarding the takedown of contents that involve IPR infringements must also be simplified to allow more reactive digital governance.

Conclusion

The research concludes that the interplay between consumer trust and intellectual property rights (IPRs) in influencer marketing presents complex challenges that require proactive measures to safeguard consumer interests and protect IPRs. The existing legal frameworks in Indonesia, particularly the Consumer Protection Law, Copyright Law, and Trademarks and GI Law, lack specific provisions to effectively address the unique challenges posed by influencer marketing. The research proposes targeted amendments to the relevant laws to mitigate these risks, including mandatory disclosure requirements, clear guidelines on fair use and trademark usage, and stronger enforcement mechanisms. However, the study is limited by its focus on the Indonesian legal context and may not fully capture the nuances of influencer marketing in other jurisdictions. Future research could explore comparative legal analyses, empirical studies on consumer perceptions, and the impact of emerging technologies like artificial intelligence and virtual reality on influencer marketing regulations. It would also be worthwhile analyzing and

testing the model created in this study as one of the possible qualitative metrics in an empirical legal study. Nevertheless, the existence of a comprehensive legal framework that could specifically tackle this remains the most important normative need for Indonesia, as highlighted by the pure theory of law.

References

- Anjorin, Kikelomo Fadilat, Mustafa Ayobami Raji, and Hameedat Bukola Olodo. "The Influence of Social Media Marketing on Consumer Behavior in the Retail Industry: A Comprehensive Review." *International Journal of Management & Entrepreneurship Research* 6, no. 5 (May 2024): 1547–80. <https://doi.org/10.51594/ijmer.v6i5.1123>.
- Arifah, Risma Nur. "Barriers to Prohibiting the Trade of Imported Second-Hand Clothing in Malang City." *De Jure: Jurnal Hukum dan Syariah* 7, no. 1 (June 1, 2015): 89–100. <https://doi.org/10.18860/j-fsh.v7i1.3513>.
- Arifah, Risma Nur, Azlin Alisa Ahmad, and Silvana Oktavia Rochmawati. "Trademark Cancellation of The PT. DIPOSIN in The Principle of Legal Certainty by Sudikno Mertokusumo | Arifah | El-Mashlahah," June 30, 2023. <https://doi.org/10.23971/el-mashlahah.v13i1.5333>.
- Armiwulan, Hesti, Rofi Aulia Rahman, Valentino Nathanael Prabowo, and József Hajdú. "Artificial Intelligence and Its Challenges To Elections In Indonesia: A Legal Analysis." *Jambura Law Review* 6, no. 2 (July 22, 2024): 264–85. <https://doi.org/10.33756/jlr.v6i2.24243>.
- Asri, Anak Agung Sagung Mas Anastassia Nawang. "Digital Marketing in the Era of Society 5.0 by Applying Design Thinking." *International Conference Faculty of Economics and Business* 1, no. 1 (August 2022): 290–301.
- Bajrektarevic, Anis H., Umi Khaerah Pati, Mellisa Towadi, and Anugrah Muhtarom Pratama. "Costumer Explicit Consent Under Indonesian Open Banking Regulations." *Jambura Law Review* 4, no. 2 (July 30, 2022): 176–94. <https://doi.org/10.33756/jlr.v4i2.15377>.

- Balaban, Delia C., Meda Mucundorfeanu, and Brigitte Naderer. "The Role of Trustworthiness in Social Media Influencer Advertising: Investigating Users' Appreciation of Advertising Transparency and Its Effects." *Communications* 47, no. 3 (2022): 395–421. <https://doi.org/10.1515/commun-2020-0053>.
- Clarisa, Hardiana, and Hany Areta A. "Fake Review and Liabilities Defect Goods in E-Commerce." *The Lawpreneurship Journal* 2, no. 1 (November 2022): 19–42. <https://doi.org/10.21632/tlj.2.1.19-42>.
- Cunningham, Stuart, and David Craig. "Creator Governance in Social Media Entertainment." *Social Media and Society* 5, no. 4 (2019): 1–11. <https://doi.org/10.1177/2056305119883428>.
- Das, Kaushik, Michael Gryseels, Priyanka Sudhir, and Khoon Tee Tan. "Unlocking Indonesia's Digital Opportunity." *McKinsey & Company*, 2016.
- David tan. "Metode Penelitian Hukum: Mengupas Dan Mengulas Metodologi Dalam Menyelenggarakan Penelitian Hukum." *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 8, no. 5 (2021): 1332–36.
- Disemadi, Hari Sutra. "Lenses of Legal Research: A Descriptive Essay on Legal Research Methodologies." *Journal of Judicial Review* 24, no. 2 (2022): 289–304. <https://doi.org/10.37253/jjr.v24i2.7280>.
- Ducman, Anca-Alexandra. "Redefining Wine Brand Engagement through Influencer Marketing and Ephemeral Content." *Theoretical and Applied Economics XXXI*, no. 1 (2024): 43–56.
- Eviani, Nanda Yuniza, Maskun Maskun, and Ahmad Fachri Faqi. "Legal Challenges of AI-Induced Copyright Infringement: Evaluating Liability and Dispute Resolution Mechanisms in Digital Era." *Jambura Law Review* 6, no. 2 (July 22, 2024): 403–28. <https://doi.org/10.33756/jlr.v6i2.24459>.
- Febrianty, Febrianty, Yuliansyah Yuliansyah, Ruth Samantha Hamzah, and Mutiara Lusiana Annisa. "Gender Issues in Digital Financial Literacy and Financial Behavior among Millennials." *Jurnal Economia* 20, no. 1

- (February 2024): 79–94.
<https://doi.org/10.21831/economia.v20i1.56529>.
- Gambhir, Kanika, and Rubaid Ashfaq. “The Role of Influencer Marketing in Building Brands on Social Media: An Analysis of Effectiveness and Impact.” *Journal of Language and Linguistics in Society (JLLS) ISSN 2815-0961* 3, no. 04 (June 2023): 16–28.
<https://doi.org/10.55529/jlls.34.16.28>.
- Halson, Roger, and David Campbell. *Research Handbook on Remedies in Private Law*. Cheltenham: Edward Elgar Publishing Limited, 2019.
<https://doi.org/10.4337/9781786431271>.
- Hudders, Liselot, Steffi De Jans, and Marijke De Veirman. “The Commercialization of Social Media Stars: A Literature Review and Conceptual Framework on the Strategic Use of Social Media Influencers.” *International Journal of Advertising* 40, no. 3 (2021): 327–75. <https://doi.org/10.1080/02650487.2020.1836925>.
- Iqbal, Asif, Samia Aslam, Wasif Ul Bari Jalali, Abdul Saboor, and Wajiha Haider. “Unveiling the Power of Influencer Marketing: A Systematic Review of Influencer Marketing Antecedents, Outcomes, Theoretical Framework and the Future Research Directions.” *Research Journal for Societal Issues* 5, no. 2 (June 2023): 362–95.
<https://doi.org/10.56976/rjsi.v5i2.119>.
- Judijanto, Loso, Chevy Herli Sumerli A., Firmansyah Firmansyah, Nuryati Solapari, and Raihana Raihana. “Challenges and Opportunities in Implementing Intellectual Property Rights Protection System for Creative Industry Development in Indonesia.” *West Science Law and Human Rights* 2, no. 01 (January 2024): 28–35.
<https://doi.org/10.58812/wslhr.v2i01.605>.
- Kim, Caroline E. “Insta-Fringement: What Is a Fair Use on Social Media?” *UIC Review of Intellectual Property Law* 18, no. 1 (2018): 101–22.

- Kotecki, Peter. "Intellectual Property Infringement and the Possibility of Influencer Liability." *Washington University Law Review* 100 (2022): 1555–82.
- Lee, Jin, and Crystal Abidin. "Backdoor Advertising Scandals, Yingyeo Culture, and Cancel Culture among YouTube Influencers in South Korea." *New Media and Society* 26, no. 1 (2024): 405–25. <https://doi.org/10.1177/14614448211061829>.
- Leung, Fine F., Flora F. Gu, Yiwei Li, Jonathan Z. Zhang, and Robert W. Palmatier. "Influencer Marketing Effectiveness." *Journal of Marketing* 86, no. 6 (November 2022): 93–115. <https://doi.org/10.1177/00222429221102889>.
- Liu, Zijun. "Intellectual Property Controversies in China's Emerging Influencer Economy." Simon Fraser University, 2019.
- Mahrina, Mahrina, Joko Sasmito, and Candra Zonyfar. "The Electronic and Transactions Law (EIT Law) as the First Cybercrime Law in Indonesia: An Introduction and Its Implementation." *Pena Justisia: Media Komunikasi Dan Kajian Hukum* 21, no. 2 (January 2023): 345–62. <https://doi.org/10.31941/pj.v21i2.2680>.
- Mandagi, Deske, Danny I Rantung, and Deske W Mandagi. "The Role of Social Media Influencers in Shaping Customer Brand Engagement and Brand Perception." *Jurnal Manajemen Bisnis* 9, no. 2 (2022): 1–15.
- Mertens, Floris, and Julie Goetghebuer. "Virtual Reality, Real Responsibility: The Regulatory Landscape for Virtual Influencers." *Financial Law Institute Working Paper Series*. Gent, 2024. <https://doi.org/10.2139/ssrn.4718820>.
- Musiyiwa, Ruvimbo, and Jenna Jacobson. "Sponsorship Disclosure in Social Media Influencer Marketing: The Algorithmic and Non-Algorithmic Barriers." *Social Media and Society* 9, no. 3 (2023): 1–19. <https://doi.org/10.1177/20563051231196870>.

- Ouvrein, Gaëlle, Sara Pabian, David Giles, Liselot Hudders, and Charlotte De Backer. "The Web of Influencers. A Marketing-Audience Classification of (Potential) Social Media Influencers." *Journal of Marketing Management* 37, no. 13–14 (2021): 1313–42. <https://doi.org/10.1080/0267257X.2021.1912142>.
- Prayoga, Satria, Febrian, and Iza Rumestan. "Legal Politics of Digitalization Policy in The Implementation of General Elections in The Context of Prevention of General Election Disputes in Indonesia." *Journal of Namibian Studies* 35 (2023): 2491–2503.
- Putra, Muhammad Deovan Reondy, and Hari Sutra Disemadi. "Counterfeit Culture Dalam Perkembangan UMKM: Suatu Kajian Kekayaan Intelektual." *KRTHA BHAYANGKARA* 16, no. 2 (September 2022): 297–314.
- Rahman, Amni, Retna Hanani, Hardi Warsono, Retno Astuti, and Ika Putranti. "Disaster and New Adaptations: Digital Transformation in Public Services as an Impact of the COVID-19 Pandemic in Indonesia." In *Proceedings of the 1st Tidar International Conference on Advancing Local Wisdom Towards Global Megatrends, TIC 2020*, 1–7, 2021. <https://doi.org/10.4108/eai.21-10-2020.2311858>.
- Reale, Mariacristina. "Digital Market, Bloggers, and Trendsetters: The New World of Advertising Law." *Laws* 8, no. 3 (2019): 1–14. <https://doi.org/10.3390/laws8030021>.
- Roza, Darmini, and Gokma Toni Parlindungan S. "Teori Positivisme Hans Kelsen Mempengaruhi Perkembangan Hukum Di Indonesia." *Lex Jurnalica* 18, no. 1 (2021): 20–26.
- Russ, Caroline. "Tweet Takers & Instagram Fakers: Social Media & Copyright Infringement." *Tulane Journal of Technology & Intellectual Property* 22 (2020): 205–24.

- Saputra, Rian, M. Zaid, and Silaas Oghenemaro Emovwodo. "The Court Online Content Moderation: A Constitutional Framework." *Journal of Human Rights, Culture and Legal System* 2, no. 3 (2022): 139–48. <https://doi.org/10.53955/jhcls.v2i3.54>.
- Saternus, Zofia, Patrick Weber, and Oliver Hinz. "The Effects of Advertisement Disclosure on Heavy and Light Instagram Users." *Electronic Markets* 32, no. 3 (2022): 1351–72. <https://doi.org/10.1007/s12525-022-00546-y>.
- Setyawati, Ria, Stefan Koos, and Zalfa A. F. Jatmiko. "Data Driven Dominance in Digital Markets: Assessing Indonesian Competition Law in the Digital Age." *Jurnal IUS Kajian Hukum Dan Keadilan* 12, no. 2 (August 31, 2024): 264–84. <https://doi.org/10.29303/ius.v12i2.1377>.
- Situmeang, Ampuan, Abdurrakhman Alhakim, Winda Fitri, and Hien Trinh. "Trademark in Sustainable Fashion: A Comparative Legal Analysis of Indonesia and Italy." *Jurisdictie: Jurnal Hukum Dan Syariah* 14, no. 2 (January 10, 2024): 185–211. <https://doi.org/10.18860/j.v14i2.24114>.
- Situmeang, Ampuan, Ninne Zahara Silviani, and David Tan. "The Solving Indonesian Intellectual Property Rights Transfer Issue." *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 23, no. 1 (2023): 59–74. <https://doi.org/10.30631/alrisalah.v23i1.1341>.
- Sudirman, Lu, and Hari Sutra Disemadi. "The Role of Indonesian Online Marketplace in Intellectual Property Rights Infringements: A Comparative Analysis." *Jurnal Pembaharuan Hukum* 10, no. 1 (April 2023): 90–103. <https://doi.org/10.26532/jph.v10i1.30883>.
- Swarianata, Vifi, Jufryanto Puluhulawa, Apripari Apripari, Rismanto Kaku, and Irlan Puluhulawa. "The Legality of Brushing Practices in the Viewpoint of Consumer Protection Law and Telematics Law." *Jambura Law Review* 5, no. 2 (July 30, 2023): 356–85. <https://doi.org/10.33756/jlr.v5i2.24040>.

- Taylor, Charles R. "The Urgent Need for More Research on Influencer Marketing." *International Journal of Advertising* 39, no. 7 (2020): 889–91. <https://doi.org/10.1080/02650487.2020.1822104>.
- Zabel, C. "The Business of Influencing: Business Models of Social Media Influencers—a Literature Review." *Nordic Journal of Media Management* 4 (2023): 3–36. <https://doi.org/10.54337/njmm.2597-0445.7224>.