

## Protection Consumers Against Beauty Salons In Performing Invasive Actions

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### Article Info

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#### Article history:

Received April, 2024

Revised April, 2024

Accepted April, 2024

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#### Keywords:

Invasive Measures  
Consumer Protection  
Beauty Salon

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### ABSTRACT

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The rapid development of the times not only creates a need related to clothing, food and shelter, but also creates other needs in the form of beauty needs. This is the reason many business actors have begun to switch to offering services in the beauty sector. There is an overlap regarding the duties and authority of nurses who perform invasive actions in the practice of independent surgery. This study utilizes a normative legal method as its research foundation in examining beauty salons in Indonesia. This method is known for its emphasis on analyzing written legal norms and related references concerning regulations on beauty and aesthetics. Actions taken by nurses without the supervision of a doctor can be considered a violation of the applicable law. Thus, it is important for the government and consumer organizations to continue to supervise and control beauty salon practices in order to ensure that the services provided comply with consumer health and safety standards. This supervision is also important to prevent unnecessary invasive actions that could potentially harm consumers.

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## 1. INTRODUCTION

Health is a state of health, both physically, mentally spiritually and socially, which allows everyone to live a productive life socially and economically. This is contained in Law Number 36 of 2009 concerning Health. We know that health is so important to us that the State guarantees the health of its citizens. Dr. Bahder Johan Nasution in his book *Health Law Doctor's Liability* says efforts to improve the quality of human life in the health sector, is a very broad and comprehensive effort, these efforts include improving public health both physically and non-physically. In the National Health System, it is stated that health concerns all aspects of life whose scope and reach are very broad and complex.

Health is influenced by various factors such as environmental conditions, healthcare accessibility, and individual lifestyle choices [1]. Innovations like a health office chair, health grape wine, health tea, and health-care products contribute to well-being. The health office chair integrates features like neck and waist massagers for relaxation and improved work efficiency [2]. Health grape wine, containing beneficial ingredients like alpinia oxyphylla and deep sea fish oil, enhances immunity and has anti-aging effects [3]. Health tea, made from ingredients like black tea and ginger, offers skin nourishment, detoxification, and immunity enhancement [4]. Similarly, a health-care product with components like codonopsis roots and Chinese dates aids in appetite stimulation and bowel health [5]. These innovations cater to different aspects of health, promoting overall wellness through diverse approaches.

Beauty salons are places devoted to the maintenance and beauty of the face and hair. Salons usually offer different types of services, such as skin, hair, and nicotine therapies. Salons also offer facial and hair health products, as well as various types of equipment for home use. In an increasingly sophisticated era and the demands of life in the community make consumptive power increase, especially in the field of beauty because beauty and beauty are factors that are

so important today that encourage people to increasingly need beauty salons.

Beauty salons play a crucial role in society, offering services that cater to diverse customer needs [6]–[10]. They are evolving to embrace universal design principles, ensuring accessibility and inclusivity for all individuals. Attributes like products, facilities, services, and interior image influence customer emotions and behavioral intentions, serving as key marketing tools. The competency of beauty salon workers significantly impacts service commitment and quality, emphasizing the importance of enhancing human resources in this sector. However, challenges such as indoor air quality issues pose health risks, highlighting the need for regulations to ensure safety and prevent chemical hazards in beauty salons. Overall, beauty salons are dynamic spaces that require attention to various aspects to provide quality services while prioritizing customer satisfaction and safety.

Beauty salons that perform invasive procedures without taking full responsibility for their customers. Many beauty salons perform this activity without a letter of assignment or special training in this field. Therefore, consumer protection is so weak. If there is an error or negligence of responsibility, the party that is greatly disadvantaged is the consumer. Beauty salons that perform invasive actions like a doctor, then with these rampant cases regarding the losses suffered by patients as a result of these invasive actions.

Illegal beauty practices are scattered in Jakarta and its surroundings. Through affordable and instant offers, women who want to have a more charming face and body are tricked. The results of the Kompas investigation reveal how haphazard illegal beauty practices are in serving consumers.

Victims of illegal beauty practices range from the upper to the lower classes of society. From doctors to factory workers. Illegal beauty practices claimed the life of Rahayu (34), a night worker in Jakarta, on February 19, 2022. Rahayu died a day after having liquid silicone injected into her breasts at a hotel. Two days later, police arrested RR

alias Windi (54), a transgender woman, who injected fillers by inserting liquid silicone into Rahayu's chest. When met, Windi admitted that she had been practicing this illegal practice for 33 years. She gained knowledge about breast fillers from her fellow transwomen. The liquid silicone was purchased at a chemical store. Windi utilizes word-of-mouth testimonials from her customers to attract new customers. She offers a price of Rp 4 million for customers who use her services more than once. Meanwhile, new customers are charged Rp 8 million. He serves at least 2-3 requests per month. Requests come not only from Jakarta and its surroundings, but also Bali.

That a beauty salon has violated Minister of Tourism Regulation Number 10 of 2018 about Electronic Integrated Business Licensing Services in the Tourism Sector when the proprietor of the salon abuses his business by employing medical equipment in his operations. If the beauty salon wants to perform or use medical devices, the beauty salon must have experts in the field of health or doctors and must have a license as a beauty clinic as stated in Article 1 Paragraph (1) and (2) of the Regulation of the Minister of Health of the Republic of Indonesia Number 9 of 2014 concerning Clinics. Then if the beauty salon carries out its business activities beyond the limits such as carrying out medical activities, then the salon can be subject to sanctions in accordance with Article 34 Paragraphs (1) and (2) of the Minister of Tourism Regulation Number 10 of 2018 concerning Electronic Integrated Business Licensing Services in the Tourism Sector.

Consumer protection encompasses a decentralized system in the U.S., involving federal, state, local, and private entities to deter deceptive practices and unfair conduct harming consumers [11]. This field is multifaceted, drawing on legal, economic, and political science aspects to regulate product pricing, quality, and terms [12]. In the UK, consumer protection law is evolving within the European legal framework, emphasizing the need for comparative insights and understanding its impact on

individuals in the modern economy [13]. Economists highlight the necessity of consumer protection due to market failures in providing adequate information for efficient consumer choices and safeguarding against unscrupulous sellers [14]. Recent consumer law cases have raised concerns about potential erosion of consumer rights, with courts possibly prioritizing traders' interests over consumer protection, leading to unintended consequences [15].

Consumer protection is also an important issue that affects the relationship between consumers, entrepreneurs, and the government, this includes the consequences of the invasive actions of beauty salons that harm consumers. The relationship between service providers/business actors and consumers is a legal act that cannot be separated from the legal aspects of consumer protection. In the reciprocal relationship between service providers and consumers, there is not a little inequality in position / position, because there are still consumers who do not understand their rights that should be fulfilled by service providers, as well as service providers still provide minimal protection for their consumers. Consumer protection law contains principles or rules that regulate the nature of protecting consumer interests. Consumer protection is seen as increasingly important, considering that science and technology are the driving force for the productivity and efficiency of producers of goods or services produced in order to pursue and achieve these two things, ultimately, both directly and indirectly, consumers will feel the impact. In general, there are four basic consumer rights, namely: the right to safety, the right to be informed, the right to choose, and finally the right to be heard.

Consumer protection aims to increase the dignity and awareness of consumers, improve the quality of goods and services, and protect consumers from deceptive and misleading business practices. Consumers have an important role in preventing the "salon invasive phenomenon" by choosing a reputable salon and following safety

standards, consumer protection is carried out through a protection system that includes elements of open access and information, consumer interests, quality of goods and services, and consumer protection from unethical business practices. Consumer protection is regulated in Law Number 8 of 1999 concerning Consumer Protection, which regulates the rights and obligations of consumers and business actors and provides supervision to business actors. Describe consumer protection against beauty salons in carrying out invasive actions, and Know the Consumer Protection Law in Indonesia from salon services in carrying out invasive actions against consumers.

## 2. METHODS

This study utilizes a normative legal method as its research foundation in examining beauty salons in Indonesia. This method is known for its emphasis on analyzing written legal norms and related references concerning regulations on beauty and aesthetics. By focusing on existing legal aspects, the research aims to investigate the legal framework governing the operations and practices of beauty salons in Indonesia, providing an in-depth understanding of how this industry is regulated and considering the implications and potential policy changes in the future.

## 3. RESULTS AND DISCUSSION

Beauty salons in performing invasive actions is still a debated issue. This debate arises because there are several risks and complications that can occur in invasive actions, so it is necessary to ensure that beauty salons have the competence and This article will discuss the authority of beauty salons to perform invasive actions considering Indonesian law. adequate authority to do so. In general, beauty salons do not have the authority to perform invasive measures that fall under the practice of medicine. Salons do not have the authority to perform medical actions, invasive actions such as filler injections, botox, lasers, and thread implants

are categorized as medical actions that must be performed by doctors who have a Registration Certificate (STR) and SIP (License to Practice). Performing invasive treatments without a license can endanger the health and safety of consumers.

The modern life of today's society not only demands high mobility but also values beauty and beauty towards appearance. To achieve this goal, many women are willing to spend their money to go to salons, beauty clinics or buy cosmetic equipment to polish their faces to look beautiful, therefore many business people, both individuals and legal entities, are irresponsible by opening salon services that carry out invasive actions without a license.

The body/face care (skin care) market in Indonesia is expanding due to growing customer interest. Its growth has reached 6%, and it is expected to rise further due to Indonesian women's strong skin-care concerns. Beauty institutions perform a variety of treatments, particularly for beauty salons that frequently perform treatments that are outside the purview of their authority. Examples of these treatments include office-based, minimally invasive procedures that are helpful for rejuvenating the skin on the face, such as chemical peeling, Botulinum Toxin (BoNT / Botox), nose elevation, and eye fold surgery. In anticipation of potential losses in the future, beauty salons also attach a letter of consent to the treatment used as Informed Consent or a letter of approval for medical action in accordance with the Minister of Health No. 290 of 2008 concerning Medical Action Approval. It is nevertheless possible to argue that Indonesian salon licensing regulations are not as aggressive in limiting the power and implementation of compensatory punishments. Thus, the purpose of this study is to analyze how beauty salons should be organized in accordance with laws and regulations and to give customers who utilize these services legal protection. Based on this research, it can be concluded that there are many violations of authority committed by beauty salons, including the use of informed consent which

is used like a medical action approval letter, violation of the authority of the salon which is not in accordance with the Regulation of the Director General of Nutrition and Maternal and Child Health Np. HK.01.01/BI.4/4051/2011 concerning Guidelines for the Implementation of Beauty Salons. Legal protection for salon consumers is in accordance with the provisions in the Consumer Protection Law No. 8 of 1999 concerning Consumer Protection, then if consumers suffer losses to the imposition of informed consent which is not significantly regulated in the Guidelines for the Implementation of the Salon, then legal protection against Legal Wrongdoing in article 1365 of the Civil Code applies.

Beauty salons performing invasive procedures such as filler injections, botox, lasers, and thread implants have been debated due to the associated risks and complications. In general, beauty salons are not allowed to perform medical or invasive procedures. These actions are considered medical actions that should be performed by doctors who have a Registration Certificate (STR) and a License to Practice (SIP). Performing invasive actions without a license can endanger the health and safety of consumers.

Under Indonesian consumer protection legislation, customers are entitled to truthful, lucid, and accurate information regarding the terms and warranties of the products and services they use. When utilizing these products or services, they also have the right to feel at ease, secure, and protected. In the case that customers suffer damages as a result of malpractice or unlawful activities in the beauty industry, they are entitled to compensation. Businesses in the beauty industry may be held legally accountable for their unlawful actions, depending on whether or not customers are harmed. Under the Consumer Protection Act, customers have the right to sue in cases of malpractice, which is defined as unethical or subpar behavior that may cause harm to themselves or others, including death.

To open a beauty clinic, businesses must obtain the appropriate establishment license and operational license. The legality of the clinic is important to protect consumer rights. Article 25 paragraph (1) of the Minister of Health Regulation on Clinics regulates this. Customers also have the right to feel at ease, secure, and protected when utilizing the products or services they purchase. Accurate, transparent, and honest information about the goods and services they use should be provided to them. Customers are entitled to pursue remedies. Regulations and professional standards must be followed by beauty enterprises in order to stop unethical behavior and shield customers from losses. They have the right to sue under the Consumer Protection Act if they lose money as a result of negligence or unethical behavior in beauty salons.

Beauty businesses must comply with regulations and professional standards to prevent inappropriate practices and to protect consumers from losses. If they suffer losses due to malpractice or illegal practices at beauty clinics, they have the right to file a lawsuit under the Consumer Protection Act. The organization of aesthetic beauty salons is a form of private service efforts in the medical field that carries ethical, legal and social implications philosophically, juridically and sociologically. So it is impossible to talk about legal protection without paying attention to ethical values and social values (justice). Related to this value, the government and aesthetic beauty clinics need to examine legal protection for users for the present and future.

Law is a means to an end that is idealized together. The ideals of law itself, whether institutionalized through the idea of a state of law (nomocracy) are intended to improve public welfare. In fact, as Indonesia's national ideals formulated in the Preamble of the 1945 Constitution of the Republic of Indonesia, the purpose of the Indonesian state is to protect the entire Indonesian nation and all of Indonesia's spilled blood, promote public welfare, educate the nation's life, and participate in implementing world order based on independence, eternal peace and

social justice. The rule of law serves as a means to realize and achieve the four objectives of the Indonesian state. Thus, the development of the Indonesian state is not trapped into being merely "rule-driven", but "mission driven", which is based on the rule of law.

There is consumer protection of consumer rights with legal guarantees for their enforcement through a fair process. The protection of consumers is widely publicized in order to promote the protection of consumer rights. In the implementation of this aesthetic beauty salon, the most prominent is the right to health, the state must guarantee the fulfillment of constitutional rights to citizens. This is an implementation of the principle of welfare state, the state intervenes in the welfare of citizens, although in this case there are other parties involved, namely aesthetic beauty salons. But even though there is consumer protection, few dare to sue and come directly to ask for losses to beauty salons that carry out these illegal actions.

The reconstruction of the beauty clinic patient protection model is very important and urgent because the organization of beauty clinics that should be in accordance with the guidelines for organizing aesthetic beauty clinics in Indonesia, but there are many violations that will have an impact on the legal protection of aesthetic beauty clinic patients in the perspective of protecting the constitutional rights of citizens are services in beauty clinics which include:

1. Authorized medical personnel;
2. Type of service/medical action;
3. Tools used;
4. Use of chemicals, drugs and cosmetic products;
5. Certification of implementing personnel and legality of clinic training institutions beauty;
6. Licensing and supervision of beauty clinic operations;
7. The responsibility of the beauty clinic if there are conditions that are not as expected;

8. Risk litigation.
9. Online service.
10. Engagement between doctor and patient

Legal responsibility is also carried out by taking into account that in the relationship between beauty clinics and patients, between doctors and patients, between health care institutions and patients/clients, there is often an imbalance, so that justice is not achieved. If justice is not achieved, then humanity will be neglected. This imbalance is usually wrapped in a veil of patient ignorance of the rights that must be fought for. Likewise, doctors, with all their efforts to cure patients, are not people who deserve to be considered deliberately committing malpractice both in aesthetic beauty salon services and treatment by use. The law seeks to accommodate these interests. The paradigm of a just and civilized Humanity, provides a touchstone for this responsive law on the values of humanity, justice, and civilization. It will never happen that the interests of the parties involved will be totally satisfied, because it can happen that the interests of health care providers differ from those of patients, or also the interests of researchers differ from those of the government. This is where the law with its certainty becomes an instrument that protects the parties involved from dominating each other. The model offered is in accordance with the responsive legal protection of clinic services or aesthetic beauty salons.

This condition causes the increasing urgency of reconstructing the legal protection model for aesthetic beauty salon patients, due to the increasing number of beauty salon businesses. The need for consumer protection of aesthetic beauty salon health services is related to the fulfillment of consumer protection rights. Even though the need for this beauty clinic includes tertiary health needs, it is currently growing rapidly and the need for beauty salons is increasing. The government should see this as a good business prospect but also a warning to further improve consumer protection, especially in the event of losses / events that

are not expected by consumers when funds or after receiving services at beauty salons.

The growth and expansion of the beauty salon industry, as well as numerous issues and cases pertaining to its operation that arise from the adoption of practices that are not compliant with applicable laws and regulations, make patient protection at aesthetic beauty clinics crucial. This highlights the necessity for safeguards against health hazards resulting from losses incurred from services rendered in beauty salons that do not adhere to patient protection and health law rules and regulations. In order for business actors operating beauty salons to comply with all applicable regulations pertaining to their implementation and to increase their accountability to their clientele, the state is required to provide protection for the application of the constitutional rights to legal protection and the right to health.

In the field of health, legal protection pays attention to four things related to human freedom, in the implementation of aesthetic beauty salons, namely:

1. Health services in aesthetic beauty clinics are adjusted to medical service standards in order to provide legal protection for the human body condition.
2. Prioritizing goodness. Basically every human being has good things in him. Legal protection is intended to protect the good things that exist in humans.
3. Reviving autonomy, Autonomy is understood within the framework of human life as a social being.
4. Besides personal human rights, there are also social rights that involve other people. The point here is the patient with the organizer of the aesthetic beauty clinic.
5. Includes responsibility. Humans live not alone but also with other people. Legal protection affirms responsibility as a form of civilized behavior.

In this case, Indonesia has ratified the Agreement Establishing the World Trade Organization which includes the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs Agreement) and has established Law No.8 of 1999 concerning Consumer Protection, which in the Law regulates the rights and obligations of consumers and business actors and provides supervision to business actors. As a consequence, of course, the commitment in its implementation will always pay attention to consumer protection.

Regarding the legal protection of customers during the dispute/post-purchase period, the parties may choose to have the problem resolved outside of court by the Consumer Dispute Resolution Agency (BPSK) or through the District Court (PN). Due to their vulnerable situation, consumers require legal protection. Due to inadequate legislation protecting consumer interests and a conflict of interest between corporate actors and consumers, customers suffer bodily, psychological, or property harm in addition to not receiving the full advantages from the usage of goods and/or services. It is anticipated that consumer protection laws would offer a fair legal playing field for both consumers and corporate entities. This makes sense since, as of right now, consumers are in a worse position than business actors.

The objectives of consumer protection according to Article 3 of the Consumer Protection Act are:

1. Raising consumer self-defense knowledge, competence, and independence.
2. Enhancing consumer dignity by excluding them from being negatively impacted by the usage of products or services;
3. Increasing consumer empowerment in terms of selecting, identifying, and asserting their rights as consumers;
4. Establishing consumer protection that includes components of information disclosure, legal certainty, and information access;

5. Raising business actors' awareness of the significance of consumer protection in order to foster an ethical and responsible attitude in the industry.
6. Improving the caliber of products and/or services to guarantee the survival of the company that produces them, as well as the wellbeing, comfort, security, and safety of customers.

However, the existence of this article in the community is still not maximally implemented, where there are still many people, both from consumers and the public, who do not know about the existence of the GCPL. Broadly speaking, the obstacles or barriers faced in the implementation of the GCPL are: because the level of consumer awareness of their rights is still low; low consumer education; no party has touched on how to prepare Indonesian consumers to face the free market; still weak supervision in the field of quality standardization of goods; weak product legislation; wrong perception of business actors with consumer protection will cause losses.

#### 4. CONCLUSION

Some beauty clinics in Indonesia have not provided protection for their patients as consumers of beauty clinics. This can be seen from the absence of arrangements regarding the responsibility of beauty clinics from losses suffered by patients of beauty clinics, so it is necessary to supervise the Beauty Clinic as a business actor in the field of beauty in Indonesia through Law Number 8 of 1999 concerning Consumer Protection, which in the Law regulates the rights and obligations of consumers and business actors and provides supervision to business actors.

The importance of legal protection of consumers regulated in Law No. 8 of 1999 is to prevent problems in the future because everyone either alone or together in any circumstances must be a consumer for a particular product or service, In Indonesia consumer protection is needed among others:

That national development aims to realize a just and prosperous society that is equitable materially and spiritually in the era of economic democracy based on Pancasila and the 1945 Constitution; that national economic development in the era of globalization must be able to support the growth of the business world so that it is able to produce a variety of goods and / or services that have technological content that can improve the welfare of many people and at the same time get certainty over the goods and / or services obtained from trade without causing consumer harm; that the opening up of the national market as a result of the process of economic globalization must still ensure the improvement of public welfare as well as certainty over the quality, quantity and safety of goods and/or services obtained in the market; that in order to improve the dignity of consumers it is necessary to increase awareness, knowledge, concern, ability and independence of consumers to protect themselves and to foster the attitude of responsible business behavior.

The obstacles faced in the implementation of the GCPL are: low consumer awareness of their rights; low consumer education; no one has touched on how to prepare Indonesian consumers to face the free market; weak supervision in the field of quality standardization of goods; weak product legislation; wrong perception of business actors with consumer protection will cause losses.

#### ADVICE

Law enforcement officials must be serious in monitoring, processing and resolving any violations of illegal salons that carry out invasive actions that occur by providing strict and appropriate penalties / sanctions in order to have a deterrent effect on the salon personnel concerned, and revising the existing GCPL Law, which regulates the balance between the interests of business actors and consumers while taking into account national interests and must also accommodate international interests, as well as forming responsive laws by receiving public input relating to consumer legal



protection and certainty of the scope of consumer protection.

#### ACKNOWLEDGMENTS

There are no appropriate words other than gratitude to the presence of God Almighty, and thanks to Mr. Aris Prio Agus

Santoso, SH, MH as the supervisor in writing this article. Do not forget to thank the colleagues who have compiled and written this article.

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