Corporate Legal Responsibilities in Influencer Marketing Communications on Social Media

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The development of digital marketing has made companies increasingly deliver promotional messages through personal influencer accounts. This communication model broadens the reach of messages, but simultaneously blurs the lines between personal influencer communications and communications representing corporate interests. This study analyzes the construction of corporate legal liability for influencer marketing content that potentially violates the Electronic Information and Transactions Law (UU ITE), as well as its relationship to the Indonesian Advertising Ethics (EPI). The study uses normative legal methods with statutory and conceptual approaches. Legal materials were collected through document studies, then classified based on issues of electronic information, consumer protection, corporate liability, and advertising ethics. The results of the study show that corporate accountability can move through criminal, civil and administrative channels. The main obstacle lies in the influencer's relationship as an independent contractor, so contractual status alone is not enough to determine liability. The study proposes parameters for the degree of corporate control over message substance, which can be tracked through script approvals, creative direction, correspondence, claim guidelines, and upload approval mechanisms. In addition, the EPI provides more detailed advertising transparency standards, particularly regarding the identification of paid content, but its ethical enforcement is different from that of legal instruments. The findings were used to develop a four-layer Digital Ethics Compliance framework that encompasses governance, contractual clauses, implementation oversight, and audit and remediation.

Keywords: marketing communications, influencer marketing, corporate responsibility, ITE Law, Indonesian Advertising Ethics

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1. Introduction

Changes in the digital media ecosystem have shifted marketing communication practices from one-way communication patterns to more personal, interactive, and social network-based communication. In this model, influencers function as message intermediaries who have close ties with their followers while simultaneously carrying the commercial interests of corporations. Because promotional messages are delivered through personal accounts, the public often receives marketing communications in a form that resembles personal recommendations. This condition makes the aspects of transparency, message accuracy, and division of responsibility a communication issue as well as a legal issue.

Influencer marketing content serves not only as a channel for disseminating product information but also as a symbolic representation of a company's identity and interests. While corporations determine messages, claims, visuals, or delivery methods , the communication that appears on influencer accounts is the result of a message production process involving more than one actor. Nasution et al. (2022) place the

relationship between companies and influencers within the context of digital marketing law, while Kurniawan and Hapsari (2022) demonstrate that influencers' position can be problematic when their roles straddle those of independent contractors and corporate communications agencies.

The issue becomes more complex when promotional content contains misleading information, unverified product claims, attacks on the reputation of others, or fails to disclose that a post is a paid communication. The ITE Law, after its second amendment through Law Number 1 of 2024, has become a relevant instrument for assessing electronic communications that violate legal provisions. On the other hand , the 2020 Amendment to the Indonesian Advertising Ethics (EPI) provides guidelines regarding honesty, objectivity, social responsibility, and advertising transparency (Indonesian Advertising Council, 2020).

From a communications perspective, this issue demonstrates a shift in the communicator. While influencers are the ones who actually press the upload button, corporations can also be the ones designing the message, providing the brief, approving the script, determining the claims, providing the visuals, and benefiting economically from the communication. Therefore, determining responsibility is not simply based on who uploaded the message; it also requires consideration of how the message was produced, who controlled its content, and the approval process.

Previous literature has examined corporate criminal liability, vicarious liability, consumer protection, and advertising ethics from different perspectives. Rahmawati (2021) highlights the relevance of corporate directives in assessing responsibility for third-party promotional content; Muslims et al. (2025) discuss transparency in hidden advertising; and Kezia and Christvidya (2023) frame influencer overclaims as a consumer-protection concern. However, these discussions do not, as presented in the literature considered here, provide a unified operational method for tracing the relationship between the influencer’s message-production process and the degree of corporate involvement. This study addresses that analytical issue by examining evidence of corporate direction alongside relevant legal and ethical standards.

This research focuses on four questions: (1) how is the construction of corporate legal liability for problematic influencer marketing content; (2) how can the doctrine of vicarious liability be applied when influencers have independent contractor status; (3) how is the compatibility between promotional communication standards in the ITE Law and the EPI; and (4) what compliance mechanisms can corporations use to prevent and respond to legal risks in influencer communications?

The research's contribution lies in its attempt to connect normative legal studies with the digital marketing communications production process. The parameter of degree of control over message substance is used as an analytical bridge between influencer actions, corporate decisions, and traceable communication evidence. With this framework, the discussion does not stop at who uploaded it, but examines how messages are formed, controlled, and accounted for.

2. Literature Review and Problem Statement

The analysis draws on three related concepts: corporate criminal liability, civil liability for acts connected with another party, and advertising transparency. In the Indonesian context, the ITE Law and the Criminal Code provide statutory frameworks for assessing criminal responsibility, while Article 1367 of the Civil Code is relevant to civil responsibility for acts of persons for whom another party may be responsible. These legal bases should not be treated as interchangeable: each requires its own elements and evidentiary assessment. In parallel, consumer-protection principles require attention to the accuracy and adequacy of information supplied to consumers. Prior studies cited in this manuscript approach these issues from complementary angles: Rahmawati (2021) emphasizes corporate direction, Muslims et al.

(2025) focus on disclosure of commercial content, and Kezia and Christvidya (2023) discuss overclaiming in influencer promotions. Nasution et al. (2022) and Kurniawan and Hapsari (2022) further situate influencer–company relationships within digital marketing law and the uncertain boundary between independent contracting and corporate communication.Taken together, these perspectives indicate that a contract label or the identity of the person who uploads a post is not, by itself, a complete account of responsibility. At the same time, evidence of corporate involvement does not automatically establish a criminal offence or civil liability: the relevant statutory elements, fault requirements where applicable, causation, and loss must still be examined. The analytical gap addressed here is therefore not the absence of rules on electronic information, consumer protection, or civil responsibility, but the lack of an integrated, document-based analytical framework in this manuscript for relating those rules to the practical production of influencer messages. The problem statement is: how can corporate responsibility for potentially unlawful or misleading influencer marketing content be assessed by connecting applicable legal provisions with evidence of corporate control, and how can the ITE Law and Indonesian Advertising Ethics (EPI) inform a preventive compliance framework? Accordingly, the study examines (1) possible legal pathways for corporate accountability, (2) the relevance and limits of vicarious liability where influencers are independent contractors, (3) the relationship between statutory rules and EPI standards, and (4) compliance measures that can be derived from this analysis.

3. Method

This research uses normative legal research based on literature studies. The research approach consists of a legislative approach and a conceptual approach. The legislative approach is used to examine norms governing electronic information, consumer protection, corporate liability, and the legal consequences of promotional content. The conceptual approach is used to understand the concept of vicarious liability, corporate status, corporate-influencer relationships, and responsibility in producing marketing communication messages.Primary legal materials include Law Number 1 of 2024 concerning the Second Amendment to the ITE Law, Law Number 11 of 2008 concerning ITE as a historical comparison, Law Number 1 of 2023 concerning the Criminal Code, Law Number 8 of 1999 concerning Consumer Protection, provisions of the Civil Code, especially Article 1367, and the 2020 Amendment to the Indonesian Advertising Ethics. EPI is positioned as an ethical instrument used to test advertising communication practices, not as a state legal norm that has the same coercive power as statutory regulations.

To make the relationship between the research questions and the legal materials explicit, the analysis uses the following mapping.

Research issue	Legal materials and provisions examined	Analytical purpose
Criminal responsibility for electronic content	Law No. 1 of 2024 amending the ITE Law; Law No. 1 of 2023 on the Criminal Code where applicable	Assess statutory elements, the relevant legal subject, and whether evidence supports attribution to a corporation. Unverified claims alone do not establish an offence.
Civil responsibility and consumer loss	Law No. 8 of 1999 on Consumer Protection; Article 1367 of the Civil Code; other relevant Civil Code provisions where applicable	Examine information duties, loss, causation, and whether conditions for compensation or responsibility for another person's acts are met.
Influencer–corporation	Article 1367 of the Civil Code;	Assess the actual relationship and scope of

Research issue	Legal materials and provisions examined	Analytical purpose
relationship and vicarious liability	concept of vicarious liability; campaign contracts, briefs, payment records, instructions, draft revisions, and approvals	work. Independent-contractor status is relevant but not conclusive without examining the relationship and applicable legal requirements.
Advertising transparency and ethical standards	2020 Amendment to the Indonesian Advertising Ethics (EPI), alongside relevant ITE Law and Consumer Protection Law provisions	Identify professional standards concerning honesty, substantiation of claims, testimonials, comparative claims, and disclosure of commercial relationships; distinguish ethical rules from state-law obligations.
Administrative response and compliance recommendations	Applicable ITE Law provisions and sector-specific regulations, subject to competent authority; EPI enforcement mechanisms for parties bound by it	Identify the competent body and specific legal basis for formal action; distinguish public sanctions from internal corporate correction and professional ethical sanctions.

Secondary legal materials consist of books, journal articles, and research on influencer marketing, cyber law, corporate responsibility, consumer protection, and communication ethics. Tertiary materials assist with legal and technical terminology. Materials were selected for their relevance to the four research questions and mapped to the issues shown in Table 1 and the method mapping above. Data were collected through document study, inventoried, classified, and systematized into four groups: (1) electronic-information offences and criminal responsibility; (2) corporate accountability and influencer–corporation relationships; (3) consumer protection and civil liability; and (4) advertising standards and ethics. The materials were analyzed descriptively and qualitatively through deductive reasoning. For each issue, the analysis distinguishes the text of the applicable norm, the interpretation drawn from it, and the authors' prescriptive recommendation.

Table 1. Sources of legal materials and their relevance

No.	Material	Relevance of analysis
1	Law No. 1 of 2024 concerning the Second Amendment to the ITE Law	Key norms regarding electronic content and accountability.
2	Law No. 11 of 2008 concerning ITE	Historical comparison before the second change.
3	Law No. 1 of 2023 concerning the Criminal Code	General framework for corporate criminal liability.
4	Law No. 8 of 1999 concerning Consumer Protection	Consumer rights to information and business actors' responsibilities.
5	Civil Code Article 1367	The basis for vicarious liability in the civil realm.
6	EPI Amendment 2020	Ethical standards of honesty, transparency and advertising responsibility.

Note: The Indonesian Advertising Ethics do not constitute a legally binding norm , but rather serve as a professional ethical standard binding on association members.

The analysis workflow comprises four stages, as illustrated in Figure 1: inventory, systematization, synchronization, and prescriptive construction. The stages are iterative rather than strictly linear because findings during synchronization may require the researchers to revisit and supplement the inventory of legal materials.

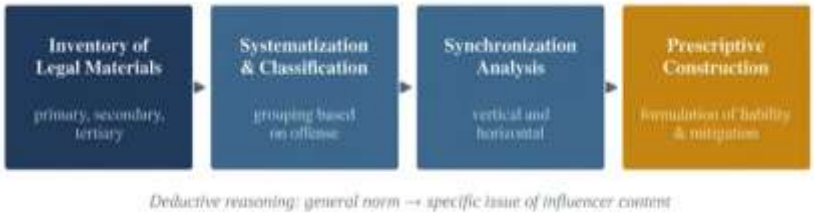


Figure 1. Normative analysis workflow: inventory, systematization, synchronization, and prescriptive construction.
Source: Prepared by the author based on the analyzed legal materials.

4. Results And Discussion

The Position of Corporations in the Influencer Message Production Chain

Influencer marketing content is created through a communication chain involving corporations, marketing teams or agencies, influencers, social media platforms, and audiences. Uploading is the final stage of a process that may include briefing, drafting, review, and approval. Consequently, identifying the potentially responsible party should not stop at the person who technically uploads the content. However, corporate participation in a campaign does not by itself establish a violation. The applicable legal elements must first be identified, and the evidence must then be assessed against each element. The following table is therefore an analytical checklist, not a conclusion that every unverified product claim fulfils Article 28 paragraph (1) of the ITE Law.

Table 2. Testing of elements of Article 28 paragraph (1) of the ITE Law against corporations

No.	Element	Application to corporate communications	Difficulty of proof
1	Each person	Corporations are among the legal subjects covered by the ITE Law.	Relatively easy
2	Deliberately	It needs to be shown that the corporation wanted or approved of the problematic narrative.	Difficult
3	Without rights	The claim has no legitimate justification.	Relatively easy
4	Spreading fake news	Unverified product claims or benefits may be the focus of scrutiny.	Currently
5	Causing consumer losses	Material losses may arise when the product does not match the communication claims.	Difficult

Notes. The level of difficulty indicates the degree of ease of proving the elements against the corporation, not against the influencer as the uploader.

The table indicates that attribution and proof require separate consideration. A product claim that is unverified, inaccurate, or exaggerated may raise consumer-protection or advertising-ethics concerns, but it does not automatically fulfil the elements of Article 28 paragraph (1) of the ITE Law. Application of that provision requires careful examination of the wording in force, the type of information at issue, the statutory conditions, intent or other required mental elements where applicable, and legally relevant consequences. Evidence such as script drafts, revisions, approvals, claim substantiation, creative direction, and internal correspondence may help establish corporate involvement; it does not replace proof of each statutory element.

Three Lines of Corporate Accountability

Corporate accountability for influencer marketing content may involve criminal, civil, or administrative processes, but these routes have different legal bases and should not be collapsed into a single general finding of liability. Criminal responsibility depends on the elements of the offence and the rules governing corporate criminal liability. Civil responsibility requires the relevant basis of claim and evidence of legally cognizable loss and causation. Administrative action is available only where a specific statute or sectoral regulation grants authority to a competent institution; it should not be described as a general route available in every influencer-marketing dispute. Separately, a company may adopt internal correction, withdrawal, and audit procedures as compliance measures, even when no public administrative sanction has been imposed.

Table 3. Legal accountability pathways and their implications

Track	Base	Form of responsibility	Communication implications
Criminal	ITE Law and corporate liability provisions	Fines with increased penalties and the possibility of additional penalties according to the provisions.	Encourages examination of the source, intent, and process of message production.
Civil	Article 1367 of the Civil Code and the Consumer Protection Law	Compensation for material and/or immaterial losses.	Demand that corporations explain the relationship between messages, products, and losses.
Administrative	ITE Law and sectoral regulations	Warnings, termination of access, or administrative sanctions according to the authority of the institution.	Emphasizes rapid correction and control of content.

Source: Processed by the author based on the ITE Law, Civil Code, and Consumer Protection Law.

An administrative response can be faster in cases where a competent institution has a specific statutory or regulatory mandate, but the availability, procedure, and consequences depend on that mandate. It is therefore not appropriate to characterize the administrative route as universally the most practical or to imply that it is free from evidentiary requirements. For corporate communications, internal correction mechanisms remain valuable as preventive governance measures; they should be distinguished from formal sanctions imposed by a regulator.

Vicarious Liability and Influencer Status as an Independent Contractor

The concept of vicarious liability helps frame questions about responsibility for acts carried out within an employment, agency, or other legally relevant relationship. In Indonesian civil law, Article 1367 of the Civil Code is a potential basis for examining responsibility for acts of persons for whom the law assigns responsibility, but its application depends on the relationship and statutory conditions in the particular case. Influencers are often engaged as independent contractors; that label may weigh against assuming an employment relationship, but it does not alone resolve every question about agency, scope of assigned work, or civil responsibility. A campaign brief, payment record, contract, instruction trail, draft revisions, and approvals can help establish the factual relationship. They are evidence for legal analysis, not substitutes for the conditions required by Article 1367.

Table 4. Testing of vicarious liability in corporate–influencer relationships

Element	Problem	Indicators that can be checked
Employment/agency	Influencers are generally not permanent	Contract, brief, form of payment

Element	Problem	Indicators that can be checked
relationship	employees.	and pattern of instructions.
Scope of work	The boundaries between personal content and paid content can blur.	Campaign brief and communication objectives.
Act against the law	Content may violate legal or ethical norms.	Content of uploads and digital footprint.
Loss	Consumer losses can be widespread and difficult to quantify.	Proof of purchase, complaints, and economic impact.
Causality	It is necessary to prove the relationship between corporate direction and content.	Manuscript, revision, approval, correspondence.

Source: Processed by the author based on Article 1367 of the Civil Code and the concept of vicarious liability.

This study therefore proposes degree of corporate control over message substance as an analytical parameter that complements, rather than replaces, contractual status and the requirements of applicable law. The parameter is a research construct, not an established standalone legal doctrine or an automatic test of liability. It helps organize evidence about who set the claims, directed the script, required revisions, approved publication, and controlled timing.

Degree of Control as an Analysis Parameter

For this study, degree of control refers to the extent of corporate involvement in determining the content, presentation, claims, and publication of an influencer message. The proposed spectrum—from minimum and limited involvement to substantial and full control—organizes observable indicators such as briefs, script revisions, approval records, claims guidelines, schedules, and correspondence. Greater documented involvement may provide a stronger factual basis for investigating the relationship between corporate decisions and published content, but it does not independently establish criminal or civil liability. Any legal conclusion must still be tied to the applicable statutory elements, the nature of the relationship, causation, and other requirements relevant to the particular claim. Table 5 should accordingly be read as an analytical aid proposed by the authors, not as a binding legal classification.



Figure 2. Spectrum of the degree of corporate control over message content.
Source: Prepared by the author based on an analysis of corporate accountability and the concept of vicarious liability.

Table 5. Gradations of control and accountability implications

Level of control	Characteristics of a relationship	Evidence indicators	The basic power of responsibility
Minimum	Influencers promote products on	There were no specific	Weak

Level of control	Characteristics of a relationship	Evidence indicators	The basic power of responsibility
	their own initiative through open affiliations.	directions or script approvals.	
Limited	Corporations provide products without specifying the content of the message.	Proof of product delivery and general terms and conditions.	Currently
Substantial	The script is created by influencers but must obtain corporate approval.	History of revisions, approvals, and correspondence.	Strong
Full	Scripts, visuals, claims, and upload schedules are determined by the corporation.	Standard scripts, claims guidelines, schedules, and written instructions.	Very strong

Source: Processed by the author based on an analysis of the degree of corporate control over influencers.

The degrees of control approach focuses on the communication process that actually occurs. Manuscript approval documents, revision comments, claims guidelines, and correspondence can show how a message is constructed. Thus, these parameters can be used as an analysis tool as well as a basis for corporations to build a compliance documentation system.

Synchronization of the ITE Law and Indonesian Advertising Ethics

The ITE Law and the Indonesian Advertising Ethics (EPI) operate at different normative levels. The ITE Law is state legislation and applies only where its statutory elements and conditions are met. The EPI is a professional ethical code whose enforcement depends on the relevant advertising-industry and association mechanisms; it does not have the same legal force as a statute. In practical terms, EPI standards concerning honest and responsible advertising, substantiation of claims, the authenticity of testimonials, comparative advertising, and disclosure of commercial communications can guide campaign design and review. Those standards may help identify communication practices that warrant scrutiny, but a breach of the EPI does not automatically amount to an ITE Law offence. Conversely, absence of a specific statutory label requirement should not be interpreted as permission to conceal a paid relationship where applicable ethical, consumer-protection, platform, or sector-specific obligations require disclosure.

Table 6. Synchronization matrix of legal norms and ethics of advertising communication

Aspect	ITE Law	EPI	Implications
Truth of information	Prohibiting certain information that meets the elements of a violation.	Demand honest, truthful and responsible advertising.	Strengthen each other.
Advertising transparency	Does not explicitly detail all forms of paid content labels.	Set up more specific identification of advertising communications.	There are loopholes in positive law.
Testimonials and claims	Can be checked through the provisions of misleading information.	Testimonials must represent real experiences.	Substantially synchronous.
Comparative advertising	May relate to information that attacks or harms other parties.	Limiting the way you compare and belittle competitors.	Complete each other.
Subject	Oriented towards legal	Reach out to advertisers, advertising	EPI is more specific

Aspect	ITE Law	EPI	Implications
	subjects who fulfill the elements of a crime.	agencies and media within an ethical framework.	to the advertising ecosystem.
Sanctions	Criminal, civil, or administrative according to legal basis.	Ethical sanctions according to organizational/association mechanisms.	Different coercive forces.

Source: Processed by the author based on the 2020 Amendment to the ITE Law and EPI.

The principal operational issue identified in this analysis is the need to make the commercial nature of influencer content understandable to audiences and traceable within the campaign workflow. EPI guidance on advertising identification and responsible claims can provide more detailed professional direction for disclosure and presentation, while applicable statutory provisions determine whether a legal violation has occurred. The practical recommendation is to record the commercial relationship, substantiate product claims, apply clear disclosure labels where required, and retain evidence of review and approval. These measures improve transparency and accountability without treating every failure to label content as automatically satisfying a criminal provision.

Table 7. Setting gaps and handling directions

No.	Gap	Description	Handling directions
1	Subject orientation	The focus can be on the uploader, while the person directing the message is not always visible.	Use a responsibility construction that takes into account the role of the corporation.
2	Paid content labeling	The obligation of transparency is not yet uniform in positive law.	Strengthening transparency standards through instruments with coercive power.
3	Corporate command parameters	There is no single benchmark for when a directive becomes substantial control.	Use degree of control indicators and documentary evidence.
4	Force asymmetry	Ethical norms are detailed but have limited coercive power, while legal norms are more coercive but not always detailed.	Harmonization through guidelines and implementation mechanisms.

Source: Processed by the author based on an analysis of the 2020 Amendment to the ITE Law and EPI.

Digital Ethics Compliance Framework for Influencer Communications

The Digital Ethics Compliance Framework is a prescriptive model constructed by the authors from the analysis of legal materials and advertising-ethics standards. It is not itself a statutory framework. Its legal components are drawn from applicable positive law, its advertising-practice guidance is informed by the EPI, and its workflow controls—such as assigning a compliance officer, retaining version histories, and conducting periodic audits—are recommendations proposed by this study. The four layers translate those sources into a practical sequence: governance and policy, contractual clauses, implementation oversight, and audit and remediation.



Figure 3. Four-layer Digital Ethics Compliance framework.
Source: Prepared by the author based on research analysis results.

Thus, compliance is not positioned solely as a response to a violation, but is integrated into every stage of marketing communication production. Each layer has a distinct yet interrelated function. Governance serves as the basis for establishing internal responsibilities; contractual clauses translate compliance principles into corporate relationships with influencers; implementation oversight ensures that messages produced comply with established directives and standards; and audits and remediation serve to address deviations and improve procedures. Details of the components, key practices, and functions of each layer are presented in Table 8.

Table 8. Components of Digital Ethics Compliance

Layers	Component	Main practices	Function
I	Governance and policy	Board of directors commitment, digital communication guidelines, compliance officer.	Preventive-structural
II	Contractual clauses	Compliance with the ITE and EPI Laws, prohibition of claims without evidence, right to withdraw content.	Preventive-contractual
III	Implementation supervision	Script preview, approval, ad labeling, documentation, comment monitoring.	Preventive-operational
IV	Audit and remediation	Incident handling, correction/withdrawal, compensation, periodic evaluation.	Repressive and remedial

The framework has two functions. First, the prevention function through checking before and during content publication. Second, the function of proof and recovery through documentation, correction, and evaluation when problems occur. From an organizational communications perspective, approval documentation also serves as a decision record that clarifies who was involved in producing the message.

Implications for Corporate Communication Practices

First, corporations need to treat influencers not just as distribution channels, but as part of the message production chain. Briefs, scripts, claims, visuals, and approval mechanisms need to be placed in one traceable workflow.Second, communication responsibilities need to be explicitly shared. Contracts can include compliance obligations, prohibitions on using baseless claims, mechanisms for content withdrawal, and procedures for when audiences raise objections.Third, transparency needs to be part of message design from the start. Labeling paid communications and disclosing commercial relationships helps audiences understand the context of messages while strengthening compliance documentation.Fourth, corporations need to retain evidence of the communication process. A history of script revisions, approvals, creative direction, and correspondence is not only useful for quality control but also crucial if questions arise about the source and control of content.Fifth, if an error occurs, the response

should not stop at removing the content. Auditing the cause, correcting the information, communicating to the audience, and evaluating procedures are necessary to prevent a recurrence of the problem.

5. Conclusion

This study concludes that corporate responsibility for influencer marketing content cannot be determined solely by identifying who uploaded the post or by relying only on the contractual label attached to the influencer. Corporate involvement in planning, drafting claims, revising scripts, approving content, and controlling publication may be relevant evidence, but liability must be assessed separately under the applicable criminal, civil, or administrative framework. In particular, an unverified product claim does not automatically satisfy Article 28 paragraph (1) of the ITE Law; the statutory elements and evidence must be assessed in the specific case. Article 1367 of the Civil Code may be relevant to civil responsibility for another person's acts, but its application to an influencer relationship depends on the legal relationship and conditions established by law. The degree-of-control spectrum proposed here is an analytical aid for organizing evidence, not an independent or binding doctrine of liability. The ITE Law and EPI should likewise be distinguished: statutory rules may provide legal consequences when their requirements are met, whereas EPI supplies professional ethical standards concerning matters such as honest claims, testimonials, comparative advertising, and commercial transparency. Based on this distinction, the study proposes a four-layer Digital Ethics Compliance Framework combining legal compliance, EPI-informed advertising practices, and organizational recommendations. The framework should be tested further through case studies, industry interviews, and analysis of relevant decisions.

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