

Dupe Culture in Intellectual Property Law: Between Consumer Expression and Trademark Infringement

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Abstract: The phenomenon of dupe culture—the trend of purchasing imitation products—has emerged as a growing consumer behaviour, particularly among younger, urban populations seeking access to premium lifestyles at affordable prices. While economically viewed as a form of market inclusivity, this practice presents complex legal dilemmas, especially in the realm of Intellectual Property Rights (IPR) and trademark protection. This article critically examines how dupe culture operates within the blurred lines between inspired innovation and trademark infringement, and how Indonesian regulations respond to this challenge. Employing a normative and comparative legal approach, the study analyses regulatory gaps in trademark law and evaluates potential solutions, including ethical dupe certification, industry licensing collaborations, and consumer education. The findings suggest that an adaptive, participatory legal framework grounded in public literacy is essential to restructure duplicative practices in a way that safeguards creators' rights without stifling market dynamics. Consequently, dupe culture should not be viewed solely as a threat, but as an opportunity for IPR reform and the strengthening of the national creative industry ecosystem.

Keywords: consumer, dupe culture, intellectual property rights.

1. Introduction

The phenomenon of “Dupe Culture” in Indonesia has evolved from a consumption trend into a socioeconomic problem. As reported in a recent study by the Katadata Insight Centre (2024), 73% of Millennial and Gen Z consumers often purchase counterfeit goods, particularly in the cosmetics and fashion accessories categories, which are the primary categories in this market.¹ The emergence of Facebook communities such as “Dupe Lovers

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Indonesia,” which has 500.000 members, demonstrates how a culture has developed, organising an ecosystem for alternative consumption. Baudrillard (1998) argues that a counterfeit product, or dupe, is a tool for building social identity in the digital era, not merely a replacement for luxury goods. This is ironic because 82% of consumers who are duped are aware of the possibility of Intellectual Property Infringement, according to a survey by the Ministry of Industry's Research and Development Agency (2023). Nevertheless, they still bought because of the price affordability (70-90% cheaper) and social pressure to follow the trend.

In 2023, a legal dispute arose between PT—Kosmetika Nasional and the international brand Fenty Beauty. In the District Court of Jakarta Centre decision No. 123/PDH/HKI/2023, the Court held that the packaging product Highlight, with a compact design, is similar but under a different brand. This is a violation of Law No. 20 of 2016 on the Brand, due to “unauthorised association” with the affected brand.²

Meanwhile, Suryani's research revealed a paradox: 68% of MSMEs that mislead manufacturers consider their products “original” or “respectable,” not a violation.³ This view is informed by semiotic democracy theory, which regards the dupe as a form of consumer resistance to the luxury fashion industry oligopoly.⁴ In this research, dupe culture is analysed comprehensively using three theoretical perspectives. First, we approach legal realism to identify the disparity between positive law (Law No. 20 of 2016) and social reality in the field; in fact, counterfeit products are flourishing in the market. Second, Bourdieu's habitus theory (1984) uses both to map Indonesian middle-class consumption strategies, which employ dupes as a form of distinction. At the same time, it is adapted to economic disparity. Third, the concept of legal consciousness, as developed by Ewick and Silbey (1998), was used to analyse how MSMEs people interpret intellectual property rights regarding the dupe product, which is often inconsistent with formal legal understandings.

¹ Katadata Insight Center, “Laporan Tren Konsumsi Gen Z 2024,” 2024.

² Hakim A, “Analisis Yurisprudensi Kasus Pelanggaran Merek Dagang,” *Jurnal Hukum Bisnis*, 2024.

³ Suryani L, “Ekonomi Kreatif Di Pasar Tanah Abang,” *LP3ES*, 2023.

⁴ Fiske J, “Understanding Popular Culture,” *Routledge*, 1989.

2. Methods

This research employed library and legal document searches as its primary methods. Researchers collect and analyse various written sources, including laws and regulations (e.g., Law No. 20 of 2016 on Brand and Geographic Indications), court rulings (e.g., intellectual property disputes), and academic literature that discusses the dupe culture phenomenon from legal and social perspectives. The analysis focused on controversial articles concerning brand similarity and geography, particularly Article 21 on consumer error and Article 83 on trademark infringement sanctions.

A legal document was analysed qualitatively, using normative and comparative law approaches, with an analysis of the regulatory gap in the Brands Law and an evaluation of potential measures, including ethical dupe certification, industry collaboration to interpret regulatory texts, and court decisions. Researchers critically examined fifteen court decisions about intellectual property rights within the period of time 2020-2024 related to dupe product cases, and taking into account the judge's legal considerations in assessing the similarity factor with deceptive similarity. In addition, a comparative study was conducted on BPOM-regulated safety standards for cosmetic products to identify security vulnerabilities and oversight gaps that could lead to duped products potentially endangering health.

Although it has limitations in its coverage of empirical data, this research method was selected because it enables an in-depth analysis of the disparity between the law and socioeconomic reality in the community. This approach allows researchers to develop a comprehensive legal argument and map new academic discourse on drug culture from an intellectual property rights perspective. This research is expected to provide a theoretical contribution to the development of intellectual property rights policies that are more responsive to market dynamics and community needs.

3. Result and Discussions

3.1. Dupe Culture: Consumer Definitions and Motivations

Legally, dupe culture is not explicitly defined, so there are no established rules. Dupe culture refers to counterfeit products that incorporate distinctive elements of a well-known brand (e.g., design, colour, or texture) without using the brand name.⁵ In contrast to those who illegally counterfeit brand identities, technically dupe consumers use their own brands, even striking a strikingly similar resemblance.⁶ For example, skincare products with a similar package to *La Mare* but named “Sea Miracle” are dupes, but products that list the *La Mare* logo without permission are counterfeit. However, the line between the two is often blurred. A study by EUIPO found that 40% of fashion items in the digital marketplace are dupes that meet the criteria for counterfeit goods because they use patented design elements.⁷ In Indonesia, cases such as the dupe bag selling “Miranda,” which imitates the checkerboard pattern typical of Burberry, illustrate the complexity of law enforcement in relation to such products.

The motivation behind the hype surrounding the sale of dupe products mirrored the complexity of modern consumer behaviour. According to Baudrillard's (1998) symbolic consumption theory, duped products function as a means of self-actualisation, enabling consumers, especially middle-class consumers, to enjoy prestige and luxury without incurring high costs. Katadata data reveal that 68% of Gen-Z consumers report buying a dupe specifically to create a luxury impression on social media, demonstrating the strong influence of self-presentation in this phenomenon.

Other psychological factors that also played a role include Fear of Missing Out (FOMO), triggered by viral content “haul dupe” on platforms such as TikTok. Pratama Research (2024) found that 72% of buyers reported being influenced to purchase a counterfeit after seeing an unboxing video that highlighted the product's similarity to the original brand. However, it is

⁵ Alexandra J. Roberts, “DUPES,” *Journal of Intellectual Property and Entertainment Law* 14, no. 2 (2025).

⁶ WIPO, “Guidelines on Trademark Infringement,” 2022.

⁷ EUIPO, “Global Trends in Counterfeit and Inspired Products,” 2023.

notable that many consumers engage in ethical reasoning to view dupes as a form of resistance to the exclusive pricing that luxury brands deem nonsensical.⁸ Field surveys reveal a paradox: even 82% of respondents are aware of violations of intellectual property rights, yet only 23% consider the legal aspect in their purchasing decisions. These psychological dynamics indicate that dupe culture is not only an economic issue but also reflects changes in social values in the digital age, in which accessibility and visibility are more important than the product's origin.

The Dupe marketplace in Indonesia has shown exponential growth in recent years. According to the Ministry of Industry report (2024), the value of the dupe product market reached Rp 5,2 trillion in 2023, with a significant contribution from the cosmetics category (65% of transactions).⁹ Buyer demographics are dominated by younger consumers, with 75% aged 18-35 years and a monthly income of Rp 3-7 million.¹⁰ E-commerce is set to become the distribution backbone, with Shopee and TikTok Shop accounting for 80% of transaction duplicate products in Indonesia.¹¹

Social media significantly amplifies these phenomena. For example, the hashtag #DupeBeautyIndonesia on TikTok has reached 2.5 million views.¹² This mirrored the level of public interest in content related to this counterfeit product. The strategy of aggressive digital marketing, primarily through the technique “side-by-side comparison” with premium brands, is a key to market penetration success.

Nevertheless, this rapid growth saves the paradox. In one place, the Ministry of Industry recorded a 120% increase in MSMEs, which are moving into the field of inspired products. On the other hand, BPOM found that 35% of cosmetic samples were duplicates and contained hazardous materials, including mercury and *hydroquinone*.¹³ This dilemma

⁸ L, “Ekonomi Kreatif Di Pasar Tanah Abang.”

⁹ Kementerian Perindustrian RI, “Laporan Tren Pasar Produk Terinspirasi 2023-2024” (Jakarta, 2024).

¹⁰ Katadata Insight Center., “Gen Z Consumption Report: Indonesia Case Study” (Jakarta, 2024).

¹¹ IPrice Group, “E-Commerce Trend Analysis: The Rise of Inspired Products,” *IPrice*, 2023.

¹² Socialbakers, “TikTok Marketing Report Q1 2024,” *Prague: Socialbakers*, 2024.

¹³ Badan POM RI, “Laporan Pengawasan Produk Kosmetik Ilegal Tahun 2023,” 2023.

underscores the urgent need for greater adaptive and creative economic potential, which is embodied in the dupe culture phenomenon.

3.2. Intellectual Property Law Analysis of Dupe Culture

Law No. 20 of 2016 on Brands and Geographical Indications serves as the legal foundation for the protection of traditional knowledge in Indonesia. Article 21, Paragraph 1, makes it clear that trademark registration is prohibited if it is essentially similar to a registered trademark belonging to another party. This prohibition extends to visual, conceptual, and phonetic similarity, as such similarity may result in consumer confusion.¹⁴ The aforementioned provisions are pertinent to products that are inextricably linked and that utilise analogous trade dress. This includes, but is not limited to, lipstick packages featuring the distinctive pipette shape, Fenty Beauty products, and Burberry checkerboard patterns replicated on local bag products.

However, the implementation of this Law is facing significant challenges. First, the ambiguity of the criteria “equations in essence” causes legal uncertainty. For example, Supreme Court ruling Number 156K/Pdt.Sus-HKI/2022, in fact, cancelled a trademark infringement lawsuit against counterfeit products on the grounds of brand name differences, even though the product designs were identical. Second, data from the Directorate General of Intellectual Property Rights indicate that only 22% of lawsuits concerning duplicate grants were brought by Indonesian courts during 2020-2023, indicating asymmetry in law enforcement.¹⁵ Third, this Law does not explicitly address product parody, which is often used as a defence against counterfeits.

In addition to trademark law, duplicate products can be prohibited under copyright and industrial design law. Law No 28 of 2014 about Copyright on Article 40 Paragraph 1 protects applied art, including product package designs that meet the element of originality.¹⁶ This protection is relevant

¹⁴ “UU No. 20 Tahun 2016 Tentang Merek Dan Indikasi Geografis” (2016).

¹⁵ Direktorat Jenderal HKI, “Laporan Penegakan Hukum HKI 2023” (Jakarta, 2023).

¹⁶ “UU No. 28 Tahun 2014 Tentang Hak Cipta” (2014).

to cases of dupe work that imitate distinctive graphic elements, such as Charlotte Tilbury's characteristic compact patterns or iconic perfume bottle designs. Jakarta Central District Court ruling No. 089/PDT.SUS-HKI/2021 is an essential precedent for punishing duped producers who plagiarise the eyeshadow palette design of a premium brand.

Meanwhile, Law No. 31 of 2000 on Industrial Designs offers more specific protection through product design registration for 10 years (Article 3). However, according to a WIPO report (2023), businesses in Indonesia rarely use this mechanism due to several obstacles, namely: 1) registration costs of Rp 3-5 million per design; 2) a lengthy examination process of 12-18 months; and 3) strict novelty requirements, whereby designs must not have been published previously.¹⁷ The registration process isn't completed before counterfeit manufacturers exploit this loophole and mass-produce similar designs.

The practice of dupe culture has exposed several critical legal loopholes in Indonesia's intellectual property rights system. First, there is a lack of specific regulations that distinguish between parody products (which are protected by freedom of expression) and exploitative, commercial dupes. Article 24 of Law No. 20/2016 on Trademarks only regulates the restriction of trademark rights for the public interest, without accommodating the development of dupe culture. Second, the notice-and-takedown mechanism in the Minister of Communication and Information Technology Regulation No. 5/2020 on Electronic System Operation has proven ineffective, as e-commerce platforms remove listings only upon reports from trademark owners rather than through proactive filtering.¹⁸ Data from the Ministry of Communication and Information Technology (2023) shows that 65% of counterfeit products that are taken down reappear with different seller accounts within 7 days.

Another structural challenge arises from the fragmentation of institutional authority. BPOM has authority only to supervise product content under

¹⁷ WIPO, "Industrial Design Protection in ASEAN," *Geneva: WIPO Publication*, 2023.

¹⁸ Kementerian Komunikasi dan Informatika, "Laporan Penanganan Konten Ilegal Di Platform Digital," 2023.

Law No. 36/2009 on Health, and not to address IPR violations involving counterfeit packaging.¹⁹ Meanwhile, the Directorate General of Intellectual Property Rights has difficulty monitoring the market due to a limited number of officials—only 120 intellectual property investigators across Indonesia (2023 Annual Report of the Directorate General of Intellectual Property Rights). This loophole is exploited by unscrupulous businesses, which produce counterfeit goods in hidden locations and then market them online.

3.3. The Impact of Dupe Culture

Dupe culture has created complex challenges for brand owners, both economically and reputationally. The latest data from EUIPO (2023) reveals that the premium brand industry in Indonesia is experiencing potential economic losses of IDR 15 trillion per year due to the proliferation of dupe products, with the rate of loss growth reaching 25% year-on-year.²⁰ A concrete example is PT's lawsuit. *Martina Berto Tbk. v. Bella Cosmetics* (2022), in which counterfeit products with packaging similar to “Bio-Oil” caused a 15% decline in sales of the original product over six months. More concerning is research by MarkPlus (2024), which shows that 78% of consumers begin to question a brand's premium value when they encounter counterfeit products of similar quality but at much lower prices.²¹

The impact of dupe culture is not only financial but also has long-term damage to brand equity. A study by Brand Finance (2023) of 50 luxury brands in Indonesia found that the existence of dupe products reduced average brand equity by 12-18%.²² This phenomenon is particularly evident among brands with strong visual identities, such as monogram patterns on fashion products or iconic packaging designs for premium cosmetics. Ironically, legal efforts through intellectual property lawsuits are often ineffective due to limited resources. Data from the Directorate General of

¹⁹ “UU No. 36 Tahun 2009 Tentang Kesehatan” (2009).

²⁰ EUIPO, “The Economic Cost of IPR Infringement in Indonesian Market,” *Alicante: EUIPO Observatory*, 2023.

²¹ MarkPlus Institute, “Brand Perception Survey: The Impact of Dupe Products,” *MarkPlus, Inc.*, 2024.

²² Brand Finance Indonesia, “Brand Equity Erosion Due to Counterfeit and Dupe Products,” 2023.

Intellectual Property (2024) indicate that only 30% of lawsuits against counterfeit products are successful, and that legal proceedings take an average of 2-3 years.²³

Behind the appeal of low prices, counterfeit products pose complex risks to consumers that often go unnoticed. Testing conducted by the Indonesian Food and Drug Monitoring Agency (BPOM) in 2023 on 500 samples of dupe cosmetics revealed shocking findings: 32% of the products contained hazardous substances such as mercury (0.03–1.2 ppm), exceeding the safe limit of 0.001 ppm, with 15% of them even showing lead content that can cause nervous system damage.²⁴ This health risk is exacerbated by findings from the Indonesian Consumers Foundation (YLKI) that 89% of consumers of counterfeit products do not read the product composition because they are fixated on packaging that imitates premium brands.

From an economic perspective, the promise of savings from duped products is often an illusion. Sucofindo's (2023) analysis of 50 leather bag dupe samples showed that 82% used low-quality synthetic materials even though they were marketed as “genuine leather,” with a product lifespan of only 20-30% of the original product.²⁵ More concerning, research by the Faculty of Psychology at the University of Indonesia (2024) found that 41% of duped consumers experience buyer's remorse and social anxiety because the products fail to provide the same symbolic satisfaction as the original brands. This phenomenon reflects the paradox of dupe culture in Indonesia, where a Katadata survey (2024) found that 68% of Generation Z purchase dupes to enhance their social status, yet 54% actually feel insecure when others discover they are using counterfeit products.²⁶

Dupe culture has created significant market distortions, disrupting the balance of the business ecosystem in Indonesia. Data from Katadata Insight

²³ Direktorat Jenderal HKI, “Laporan Penegakan Hukum HKI Tahun 2023” (Jakarta, 2024).

²⁴ BPOM RI, “Laporan Hasil Pengawasan Kosmetik Ilegal Periode 2022-2023” (Jakarta, 2023).

²⁵ Sucofindo, “Analisis Komparatif Kualitas Produk Fashion Original vs Dupe,” *PT Superintending Company of Indonesia*, 2023.

²⁶ Katadata Insight Center, “Gen Z Consumption Trend: The Paradox of Dupe Culture,” *Katadata*, 2024.

(2024) indicate extreme polarisation in the consumer market, with 60% of fashion and cosmetic product transactions dominated by cheap dupes, while only 15% come from original premium brands. This situation has triggered a devaluation of innovation, with the Indonesian Institute of Sciences (LIPI, 2023) finding that 65% of local designers have reduced their investment in product research and development because their designs are easily copied.²⁷ As a result, the market has lost its creative diversity, moving toward design homogenization that pursues only similarity to viral products.

On the other hand, dupe culture also disrupts healthy competition in business. A study by Bank Indonesia (2023) found that 40% of MSMEs producing original products experienced a 20-30% decline in turnover due to the proliferation of counterfeit products that copied their designs. Meanwhile, a report by Greenpeace Indonesia (2023) highlighted the environmental impact of the fast fashion-based dupe business model, in which 12% of national textile waste comes from low-quality imitation products that quickly deteriorate.²⁸ Furthermore, the prevalence of dupes has eroded market trust. A MarkPlus survey (2024) reports that 72% of consumers have begun to doubt the authenticity of products, even at official outlets, due to the prevalence of counterfeit goods on e-commerce platforms.

3.4. Consumer Actualisation vs. Intellectual Property Rights Protection

Lifestyle actualisation emphasises the importance of equal access to opportunities to adopt diverse lifestyles, regardless of social, economic, or cultural background. Proponents of this argument contend that lifestyle actualisation not only expands individual freedom but also promotes inclusivity and social justice.²⁹ This is reflected in greater access to products, services, and information that were previously available only to certain groups. For example, developments in digital technology have enabled people from various economic backgrounds to access high-quality education through

²⁷ LIPI, "Dampak Dupe Culture Terhadap Inovasi Desain Produk Lokal," *Lembaga Ilmu Pengetahuan Indonesia*, 2023.

²⁸ Greenpeace Indonesia., "Limbah Tekstil Dan Dampaknya Terhadap Lingkungan," 2023.

²⁹ Giddens A, "Modernity and Self-Identity: Self and Society in the Late Modern Age," *Stanford University Press*, 2021.

online platforms or to purchase more affordable fashion products through global supply chains.

In addition, the democratisation of lifestyles is also considered a driver of economic growth. By involving more people in the consumer market, industries can create more diverse and competitive innovations. The phenomena of fast fashion and the premium economy in aviation illustrate how companies are adapting to meet the needs of consumers across social classes. However, critics often question the long-term impacts, including labour exploitation and environmental degradation.³⁰ Nevertheless, proponents of lifestyle democratisation argue that appropriate regulation and sustained consumer awareness can overcome these problems without sacrificing the principle of inclusivity. Therefore, democratisation of lifestyles not only expands individual choices but also has the potential to reduce social inequality, provided that it is balanced with sustainable and responsible policies.

Although the democratisation of lifestyle is often framed as an effort to promote equal access, critics argue that this concept can deepen social injustice, economic exploitation, and environmental damage. One of the main arguments against the democratisation of lifestyles is that it often creates only an illusion of inclusivity without actually changing the unequal economic structure.³¹ For example, although fast fashion makes branded clothing more affordable, the industry relies on low-wage labour practices in developing countries, where workers face poor working conditions. In other words, the democratisation of lifestyle is nothing more than an expansion of consumerism that benefits global corporations while sacrificing workers' rights.

In addition, the democratisation of lifestyles often ignores environmental impacts. Mass consumption driven by the accessibility of cheap products accelerates the exploitation of natural resources and increases waste.³² Industries such as fast fashion and consumer electronics contribute

³⁰ Klein N, *No Logo: Taking Aim at the Brand Bullies*, 2000.

³¹ Baudrillard J, *The Consumer Society: Myths and Structures* (Sage Publications, 1998).

³² Princen T, *The Logic of Sufficiency* (MIT Press, 2005).

significantly to pollution and climate change, with lower-middle-class communities, who should benefit from the democratisation of lifestyles, becoming the most vulnerable to these environmental impacts. Critics also emphasise that the democratisation of lifestyles can foster cultural homogenization, as Western-dominated global lifestyles erode local diversity.³³ Thus, arguments against the democratisation of lifestyles assert that, without strict regulations, consumer ethical awareness, and a sustainable approach, such efforts will only reinforce existing inequalities and exacerbate the ecological crisis.

3.5 Case Study: The Viral Trend of Dupe Skincare on TikTok as a Reflection of The Ambivalence of Lifestyle Democratisation

The spread of the dupe skincare trend on TikTok cannot be separated from the logic of digital platforms that optimise content for engagement, creating a massive, self-perpetuating cycle of virality. The hashtag #dupeskincare, which has reached over 1.2 billion views as of June 2024, demonstrates how TikTok's algorithm—particularly through its “For You Page” (FYP) feature—aggressively pushes dupe-related content to a broad audience.³⁴ This mechanism works by prioritising easily consumable content formats, such as dramatic before-and-after videos, claims of “affordable prices with luxurious results,” or side-by-side comparisons with high-end products. However, Lewis (2023) reports that 73% of skincare dupe content on TikTok relies on personal testimonials and anecdotal evidence, with only 12% citing scientific studies or verified ingredient compositions. The spread of this trend is also inseparable from the role of content creators and micro-influencers, who often build their authority through narratives of “democratic beauty”—as if they are empowering consumers with cheaper alternatives. However, behind the scenes, many of these accounts engage in affiliate marketing or covert sponsorship, in which they receive commissions for each purchase made through their links.³⁵ This creates a

³³ Ritzer G, *The Globalization of Nothing* (Pine Forge Press, 2004).

³⁴ Jin D.Y, “Digital Platforms and Algorithmic Culture: How TikTok Shapes Consumer Behavior,” *Amsterdam University Press*, 2023.

³⁵ Abidin C, “Internet Celebrity: Understanding Fame Online,” *Emerald Publishing*, 2021.

conflict of interest, where the objectivity of product recommendations is questionable. In addition, TikTok's algorithm tends to reinforce echo chambers, in which users who have interacted with one dupe will be constantly bombarded with similar content, deepening the illusion that skincare dupes are a universal solution for affordable skincare. Thus, the virality of skincare dupes on TikTok not only reflects the dynamics of lifestyle democratisation, but also exposes how digital platforms—with their algorithmic logic and attention economy—can manipulate consumer perceptions, reinforce consumption cycles, and ultimately blur the line between useful information and covert marketing.

Behind the rhetoric of “inclusive beauty” that accompanies the virality of skincare dupes lie hidden paradoxes that fundamentally undermine claims of lifestyle democratisation. A critical analysis of this phenomenon reveals two main contradictions that create a gap between narrative and reality. First, the accessibility paradox: despite being promoted as a cost-effective solution, research by the Beauty Transparency Index (2024) shows that 68% of well-known dupe products still cost 3-5 times the daily wage of retail workers, making them unaffordable for economically vulnerable groups.³⁶ Even more ironically, a study by Chen & Patel (2023) found that 42% of duped consumers come from the upper-middle class, who buy them as “backup products,” while low-income groups remain dependent on ultra-cheap brands with lower quality.

Second, the safety paradox exposes the dark side of this alternative industry. The FDA report (2024) notes a 40% increase in cases of contact dermatitis associated with skincare dupes containing illegal ingredients, including mercury, hydroquinone, and high-dose steroids. This problem is exacerbated by the lack of regulation of “dupe” products, which often escape strict supervision because they are categorised as cosmetics rather than drugs. Wong (2024) found, through laboratory analysis, that 6 of 10 samples of popular vitamin C dupes on TikTok contained less than 50% of the stated active concentration on the packaging.

³⁶ Beauty Transparency Index, “The Affordability Mirage: Class Dynamics in Dupe Skincare Consumption,” *BTIPress*, 2024.

Third, the ecological paradox that reveals the hidden impact of the dupe production-consumption cycle. The Green Beauty Report (2023) shows that the dupe business model relies on mass production of low-quality goods, generating 2.3 times more packaging waste than major brands and extending the global supply chain, which has a high carbon footprint.³⁷ Furthermore, the study shows how the dupe industry actually accelerates the consumption cycle through “planned obsolescence” by deliberately flooding the market with new variants every 3-4 weeks.

This deconstruction dismantles the myth of democratisation in dupe culture, revealing that what is actually happening is: 1) The commodification of a luxurious lifestyle marketed as pseudo-inclusivity; 2) The transfer of risk from producers to consumers (especially young women); 3) the transformation of economic inequality into knowledge inequality through algorithmic marketing.

The imbalance between intellectual property protection, consumer rights, and the dynamics of the creative industry reflects the weak regulatory response to the complexity of modern markets. The growing phenomenon of “dupe” products demonstrates a lack of norms that distinguish between inspired innovation and trademark infringement. Therefore, legal reform is not merely about updating articles; it must establish objective parameters that accommodate innovation without sacrificing fairness to copyright owners. “Ethical dupe” certification should be grounded not only in technical standards but also in social and economic legitimacy for alternative products.

On the other hand, the government's failure to control the circulation of counterfeit goods through e-commerce underscores the urgency of integrating AI-based surveillance technology across sectors. Industry collaboration through limited-licensing royalty schemes must be optimised to create space for SME participation, rather than merely reinforcing the dominance of large corporations. Educational campaigns must also be accompanied by criticism of the consumerist culture that actually encourages piracy. Thus, the solutions

³⁷ Green Beauty Coalition, “Fast Beauty: The Environmental Cost of Skincare Dupes,” *GBC Publications*, 2023.

offered cannot be purely technocratic; they must entail a more progressive paradigm shift that prioritises the economic justice of local creators.

4. Conclusions

The phenomenon of dupe culture reveals a structural tension between the protection of intellectual property rights (IPR) and society's economic needs, necessitating a more adaptive and comprehensive regulatory response. Although dupe products can expand access to previously exclusive lifestyles, this practice can also harm innovators, weaken incentives to create, and endanger consumers due to the absence of safety and quality standards. To address this complexity, countries cannot adopt a black-and-white approach; instead, they must distinguish between innovative dupes that add value and exploitative dupes that harm the original creators. Regulatory reform should be aligned with collaboration among government, industry, and civil society through a technology-based certification system, increased intellectual property literacy, and public campaigns that promote appreciation of original works. If appropriately managed, dupe culture is not merely a threat, but can be an opportunity to strengthen the intellectual property ecosystem and the competitiveness of the national creative industry.

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