

## Greenwashing in Electric Vehicle Advertising: A Paradox of Eco-Friendly Choices?

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### Abstract

The electric vehicle market is currently growing rapidly in Indonesia. Indonesian Automotive Industry Association (GAIKINDO) reports that electric vehicle sales from January to September 2025 reached 55,225 units, an increase of 43,188 units compared to 2024. This growth coincides with rising consumer awareness of environmental sustainability and consumer environmental rights. However, the practice of greenwashing has emerged, creating a false illusion of eco-friendly products through misleading advertisements and promotions. This issue becomes even more complex in Indonesia, as low literacy levels make consumers less critical of environmental claims in advertisements.

This research aims to critically examine the euphoria of electric vehicle advertising and its reality in relation to consumers' rights to accurate and honest information, as guaranteed by Law No. 8 of 1999 on Consumer Protection (Consumer Protection Law), reinforced by Law No. 32 of 2009 on Environmental Protection and Management (UU PPLH), and the Indonesian Advertising Ethics Code.

Using the Critical Legal Studies (CLS) approach, this study critically analyzes the effectiveness of existing legal frameworks in regulating greenwashing practices, particularly in electric vehicle advertisements claiming "zero emission" without transparent data sources.

The findings indicate that there is currently no specific regulation governing greenwashing practices within Indonesia's legal system. Existing provisions remain general and insufficient to provide adequate legal protection for consumers. The implications of this research indicate the need for the establishment of specific regulations governing greenwashing practices, the enhancement of consumer literacy, and the enforcement of advertising ethics that ensure information transparency in the promotion of environmentally friendly products.

Keywords: Advertising Ethics; Consumer protection; Electric Vehicles; Environmental Rights; Greenwashing.

### 1. Introduction

Amidst pressure due to environmental damage, decisions and behaviors have emerged that change consumers' lifestyles and consumption patterns to be more prudent. This behavior is consumer behavior in a positive sense, in the form of consumer awareness of using products that are considered more environmentally friendly. Consumer awareness of the environment also encourages companies to implement environmental issues as a marketing strategy known as Green Marketing[1]. *Green Marketing is a process of marketing products that are assumed to be safer and more environmentally friendly*[2]. However, this supposedly environmentally friendly marketing strategy has also been misused by

businesses, where the products being marketed are not entirely environmentally friendly as promised in the product marketing. Product marketing that misuses environmental issues is referred to as greenwashing.[3].

Greenwashing is commonly practiced through promotions or advertisements themed around environmental conservation and used by companies to project a green image so that consumers believe their products contribute to environmentally friendly activities.[4]. Advertisements with an environmental conservation theme usually promise products that are recyclable, environmentally friendly, biodegradable, ozone-friendly, and zero emissions. However, no advertisement is truly green if the product and the entire production process itself are not green [5].

Businesses that engage in greenwashing generally claim that their products are the “best,” “most,” or “number one.” They may also compare their products to other products, but without clear research data on testing and sources. It is this information and promotion of environmental friendliness attached to products that businesses use to evoke positive emotions and consumer trust. These emotions lead consumers to believe that by using their products, they can contribute to environmental sustainability.

Article 1 point 6 of Law Number 8 of 1999 concerning Consumer Protection (hereinafter referred to as the Consumer Protection Law) defines “promotion as an activity of introducing or disseminating information about a product and/or service to attract consumer interest in purchasing the product and/or service that will be and is being traded”. From this definition, it can be said that through advertising and promotion, business actors intend to communicate or convey information about a product to the public. Information itself is a basic right of consumers as stipulated in Article 4 letter c of the Consumer Protection Law, namely: “the right to accurate, clear, and honest information regarding the conditions and guarantees of goods and/or services.” This right is also commonly known as “the right to be informed.”

The fulfillment of the right to clear and accurate information is intended to enable consumers to obtain an overview of a product. With this information, consumers can choose the product they want according to their needs and avoid losses due to misuse. Consumer access to information reflects the principle of balance as a *ratio legis* in the Consumer Protection Law. Article 9 paragraph (1) letter a of the Consumer Protection Law also stipulates:

*“A business agent shall be prohibited from offering, promoting, or advertising goods and/or services in an untruthful manner, and/or as if the goods have met and/or have discounts, special prices, certain quality standards, certain styles or fashions, certain characteristics, certain histories or uses”.*

Greenwashing advertising can be described as a form of misinformation by businesses to consumers, describing their products as if they meet environmentally friendly standards.

The proliferation of advertisements themed around environmental conservation is actually also motivated by regulations regarding consumer protection guidelines in the United Nations Guidelines for Consumer Protection related to sustainable production and consumption, which are also in line with the concept of sustainable development. One of the regulations that supports the concept of sustainable development is also stipulated in Law Number 32 of 2009 concerning Environmental Protection and Management (UU PPLH). This policy is aimed at improving environmental performance, efficiency in the use

of raw materials, energy and water, as well as reducing pollution and greenhouse gas emissions.

Article 68 letter a of the Environmental Protection and Management Law also stipulates the same obligation for business actors regarding access to information, namely “business actors are required to provide correct and accurate information related to environmental protection and management.” Thus, advertisements related to environmental sustainability should also provide correct and accurate information.

In terms of ethical norms, good advertising practices are also regulated in the Indonesian Advertising Code of Ethics as rules of ethics. The Indonesian Advertising Code of Ethics is agreed to be respected, obeyed, and enforced by all associations and institutions that developed it. Article 1.28 stipulates that “claims related to the environment must be conveyed honestly, truthfully, and responsibly.” Article 4.15.3 also emphasizes that “the use of research data must include the source of the data and the time of implementation.” This means that environmental claims must be presented not merely as a green image that attracts consumer interest, but based on valid data and research sources that form the basis of consumer purchasing decisions.

In line with Indonesia's commitment to the Paris Agreement, which was ratified through Law No. 16 of 2016 concerning the Ratification of the Paris Agreement to the United Nations Framework Convention on Climate Change, Indonesia has a global responsibility to participate in addressing climate change.[6]. One such effort has been realized through government policies encouraging the use of electric vehicles through several regulations. In general, Presidential Regulation No. 55 of 2019 concerning the Battery-Based Electric Motor Vehicle Program (KBLBB) forms the basis for the use and development of electric vehicles in Indonesia. The program regulated in this regulation includes accelerating the development of the domestic battery-based electric motor vehicle industry, providing incentives, providing charging infrastructure and regulating electricity tariffs for KBLBB, as well as technical specifications for battery-based electric vehicles. This policy also provides a new paradigm for the development of a green economy achieved through the transportation sector.[7]. This policy also provides a new paradigm for green economic development achieved through the transportation sector.[8]. Battery Electric Vehicles (BEVs) are considered an alternative solution in supporting emission reduction in Indonesia.[9].

However, the fact remains that electric car batteries are still produced from minerals mined using coal-fired power plants. [10]. Coal burned in steam power plants emits pollutants such as CO<sub>2</sub>, NO<sub>x</sub>, and SO<sub>2</sub>, which are major sources of air pollution.[11]. This means that electric cars cannot be considered completely zero emission when viewed from the perspective of the overall production process, as defined by the concept of the supply chain in industrial product manufacturing.[12]. Given this fact, it is only appropriate that promotions by businesses claiming “zero emissions” in electric vehicle advertisements should be restricted in order to protect consumer rights.

There are several electric vehicle companies that market their products with an environmentally friendly theme, such as Hyundai Motor Indonesia, Toyota Astra Motor, and Nissan Motor Indonesia. Ionic Electric, an electric car produced by Hyundai in Indonesia, boldly describes its product in advertisements as a pure electric car that is emission-free/zero emission[13]. These advertisements can be considered greenwashing

because their product marketing heavily promotes an environmentally friendly image without being based on accurate facts and research.

The lack of a definitive legal framework to prove the above constitutes a violation of the law and is the basis for weak consumer protection. Consumers are vulnerable to manipulation by the marketing hype surrounding electric vehicles, which currently uses the term “zero emissions” without citing the source of the data or the timing of the tests on which it is based. Moreover, the government touts the euphoria surrounding battery-powered electric vehicles as a solution and alternative for environmentally friendly energy. There are no specific regulations regarding greenwashing as a marketing strategy for products that harm consumer interests, because environmental issues in the business landscape are considered progressive issues.

Previous research by Lailatul Rahimah entitled “Green Marketing and Environmentally Friendly Brand Image: Its Implications for the Decision to Purchase Electric Vehicles” examined the influence of green marketing and green brand image on the intention to purchase electric vehicles, taking into account the mediating role of green trust and green attitudes. The results of the study show that green marketing, green brand image, green trust, and green attitudes have a positive and significant effect on increasing the intention to purchase electric vehicles. This finding confirms that strong marketing strategies and environmental commitments can build consumer trust and positive attitudes.[14]. A similar study titled “The Influence of Green Marketing, Sustainable Advertising, Eco Packaging/Labeling on Green Purchasing Behavior (A Study on Electric Vehicles)” conducted by Hermanto Yaputra et al. also examined how sustainable marketing strategies can shape positive perceptions, increase trust, and encourage consumer purchasing decisions regarding electric vehicles as products that support environmental sustainability.[15]. This means that the green image attached to the promotion of electric motor vehicles is closely related to consumers' right to information, which is a consideration in their decision to purchase a product.

Research such as this has also been previously studied by Amiradiaty Nasution and Hauna Tsa-bitul Azmi under the title “A Legal Review of Incentives to Promote the Acceleration of Battery Electric Vehicles (BEVs): The Potential for Greenwashing Behind Environmental Solutions.” In their previous study, Amirdayanti and Hauna highlighted the dynamics of BEV incentive policies, which in their implementation still face challenges in the form of the risk of misuse of environmentally friendly narratives due to a lack of supervision.[16]. However, this study will further examine the relevance of legal protection against greenwashing practices based on consumers' rights to information and their choice of a healthy environment. This study will also provide a critical perspective that the euphoria surrounding electric vehicles as an environmentally friendly alternative is not as green as the government and business actors claim.

In today's dynamic business landscape, companies are not only required and expected to implement sustainability and tackle climate change. Greenwashing practices that project a false image of social responsibility in a critical approach can be seen as a distraction for consumers from the negative impacts that may arise from the euphoria surrounding the use of electric vehicles, which are not entirely emission-free. Therefore, greenwashing has the potential to harm consumers by misleading and weakening them through economic choices that do not advance the desired sustainability goals.

## **2. Method**

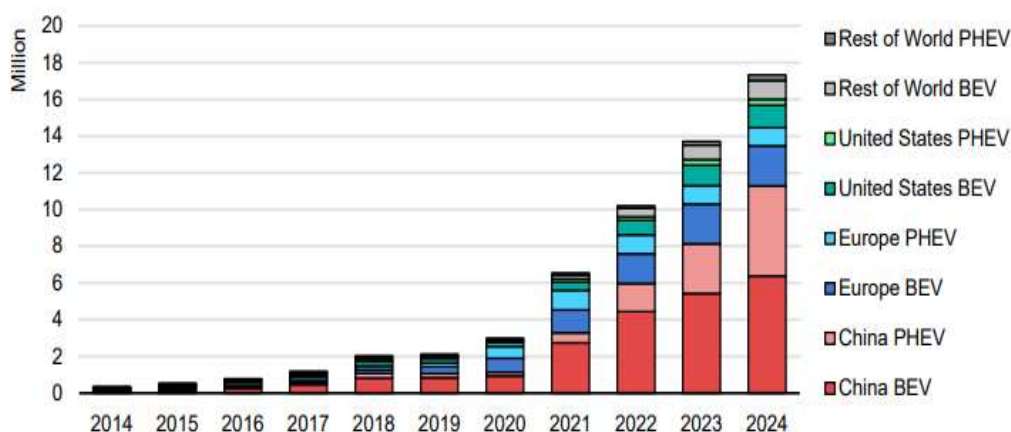
This study uses a normative juridical method that examines the application of rules or norms in positive law.[17]. The approach used is Critical Legal Studies, which involves critiquing laws, doctrines, methods, principles, legal rules, and policies that are assumed to be legal products that cannot be separated from political interests. This assumption arises because the reality is that the law does not operate in a vacuum, but within a reality that is neither neutral nor objective.[18]. Law is a variable that depends on political variables. The nature of law will depend on the political regime in power, whereby an authoritarian political system will produce repressive laws. Conversely, if the political system is democratic, the laws produced will be responsive.

Through Critical Legal Studies, researchers attempt to analyze the relevance of the Electric Vehicle policy initiated through Presidential Regulation No. 55 of 2019 concerning the Battery-Based Electric Vehicle Program (KBLBB) in correlation with the rampant practice of greenwashing advertising by business actors. This study also analyzes the weaknesses of the Consumer Protection Law in accommodating greenwashing practices. In addition, existing norms have not provided for a supervisory agency to monitor the circulation of advertisements based on environmental claims that refer to clear standards. The researchers used primary legal materials in the form of the Consumer Protection Law and the Environmental Protection and Management Law, Indonesian Advertising Ethics (EPI), and other related regulations. Secondary legal materials used were research data and journal references related to greenwashing and green marketing.

## **3. Result and Discussion**

### **3.1. The Electric Vehicle Ecosystem in Indonesia.**

Since 2019, the government has been promoting its electric vehicle program. This effort was then further realized through regulations or policies, starting with the issuance of Presidential Regulation (Perpres) No. 55 of 2019 concerning the Acceleration of the Battery-Based Electric Motor Vehicle (KBLBB) Program for Road Transportation, which came into effect after being promulgated on August 12, 2019. This Perpres was later amended to Presidential Regulation No. 79 of 2023 concerning the Acceleration of the Battery-Based Electric Vehicle (KBLBB) Program (hereinafter referred to as Perpres No. 79/2023). Referring to this regulation, the government has assigned PT PLN (Persero) to provide charging infrastructure for four-wheeled electric vehicles in the form of public electric vehicle charging stations (SPKLU)[20]. In 2019, the government, through PLN, also provided incentives to the public in the form of a 75% discount on additional electricity for electric motorcycle owners and a 100% discount or free electricity for electric car owners.[21]. This aims to support the government's program towards a Clean Indonesia by encouraging the development of electric vehicles and the use of environmentally friendly energy.



IEA. CC BY 4.0.

Notes: BEV = battery electric vehicle; PHEV = plug-in hybrid vehicle. Includes new passenger cars only.

Figure 1. Global Electric Car Sales 2014-2024[22]

Referring to the figure above, it can be seen that sales of electric vehicles generated global profits of USD 17 million in 2024, an increase of more than 25%. This was achieved with an additional sales of only 3.5 million units compared to 2023. Meanwhile in Indonesia, according to data from the Indonesian Automotive Industry Association (Gaikindo), total wholesale sales of pure electric cars during the first 9 months of 2025 reached 55,225 units. That figure far exceeds the total for 2024, which was 43,188 units.[23].

This figure increased following the issuance of Minister of Finance Regulation No. 135 of 2024 concerning Sales Tax on Luxury Goods on Imports and/or Delivery of Taxable Goods Classified as Luxury Goods in the Form of Certain Battery-Based Four-Wheel Electric Motor Vehicles Covered by the Government in the 2025 Fiscal Year (PMK No. 135/2024). Article 3 paragraphs (1) and (2) of PMK No. 135/2024 explain that there are two types of tax discounts provided. First, the Sales Tax on Luxury Goods (PPnBM) for imports of battery-based electric cars in completely built up (CBU) condition is 100% borne by the government. Second, PPnBM for the delivery (whether from manufacturers, distributors, or sellers to consumers or companies) of battery-based electric cars in a completely knocked down (CKD) condition is 100% covered by the government. This policy clearly builds optimism among consumers and manufacturers in using and producing electric motor vehicles.

Essentially, Presidential Regulation No. 79/2023 also offers various fiscal and non-fiscal incentives to encourage the acceleration of the transition to battery-based modes of transportation by the public. This is stipulated in Article 17 paragraphs (1) and (2) of Presidential Regulation No. 79/2023, as follows:

- (1) The Central Government and Local Governments provide incentives to accelerate the Battery-Based KBL program for road transportation.
- (2) The incentives referred to in paragraph (1) shall be in the form of fiscal and non-fiscal incentives.

Incentives are provided to various entities in the battery-based KBL ecosystem, ranging from research and educational institutions, local manufacturers and industries based on the Domestic Component Level (TKDN), component industries and national brands,

battery and infrastructure service providers, companies that accelerate production or manage waste, electric-based public transportation companies, to individual users or consumers.

Article 3 of Presidential Regulation No. 79/2023 stipulates that the acceleration of the Battery-Based Electric Vehicle program for road transportation shall be carried out through:

- a. acceleration of the development of the domestic battery-based KBL industry;
- b. incentive provision;
- c. provision of electric charging infrastructure and electricity tariff arrangements for Battery-Based Electric Vehicles;
- d. compliance with the technical requirements of Battery-Based KBL; and
- e. protection of the environment.

Environmental protection is one of the objectives of accelerating battery-based KBL.

Previously, there were several implementing regulations from relevant ministries/institutions that emerged after the enactment of Presidential Regulation 55/2019, namely Regulation of the Minister of Energy and Mineral Resources Number 13 of 2020 concerning the Provision of Electric Charging Infrastructure for Battery-Based Electric Motor Vehicles (Permen ESDM 13/2020) which was enacted on August 4, 2020. Permen ESDM 13/2020 was then amended by Regulation of the Minister of Energy and Mineral Resources Number 1 of 2023 concerning the Provision of Electric Charging Infrastructure for Battery-Based Electric Motor Vehicles (Permen ESDM 1/2023)[24].

Efforts to accelerate battery-based electric vehicles are a concrete manifestation of Indonesia's commitment to supporting global efforts to combat climate change and reduce greenhouse gas emissions, which began with the adoption of the Paris Agreement. Using the Nationally Determined Contribution (NDC) framework, Indonesia has set an ambitious commitment to reduce greenhouse gas (GHG) emissions by 29% independently by 2030, and to reduce emissions by 41% with international support. Indonesia has also set a goal of achieving net zero emissions by 2060 or sooner[25].

### **3.2. Paradigm of Consumer Rights on a Good and Healthy Environment.**

Consumers are end users of goods and/or services as defined in Article 1 paragraph 2 of the Consumer Protection Law. [26] As end users of goods and/or services, consumers have rights that are protected by law. Consumer rights are something that businesses must fulfill. Consumer rights were created as a form of legal protection, established and structured through a set of norms recognized by the state. Fundamentally, John F. Kennedy provided four basic guidelines for consumer rights:[26]

1. the right to safety;
2. the right to choose;
3. the right to be informed;
4. the right to be heard.

These four basic consumer rights were initially considered to have addressed consumer needs, but as they developed, organizations affiliated with The International Organization of Consumers Union (IOCU) added four other basic rights, namely:[27]

1. The right to obtain basic necessities;
2. The right to compensation;
3. The right to consumer education;

4. The right to a clean and healthy environment.

The urgency to provide protection related to the right to a healthy environment actually stems from the fact that consumer consumption contributes to environmental damage. However, consumer awareness of environmental damage caused by consumption has become a concern for consumers themselves. A study by Megawati Simanjuntak and Ismaul Fitri proves that the generation living in the era of digital transformation is more environmentally conscious and values sustainability in green consumption behavior.[28]. These dynamics have changed the perspective on understanding consumer protection and environmental protection, which can no longer be limited to the public sphere, but also include civil aspects because they concern consumer purchasing decisions.[29]. This is because human rights and the environment are intrinsically linked: a clean, healthy, and sustainable environment is essential for the fulfillment of various human rights.[30].

The right to a good and healthy environment is closely related to the achievement of human quality of life, so that the right to a good and healthy environment cannot be reduced under any circumstances. This is in line with Article 28H paragraph (1) of the 1945 Constitution Amendment IV, which states that: "Every person has the right to physical and spiritual prosperity, to a place to live, and to a good and healthy environment, as well as the right to health services." This mandate of the 1945 Constitution emphasizes that no type of discrimination is permitted in the respect for the right to the environment. The right to the environment is regarded as a universal value of human rights, which is then translated into various national legal products, such as: Article 9 paragraph (3) of Law Number 29 of 1999 concerning Human Rights (HAM), which stipulates that "Every person has the right to a good and healthy environment," as well as Article 6 of Law 36 of 2009 on Health, which stipulates that "every person has the right to a healthy environment for the achievement of a good level of health." In fact, the right to the environment is also enshrined in international instruments.[31].

The regulations adopted by the International Draft Declaration of Principles on Human Rights and the Environment, which was ratified in Geneva in 1994, take into account the basic principles outlined in the 1972 Stockholm Declaration, the 1992 Rio Declaration, and the UN Agenda 21, clearly stipulate that the fundamental human right to a healthy environment in principle includes:

1. the right to live in an environment which is unpolluted and has not been degraded by activities which can affect an individual's environment, health and well-being as well as sustainable development;
2. the right to the highest possible level of health, unaffected by the degradation of the environment;
3. access to appropriate food and water resources;
4. the right to a healthy work environment;
5. the right to living conditions, to the use of land and life in a healthy environment;
6. the right to receive assistance in case of natural and man-made disasters;
7. the right to benefit from sustainable use of nature and its natural resources;
8. the right to the preservation of representative natural elements, etc.[32]

The above principles have provided a general international standard for countries in protecting consumers' rights to the environment. These regulations and principles stem

from concerns about extreme climate change and consumers' growing demand for industry, forcing companies to use all means necessary to meet these needs.

Due to corporate practices that can be considered neo-capitalist, this creates an economic supply chain that is not only detrimental to environmental sustainability for consumers and society. It also has an impact on consumer protection, which is increasingly vulnerable to exploitation. The United Nations Conference on Trade and Development (UNCTAD) provides global guidelines for consumer protection that strengthen consumer protection laws and ethics, promote fair markets, and encourage sustainable consumption.

In the context of Indonesian law, the development of the right to a proper and healthy environment is still limited to the scope of public law. This has not been accommodated in Article 4 letters a to h of the Consumer Protection Law. In fact, in the draft academic text of the new Consumer Protection Law, this right has not yet been formulated. The content of the right to the environment is associated with Article 4 letter i of the Consumer Protection Law, which stipulates that consumer rights also include "rights regulated in other laws and regulations".

The General Explanation section of the Consumer Protection Law explains that consumer protection in the field of the environment is not regulated in the Consumer Protection Law, as it is already regulated in the Environmental Protection and Management Law (UU PPLH). However, the UU PPLH tends to focus on preventing and combating environmental pollution by companies. As a result, it does not sufficiently cover civil aspects that strictly focus on consumer transactions. The concept of rights and obligations in consumer transactions should be balanced with the concept of reciprocity or a reciprocal relationship that arises from consumer transactions with business actors.

The fulfillment of the right to a decent and healthy environment cannot be achieved without the role of consumers. This means that consumer empowerment is necessary. This empowerment can take the form of education on the ecological impact of consumption choices, the importance of accurate and credible information, and raising awareness among consumers that they are part of the environmental dialogue. This empowerment cannot be separated from consumer communication and education, which is the responsibility of companies and the government. This is not limited to providing clear and accurate information from reliable sources, but must also involve dialogue in which all interested parties participate.[33].

A human rights approach can be applied as a form of consumer protection in environmental protection against industrial activities or a competitive business climate. Human rights-based consumer protection focuses on the obligations of the government and the responsibilities of business actors to increase the empowerment of consumers as rights holders.[34]. It is important to understand that in addressing consumer protection issues related to the right to a decent and healthy environment, the parties involved, such as the government, businesses, and consumers, are stakeholders who play a truly important role in the preservation of a sustainable environment. This is closely related to sustainable production and consumption patterns, or how a product and/or service can be consumed and produced while reducing the negative impact on the surrounding environment.

### 3.3. Greenwashing Practices in the Form of “Zero Emission” Claims in Electric Vehicle Advertisements

Advertising is a promotional tool used by businesses to attract consumers by offering appealing visuals that are beautiful and even emphasize the aesthetics of the image over the product information contained in the text. Advertisements tend to be inseparable from visualizations, which essentially aim to provide clarity of information through consumers' interpretation of images, animations, graphics, and other interactive media.[36]. Erik du Plessis and Millard Brown, in their book *The Advertised Mind*, state that advertisers do indeed use advertising to change people's perceptions in order to get them to buy.[37]. Simply put, advertising is a persuasive message that aims to influence and attract consumers' interest in the products provided by businesses.[38].

Currently, there is a new trend in marketing strategies that emphasizes the concept of green marketing. This is done as a marketing and development strategy to create customer preference and competitive advantage for more environmentally friendly products.[39]. In essence, the evolution of green marketing is aimed at helping environmental issues and providing solutions to environmental problems and addressing pollution and waste from production and consumption.[40]. This activity is not only a form of corporate contribution but also involves consumers through their choices or purchasing decisions.

The problem is that businesses often exaggerate the environmental performance of their products, creating a bias or false green image attached to the product. This has become a common practice in the marketing of profit-oriented goods and/or services. This corporate activity is known as greenwashing. Greenwashing is commonly carried out through promotions or advertisements with an environmental conservation theme and is used by companies to project a green image, so that consumers believe that their products, objectives, and policies are part of environmentally friendly activities[41]. Unfortunately, the narrative used in advertising media contradicts the facts and does not even include the correct facts, thereby misleading consumers.



Figure 2. Example of an Electric Car Advertisement with Zero Emission Claims

In product advertisements promoted on YouTube and the company's website, there are advertisements that display information that misleads consumers regarding green product promotions. In advertisements for the Hyundai Ionic Electric car, the business operator openly promotes the electric car as zero emission. Advertisements with similar claims can also be found in a number of advertisements listed in the table below:

**Table 1. Advertisements for Electric Vehicles with “Zero Emission” Claims**

Product Name	Slogan or Claim	Advertisement Visualization		
		Duration	Media	Link/source
Hyundai Ionic Electric	The advertisement states: “providing protection for the future” while writing “Drive Zero Emission.”	30 seconds	Youtube; Television; brochure	<a href="https://www.youtube.com/watch?v=SzLgzoEThB8">https://www.youtube.com/watch?v=SzLgzoEThB8</a>
All New bZ4X	The actor said, “This car is fully electric, with zero emissions.”	1 menit 20 detik	Youtube; Television; brochure	<a href="https://www.youtube.com/watch?v=ZIqyB8fSygQ">https://www.youtube.com/watch?v=ZIqyB8fSygQ</a>
All New Nissan Leaf	Mentioning “Purely electric zero emission” and listing “100% electric, zero emission” at the end	31 seconds	Youtube; Television; brochure.	<a href="https://www.youtube.com/watch?v=6HNXIXIyZvI">https://www.youtube.com/watch?v=6HNXIXIyZvI</a>

Adopting incorrect information allows consumers to make wrong purchasing decisions, resulting in consumers experiencing risks from purchasing environmentally friendly products[42]. The issue of advertising media has a key way for consumers obtain information. Advertisement has not only present visuals or audio that attract consumers' interest in purchasing, but also present a series of information that provides an overview of the product.

The information contained in advertisements is, in fact, a concrete manifestation of the right to be informed as a basic consumer right. Article 4(c) of the Consumer Protection Law stipulates that consumers have the right to accurate, clear, and honest information regarding the condition and warranty of goods and/or services. In line with this right, Article 7 letter b of the Consumer Protection Law also stipulates that “business actors have an obligation to provide accurate, clear, and honest information regarding the condition and warranty of goods and/or services and to provide explanations on usage, repair, and maintenance.”

The existence of advertisements, in addition to being a manifestation of consumers' right to information, can also be considered as a promise offered by business actors. The concept of advertising as a promise by business actors is in line with the principle of breach of warranty in the form of express warranty. Advertisements that contain statements by manufacturers about their products constitute a promise that binds manufacturers to fulfill them. Express warranty broadens the interpretation of promises, which are no longer limited to words that explicitly guarantee, but can also be in the form of information or descriptions provided by the manufacturer.[43]

Referring to “zero emission” claim in the advertisement above, greenwashing practices can be indicated by a number of elements mentioned in TerraChoice's 2009 study related to seven (7) sins that can be used to identify greenwashing practices carried out by companies, namely:[44]

1.the sin of the hidden trade-off

Engaging in hidden marketing, when a company advertises a product as “green,” even though the product has other features or uses methods that are not

- environmentally friendly;
- 2.the sin of no proof of an environmental claim  
Making unsubstantiated environmental claims, claims about the environment that are not supported by strong evidence or credible third-party certification;
- 3.the sin of a vague environmental claim  
Making unsubstantiated environmental claims, claims about the environment that are not supported by strong evidence or credible third-party certification;
- 4.the sin of worshipping false labels  
Making claims with fake labels, claims of putting fake labels on products as certificates to deceive customers into thinking that the products are supported by reliable third parties;
- 5.the sin of an irrelevant environmental claim  
Making irrelevant environmental claims, accurate environmental statements that ultimately serve only to divert attention from the real issues at hand;
- 6.the sin of the lesser of two evils  
Choosing the lesser of two evils, when a product claim is accurate, it serves to draw attention away from worse health or environmental issues;
- 7.the sin of fibbing  
Lying, when claims are untrue/false.

The advertisements promoted by electric vehicle companies in the examples above can be said to fulfill two of the seven sins of greenwashing practices, namely: First, the sin of hidden trade-offs. In this case, Hyundai, Toyota, and Nissan can be said to be engaging in hidden trade-offs, where in order to complement the performance of their products, they must use other features that are not environmentally friendly. Electric cars do not produce exhaust emissions during use, but the batteries used in these cars are still manufactured using methods that are not environmentally friendly. Second, the sin of no proof of an environmental claim. Hyundai, Toyota, and Nissan make environmental claims that are unfounded or not supported by strong evidence. The term “zero emissions” describes a state free of emissions, but these claims do not cite concrete data sources or testing times.

### **3.4. The Paradox of Electric Vehicle Advertising and Consumer Pseudo-Green Choice: A Critique of Greenwashing Practices**

In Indonesia, there are no specific regulations governing greenwashing. In response to this practice, reference is made only to Article 4(c) of the Consumer Protection Law, which stipulates that “the consumer's right is the right to accurate, clear, and honest information regarding the condition and warranty of goods and/or services.” This is in line with the provisions of Article 8 paragraph (1) letter d of the Consumer Protection Law, which stipulates that “business actors are prohibited from producing and/or trading goods and/or services that do not comply with the conditions, guarantees, or special features as stated on the label, tag, or description of the goods and/or services.” In addition, from an environmental perspective, Article 68 of the Environmental Protection and Management Law stipulates that “business actors have an obligation to provide information related to environmental protection and management in a correct, accurate, open, and timely manner.” Article 5 paragraph (1) of Government Regulation No. 69 of 1999 concerning Food Labels and Advertising stipulates that “information and/or statements about food on labels must be true and not misleading, whether in writing, images, or any other form.”

Therefore, it can be seen that there is a correlation between consumer protection and the environment (ecological aspects) in greenwashing activities.

More specifically, the consumer protection law also regulates the prohibition of advertising companies from using greenwashing advertising. Article 17 paragraphs (1) and (2) of the Consumer Protection Law stipulate:

- (1) Advertising businesses are prohibited from producing advertisements that:
  - a. deceiving consumers regarding the quality, quantity, materials used and price of goods and/or service rates as well as the timeliness of receipt of goods and/or services;
  - b. deceive the guarantee/warranty for goods and/or services;
  - c. contains false, incorrect or inaccurate information regarding goods and/or services;
  - d. does not contain information regarding the risks of using goods and/or services;
  - e. exploiting an incident and/or a person without the permission of the authorities or the consent of the person concerned;
  - f. violates ethics and/or provisions of laws and regulations regarding advertising.
- (2) Advertising business actors are prohibited from continuing to circulate advertisements that violate the provisions in paragraph (1).

Greenwashing advertising is basically a form of information that is inaccurate or tends to mislead consumers (fraudulent misrepresentation).

From an ethical perspective, greenwashing advertising can also be considered a violation of the Indonesian Advertising Ethics (EPI), which is a self-regulation for advertising practitioners in Indonesia. Article 1.28.2, Chapter III A of the EPI, concerning the etiquette of environmental advertising content, stipulates that "advertisements containing environmental claims must be conveyed honestly, truthfully, and responsibly." The explanation of Article 1.28.2 of the EPI explains that "environmentally relevant claims include claims about environmental friendliness, fundraising for natural disasters, and disaster relief." If an electric vehicle advertisement dares to promote and state the claim of "zero emissions," referring to an environmentally friendly claim, then the claim should be clarified using clear data benchmarks. This is in line with Article 4.15.3 of the EPI, which stipulates that "the use of research data must include the source of the data and the time of its implementation." Unfortunately, the EPI's self-regulation nature means it cannot be enforced on businesses that have not joined an advertising organization or association. Even if it were enforced to apply to all advertising businesses, its enforceability would still be limited by its form and status as "ethics." [37].

Zaim Saidi, as quoted by Mardian Wibowo, explains that misleading advertising, or fraudulent misrepresentation, can be categorized as advertising that contains exaggerated information (puffery). This category complements Kees Bertens's opinion that fraudulent misrepresentation is advertising that contains lies or does not state the full truth [37]. This type of advertising can be characterized by the use of superlatives like "best," "most," "the only," and "number one." Furthermore, it can be considered exaggerated when an advertisement presents quantitative claims without supporting research data.

The implementation of a green marketing philosophy cannot actually be achieved only by the provisions of the Consumer Protection Law which regulates prohibitions on the production of advertisements for business actors. The concept and scope of green marketing is broader than traditional marketing concepts. Green marketing cannot be

solely understood as a series of procedures, activities and techniques for designing and commercializing green products, but must be an organizational behavior in the functional field of marketing with ecological aspects.

**Table 1. Differences between Traditional Marketing and Green Marketing Concepts [45]**

<b>Differentiating Indicators</b>	<b>Traditional Marketing</b>	<b>Green Marketing</b>
Entity	Business actors and End Users	Company, End Consumer, Environment (Surrounding Community)
Purpose	Consumer economic interests and Business actors economic interests	The economic interests of consumer and the economic interests of companies, and minimizing ecological impacts
Liability	Economic liability	Social responsibility
The Range of Marketing Decisions	From manufacturing to product use.	From raw material acquisition to post-consumption

Observing the essence of the broad and complex scope of marketing decisions within green marketing practices, it can be said that advertising with a green marketing concept considers all aspects, from how goods are produced and the production process, to how consumers should consume products to minimize environmental damage. This paradigm not only requires awareness of product and consumer orientation, but also enters the realm of ecology orientation.

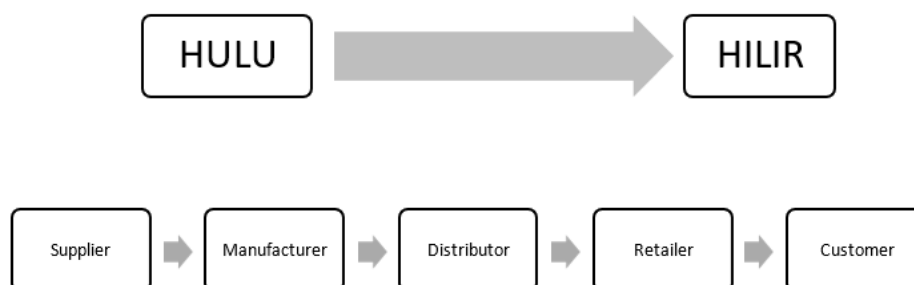
Referring to B. Herry Priyono's assertion, where advertising is seen as transforming consumer behavior from mere information to consumerism, this indicates the existence of a cultural concept within the context of advertising. Advertising is often seen as an agent of consumer culture that influences consumers to consume endlessly [37]. Referring to B. Herry Priyono's view, where advertising is seen as transforming consumer behavior from mere information to consumerism, this indicates the existence of a cultural concept within the context of advertising. Advertising is often seen as an agent of consumer culture that influences consumers to consume endlessly.

Another issue concerns businesses' denial of their advertising claims. According to advertisers, if consumers view the images in advertisements as a complete narrative about their product's advantages and then draw conclusions about the product, then this is a consumer error. [46]. Such a view can divert businesses from their responsibility to provide accurate and clear information about advertisements. This rationale leads businesses to neglect the balance of information consumers receive.

The phenomenon of advertising battery-powered electric vehicles can be considered greenwashing, especially when the information displayed in product advertisements is analyzed based on the product's distribution chain or downstream processing. After all, a product isn't immediately available to the public. It involves a series of processes, from raw material acquisition and processing to manufacturing, to the product's availability and marketing.

The series of downstream product processes reflects supply chain theory. The supply chain encompasses all activities related to the flow and transformation of goods from raw materials to finished products that are distributed to end users. This requires cooperation

and integration between supply chain actors to ensure product distribution (Heizer & Render, 2014). A supply chain is a series of processes or a network of companies working together to create and distribute products or services to end consumers. This chain or network extends from raw material miners (upstream) to retailers/stores (downstream). [47].



**Figur.2 The Concept of Product Downstreaming Based on Supply Chain Theory [48]**

The production of battery-based electric vehicles (KLBB) is closely linked to the coal industry. This connection arises because KLBBs require electricity produced by coal-fired power plants (PLTUs) to charge[48]. The coal combustion process involves the oxidation of sulfur and nitrogen, which produces SO<sub>2</sub>, NO<sub>x</sub>, and particulate matter (PM) emissions, which are then released into the atmosphere, contributing to air pollution and negatively impacting health[49]. SO<sub>2</sub> emissions can trigger asthma, heart problems, skin cancer, coughing, and respiratory tract irritation in humans. Meanwhile, NO<sub>x</sub> emissions can cause severe respiratory problems, especially in infants (PPHN), and cellular stress that damages DNA. In addition to direct impacts on human health, these emissions also damage the global ecosystem through acid rain. [50].

In Indonesia itself, according to research conducted by the Harvard University–Atmospheric Chemistry Modeling Group research team, premature deaths caused by air pollution from coal-fired power plants have caused around 6,500 deaths per year, and are predicted to increase to 15,700 deaths/year if the construction of coal-fired power plants continues. Furthermore, in 2008, Indonesia contributed coal combustion to around 50% of SO<sub>2</sub> emissions related to the energy sector, 30% of PM10 emissions and 28% of NO<sub>x</sub> emissions[51].

The following are various negative implications of coal-fired power plants as a source of electric vehicle battery production in Indonesia:

**Tabel 2. Impact of Coal-Fired Power Plant Air Pollution on Health [52]**

<b>Health Outcomes</b>	<b>Historical cumulative figures (2000-2025) in Soul</b>
Premature Birth	55.000
Asthma Emergency Room Visit	100.000
New Cases of Asthma in Children	100.000
Disability Disease (stroke)	70.000
Chronic Obstructive Pulmonary Disease (COPD)	32.000
Diabetes Diability	69.000
Absence from work (sick days)	41.000
Death Rates	89.000

The various phenomena are generated through 20 power plants on the islands of Java and Sumatra studied historically since the year 2000–2025. The pollution from these 20 power plants alone is enough to harm health, even in the absence of other sources of pollution. [52].

The coal industry itself is not immune to political issues and questions of corruption. Indonesia has earned the nickname “the dirty man of asia” because of its dependence on coal driven by politically exposed. The Indonesian government’s plans to reduce coal production have recently been reversed. Instead of reducing the amount of coal production to 413 million tons in 2017 as planned, coal production rose to 477 million tons. [53].

There are political elites with huge political conflicts of interest in the coal business. Coordinating Minister for Maritime Affairs, Luhut Binsar Pandjaitan, who is in charge of the mining and energy sector is a shareholder of PT Toba Sejahtera, the company has a number of subsidiaries involved in coal mining and power plants. Several other politically-exposed persons (PEPs) are connected to this business group, including Luhut family members, former ministers as well as other senior officials, and retired generals[53]. According to the opinion of W. Riawan Tjandra, Atma Jaya University Yogyakarta in the Report Coalruption: Political Elites In The Coal Business Vortex, “The political corruption that occurs in the coal mining business has damaged the environment. Those who commit acts of corruption are only trying to find power and money, and ignore the impact Corruption should not be understood as a mere scapegoat. Public policies that politically encourage and cause environmental damage, as well as those that create harm to the state, are also forms of corruption”[53].

Examining the various issues in the downstreaming (literally ‘hilirisasi’) of electric vehicle products that try to present with a green marketing narrative, it can then be found that the claim of “zero emission” does not provide a whole picture regarding products that are supposed to present with the concept of sustainability and environmental friendliness. This business not being completely green is associated with a number of issues. First, the negative health impacts caused by the burning of Coal Power Plants as a source of battery manufacturing for electric vehicles. Second, the issue of corruption in the coal industry that indicates this industry is not free from interest politics. Further, it still has not specifically regulated the norming regarding the concept of sustainability-themed advertising and neither the Consumer Protection Act nor the Draft Consumer Protection Act itself has listed the right to the environment as one of the consumer rights. Therefore, the concept of green marketing is still vulnerable when applied in Indonesia.

The concepts of marketing do change over time, including with the concept of marketing that was originally green marketing becoming greenwashing. Marketing that initially focuses on the goals of business actors creates good products based on certain quality standards. In the sixties, this concept changed from product orientation to consumer orientation, by way of the marketing mix or 4P system (product, price, promotion, and place). Then today, the concept of marketing is changing from marketing to strategy concept. Where in this concept the focus of marketing becomes broader than just seeking profit, however to bring benefits to the stakeholders. Departing from such a series of marketing concept changes, the bargaining position of consumers became progressively weaker and required wider legal protection[54]. When linked to

greenwashing practices in advertising, this weak consumer position arises because green-judged promotional activities are merely marketing strategies leading to the economic benefits of certain parties, such as electric vehicle automotive actors, coal entrepreneurs, and even the government itself. Ultimately, mundane information regarding zero emission claims attached to battery-based electric vehicle advertisements, causes consumers to be unable to evaluate purchase decisions due to the lack of adequate information over the product. The consumer is also finally in on the narrative and euphoria that the decision to buy an electric vehicle product is his form of participation over the campaign for an emission-free earth.

As stated by Az. Nasution “for the consumer, information about the product is a basic need, before he uses his funding sources to make a consumer transaction on the product”. That is, the information narrated in greenwashing advertisements is the main factor that brings consumers into the purchase and sale agreement. Therefore, advertisements with greenwashing narratives can be a reason for harmed consumers to demand accountability from business actors. For the record, this does not apply to business actors who have fulfilled Section 7 letter b of the Consumer Protection Act. Business actors on this category cannot be held accountable for having endeavored to provide true, clear, and honest information regarding products.

There is a balanced relationship between the concept of marketing, changes in the marketing process, the principle of prudence, and the concept of accountability. Johannes Gunawan describes the hugan in the following table:

**Tabel 3. The Relationship Between Marketing Concept, Evolution Process of Marketing, Caveat, Liability Structure, Liability Regime[55]**

<b>Marketing Concept</b>	<b>Evolution Process of Marketing</b>	<b>Caveat</b>	<b>Liability Structure</b>	<b>Liability Regimes</b>
The Production Concept	Marketing 1.0 (Production Oriented)	Caveat Emptor	No Privity No Liability	Contractual Liability
The Product Concept	Marketing 1.0 (Production Oriented)	Caveat Emptor	No Privity No Liability	Contractual Liability
The Selling Concept	Marketing 1.0 (Production Oriented)	Caveat Emptor	No Privity No Liability	Contractual Liability
The Marketing Concept	Marketing 2.0 (Customer Oriented)	Caveat Venditor & Caveat Emptor	No Privity Liability	Product Liability
The societal Marketing Concept	Marketing 3.0 (Value Oriented)	Caveat Venditor & Caveat Emptor	No Privity Liability	Product Liability
	Marketing 4.0 (Virtual Marketing Oriented)	Caveat Venditor & Caveat Emptor	No Privity Liability	Product Liability

In principle, the relationship concept of marketing activities referring to The Societal Marketing Concept emphasizes marketing objectives that are able to maintain and improve

the well-being of consumers and society in general (the consumer and society's well being). This concept developed because previous concepts have not been able to answer the concept of consumer welfare in the long run, such as the question of whether the product is not environmentally friendly so that consumer welfare is compromised.[55]. On the chart above the concept of marketing on The Societal Marketing Concept shows although the concept of accountability for the product can be born from the acts of the business actor against the law, the existence of the fault of the business actor, and the existence of consumer harm as a result of the act of the business actor (in this case product marketing activities), yet the principle of prudence must come from both sides. In this case, the principles of *caveat emptor* (buyer beware) and *caveat venditor* (seller beware) should ideally go hand in hand to ensure fair and balanced consumer transactions.

In the concept of marketing, advertising becomes a space that holds various things. On the one hand it is real in nature, on the other it is imaginary. The use of advertising is increasingly moving away from its original role as information provider. Advertising today is more likely to manipulate consumer desires through imagery games.[37]. However, it cannot be denied that the advertising industry is one of the pillars of creative economic growth in Indonesia today. Advertising has a positive function because as an information medium it can introduce goods and/or services to the public. Referring to the survey conducted by Jakpat in the report entitled "Indonesia E-Commerce Trends 2022" it is known that the main source of information of Indonesian people in doing online shopping is obtained through advertising on social media with a percentage of 60% (sixty percent), advertising on YouTube with a percentage of 59% (five percent), ten advertising on TV and 44% (forty-four percent).[56]. This means that since society is very close to technology and communication in daily life, society is influenced on advertising information especially from social media.

In fact, in practice there are still advertisements for battery-based electric vehicles that apply EPI regulation and put forward balanced information rights for consumers. As for the example of the ad it can be seen in the following image:



**Figure 3. Examples of Electric Vehicle Ads With the Right Eco-Friendly Promotion[57]**

In the advertising figure above, the business actors are not simply claiming green promotion in the form of environmentally friendly products. Nevertheless, in each claim filed the business actor provides annex evidence based on further consumer-accessible research data. Through such information link links, consumers are expected to further read the information provided in order to create an appropriate and balanced purchase decision. However, advertising as in the example above is not audio-visual advertising, but print advertising in brochures and official websites of businesses. But the link concept as in the above ad example can be adopted in audio visual advertising.

There is also a need for a clear and orderly adoption of standardization by the advertising industry to prevent greenwashing practices from flourishing freely in the advertising industry. In the UK, the Competition and Market Authority (CMA) has sets limits on environmental claims in product promotion activities by business actors. Such restrictions concern criteria on information being: a) true and accurate; b) clear and unambiguous; c) does not omit or conceal important information; d) comparing goods or services in a fair and just manner; e) consider the life cycle of a product in providing information; f) the claim is provable. These set standards constitute best practices in advertising activities that can be used as a reference. Meanwhile, in the United States to protect consumers from greenwashing practices was formed the Federal Trade Commission (FTC) which is charged with protecting consumers from unfair (unfair) and deceptive (deceptive claims) practices carried out by business actors. The FTC then spawned the “Guides for the Use of Environmental Marketing Claims” or commonly known as the Green Guides.[3].

#### **4. Conclusion**

The “zero emission” narrative in electric vehicle advertising in Indonesia is often out of step with reality. The main findings suggest that “zero emission” claims on electric vehicle advertising in Indonesia contain veiled elements of greenwashing, given that the energy sources of charging or battery manufacturing are still dominated by coal-fired Steam Power Plants (STPs) that are clearly still vulnerable to impacts on the environment, public health, and political interests. Legally, this partial presentation of information prejudices consumers’ right to honest and whole information as mandated in the Consumer Protection Act. This places consumers in a vulnerable position in the illusion of a mundane green choice.

The government needs to create green marketing standards so that electric vehicle advertising promotion is not loaded with misleading information and greenwashing. Such as is done in the UK through the Competition and Market Authority (CMA) which sets limits on environmental claims in product promotion activities by business actors, or the concept of Green Guides set by the Federal Trade Commission (FTC) in the USA.

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