

# Consumer Protection in the Digital Economy Era: Tiktok Shop Case Study

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## Abstract

The development of technology has inevitably caused a shift where now society has entered the era of the digital economy where both individuals and organizations use technology in carrying out their economic activities. Indonesia is seen as having great potential in the digital economy which then causes the government to make it a priority issue. This in turn will lead to a significant increase in the value of the digital economy which is estimated to reach US\$ 330 billion by 2025. This study aims to analyze consumer protection in the digital economy era: a case study of Tiktok Shop. This study uses a normative approach that focuses on descriptive analysis and discussion of the digital economy phenomenon in Indonesia, especially Tiktok Shop. The results of this writing explain that the emergence of TikTok Shop is seen as having presented new challenges to the existing regulatory framework and law enforcement mechanisms, especially related to consumer protection. The closure of TikTok Shop was essentially due to TikTok Shop not having a trading license as an e-commerce platform according to regulations in Indonesia. Therefore, it is important for TikTok Shop to demonstrate compliance with applicable regulations in Indonesia, especially regarding consumer protection. Self-regulation can effectively provide legal protection and customer trust in online purchases.

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## 1. INTRODUCTION

Technological progress drives a country's development by creating incentives for each new innovation and by encouraging the growth of industry, trade, finance, investment, and even institutional capabilities. Technological developments have inevitably caused a shift where society has now entered the digital economic era where both individuals and organizations use technology in carrying out their economic activities.[1]. Indonesia is seen as having great potential in the digital economy, which then causes the government to make it a priority issue. This in turn will lead to a significant increase in the value of the digital economy which is estimated to reach US\$ 330 billion by 2025[2]. The digital economy refers to the use of information technology to create or adapt, market or consume goods and services. This includes a range of services that may be obtained online including digital banking, e-commerce, virtual education, smartphone applications, and collaboration platforms[3].

The core of the digital economy is the internet and digitalization. The better the utilization of these cores, the better the product produced and even more profits will be obtained. However, the impact of the digital economy does not only impact business or the economy, but also the social, cultural, political and various other aspects of human life.[4]. The benefits of the digital economy in Indonesia are very striking, especially in the use of e-commerce by micro, small and medium enterprises (MSMEs). The development of e-commerce in Indonesia has encouraged the use of various platforms available by MSMEs to carry out transactions with customers. This has experienced very significant development until now there are around 4.6 million MSMEs that have succeeded in increasing online product sales channels since three years ago.[5].

Ecommerce which has become a star of the digital economy in Indonesia, then experienced development. Initially, the variations in e-commerce business models in Indonesia were as follows: (1) classified ads/listings (eg olx.co.id, Berniaga, FJB-Kaskus); (2) Marketplace (eg Tokopedia, Bukalapak, Lamido); (3) Shopping centers (for example, Matahari Mall); (4) B2C online stores (e.g. Berrybenka, Zalora, Lazada, Sociolla); and (5)

Online stores on social media (e.g. Facebook, Instagram)[4]. However, then Tiktok entered the realm of Indonesia's digital economy by bringing a new e-commerce concept called shoppertainment. TikTok was originally a popular social media platform and was used to share and create videos highlighting dance challenges, skits and other related content. The platform recently entered the e-commerce market by introducing an online shopping feature where their platform users can also directly and easily buy and sell products endorsed by influencers on the TikTok platform store. This allows users to browse products they see in short videos in their feed and make purchases easily[6].

The success of TikTok Shop in reaching the market and driving the digital economy in Indonesia is not without challenges. Criticism of this platform was raised by traditional MSMEs as well as changes to regulations issued by the Ministry of Trade through Minister of Trade Regulation (Permendag) No. 31 of 2023, has caused this platform to be closed since October 4 2023[7]. The closure of buying and selling services on this platform was carried out as a way for the company to comply with existing legal regulations in Indonesia. This then shows the company's commitment to the legal provisions in force in Indonesia. However, this has left several problems, one of which is related to consumer protection. Apart from the potential benefits and economic growth expected in the digital economy, there are also several vulnerabilities to consumer protection due to the complexity of the relationship between businesses and consumers due to business procedures that are very different from conventional businesses.[1]. Consumer protection law is a basic concept and law that regulates and safeguards consumers in the sense of interaction and complexity of production and use of consumer goods between producers and public use.[8]. Consumer protection is generally explained and justified with the concept of the weaker party. Consumers are considered weaker than contractual partners, professionals, and are seen as unable to protect their interests due to lower bargaining power[9]. This then causes consumers to have legal protection.

This article aims to analyze legal protection in the Tiktok Shop case. Tiktok Shop, which experienced the closure of operations due to changes in government regulations, is seen as having provided several important problems related to legal protection for its users. This will begin by discussing the case being reviewed and then analyzing it based on the basics of consumer protection. A consumer protection perspective is used to analyze this case and examine how TikTok follows up with consumers as a consequence of the closure of its operations.

## 2. RESEARCH METHOD

In this research the author uses a normative research method, namely a method based on legal norms which include statutory regulations, court decisions and existing social norms. The author uses a statutory regulation technique which is also called the "statute approach", namely research carried out with an emphasis on statutory regulations relating to legal issues. Qualitative descriptive methods were used in the research design. The aim of the research is to develop a research problem that can be used as a reference guide to categorize, summarize and thoroughly analyze the symptoms that arise. To produce comprehensive and clear research results, this research mainly focuses on descriptive analysis and discussion of research phenomena. Data sources used in this research are books, journals, online media, and other references relevant to the research problem. At the same time, research data analysis uses the analytical approach proposed by Miles and Huberman, which consists of data reduction, data presentation, and drawing up conclusions.

### 3. RESEARCH RESULTS AND DISCUSSION (12 Pt)

#### 3.1. Research result

The development of e-commerce and social media in Indonesia has caused the existence of Tik Tok Shop to become an alternative for consumers for several reasons, namely: cheaper shipping costs, even free shipping, prices below the market, and faster delivery compared to other e-commerce. Apart from that, TikTok is also integrated with social media, thereby encouraging the creativity of its users to be more productive in terms of content that is relevant to current events[10]. In turn, this has encouraged user preferences to use this platform for shopping, however there are several challenges that arise with the increasingly widespread use of Tiktok shop. The emergence of TikTok Shop is seen as having presented new challenges to the existing regulatory framework and law enforcement mechanisms, especially with regard to consumer protection. While consumer protection laws across the board apply to transactions conducted through TikTok Shop, the platform's unique characteristics, such as short-form video content and influencer-driven marketing, require a different regulatory approach[11].

Additionally, the decentralized nature of TikTok Shop, coupled with the diversity of sellers ranging from individual influencers to established businesses, complicates law enforcement efforts and raises concerns about consumer vulnerability. While TikTok has implemented measures to increase transparency, such as seller verification and buyer protection policies, ensuring consistent compliance across the platform remains an ongoing challenge. Moreover, issues related to deceptive advertising, product authenticity, and consumer redress mechanisms require regulatory responses tailored to platform-specific features and user behavior. Policymakers must navigate these complexities to adapt existing legal frameworks and regulatory mechanisms to effectively address consumer protection issues in the context of TikTok Shop[11]. Apart from that, the Tiktok Shop application is suspected of carrying out unfair sales practices where predatory pricing, dumping and shadow banning of other traders occurs. This is what has caused many offline traders to protest to the government so that the Tiktok Shop application can no longer carry out buying and selling transactions in Indonesia.

Tiktok social media, which was initially a creative medium for creating and watching short videos and looking for friends, turned into a business medium when its users began to increase. This is of course very profitable from a business perspective because Tiktok already has a customer base that comes from its users. In the business world, a customer base is a very valuable asset. In online business, sellers and buyers do not know each other directly but trust each other. In carrying out online buying and selling transactions, buyers and sellers are met by the application manager and the buyer gets absolute protection rights (strict legal responsibility), in line with the principle of responsibility adhered to by the Consumer Protection Law[12]. The trading practices carried out by Tiktokshop are also indicated to demonstrate monopolistic practices in the digital space. This is because Tiktok Shop has combined social media with e-commerce. The development of TikTok Shop certainly cannot be separated from the problems that exist in Indonesia, especially for micro and medium enterprises (MSMEs) who do business offline.[13].

Government Regulation Number 80 of 2019 covers all electronic trading activities, both online and offline, which involve business actors and consumers. The Consumer Protection Law outlines the rights and obligations of consumers and business actors, prohibits the sale of non-compliant goods, and requires halal production and expiration dates for consumer safety. Compliance with these laws is important for ethical standards and consumer trust. Understanding the Information and Electronic Transactions Law (UU ITE) is very important for online business actors because it

regulates electronic transactions and recognizes electronic evidence as legally binding. Compliance with the provisions of the ITE Law guarantees the legality and validity of online transactions in Indonesia. Government Regulation Number 80 of 2019 is a comprehensive legal framework that regulates all electronic trading activities, both online and offline, involving business actors and consumers in Indonesia. These regulations cover various aspects of electronic commerce, from procedural guidelines to consumer protection measures, aiming to ensure fair and transparent transactions in digital markets.

Within the scope of Government Regulation Number 80 of 2019, the Consumer Protection Law has a central role in protecting the rights and interests of consumers while prioritizing the obligations of business actors. This law sets strict requirements, prohibits the sale of non-compliant goods and requires halal production standards and expiration dates for consumer safety. Compliance with these provisions is critical to upholding ethical standards and fostering consumer confidence in the marketplace. Apart from that, understanding the Law on Information and Electronic Transactions is very important for online business actors operating in Indonesia. This law serves as the main legal framework governing electronic transactions, establishing regulations and guidelines for online commerce. Most important is the recognition that electronic evidence is legally binding, which underscores the importance of maintaining accurate and verifiable records in electronic transactions. Compliance with the provisions outlined in the Information and Electronic Transactions Law is very important to ensure the legality and validity of online transactions carried out in Indonesia.

By complying with these regulations, online business actors can mitigate legal risks, increase transaction security, and maintain the integrity of digital markets. In addition, compliance with the provisions of the Information and Electronic Transactions Law also promotes consumer rights and protection, creating a conducive environment for sustainable economic growth and digital innovation. In conclusion, Government Regulation Number 80 of 2019, together with the Consumer Protection Law and the Information and Electronic Transactions Law, form the basis of the regulatory framework governing electronic commerce activities in Indonesia. By complying with these laws and regulations, businesses can uphold high ethical standards, ensure consumer protection, and increase confidence in Indonesia's growing digital economy. In Indonesia, TikTok users must comply with Minister of Trade Regulation (Permendag) Number 31 of 2023 which regulates business licensing, advertising, development and supervision of trading actors through electronic systems (PPMSE).

Specifically, this regulation prohibits TikTok Shop, the official social trading platform, from carrying out trading activities. Compliance with these regulations is mandatory for all TikTok users involved in transactions in the Indonesian market. TikTok users who carry out commercial activities must comply with Minister of Trade Regulation (Permendag) Number 31 of 2023. This regulation provides a comprehensive framework that regulates various aspects of electronic commerce, including business licensing, advertising practices, development initiatives, and trade supervision. perpetrators who operate through electronic systems (PPMSE). One of the provisions outlined in this regulation prohibits sales activities carried out on TikTok Shop, an official social commerce platform affiliated with the TikTok application. The ban on sales activities through the TikTok Shop underscores the regulatory stance aimed at ensuring transparency, consumer protection and healthy competition in the digital market. By limiting sales activities on the TikTok Shop, the Indonesian government is

trying to regulate the proliferation of commercial transactions carried out via social media platforms and uphold the integrity of formal e-commerce channels.

Compliance with Minister of Trade Regulation Number 31 of 2023 is mandatory for all TikTok users involved in transactions in the Indonesian market. Failure to comply with these regulations may result in legal consequences, including administrative sanctions or penalties imposed by regulatory authorities. Therefore, TikTok users, especially those involved in commercial activities, should understand the provisions outlined in these regulations and ensure strict compliance to avoid potential adverse impacts. TikTok users need to understand the regulatory environment in which they operate and take proactive measures to comply with relevant laws and regulations. By complying with regulatory requirements, TikTok users can contribute to the promotion of ethical business practices, consumer trust and the overall integrity of the digital market in Indonesia. In short, Minister of Trade Regulation Number 31 of 2023 is very important in shaping the regulatory landscape for electronic commerce in Indonesia, especially regarding social trading activities carried out on platforms such as TikTok Shop. Compliance with these regulations is very important for TikTok users who wish to conduct commercial transactions in the Indonesian market, ensuring legal certainty and compliance with regulations in their business ventures[14].

The closure of TikTok Shop was essentially because TikTok Shop did not have a trading permit as an e-commerce platform according to Indonesian regulations. Apart from that, combining TikTok as social media with TikTok Shop as e-commerce has the potential to give rise to monopolistic practices. There are several main reasons regarding the need for a separation between social media and e-commerce. First, it triggers monopolistic practices because the TikTok platform can control the market, set unfair prices and different treatment, and set discriminatory prices based on existing data. Second, the TikTok platform can manipulate the algorithm because social media and e-commerce together can easily encourage foreign products to always appear so that local products become discriminated against. Third, the TikTok platform can take advantage of the large social media traffic so that it can be used as navigation or a trigger for purchases in e-commerce. And fourth, related to data protection. The purpose of data on social media is for entertainment, not for trading[13].

On the other hand, according to[15]The closure of the Tiktok Shop was caused by several main factors, namely the first reason was compliance with regulations, the TikTok shop failed to fulfill all regulatory requirements imposed by the Indonesian government. The second reason is the protection of user data because TikTok was originally created as an entertainment application aimed at content creators who want to be creative in the videos they make and upload. When TikTok Shop appeared there was a data measurement in the form of a matrix between personal data and business data about what consumers like. can be studied and products can be imitated and then resold with better quality at cheaper prices so that they can destroy conventional traders who only rely on visitors coming to their shops. The third reason is other business requirements that do not have to comply with clear permits from the TikTok shop to the Indonesian government through the Minister of Trade and the Minister of Communication and Information of the Republic of Indonesia, and the fourth reason is that the TikTok shop does not pay taxes to the Indonesian government.

### **3.2.Discussion**

Businesses, including those operating on platforms like TikTok Shop, must prioritize compliance to ensure legal certainty, consumer protection, and the continued growth and success of the digital economy. By complying with regulatory requirements

and encouraging ethical business practices, online businesses can build trust, grow consumer confidence, and contribute to the development of Indonesia's overall e-commerce ecosystem[14]. Therefore, it is important for Tiktok Shop to demonstrate compliance with applicable regulations in Indonesia, especially regarding consumer protection. Tiktok Shop then had to provide follow-up as a response to consumer protection issues which had led to the closure of this platform by the government. The issue of consumer protection in the Tiktok Shop is seen as having its own challenges. This is because implementing consumer protection standards on TikTok Shop presents unique challenges due to the decentralized nature of the platform and the diversity of sellers. While TikTok has implemented measures to increase user transparency and security, such as seller verification and buyer protection policies, ensuring consistent compliance across the platform remains an ongoing challenge.

Regulatory authorities face difficulties in monitoring and enforcing consumer protection laws on TikTok Shop due to the platform's global reach and the rapid growth of sellers. The decentralized nature of TikTok Shop, coupled with the ephemeral nature of content, creates challenges in effectively identifying and addressing non-compliant behavior[11]. This then shows a series of challenges that Tiktok Shop must face regarding consumer protection. Tiktok Shop has resumed sales in Indonesia by merging itself with the Tokopedia platform to adapt to the arrangements that have caused this platform to close. This is related to Government Regulation Number 80 of 2019 and Minister of Trade Regulation (Permendag) Number 31 of 2023. Coinciding with National Shopping Day which occurs on December 12, Shop is officially active again by acquiring together with Tokopedia. However, transactions are still carried out on the same platform. This is basically not in line with Minister of Trade Regulation Number 31 of 2023, social commerce, in this case the TikTok Shop, is prohibited for trading and is only allowed for promotions. TikTok Shop is given 3 to 4 months to immediately transfer all its trade transactions to Tokopedia[13].

The consumer protection that Tiktok Shop must be able to implement is not only related to the issue of adapting to Government Regulation Number 80 of 2019 and Minister of Trade Regulation (Permendag) Number 31 of 2023. This must be done by implementing comprehensive protection across all platforms. According to consumer protection, it refers to Indonesian government regulations regarding consumer-business interactions. By providing minimum requirements to businesses and offering assistance when consumers are harmed, these regulations must protect consumer interests[16]. Therefore, Tiktok Shop must be able to provide comprehensive protection of consumer interests, including regarding rights and guarantees of confidentiality of personal data and so on. The main approach that should be implemented by TikTok Shop in implementing consumer protection is through self-regulation. This self-regulation is related to a series of internal policies which contain consumer protection on the platform. Self-regulation can effectively provide legal protection and customer trust in online purchases (Arifin, 2023). In industrialized countries such as the United States and the European Union, a combined approach of self-regulation and law has been successfully implemented[17].

In turn, this will create a good consumer protection mechanism. Several things that TikTok Shop needs to pay attention to regarding self-regulation are as follows:

#### 1. Maintaining the interests of Tiktok Shop consumers

When doing business online, consumers are more vulnerable than sellers or business people. These are known as customer rights, these rights are more vulnerable in online purchases due to the way e-commerce works, in particular the fact that the buyer and vendor never actually meet each other, which can cause a

number of problems.[18]. The Consumer Protection Law and the Information Technology and Electronic Transactions Law provide legal protection to consumers when making online purchases. To protect customers in Indonesia, the government enforces the Consumer Protection Law, while the ITE Law protects those who shop online[19].

## 2. Maintain personal information of Tiktok Shop customers

The right to privacy is the right of individuals, organizations or institutions to exercise control over the dissemination of information about themselves[20]. Even though privacy issues have not been widely discussed in Indonesia, they do exist. However, in other countries, privacy is seen as a fundamental human right. The concept of privacy encompasses more than just the right to keep one's business or personal affairs to one's self; it also includes freedom from interference, autonomy, and solitude, as well as the ability to control how one's personal details are shared with others. When something goes wrong in the world of e-commerce, it usually occurs because someone has committed an offense involving misuse of information they have obtained about members of their organization or customers of a business.

## 3. Online business registration

To make purchases or use all site features, registration is usually required on shopping and marketplace sites. Website registration forms typically ask for username, e-mail address, physical address, city of residence, username, password, gender, date of birth, income, and occupation. Some websites even ask for credit card details to complete a purchase[21]. Customers and website visitors will not be able to use all its features optimally if the conditions above are not met. The difficulty is that consumers are often unaware of what happens to the information they provide to businesses, including highly sensitive data such as names, addresses and credit card numbers. The accumulated information provided can usually be used by online entities for advertising purposes and social media platforms so that they can adapt web application sites to user needs[22].

E-commerce sites that collect customer information should be required by ITE law to disclose their data collection practices. Article 26 of the ITE Law provides adequate legal protection for personal data, and the definition and scope of personal data applied is broad and protective, making it possible for parties who suffer losses due to improper use of data to claim compensation. The use of cookies, details of personal data collected, and security for highly sensitive information such as credit card numbers are standard features of every e-commerce website's privacy policy. Many e-commerce sites, including alat.com, indo-lcd.com, and others, do not include a privacy statement on their homepage, despite the fact that doing so would show potential customers and consumers that the site cares about environmental protection. privacy of their personal information (Arifin, 2023).

## 4. Responsibility for the safety of Tiktok Shop consumers

Security in transactions includes communication system security, computer security, physical security, security of the individuals involved, administrative security, and security of the media used. The security provided aims to prevent threats that may arise before the threat actually materializes, minimize the possibility of the threat occurring, and reduce the consequences that will arise after the threat is realized (Susanto, 2020). Therefore, the security system that needs to be considered in e-commerce is the existence of a safe mechanism in how consumers make payments on a website. This means that Tiktok Shop needs to ensure that there is a security mechanism on the site or platform used as a way of buying and selling between users.

Legal responsibility is a concept that is part of the concept of legal obligation. The principle of responsibility is a very important part of consumer protection law. In cases of consumer rights violations, care is needed in analyzing who should be responsible and the extent to which responsibility can be borne by the parties concerned. The general principles of responsibility of business actors in law, which in practice can be differentiated, include the principle of responsibility based on the element of fault. This principle states that a person can be held legally responsible if there is an element of error. If the plaintiff cannot prove that there is an element of guilt on the part of the defendant, then the lawsuit is dismissed. Because consumers (as victims) are generally not familiar with the processes in an industry that uses advanced technology, it is impossible to prove exactly where the error is that causes defects in the goods and/or services. This principle is closely related to the legal relationship between consumers and business actors which is based on a contract, not an obligation[23].

#### 4. CONCLUSION

The article has analyzed legal protection in the case of the Tiktok Shop which experienced platform closure by the Indonesian government because it did not comply with the regulations set in this country regarding e-commerce platforms and social media platforms based on Minister of Trade Regulation (Permendag) No. 31 of 2023. This then raises questions regarding the implications for consumer protection on the Tiktok Shop platform. The Tiktok Shop platform has presented its uniqueness so that it has encouraged some people to use this platform to carry out e-commerce transactions. Analysis of consumer protection on this platform shows several fundamental problems regarding this platform, including not having a trading license as an e-commerce platform according to Indonesian regulations. Apart from that, other problems relate to monopolistic practices; unfair sales practices where predatory pricing, dumping and shadow banning occur; deceptive advertising, product authenticity, and underdeveloped consumer redress mechanisms.

This then led to consequences where this platform could no longer be run in Indonesia. In this regard, Tiktok Shop then took steps to acquire e-commerce that already existed in Indonesia, namely Tokopedia, by moving the buying and selling process completely to Tokopedia. This method was then used by Tiktok Shop, making it possible to operate again in Indonesia in accordance with existing laws and regulations. In turn, apart from fulfilling the rules to separate social media platforms and the Tiktok Shop e-commerce platform, they must also implement consumer protection in a more comprehensive way by adopting several methods that have been suggested in this article, namely; safeguarding the interests of TikTok Shop consumers, safeguarding the personal information of TikTok Shop customers, registering online businesses and developing accountability mechanisms for the security of Tiktok Shop consumers.

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