
Analysis of the Causes of Tiktok Shop Closures in Indonesia

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Abstract—Advances in digital technology have transformed commerce in Indonesia, and the emergence of e-commerce platforms has created significant challenges to the current legal framework. In this regard, the TikTok Shop phenomenon provides an interesting case study that illustrates the complex interplay between legal compliance and technical innovation. This paper examines the legality and dynamics of e-commerce in Indonesia using TikTok Shop, a social commerce network that was shut down and then resurrected through a merger with Tokopedia. Analyzing the legality of the TikTok shop and determining the reasons for its closure are the main objectives of this research. This research examines a number of laws, including the Electronic Information and Transaction Law, the Job Creation Law, and the Minister of Trade Regulation. This research aims to juridically analyze the existing e-commerce system in Indonesia. Specifically in the case of TikTok Shop, which experienced closure and the return of TikTok Shop after the merger with Tokopedia. and also how the implications for the regulation and practice of e-commerce in Indonesia. Statutory and conceptual methods are part of the normative legal approach. According to the research, TikTok Shop was first shut down due to a number of violations. The violations included purported data piracy, unfair pricing practices, and not having a Trading Through Electronic Systems (PPMSE) license. The platform was able to resume operations in accordance with the law after the merger with Tokopedia. This research uses Gustav Radbruch's theory of legal certainty to investigate the alignment between justice, expediency, and legal certainty. The findings of this research highlight the need for adaptable legislation to keep up with the rapid growth of digital technology. Protection of small and medium-sized enterprises (MSMEs), clear electronic contracts, and creating a robust and competitive e-commerce environment are the main objectives of this study.

Keywords: Digital regulation; electronic commerce; e-commerce; legal validity; tiktok shop

Introduction

E-commerce has become an integral part of people's lives in Indonesia as a result of the rapid development in the digital era. In the midst of the rise of established e-commerce with the presence of big players in Indonesia such as TokoPedia, Shopee, and Lazada, the decline of TikTok Shop in 2021 brought a new dynamic that was very shocking to the e-commerce industry in Indonesia. The shift to electronic-based economic practices has proven to provide benefits, such as e-commerce, which provides benefits from the user, environmental, technology, and organizational aspects, one of the well-known e-commerce in Indonesia, namely TikTok Shop (Widhiasthini et al., 2024). Tiktok, which was originally known as a platform for sharing short videos, quickly adapted and spread to the world of e-commerce through the

Tiktok Shop feature. From the emergence of Tiktok Shop, this gave a new concept where this concept combines entertainment and shopping using one platform, which creates a unique "shopkeeping" experience (Sandrina & Priyanto, 2022). But with the high use of Tiktok in Indonesia, there are of course many reasons why Tiktok has become popular, namely the ease of making it look attractive to everyone (Sulam & Fasa, 2025). Next, There is also interesting content and creative content that causes a viral effect and can spread quickly, as well as sophisticated personalization algorithms that make it relevant to every user (Parwati et al., 2025).

However, the quick success of Tiktok Shop also brought a problem. A wave of protests from several quarters, notably Indonesian e-commerce associations and local micro, small, and medium enterprises (MSMEs), emerged on October 4, 2023 (Damayanti, 2023). They criticized unfair competition practices, where tiktok shop was accused of exploiting its dominance in the social media market to take over the e-commerce market in an aggressive manner. Some of the main issues discussed are: Predatory pricing; Data piracy; The impact on the local economy; Non-compliance with regulations (Mardhotillah, 2025). Because of this problem, the Indonesian government through the Ministry of Trade decided unequivocally to ban e-commerce activities on social media platforms, which include the Tiktok Shop. This decision was made with consideration to protect national interests, especially local MSMEs, as well as maintain the stability of the digital economy in Indonesia. The closure of this Tiktok Shop caused a lot of pros and cons among the public. On the one hand, MSMEs and local e-commerce businesses welcome this move because they are threatened by TikTok Shop. But on the other hand, users and content creators who depend on this platform for their source of income feel very disadvantaged because of the closure of this Tiktok Shop. However, this situation did not last long. Tiktok Shop resumes operations in Indonesia Finally, on December 11, 2023, after establishing a partnership with Tokopedia, which is part of GoTo, which is one of the largest e-commerce players in Indonesia (BBC, 2023). This ministry allows Tiktok to return to the Indonesian e-commerce market by complying with several regulations. This move is considered TikTok's attempt to comply with government regulations while maintaining its presence in a highly potential market.

This TikTok Shop phenomenon intersects with important Shrimp Law in Indonesia. One of the Laws Number 6 of 2023 concerning the Stipulation of Government Regulations in lieu of Law Number 2 of 2022 concerning Job Creation. This Law is a revision of the previous Job Creation Law which has a major impact on e-commerce regulations in Indonesia (Hariadi et al., 2023). Which is contained in article 6 which covers the simplification of business licensing; MSME protection; business competition regulation; and personal data protection requirements. Then in article 1 which states about monopoly practices and unfair business competition. Then the Regulation of the Minister of Trade of the Republic of Indonesia Number 31 of 2023 concerning Business Licensing, Advertising, Coaching, and Supervision of Business Actors in Electronic System Trading also plays a very important role in regulating the operation of e-commerce platforms such as TikTok Shop (Zahra et al., 2023). Article 2 states that e-commerce business actors must follow existing licensing requirements and procedures; there must be regulations that regulate advertising on digital platforms; and sanctions and administrative action if there is a violation. In addition, electronic transactions are legal acts that are carried out legally using computers, computer networks, and/or other electronic media (Rohmy et al., 2021). In Law Number 1 of 2024, it also has relevance, namely in articles 9; articles 17 to 22; and finally in article 28, from the existence of this law to strengthen a regulation in the field of e-commerce, protect consumer rights, and also create a healthy competition climate for business actors (Republik Indonesia, 2024). Then if we look at Government Regulation Number 82 of 2012, in this article there are several articles that can be said to be relevant to this case, namely article 1; article 40; article 41 (Indriani et al., 2014). Therefore, with a collaboration with Tokopedia, TikTok returned to the Indonesian e-commerce market, raising new questions about the certainty or validity of the regulations that will be implemented by the government. This tiktok shop phenomenon is a compelling case study of how Indonesian laws are adapting to technological advances and new business models. In addition, it shows the difficulty in balancing various different advantages such as protecting local MSMEs, maintaining healthy business competition, encouraging digital innovation, and attracting foreign investment.

There is a previous study by Anhar and Kurniawan (2024) entitled "Legal Uncertainty in the Return of Tiktok Shop as a Social Commerce Platform in Indonesia" discussing the certainty of social commerce legal regulations in Indonesia. Previous research only discussed the uncertainty of the return of Tiktok Shop by using legal reasoning theory, as a process of evaluating legal rules, arguments, opinions and decisions based on logical principles. It is hoped that further research can further develop research in terms of wider and clearer legal regulations. Furthermore, the previous research by Shohib Muslim, Muktar, and Supena Diansah (2023) entitled "Legal Implications of TikTok Shop Closure on Business Law Regulation in Indonesia" only discussed the legal implications of TikTok Shop closures, the legal issues that led to the closure, and the adequacy of existing business law regulations using qualitative and quantitative methods as well as legal reasoning theories and legal arguments. It is hoped that in the future it can be further developed regarding the explanation of Tiktok Shop which is currently considered a social commerce platform. Then, the previous research by Rena, Humairoh, and Rosmiawati (2023) entitled "Normative Problems in the Regulation of the Minister of Trade Number 31 of 2023

Regarding the Ban on Social Commerce on Tiktok Shop" only discusses the urgency of the existence of the Regulation of the Minister of Trade Number 31 of 2023, the effectiveness of the Regulation of the Minister of Trade Number 31 of 2023, and the substantial points in the Regulation of the Minister of Trade Number 31 of 2023. It is hoped that in the future it can expand the discussion again regarding the existing regulations that regulate Tiktok social commerce. From the three previous studies, it can be seen that the difference between the previous research and this research so that the advantage of this research compared to the previous research is that in this writing it is more about finding out or studying how the validity and legal certainty used by the government in regulating e-commerce laws in Indonesia.

This study aims to analyze the juridical laws and regulations regarding the e-commerce system in Indonesia, especially in the case of TikTok Shop which experienced the closure and return of TikTok Shop after the merger with Tokopedia. The problem that is the focus of this writing is the cause of the closure of TikTok Shop in Indonesia.

Method

In this study, the type of research used is a type of normative juridical legal research because this research discusses and analyzes cases that occur about the Validity of the Establishment of e-commerce in Indonesia (Case Study of the Closure of TikTok Shop), of course in this study using legal materials as reference materials in completing research, and there are also laws and regulations issued by the government, that will be studied based on theories and existing legal provisions (Muhaimin, 2020). The approach of this study uses a statute approach that reviews all laws and regulations related to the issues (legal issues) discussed and uses a conceptual approach that focuses on understanding and analyzing concepts related to the validity of the establishment of e-commerce in Indonesia. The types of legal materials used in this study are primary legal materials and secondary legal materials such as laws and regulations, results of previous research, articles, books, journals and so on. The data collection techniques used in this research proposal are Case Study Techniques and Literature Study Techniques. In writing this research, the analysis of legal materials will be carried out using normative juridical analysis which involves a number of stages such as categorizing legal materials based on the formulation of the research problem, interpreting legal materials to understand their legal meaning and implications, comparing and analyzing the relationships of various regulations, as well as legal concepts, drawing conclusions to answer the formulation of the research problem (Nur, 2021).

Discussion

As we know that the TikTok platform is an application that has a unique and viral short video feature. Due to the popularity of TikTok, TikTok has finally made a development where this platform offers a combination of entertainment and shopping using one platform, which creates a unique

"shoppertainment" experience. This development has caused a wave of protests from several parties, especially Indonesian e-commerce associations and local micro, small, and medium enterprises (MSMEs) which finally on October 4, 2023 because TikTok Shop was accused of engaging in unhealthy trading practices and also accused of using its dominance to take over the e-commerce market in an aggressive way. Some of the accusations that were protested were Predatory pricing where TikTok Shop was accused of offering too low prices, which made it difficult for MSMEs to follow; Data piracy where there are concerns about the use and protection of user data by foreign companies; The impact on the local economy is in the form of fears of the erosion of the local MSME market by the entry of cheap imported products through TikTok Shop; Non-compliance with regulations where there is a suspicion of violations of e-commerce regulations that apply in Indonesia (Aulia, 2023). In addition, Prices on the store platform, which gives sellers and buyers the flexibility to determine the selling price of their goods, is one of the reasons the TikTok store application was officially discontinued for several reasons that can be detrimental to market traders (Febrianti et al., 2023).

Then if you look at Article 7 of the Business Competition Law, it regulates predatory pricing, or selling at a loss price. This article regulates the prohibition for business people to set prices below the market price, which has an impact on unfair competition. However, the supply of goods at very low prices with the aim of damaging or eliminating the business of competitors is prohibited by Article 20. Prohibited agreements and prohibited conduct are 2 (two) categories of pricing fraud. Using a reasonableness rule approach, not all below-market pricing is essentially prohibited. Businesses can continue as long as they have a legitimate reason and do not lead to unfair competition. The main focus of the law is therefore to prevent practices that are deliberately designed to destroy competitors by setting unreasonable prices, rather than simply providing discounts or competitive prices (Juliana & Radian, 2024).

If we look at a social media provider, it is explained in article 1 paragraph (17) of the Regulation of the Minister of Trade Number 31 of 2023 as a provider that offers certain features, menus, and/or facilities that allow traders to submit offers of goods and services. In addition, social trading providers are not allowed to use their electronic systems to facilitate money transactions, in accordance with article 21 paragraph (3). According to the Regulation of the Minister of Trade Number 31 of 2023 concerning licensing, advertising, supervision, and coaching of business actors in the use of electronic systems for trade. TikTok stated that it will no longer accept payments for products sold on the TikTok Shop as of October 4, 2023 (Solihah & Hilda, 2024). In addition to the above articles, there are several articles that are violated such as: article 3 paragraph (1) concerning business actors who must have a business license; Article 13 paragraph (1) and paragraph (3) concerning business actors who are obliged to maintain unfair competition; article 19 paragraph (1) regarding the minimum price of goods that must be set by PMSE if selling imported goods; Article 32 on PPMSE is required to prioritize local products; And the last is in Article 50-Article 60 concerning business actors who commit violations will be subject to administrative sanctions.

If you look at Law Number 6 of 2023 concerning Job Creation. The cause of the closure of TikTok Shop can occur if this platform violates several articles listed such as, in articles 7 and 8 concerning the obligations of those who have NIB; article 2 paragraph (1) letter C regarding the ease of a transaction; article 3 letter A on the obligation to protect MSMEs and avoid business competition; and also in Article 6 concerning the regulation of security standards and transparency in electronic commerce. In addition, highly permissible policies were also enacted during the deregulation process of the banking industry and other areas of investment, which made many people unable to engage in economic activities. Through the brief description above, this focus is to see how MSMEs are protected by the Job Creation Law Number 6 of 2023 (Lo et al., 2023).

Then for ITE Law Number 1 of 2024 concerning Information and Electronic Transactions. The cause of the closure of the TikTok Shop occurred because of several articles that were violated, such as, article 5 regarding data and electronic documents must have legal legality; Articles 13 and 13A concerning electronic system operators must have a legal entity and electronic certification; Article 17 concerning Good Behavior in Electronic Transactions; Article 40 concerning the Government's Obligation to Maintain the

Digital System; and articles 38 and 45A concerning consumer protection by restricting the distribution of a product; Then there is also that electronic agreement contracts must have strong laws that are equivalent to traditional agreement contracts in terms of online purchases and sales. The electronic contract must also be binding on the parties, in accordance with Article 18 Paragraph 1 of the ITE Law. According to Article 18 of the ITE Law, people who also make payments using online media are free to choose the relevant laws for such transactions. The parties are also required to opt for a dispute resolution process, which can be non-litigation, litigation, or alternative dispute resolution techniques (Setiawati & Diana, 2024).

And the last one when viewed in Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions. The cause of the closure of TikTok Shop can also occur due to several articles that are violated such as, article 2 about electronic platform owners must register and apply for permits to the government; Article 6 on the importance of maintaining the confidentiality of data guaranteed by electronic system providers; Article 8 concerning electronic transactions which must have legal force equivalent to conventional transactions; Article 26 concerning the Obligation of Electronic System Operators in Safeguarding Consumers' Personal Data; and Article 100 concerning Administrative Sanctions for Electronic Platforms that violate the law (Muna & Santoso, 2022).

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From the closure of this TikTok Shop, when viewed from the theory of legal certainty owned by Gustav Radbruch which focuses on the balance between legal certainty, justice and legal utility. Judging from this closure case through Trade Regulation Number 31 of 2023, the government provides legal certainty by separating social media and e-commerce platforms in order to create a fair trade ecosystem (Adriansyah & Maizaroh, 2023). And where this is also in line with the principle of business competition, where the existence of TikTok Shop as social commerce is considered an unbalanced competition with other e-commerce platforms because it is considered to utilize its social media usage base. When viewed from e-commerce in Indonesia which has been regulated in the ITE and PPMSE Law, where an electronic commerce platform must run with a clear business classification, where TikTok should only focus on social media platforms, instead of also conducting a trading system.

Conclusion

The conclusion of the cause of the closure of TikTok Shop is due to violations of regulations, especially related to licensing and data protection that are contrary to the Law on Job Creation, the ITE Law. In addition, TikTok Shop also does not comply with the Regulation of the Minister of Trade Number 31 of 2023 which regulates the prohibition of social commerce practices in the implementation of electronic trade and transactions and does not comply with the Business Competition Law because TikTok Shop implements a Predatory Pricing practice that is detrimental to healthy business competition. And the advice that can be given is that From the closure of this TikTok Shop reminds of legal compliance in this rapid digital change, where this causes the law to often lag behind an innovation. There is a need for adjustments in the legal framework as well as a strong legal process to protect buyers. TikTok Shop is obliged to protect customer data, transparency, and better comply with existing requirements. Then the government must also provide a facility or convenience related to the issuance of e-commerce licenses. Where the government also needs to carry out supervision by conducting direct supervision related to e-commerce activities. To ensure regulatory compliance and consumer protection. The form of supervision can be in the form of continuous

monitoring of transactions and business practices on e-commerce platforms, as well as the identification of potential violations that may occur. By implementing a clear reporting system and frequently conducted audit procedures, the government can oversee customer data protection, transaction security, and product quality. The public needs to be involved in reporting problems to build a safer and more reliable e-commerce ecosystem. This action will encourage industry expansion and maintain market integrity.

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