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Legal Protection for Consumers in TikTok Shop Transactions under Indonesian Digital Trade Regulation

Riko Mubarak Syam[1]
[1]fakultas Syariah dan Hukum,Universitas Islam Negeri Sumatera Utara
*Corresponding Author: Msriko22@gmail.com.com

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ABSTRACT

The rapid development of social commerce has transformed the structure of electronic transactions in Indonesia by integrating social interaction, entertainment, advertising, product recommendations, live streaming, and electronic commerce within interconnected digital platforms. TikTok Shop represents one of the most significant manifestations of this transformation. Its development, however, has generated legal challenges concerning misleading product information, non-conforming goods, refund mechanisms, electronic contracts, platform accountability, personal data protection, algorithmic recommendations, live-shopping practices, and dispute resolution. This article examines the legal protection available to consumers in TikTok Shop transactions under Indonesian digital trade regulation and evaluates the adequacy of the current regulatory framework following the replacement of Minister of Trade Regulation Number 31 of 2023 by Minister of Trade Regulation Number 19 of 2026. The research applies normative legal research using statutory, conceptual, and analytical approaches. Primary legal materials include Law Number 8 of 1999 on Consumer Protection, Government Regulation Number 80 of 2019 on Trading Through Electronic Systems, Law Number 27 of 2022 on Personal Data Protection, Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law, and Minister of Trade Regulation Number 19 of 2026. The study finds that Indonesian law provides a multilayered structure of preventive and repressive consumer protection, including rights to accurate information, product safety, compensation, complaint mechanisms, personal data protection, responsible artificial intelligence use, and dispute resolution. Nevertheless, regulatory fragmentation, complex platform relationships, live-shopping persuasion, affiliate accountability, algorithmic influence, cross-border transactions, and unequal bargaining positions continue to create protection gaps. Strengthening platform accountability, digital dispute resolution, algorithmic transparency, live-shopping documentation, and regulatory coordination is therefore necessary to ensure substantive consumer protection in Indonesia's evolving social-commerce ecosystem

Keywords: *consumer protection; TikTok Shop; social commerce; digital trade; electronic transactions*

1. INTRODUCTION

The advancement of information and communication technology has fundamentally transformed commercial relationships between businesses and consumers. Transactions that previously required physical interaction can now be conducted through digital interfaces in which consumers search for information, compare products, communicate with sellers, make payments, and arrange deliveries without direct physical contact. This transformation has produced substantial efficiency but has simultaneously generated new legal vulnerabilities resulting from information asymmetry, technological dependence, digital contracts, and the increasingly dominant role of online platforms in structuring consumer decisions (OECD, 2016; Andriansyah & Maizaroh, 2023).

One of the most significant developments in electronic commerce is the emergence of *social commerce*. Unlike conventional marketplaces, social commerce integrates commercial activities with the social characteristics of digital platforms, including user interaction, content creation, recommendations, influencers, entertainment, comments, reviews, and livestreaming. The distinction between entertainment, advertising, persuasion, and commercial transactions can consequently become blurred, creating a digital environment in which consumers may make purchasing decisions while simultaneously engaging with content designed to maximize attention and interaction (Andriansyah & Maizaroh, 2023; Makfi & Kurniawan, 2026).

TikTok Shop became an important representation of this development in Indonesia because it combined short-form videos, algorithmic recommendations, influencer marketing, affiliate activities, livestreaming, and commercial offerings within the broader TikTok ecosystem. Its interactive characteristics made purchasing considerably different from conventional e-commerce because products could be introduced by creators in real time while consumers communicated through comments and immediately responded to promotional claims. Studies of TikTok Shop in Indonesia have accordingly identified legal concerns involving misleading product descriptions, discrepancies between goods received and goods advertised, fraudulent practices, inadequate complaint mechanisms, and uncertainty concerning the allocation of responsibility among sellers, affiliates, and platforms (Bahar et al., 2025; Makfi & Kurniawan, 2026).

Consumer protection becomes particularly important in this environment because consumers generally occupy a structurally weaker position than businesses and platform operators. Sellers control information regarding their goods, while platforms possess extensive technological capacity, transaction data, recommendation systems, and standard contractual terms. Consumers, by contrast, frequently make decisions based on representations displayed through a digital interface that they neither design nor control. The principle of consumer protection therefore requires legal mechanisms capable of correcting the imbalance in information, bargaining power, and technological capacity between the parties (OECD, 2016; Andriansyah & Maizaroh, 2023).

Indonesian consumer law has traditionally been founded on Law Number 8 of 1999 concerning Consumer Protection. The legislation guarantees fundamental consumer rights, including rights to comfort, security and safety, accurate and honest information, freedom of choice, the opportunity to express complaints, advocacy, fair treatment, and compensation where goods or services do not conform to an agreement. Although enacted long before social commerce emerged, the statute remains legally applicable and continues to function as the principal general framework for consumer protection in digital transactions (Republic of Indonesia, 1999; Patricia, 2024). The law remains in force in 2026.

Nevertheless, conventional consumer protection law cannot operate independently when transactions occur electronically. Government Regulation Number 80 of 2019 concerning Trading Through Electronic Systems provides a more specific framework for PMSE (*Perdagangan Melalui Sistem Elektronik*), recognizing the importance of legality, accurate information, electronic transactions, responsibility of intermediaries, consumer protection, and dispute settlement in electronic commerce. The regulation emphasizes that electronic commerce must remain legal, honest, competitive, and respectful of consumer rights in substantially the same manner as conventional commerce (Republic of Indonesia, 2019; Andriansyah & Maizaroh, 2023). PP No. 80 of 2019 remains in force.

Electronic commerce is further regulated through the Information and Electronic Transactions legal framework. Law Number 1 of 2024 constitutes the second amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions and forms part of the legal basis for recognizing electronic information, electronic documents, electronic systems, and electronic transactions. The existence of this legislation is important in TikTok Shop transactions because contractual expressions, transaction confirmations, electronic evidence, product representations, and communication between parties predominantly occur in digital form (Republic of Indonesia, 2024; Friska et al., 2026). Law Number 1 of 2024 has been effective since 2 January 2024.

The regulatory response became more specific following the rapid expansion of social commerce. Minister of Trade Regulation Number 31 of 2023 was introduced partly to respond to changes in electronic commerce and expressly differentiated social-commerce models from conventional marketplace functions. The regulation significantly affected TikTok Shop because social-commerce operators were prohibited from facilitating direct payment transactions within their own electronic systems. The resulting restructuring of TikTok Shop became a major development in Indonesian digital trade regulation and generated extensive discussion regarding the boundaries between social media, social commerce, and electronic marketplaces (Samosir et al., 2025; Jonna et al., 2025).

However, the legal framework changed again in 2026. Minister of Trade Regulation Number 19 of 2026 concerning the Operation of Trading Businesses Through Electronic Systems replaced and revoked Minister of Trade Regulation Number 31 of 2023. The new regulation took effect on 8 June 2026 and expressly recognizes several PPMSE business models, including online retail, marketplaces, online classified advertising, price-comparison platforms, daily deals, social commerce, ride hailing, and online travel agents. This development demonstrates that Indonesian digital trade regulation is evolving from an emergency response to social-commerce disruption toward a more comprehensive governance framework for platform-based commerce (Ministry of Trade of the Republic of Indonesia, 2026).

The transition from Minister of Trade Regulation Number 31 of 2023 to Minister of Trade Regulation Number 19 of 2026 is particularly relevant to TikTok Shop. The current terms applicable to TikTok Shop by Tokopedia state that PT Tokopedia provides the marketplace available through the TikTok platform, while products may be advertised, promoted, and displayed through TikTok. Ordering, acceptance, confirmation, payment processing, delivery, receipt, and customer-support-related transactions are facilitated through the marketplace. The contractual arrangement consequently separates the social-media promotional environment from the marketplace transaction mechanism in a manner broadly consistent with the regulatory distinction between social commerce and transaction-facilitating marketplaces (TikTok Shop by Tokopedia, 2026).

The development of TikTok Shop also demonstrates that consumer protection cannot be separated from competition and platform governance. In June 2025, the Indonesian Competition Commission issued conditional approval concerning TikTok Nusantara's acquisition of Tokopedia after identifying potential competition concerns. The conditions included protections against unfair restrictions on sellers and consumers, preservation of opportunities to promote products through competing e-commerce platforms, prevention of unjustifiable exploitation of market power, and protection of MSMEs. These developments illustrate that contemporary consumer protection increasingly intersects with competition law when digital platforms possess significant influence over market access, pricing, visibility, and transactional architecture (KPPU, 2025).

Consumer complaints demonstrate that legal protection is not merely a theoretical concern. In June 2026, Indonesia's Ministry of Trade followed up complaints involving Tokopedia and TikTok Shop by Tokopedia. The reported problems included discrepancies between products and descriptions or orders, return and refund difficulties, billing and digital payment problems, delivery issues, and difficulties accessing consumer accounts. Such problems closely correspond to traditional consumer protection concerns but arise in technologically mediated relationships involving platforms, sellers, payment services, and logistics providers (Ministry of Trade of the Republic of Indonesia, 2026; Bahar et al., 2025).

Another important issue concerns personal data. Social commerce platforms process considerable amounts of information concerning user identity, purchasing interests, browsing patterns, transaction history, device information, and behavioral interactions. The enactment of Law Number 27 of 2022 concerning Personal Data Protection therefore significantly strengthens the legal position of digital consumers by recognizing personal data protection as part of the protection of individual rights and establishing obligations for parties involved in personal data processing (Republic of Indonesia, 2022; Ningsih & Wahyuddin, 2025).

Recent Indonesian research indicates that consumer data protection in TikTok Shop transactions remains an important legal concern because the contractual ecosystem may involve merchants, affiliates, platform operators, payment intermediaries, and consumers. Ningsih and Wahyuddin (2025) emphasize that the legal relationships between these actors are not identical and that data-related disputes can create complex questions concerning responsibility. The increasing use of behavioral data in digital commerce means that consumer protection must therefore extend beyond defective products and refunds toward privacy, cybersecurity, and responsible processing of consumer information (Ningsih & Wahyuddin, 2025; Mubarok et al., 2026).

Live-shopping practices create another regulatory challenge. During livestreaming, consumers may be exposed to limited-time discounts, scarcity statements, real-time recommendations, demonstrations, influencer endorsements, and continuous prompts to purchase. Makfi and Kurniawan (2026) argue that TikTok Shop live-shopping transactions raise concerns concerning the documentation of representations made during livestreams, accountability of affiliates and influencers, and the effectiveness of digital dispute resolution. This demonstrates that traditional consumer law, which was designed largely around identifiable sellers and relatively stable product representations, must adapt to fluid and interactive promotional environments (Makfi & Kurniawan, 2026).

RESEARCH METHODE

This study employs normative legal research because the primary object of analysis consists of legal norms, principles, concepts, and regulatory relationships governing consumer protection in electronic and social-commerce transactions. Normative legal research enables examination of whether existing legal instruments provide coherent legal protection and whether emerging digital business practices create normative gaps requiring legal interpretation or regulatory reform. The research therefore focuses on *law in norms* while using recent regulatory developments and platform practices as contextual materials for evaluating the adequacy of those norms (Marzuki, 2021; Andriansyah & Maizaroh, 2023).

The study applies a statutory approach by examining Law Number 8 of 1999 concerning Consumer Protection, Law Number 7 of 2014 concerning Trade, Government Regulation Number 80 of 2019 concerning Trading Through Electronic Systems, Law Number 27 of 2022 concerning Personal Data Protection, Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law, Minister of Trade Regulation Number 31 of 2023 as the historical regulatory framework, and Minister of Trade Regulation Number 19 of 2026 as the currently applicable regulation. The regulatory materials are analyzed systematically to identify the rights of consumers, obligations of business actors, duties of electronic-commerce organizers, complaint mechanisms, informational duties, and administrative oversight (Marzuki, 2021; Republic of Indonesia, 1999; Ministry of Trade of the Republic of Indonesia, 2026).

A conceptual approach is also applied to examine the concepts of consumer protection, social commerce, platform responsibility, electronic contracts, digital information asymmetry, personal data protection, algorithmic governance, and digital dispute resolution. This approach is important because TikTok Shop does not fit neatly within traditional bilateral consumer–seller relationships. The digital ecosystem may involve consumers, merchants, affiliates, influencers, TikTok as a social-media environment, Tokopedia as a marketplace service provider, payment service providers, and logistics operators, each of which may perform legally distinct functions (Ningsih & Wahyuddin, 2025; Makfi & Kurniawan, 2026).

Secondary legal materials comprise peer-reviewed Indonesian journal articles and relevant international consumer policy literature. Indonesian scholarship is deliberately emphasized to ensure that the analysis reflects domestic legal problems and regulatory developments. The selected literature includes research on social-commerce law reform, TikTok Shop consumer protection, platform restructuring, personal data protection, contractual default, cross-border transactions, and live shopping, complemented by the OECD's principles concerning consumer protection in e-commerce (Andriansyah & Maizaroh, 2023; Bahar et al., 2025; Ningsih & Wahyuddin, 2025; OECD, 2016).

Legal materials are analyzed qualitatively through grammatical, systematic, and conceptual interpretation. The first stage identifies the applicable legal framework; the second analyzes relationships between general consumer law and more specific electronic-commerce rules; the third examines TikTok Shop's platform architecture and consumer risks; and the final stage formulates normative recommendations concerning platform accountability, information transparency, dispute resolution, personal data protection, live-shopping regulation, and responsible algorithmic or AI use. The analysis is prescriptive because normative legal research ultimately seeks not only to describe existing law but also to assess how legal protection should operate in response to contemporary social-commerce risks (Marzuki, 2021; Nurlaily et al., 2026).

RESULT AND ANALYSIS

The Regulatory Transformation of TikTok Shop in Indonesia

TikTok Shop illustrates how technological innovation can develop more rapidly than legal categorization. Social media was originally designed primarily to facilitate communication, content distribution, and social interaction, whereas marketplaces were created specifically to facilitate commercial transactions. TikTok Shop disrupted this distinction by integrating entertainment, product promotion, seller communication, recommendations, livestreaming, affiliate activity, and purchasing opportunities in a single user journey. The resulting convergence generated regulatory uncertainty concerning whether TikTok should be treated principally as social media, social commerce, or an electronic marketplace (Andriansyah & Maizaroh, 2023; Samosir et al., 2025).

Minister of Trade Regulation Number 31 of 2023 constituted an important regulatory response. It differentiated social commerce from marketplace activity and prohibited social-commerce platforms from facilitating payment transactions directly within their electronic systems. The policy reflected broader governmental objectives concerning consumer protection, domestic business empowerment, fair competition, and clearer boundaries among digital business models. TikTok Shop consequently had to adjust its Indonesian operating structure, generating a major transformation in the country's social-commerce ecosystem (Samosir et al., 2025; Jonna et al., 2025).

The subsequent relationship between TikTok and Tokopedia represented a corporate response to the changed regulatory structure. Research concerning the 2023 TikTok Shop closure shows that the regulatory intervention produced significant consequences for sellers and encouraged TikTok to adapt its business model through integration with Tokopedia. This development demonstrates that digital regulation can restructure not only consumer interfaces but also corporate architecture and market relationships (Jonna et al., 2025).

The current operating model provides an important basis for consumer-law analysis. TikTok Shop by Tokopedia's January 2026 Terms of Use and Sale state that PT Tokopedia provides the Shop marketplace via the TikTok platform, while products may be promoted and displayed through TikTok. Transactional processes, including order placement, confirmation, payment processing, product delivery and customer support, are facilitated through the marketplace. The terms also distinguish a contract between users and Tokopedia concerning marketplace use from the sales contract between consumers and the relevant third-party seller (TikTok Shop by Tokopedia, 2026).

This arrangement does not automatically eliminate platform responsibility. The contractual characterization of Tokopedia as a marketplace facilitator and the seller as the direct contracting party must be interpreted together with mandatory consumer and electronic-commerce law. Private contractual terms cannot validly remove statutory consumer rights where the law imposes mandatory obligations or prohibits clauses transferring responsibility improperly to consumers. The legal status of a platform must therefore be determined according to its actual role, regulatory obligations, and degree of control rather than solely by contractual declarations regarding non-liability (Andriansyah & Maizaroh, 2023; Bahar et al., 2025).

Minister of Trade Regulation Number 19 of 2026 further clarifies the regulatory architecture. It formally recognizes *social-commerce* as a PPMSE business model while maintaining the prohibition on social-commerce operators facilitating payment transactions within their own electronic systems. The regulation therefore preserves the conceptual separation between social-media-based commercial promotion and transactional marketplace functions while simultaneously providing a wider governance framework for digital trade (Ministry of Trade of the Republic of Indonesia, 2026).

The evolution from Minister of Trade Regulation Number 31 of 2023 to Minister of Trade Regulation Number 19 of 2026 indicates an important regulatory shift. The earlier regime was widely associated with restricting direct social-commerce transactions, whereas the newer regulation addresses a broader range of issues including business models, licensing, electronic advertising, domestic-product promotion, complaint systems, transparency, artificial intelligence, supervision, and administrative sanctions. Consumer protection has therefore become increasingly embedded within a broader model of digital-platform governance rather than being treated solely as a dispute occurring after a defective transaction (Ministry of Trade of the Republic of Indonesia, 2026; Nurlaily et al., 2026).

The Multilayered Legal Framework for TikTok Shop Consumers

Consumer protection in TikTok Shop transactions operates through several overlapping legal instruments. Law Number 8 of 1999 provides the foundational rights and obligations, PP Number 80 of 2019 regulates electronic commerce more specifically, the ITE legal framework recognizes electronic transactions and electronic evidence, the Personal Data Protection Law governs processing of consumer information, and Minister of Trade Regulation Number 19 of 2026 provides sector-specific governance for PMSE. This structure can provide comprehensive protection, but its effectiveness depends on coherent interpretation and coordinated enforcement (Andriansyah & Maizaroh, 2023; Bahar et al., 2025).

Article 4 of the Consumer Protection Law is particularly relevant because it establishes rights to safety, accurate information, choice, complaint mechanisms, advocacy, fair treatment, and compensation. Applied to TikTok Shop, these rights imply that consumers must receive accurate descriptions of products, prices, material characteristics, seller identities, transaction conditions, and relevant risks. The interactive and visually persuasive nature of TikTok does not reduce these legal obligations; rather, it makes accurate information more important because consumers may make rapid purchasing decisions based on audiovisual representations (Republic of Indonesia, 1999; Bahar et al., 2025).

Business actors likewise have obligations under Article 7 of the Consumer Protection Law to act in good faith, provide correct and honest information, treat consumers fairly, guarantee product quality where applicable, and provide compensation for losses. These obligations apply regardless of whether goods are marketed through conventional stores, marketplaces, video content, or livestreams. The legal substance of consumer protection is technology-neutral even though implementation mechanisms need to evolve with technology (Republic of Indonesia, 1999; Patricia, 2024).

Article 8 of the Consumer Protection Law is also relevant where sellers offer products that fail to comply with legally required standards, descriptions, labels, quality, composition, or promises made in advertising. Research concerning TikTok Shop has identified cases involving goods that differ from displayed descriptions and products whose legal conformity may be uncertain, particularly in cross-border trade. Such risks demonstrate why digital platforms should facilitate verification of mandatory standards rather than operate merely as passive hosts of seller claims (Handayani & Sawitri, 2024; Bahar et al., 2025).

This regulatory objective has been strengthened under Minister of Trade Regulation Number 19 of 2026. Article 15 requires merchants to provide information concerning product origin and evidence of compliance with applicable standards, including mandatory SNI requirements, halal certification where required, registrations relating to safety and health, pharmaceutical and food registrations, domestic or foreign origin, and relevant country-of-origin information. PPMSE operators must facilitate and display such information. This constitutes an important form of preventive protection because it seeks to reduce risk before a purchase occurs (Ministry of Trade of the Republic of Indonesia, 2026).

The regulatory framework consequently supports a distinction between preventive protection and repressive protection. Preventive protection includes licensing requirements, accurate product information, disclosure of standards, platform governance, verification, advertising rules, personal data protection, and complaint-service requirements. Repressive protection becomes relevant after consumer loss occurs and includes refund mechanisms, compensation, complaints, mediation, administrative enforcement, litigation, and other forms of dispute resolution (Bahar et al., 2025; Nurlaily et al., 2026).

Consumer Information and Misleading Digital Promotion

Information constitutes the central currency of digital consumer transactions. Consumers cannot physically inspect a product before purchase and therefore depend on images, videos, specifications, seller descriptions, ratings, reviews, livestream statements, and influencer representations. This dependence intensifies information asymmetry because sellers and platforms possess substantially more information about the product and the commercial context than consumers. Legal protection must therefore ensure that commercially relevant information is not only available but also understandable, accurate, timely, and not misleading (OECD, 2016; Bahar et al., 2025).

The problem is more complex in TikTok Shop because commercial promotion is frequently integrated into entertainment content. A creator may present a product while simultaneously entertaining an audience, responding to comments, demonstrating product functions, and encouraging immediate purchases. Consumers may consequently perceive an endorsement as personal advice even where the creator has an economic relationship with a merchant. OECD consumer protection principles emphasize that material connections between businesses and endorsers should be clearly disclosed where those relationships may affect the credibility consumers attribute to endorsements (OECD, 2016).

Indonesian consumer law already prohibits misleading representations in various forms, but social commerce raises a practical evidentiary problem. Promotional statements made in static product descriptions can usually be documented more easily than representations made orally during a livestream that may subsequently disappear or become difficult to retrieve. Makfi and Kurniawan (2026) therefore identify documentation of livestreaming representations as an important weakness in current consumer-protection architecture. Without reliable records, consumers may struggle to demonstrate what was promised when a dispute arises (Makfi & Kurniawan, 2026).

A stronger protection model should therefore treat materially relevant live-shopping representations as part of the commercial information on which consumers reasonably rely. Where sellers or affiliates make objective statements concerning product composition, authenticity, functionality, quantity, safety, warranty, or price, platforms should maintain retrievable records for a reasonable period. Such documentation would strengthen accountability and reduce evidentiary inequality between consumers and commercially sophisticated actors (Makfi & Kurniawan, 2026; OECD, 2016).

Electronic advertising is also increasingly regulated under Minister of Trade Regulation Number 19 of 2026. The regulation provides a framework for electronic advertising and emphasizes commercial transparency as part of PMSE governance. This direction is appropriate because social commerce blurs the traditional distinction between advertising and ordinary user content, making clear identification of commercial communication increasingly necessary for informed consumer choice (Ministry of Trade of the Republic of Indonesia, 2026; Nurlaily et al., 2026).

Legal Responsibility of Sellers, Platforms, Affiliates, and Other Actors

One of the most difficult legal questions in TikTok Shop transactions concerns the allocation of responsibility. A conventional sale usually involves a relatively direct relationship between seller and consumer. In social commerce, however, a product may be promoted by an affiliate, displayed through TikTok, sold by a merchant, transacted through TikTok Shop by Tokopedia, paid through an authorized payment service, and delivered through a logistics provider. Consumer loss may therefore involve several actors performing different but interconnected functions (Ningsih & Wahyuddin, 2025).

Ningsih and Wahyuddin (2025) demonstrate that relationships among TikTok Shop actors must be legally distinguished. The merchant and consumer are directly connected through the sales relationship, while affiliates may have separate contractual relationships with merchants and perform promotional or intermediary functions. This distinction is useful, but responsibility should not be determined solely through formal contractual classification. An affiliate who makes misleading representations may independently contribute to consumer loss, while a platform that ignores known systemic misconduct may also have regulatory responsibilities (Ningsih & Wahyuddin, 2025).

TikTok Shop by Tokopedia's terms specify that the sales contract is between the buyer and the relevant seller and that Tokopedia does not itself sell the products. Nevertheless, the same terms acknowledge that Tokopedia provides the marketplace, facilitates payment processes, establishes marketplace procedures, may take action against fraudulent conduct, and provides services connected with the transaction. This illustrates why platform responsibility requires a functional assessment: an intermediary may not be the seller but can still exercise substantial control over transaction architecture, seller access, payments, reviews, and dispute mechanisms (TikTok Shop by Tokopedia, 2026; Bahar et al., 2025).

PP Number 80 of 2019 adopts an approach that recognizes the involvement of intermediary actors in electronic commerce and emphasizes responsibility according to their respective roles. This is normatively appropriate because responsibility in complex digital transactions should be proportionate to control, knowledge, contribution to risk, and ability to prevent harm. A platform should not automatically bear responsibility for every seller's breach, but neither should it obtain absolute immunity when its systems materially facilitate, amplify, or fail to respond to foreseeable consumer harm (Republic of Indonesia, 2019; Pijoh et al., 2025).

The same principle should apply to affiliates and influencers. Where an affiliate merely provides a neutral link without making substantive representations, its responsibility may be limited. Where the affiliate makes specific claims regarding quality, authenticity, performance, safety, or guaranteed results in exchange for commission, however, the affiliate becomes part of the commercial persuasion chain and should be accountable for misleading statements within its control. This approach is consistent with the OECD principle that endorsements should be truthful and material commercial connections transparently disclosed (OECD, 2016; Makfi & Kurniawan, 2026).

Platform responsibility should therefore be constructed through a layered accountability model. The seller remains primarily responsible for product conformity and contractual performance; the affiliate or influencer is responsible for promotional representations it creates; the marketplace bears responsibility for obligations attached to platform governance, complaint handling, seller verification, transaction architecture, and legally mandated information systems; and payment or logistics providers remain responsible according to their respective contractual and statutory duties. Such differentiation produces greater legal certainty than either imposing universal platform liability or permitting broad intermediary immunity (Nurlaily et al., 2026; Ningsih & Wahyuddin, 2025).

Non-Conforming Goods, Default, Refunds, and Consumer Remedies

A common consumer problem in electronic commerce occurs when goods received do not correspond to what was ordered or advertised. The problem may involve differences in size, color, quantity, quality, authenticity, functionality, specifications, or delivery timing. Bahar et al. (2025) identify non-conforming goods and misleading information as recurring legal problems in TikTok Shop transactions, indicating that traditional contractual and consumer remedies remain highly relevant in the social-commerce environment (Bahar et al., 2025).

From the perspective of Indonesian private law, a seller's failure to perform agreed obligations may constitute *wanprestasi*where contractual requirements are satisfied and performance is not rendered as promised. Recent research concerning TikTok Shop identifies incomplete performance, delivery of non-conforming goods, and delayed fulfillment as potential forms of seller default that may justify consumer demands for performance, cancellation, or compensation depending on the applicable circumstances (Supriyono et al., 2026).

Consumer remedies are also supported by Article 19 of the Consumer Protection Law, which establishes business responsibility for compensation for consumer losses arising from goods or services. The legal objective is restorative: consumers should not bear the economic consequences of a seller's failure to provide goods consistent with lawful representations and contractual expectations. Digital transaction procedures should therefore make refund, replacement, and compensation mechanisms practically accessible rather than merely theoretically available (Republic of Indonesia, 1999; Bahar et al., 2025).

Actual consumer complaints in 2026 show the practical significance of these rights. Complaints handled by the Ministry of Trade involving Tokopedia and TikTok Shop by Tokopedia included non-conforming goods, return and refund problems, payment-related issues, delivery difficulties, and account-access problems. This evidence demonstrates that contemporary consumer protection requires integrated remedies because a single purchase can generate disputes involving the seller, platform, payment channel, logistics system, or user account (Ministry of Trade of the Republic of Indonesia, 2026).

An effective refund system should therefore satisfy several principles. It should be easy to access, use clear language, preserve transaction evidence, specify processing deadlines, prevent unreasonable evidentiary burdens, and provide human review where automated decisions are contested. Platform dispute mechanisms should not create a situation in which consumers repeatedly communicate with automated systems without receiving substantive resolution. Effective protection requires remedies that are accessible in practice, consistent with broader international principles of timely and affordable consumer redress (OECD, 2016; Nurlaily et al., 2026).

Consumer Complaint Mechanisms under Minister of Trade Regulation Number 19 of 2026

Minister of Trade Regulation Number 19 of 2026 introduces important provisions relating to complaint and dispute mechanisms. PPMSE operators within several business models, including social commerce and marketplaces, must provide complaint services and mechanisms for dispute resolution involving merchants. The services must be clearly displayed and accessible, include multiple active electronic channels, specify response-time standards or service-level agreements, and retain documentation of complaints and their resolutions (Ministry of Trade of the Republic of Indonesia, 2026).

The regulation separately requires PPMSE and relevant intermediary-service providers to provide consumer complaint services that are clearly displayed and capable of being contacted and responded to. Platforms must also display information concerning the consumer complaint service of the Directorate General of Consumer Protection and Trade Compliance. These provisions significantly strengthen preventive and procedural consumer protection because consumers receive both an internal platform channel and visibility of an external governmental complaint mechanism (Ministry of Trade of the Republic of Indonesia, 2026).

Nevertheless, the legal quality of complaint protection should not be measured solely by the existence of contact information. A complaint system can formally comply with regulation yet remain ineffective if responses are automated, delayed, repetitive, inaccessible, or incapable of providing remedies. Evaluation should therefore consider resolution rates, response times, transparency of reasons, escalation mechanisms, and consumer satisfaction. Digital-platform regulation should increasingly move from requiring a complaint *channel* toward requiring effective complaint *outcomes*(Nurlaily et al., 2026; Rahmah & Maysarah, 2026).

The next development should be greater institutionalization of online dispute resolution. Social-commerce transactions typically involve relatively low individual losses, making conventional litigation economically irrational for many consumers. An online dispute resolution system capable of accepting digital evidence, facilitating mediation, producing trackable decisions, and connecting platform mechanisms with governmental consumer bodies would reduce the gap between formal legal rights and practical access to justice (Makfi & Kurniawan, 2026; OECD, 2016).

Personal Data Protection and TikTok Shop Transactions

Consumer protection in digital commerce cannot be separated from personal data protection because transactions require consumers to provide information necessary for registration, payment, delivery, customer support, fraud prevention, and personalization. In addition, platforms may collect behavioral information through browsing, viewing, searching, clicking, purchasing, and interaction patterns. These data can create substantial commercial value but also produce privacy and cybersecurity risks (Ningsih & Wahyuddin, 2025; Mubarok et al., 2026).

Law Number 27 of 2022 concerning Personal Data Protection provides a dedicated legal framework for protecting personal data subjects and regulating the obligations of parties processing personal information. Its significance for TikTok Shop lies in the fact that consumer data may travel through interconnected services and may be used for purposes extending beyond the immediate delivery of a purchased product. Lawful processing, purpose limitation, security, accountability, and respect for data-subject rights therefore form an increasingly important dimension of digital consumer protection (Republic of Indonesia, 2022; Rugi et al., 2026).

Ningsih and Wahyuddin (2025) identify consumer data protection as a significant issue in TikTok Shop transactions and emphasize the complexity of responsibility where several parties participate in digital commerce. The authors note that disputes arising from data leakage can involve both non-litigation and litigation pathways. This reinforces the proposition that social-commerce consumer protection must incorporate data governance as a substantive legal obligation rather than treating privacy as a separate technological issue (Ningsih & Wahyuddin, 2025).

The regulatory framework should also ensure that consent is meaningful. Long privacy policies and standardized terms do not necessarily demonstrate that consumers genuinely understand how their information is processed. Platforms should therefore employ layered information, clear purposes, privacy-friendly settings, and accessible mechanisms through which consumers can exercise legal rights. The informational imbalance between platform operators and ordinary users makes transparency particularly important in ensuring that consumer consent does not become a purely formal legal fiction (OECD, 2016; Rugi et al., 2026).

Artificial Intelligence, Recommendations, and Algorithmic Consumer Protection

Minister of Trade Regulation Number 19 of 2026 introduces an especially important development by expressly regulating the use of artificial intelligence in PMSE. The regulation permits business actors to use AI but makes them responsible for that use. Responsibilities include informing or labeling consumers when goods, services, recommendations, displays, or promotions are generated using AI, ensuring that AI-related information is correct and accountable, establishing internal governance, providing complaint and correction mechanisms, protecting personal data and consumers, and avoiding conduct harmful to consumers or competition (Ministry of Trade of the Republic of Indonesia, 2026).

These provisions are highly relevant to TikTok Shop because social-commerce effectiveness depends substantially on personalization, recommendation, ranking, content distribution, and targeted product exposure. Even where a particular technical system is not legally classified in exactly the same manner for every function, the normative principle is clear: technological automation cannot become a means of avoiding responsibility for consumer harm. Businesses remain accountable for the consequences of automated recommendations and promotional systems that they deploy within PMSE (Ministry of Trade of the Republic of Indonesia, 2026; Nurlaily et al., 2026).

The regulation also contains requirements regarding search, recommendation, and product ranking for the promotion of domestic products, particularly products of micro and small enterprises. Importantly, government clarification indicates that the regulation does not prescribe the specific algorithm or technology a platform must use, but establishes obligations concerning outcomes and visibility within search, recommendation, and ranking systems. This represents a form of technology-neutral regulation that seeks to regulate commercial effects without dictating source code or technical architecture (Ministry of Trade of the Republic of Indonesia, 2026).

From a consumer perspective, however, a remaining issue concerns why particular products are recommended, ranked, or repeatedly displayed. Algorithmic systems may influence purchasing behavior through personalization that consumers cannot readily observe. Legal protection should therefore develop beyond simple disclosure that AI is used toward meaningful transparency concerning the commercial logic of recommendations, sponsored placement, personalization, and paid visibility. Consumers need not receive proprietary source code, but they should understand when a recommendation is commercially influenced rather than organically generated (OECD, 2016; Nurlaily et al., 2026).

This issue is closely related to manipulation and so-called digital *dark patterns*. Scarcity countdowns, repeated prompts, default selections, confusing cancellation paths, personalized urgency, and other interface techniques can influence consumers without directly making false factual statements. Traditional consumer law focusing on misleading information may not fully address such design-based manipulation. The next stage of Indonesian digital consumer regulation should therefore develop substantive standards concerning fair interface design and protection of consumer autonomy (OECD, 2016; Nurlaily et al., 2026).

CONCLUSION

TikTok Shop demonstrates the transformation of consumer transactions from conventional electronic commerce toward an integrated social-commerce ecosystem in which entertainment, advertising, social interaction, influencer promotion, algorithmic recommendation, live shopping, electronic contracts, payment systems, and logistics operate within interconnected digital environments. This transformation generates substantial economic convenience but also creates new legal risks that cannot be addressed effectively through a purely bilateral understanding of the relationship between seller and buyer. Consumer protection must instead recognize the multiple actors and technological systems involved in shaping contemporary digital transactions (Bahar et al., 2025; Makfi & Kurniawan, 2026).

Indonesian law currently provides a multilayered framework for consumer protection through Law Number 8 of 1999 concerning Consumer Protection, Government Regulation Number 80 of 2019 concerning Trading Through Electronic Systems, the Information and Electronic Transactions framework, Law Number 27 of 2022 concerning Personal Data Protection, and Minister of Trade Regulation Number 19 of 2026 concerning the Operation of Trading Businesses Through Electronic Systems. Together, these instruments protect consumers through rights to accurate information, product safety, contractual performance, compensation, complaint mechanisms, personal data protection, and governmental supervision (Republic of Indonesia, 1999; Republic of Indonesia, 2019; Ministry of Trade of the Republic of Indonesia, 2026).

The regulatory transition from Minister of Trade Regulation Number 31 of 2023 to Minister of Trade Regulation Number 19 of 2026 constitutes an important development. The current regulation provides greater clarity regarding digital business models, expressly recognizes social commerce, maintains restrictions on direct payment facilitation by social-commerce operators, strengthens complaint mechanisms, requires product-standard information, promotes transparency, and introduces explicit responsibility for artificial intelligence use in PMSE. The framework demonstrates an increasingly sophisticated approach to digital trade governance in Indonesia (Ministry of Trade of the Republic of Indonesia, 2026).

Nevertheless, the existence of stronger regulation does not eliminate consumer vulnerability. Problems involving non-conforming goods, misleading information, refunds, payment disputes, deliveries, account access, data protection, livestream representations, affiliate promotions, and algorithmic influence remain relevant. Consumer complaints handled by the Ministry of Trade in 2026 confirm that effective protection depends not merely on the existence of legal rules but on accessible remedies and enforceable responsibilities throughout the digital platform ecosystem (Ministry of Trade of the Republic of Indonesia, 2026; Bahar et al., 2025).

The legal relationship within TikTok Shop should therefore be interpreted through a model of differentiated but interconnected responsibility. Sellers remain primarily responsible for product conformity and contractual performance; affiliates should bear responsibility for misleading promotional claims within their control; marketplaces should fulfil platform-specific duties concerning transaction systems, complaints, transparency, seller governance, and information infrastructure; while payment, logistics, and other intermediaries remain responsible according to their respective functions. Such allocation is more consistent with the complexity of digital commerce than either imposing universal liability on platforms or granting them broad immunity (Ningsih & Wahyuddin, 2025; Nurlaily et al., 2026).

Personal data and artificial intelligence also need to become central elements of consumer protection. Consumer welfare in digital markets is no longer determined solely by the quality and price of purchased goods. It is also affected by how personal information is processed, how recommendations are generated, how commercial content is targeted, and whether automated systems preserve consumer autonomy. The Personal Data Protection Law and the AI provisions of Minister of Trade Regulation Number 19 of 2026 provide important foundations, but meaningful implementation and technological accountability will determine their effectiveness (Ningsih & Wahyuddin, 2025; Ministry of Trade of the Republic of Indonesia, 2026).

Accordingly, strengthening consumer protection in TikTok Shop requires further development in five interconnected areas: functional platform accountability, documentation of live-commercial representations, transparent affiliate relationships, meaningful explanation of algorithmic commercial influence, and integrated online dispute resolution. Regulatory coordination among consumer, trade, competition, digital, product-safety, and personal-data authorities is equally necessary to prevent fragmented enforcement in an increasingly integrated platform economy (Makfi & Kurniawan, 2026; Nurlaily et al., 2026).

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