



PROHIBITION OF TRANSACTIONS ON THE TIKTOK SHOP E-COMMERCE BASED ON THE MINISTER OF TRADE REGULATION NO. 31 OF 2023

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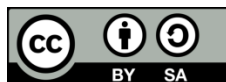
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ABSTRACT

The rapid development of e-commerce in Indonesia, particularly through platforms like TikTok Shop, has brought various conveniences to buying and selling transactions, especially for Micro, Small, and Medium Enterprises (MSMEs). However, this progress has also led to various legal issues, such as a lack of oversight, consumer rights violations, and unhealthy business competition practices. The government responded by prohibiting direct transactions on social media platforms like TikTok Shop and mandating a separation between social media and e-commerce functions. This research employs a normative juridical method with a statutory and analytical approach to examine e-commerce legal regulations, the impact of the prohibition, and the adjustments made by TikTok Shop. Data was obtained from primary, secondary, and tertiary legal materials. The research findings indicate that the prohibition of direct transactions on TikTok Shop has had a significant impact on MSMEs and consumer spending patterns. Although this regulation strengthens consumer protection and legal order in digital transactions, businesses face challenges in adapting to the changes. TikTok Shop itself has made various adjustments, such as seller verification and compliance education regarding the regulations. The government continues to conduct socialization and provide assistance to MSMEs in navigating regulatory changes. Furthermore, TikTok Shop and other platforms need to build more transparent and legally compliant systems to support a healthy, fair, and sustainable e-commerce ecosystem.

Keywords: E-commerce, TikTok Shop, MSMEs, Consumer Protection

1. INTRODUCTION

Electronic commerce, or e-commerce, is a form of technological evolution that has fundamentally transformed the global and national economic systems. In recent decades, the rapid development of internet technology has driven a structural transformation in business transaction patterns, moving from conventional to efficient, cross-border digital systems. E-commerce is a manifestation of the digital economy, an information technology-based economic system that enables the virtual exchange of goods, services, and information without the need for face-to-face interaction (Afriani & Wibowo, 2022).

According to the Alliance for Global Business, e-commerce encompasses not only buying and selling activities but also encompasses the exchange of data, services, and payments utilizing electronic networks (Gede Atmadja, 2018). This has shifted the classic business paradigm toward an interactive model between producers and consumers in the virtual space. With integrated electronic signature and delivery systems, e-commerce offers unmatched efficiency compared to conventional systems. Indonesia, as a developing country with high internet penetration, is fertile ground for e-commerce growth. However, behind this rapid adoption and expansion, a number of issues have emerged, particularly related to transaction validity, consumer protection, and unequal competition between digital and conventional businesses (Hardjanto, 2011; Rambe et al, 2023).

The TikTok Shop phenomenon serves as a relevant case study in understanding these dynamics. As a feature within the TikTok social media app that integrates social commerce functionality, TikTok Shop has grown rapidly in Indonesia, attracting millions of micro, small, and medium enterprises (MSMEs) as well as millennial and Gen Z consumers. Through its live commerce feature, TikTok Shop offers a more interactive and personalized shopping experience. However, this platform has also raised several concerns, ranging from price dumping practices that harm local MSMEs to weak verification and oversight of sellers operating within it (Anggraeni & Susanto, 2023).

The high flow of imported goods through TikTok Shop, often sold at very low prices and without legal import processes, has fueled unfair competition and threatened the existence of domestic MSMEs. Furthermore, numerous reports have emerged of fraudulent practices that harm consumers, such as goods that do not match descriptions, payment fraud, and failed deliveries. This complexity has prompted the government to take decisive action through regulation (Fadillah & Nugroho, 2023).

In response to this phenomenon, the Indonesian government, through the Ministry of Trade, issued Ministerial Regulation (Permendag) Number 31 of 2023, which tightens the governance of electronic commerce. This Ministerial Regulation is a revision of Ministerial Regulation No. 50 of 2020, focusing on merchant registration and verification, prohibiting transactions by unregistered sellers, strengthening consumer protection, and mandating compliance with national standards and tax regulations. The implications of this Ministerial Regulation are significant, including the closure of TikTok Shop as a

transaction platform and its restriction to promotional purposes (Sanjaya & Putra, 2023; Haryanto, 2022).

This regulation has sparked public debate. On the one hand, the government is striving to create a healthy, fair, and accountable digital trade ecosystem. On the other hand, MSMEs that have relied on marketing and transactions through TikTok Shop feel the economic impact (Dewa & Safitri, 2021; Hidayat, 2022; Iskandar & Suwandi, 2023). This controversy touches not only on economic and business aspects, but also on legal aspects, public policy, and social justice. From a legal perspective, questions arise regarding the policy's compliance with the principle of freedom of enterprise guaranteed by the 1945 Constitution, as well as the regulation's effectiveness in providing consumer protection and legal certainty for digital businesses (Laudon & Traver, 2021; Sari, 2020).

Given the complexity of these dynamics, this research is relevant and urgent. This research will examine the development of e-commerce law in Indonesia, focusing on the ban on TikTok Shop transactions through Minister of Trade Regulation No. 31 of 2023. This study is crucial to determine the extent to which this regulation impacts Indonesia's digital ecosystem, how the law is implemented, and how the government balances consumer protection, the sustainability of MSMEs, and the growth of the national digital economy.

Therefore, this research is expected to provide academic and practical contributions in formulating policy directions that prioritize not only the state's regulatory interests but also consider the needs and sustainability of small businesses within the national digital trade system.

RESEARCH METHODE

This research employs a normative juridical method, which focuses on the study of law as it is written in statutory texts (law in the books) and as a normative system that governs human behavior. The normative juridical approach aims to examine legal norms, principles, and regulations relevant to the issue under investigation. In this study, the legal issue revolves around the development of e-commerce in Indonesia, with a specific focus on the prohibition of transactions on TikTok Shop following the enactment of Ministry of Trade Regulation (Permendag) No. 31 of 2023. To support the analysis, the research also incorporates an analytical approach, which is used to interpret legal concepts and to understand how legal norms are applied in practice (Kumar & Singh, 2018).

The analytical approach is intended to explore the meaning of legal rules in a conceptual framework and examine their implementation in real-world contexts. In this study, this method allows the researcher to analyze how current e-commerce regulations align or contradict with existing statutory instruments, and how these are interpreted through legal doctrines, scholarly opinions, and practical enforcement. The combination of normative juridical and analytical approaches is considered suitable to examine the research topic on legal analysis of Indonesia's e-commerce regulation, particularly in the context of digital trade restrictions (Moleong, 2007).

This research relies on secondary data sources, which are characterized by being readily available, previously collected by other researchers, and not bound by specific time or location constraints. The secondary data used in this study are categorized into three main types:

1. Primary legal materials, which include official regulations and legal documents directly related to the research topic. These consist of the Indonesian Civil Code, Law No. 8 of 2011 on Electronic Information and Transactions, and Ministry of Trade Regulation No. 31 of 2023 concerning the ban on social commerce transactions.
2. Secondary legal materials, which serve as supporting references to provide interpretation and deeper understanding of the primary legal sources. These include academic publications such as journal articles, legal commentaries, books, and research reports, both at national and international levels.
3. Tertiary legal materials, which consist of reference tools that assist in interpreting primary and secondary sources, including legal dictionaries and general language dictionaries.

The data obtained from these sources are analyzed through qualitative legal analysis, focusing on legal interpretation, systematic legal reasoning, and comparative evaluation with existing laws and jurisprudence. This method ensures that the study not only describes legal norms but also provides critical insights and normative conclusions regarding the dynamics of e-commerce regulation in Indonesia.

2. RESULT AND ANALYSIS

Developing TikTok Shop's internal policies is a crucial step that must be carried out carefully and in accordance with the provisions stipulated in Minister of Trade Regulation (Permendag) No. 31 of 2023. This regulation is designed to govern various aspects of e-commerce, including licensing, advertising, and business oversight. With the growing growth of e-commerce and social commerce platforms, it is crucial for TikTok Shop to ensure that all its activities not only comply with existing regulations but also contribute to consumer and business protection.

To comply with the provisions stipulated in Permendag No. 31 of 2023, TikTok Shop needs to take concrete steps covering several important aspects. First, they must ensure that all products sold comply with applicable regulations, including the prohibition on selling their own products except for the aggregation of products from Micro, Small, and Medium Enterprises (MSMEs). This requires the development of clear internal policies, covering business licensing, advertising guidelines, and a monitoring system to ensure healthy business practices. Furthermore, TikTok Shop needs to conduct outreach and training for business owners regarding regulatory changes, so they understand their obligations and rights on the platform. Implementing a technology system that separates social media and e-commerce functions is also crucial to prevent prohibited interconnections. Finally, TikTok Shop must conduct regular monitoring and evaluation to ensure compliance with internal policies and regulations, and gather user feedback for

continuous improvement. With these measures, TikTok Shop can operate legally and ethically within the Indonesian e-commerce ecosystem (Santoso, 2021).

One of the key points of Minister of Trade Regulation No. 31 of 2023 is the prohibition on e-commerce platforms like TikTok Shop from conducting direct transactions. This means that TikTok Shop is not permitted to sell products directly to consumers but can only function as a platform that facilitates the promotion of goods and services. This policy aims to create transparency and fairness in trade and protect consumers from unethical practices, such as fraud or the sale of counterfeit goods. Therefore, TikTok Shop must design clear internal policies regarding how products can be promoted and sold through its platform and ensure that all registered sellers comply with these provisions (Widiastiti, 2022).

Furthermore, Minister of Trade Regulation No. 31 of 2023 also sets a minimum price for finished goods originating from abroad, at USD 100 per unit. This policy aims to protect domestic industries and prevent dumping practices that could harm local businesses. In this context, TikTok Shop needs to develop a policy that ensures all products sold through its platform meet these minimum price requirements. This also includes monitoring sellers to ensure they do not violate established provisions. This regulation also includes provisions regarding the list of goods permitted for direct sale through e-commerce platforms. TikTok Shop must ensure that all products offered on its platform are included in this list and meet the established requirements. Furthermore, there are special requirements for foreign sellers, such as food products that must have halal certification and beauty products that require distribution permits from the Food and Drug Authority (BPOM). TikTok Shop needs to develop an internal policy that requires all sellers to provide the necessary documents and certifications before their products can be marketed on the platform.

In its implementation, TikTok Shop must develop an internal policy that ensures all its activities comply with established provisions. This includes training and outreach for employees and sellers on the platform to understand and comply with applicable regulations. This training should cover important aspects such as how to comply with minimum price requirements, understanding the list of permitted goods, and how to manage and protect user data. Monitoring and evaluation are also a crucial part of TikTok Shop's internal policies (Turban et al., 2018). The company must implement an effective monitoring system to ensure that all transactions and promotions conducted on the platform comply with applicable regulations. This includes monitoring seller activity and handling consumer reports or complaints regarding the products sold. With a robust monitoring system, TikTok Shop can quickly identify and address potential violations that could harm consumers or the platform's reputation.

Data management is also a crucial aspect in developing internal policies. TikTok Shop must develop transparent and secure policies to protect user information and prevent data misuse. This includes implementing strict security measures to protect user data and providing users with instructions on how their data is used and protected. In this way, TikTok Shop can build trust with both users and businesses.

Collaboration with authorities, such as the Ministry of Trade and other relevant institutions, is also crucial to ensure regulatory compliance and obtain input into policy development. TikTok Shop must actively communicate with authorities to ensure they stay abreast of regulatory developments and can adjust their internal policies as needed. Therefore, developing internal policies in accordance with Minister of Trade Regulation No. 31 of 2023 will not only help TikTok Shop operate legally but will also build trust among users and businesses, and support the growth of a healthy e-commerce ecosystem in Indonesia.

The issuance of Minister of Trade Regulation No. 31 of 2023 by the Ministry of Trade is a significant catalyst for TikTok Shop to restructure its internal policies to align with the national legal framework (Suryani & Amalia, 2023; Rambe et al,2024). This regulation not only updates legal norms regarding electronic commerce but also establishes clear boundaries regarding the role of social media platforms in the digital commerce ecosystem, particularly regarding social commerce. Therefore, the development of internal policies at TikTok Shop is not merely an administrative adjustment, but rather a concrete form of reorientation of the business model and corporate governance to meet the principles of legality, transparency, and accountability, as mandated by the regulation (Setiawan & Haris, 2023; Rambe & Sihombing, 2024).

One of TikTok Shop's primary obligations is to strictly separate the functions of social media and e-commerce transactions. Based on Article 21 paragraph (3) of Trade Ministerial Regulation 31/2023, social media can only be used for product promotion, while buying and selling and payment processes cannot take place directly within the same application. Therefore, TikTok Shop must develop internal policies that ensure there are no checkout or direct purchase facilities on platforms that also function as social media. This requires investment in developing technological systems that can redirect transactions to separate official e-commerce channels, as well as restructuring the user interface to comply with these legal restrictions.

In addition to structural aspects, internal policies must also include strict regulations regarding the products sold, including a mechanism for verifying compliance with the list of permitted products in PMSE (Trading Through Electronic Systems). Minister of Trade Regulation No. 31 of 2023 specifically stipulates that foreign goods sold directly to Indonesian consumers must have a minimum value of USD 100 per unit, and certain products, such as food, cosmetics, and supplements, must have halal certification, BPOM permits, or other quality certifications. TikTok Shop needs to establish a compliance check system that requires sellers (especially foreign merchants) to upload proof of certification before their products can appear on the digital storefront. Without this system, TikTok Shop could be deemed negligent and violate the platform's principle of monitoring user activity.

Equally important, TikTok Shop must also develop a policy for monitoring advertising content displayed on the platform. Minister of Trade Regulation 31/2023 prohibits electronic advertising that is deceptive, does not convey accurate product information, or exploits individuals or events without permission. In this context, TikTok Shop must

adopt a content policy that involves automated and manual moderation, filters out misleading ads, and provides a user-facing ad reporting feature. On the other hand, TikTok Shop is also required to provide an easily recognizable exit feature, such as a "skip" or "close" button, to prevent users from being trapped in forced viewing, which violates digital advertising ethics.

Furthermore, TikTok Shop needs to develop an internal policy regarding effective and responsive consumer complaint services. Regulations require that complaint service information be clearly displayed, including a contact number, email address, and a response system that can be followed up. TikTok Shop must ensure that all consumer reports, whether regarding non-conforming goods, late delivery, or seller fraud, are handled through an auditable system and reported regularly. This is a key foundation for building consumer trust and serves as a crucial benchmark in audits of company compliance with trade regulations.

The development of TikTok Shop's internal policies in accordance with Minister of Trade Regulation No. 31 of 2023 marks a transformation from a free and flexible business approach to one that is legally compliant, sustainable, and fair. TikTok Shop is not only required to comply with regulations but also to take an active role as a responsible market player, providing a healthy space for MSMEs, protecting consumers from digital exploitation, and maintaining the stability of Indonesia's e-commerce ecosystem from predatory and manipulative practices. This comprehensive internal policy adjustment will not only protect the platform's reputation but will also strengthen TikTok Shop's position in Indonesia's increasingly competitive and legally standardized digital commerce ecosystem.

Minister of Trade Regulation No. 31 of 2023 stipulates a series of concrete steps that e-commerce platforms must take to support merchant education, with the goal of creating a better and more sustainable trading ecosystem. One key step is providing comprehensive training programs for merchants. These programs must cover various important aspects of e-commerce, such as a thorough understanding of applicable regulations, digital marketing techniques, inventory management, and strategies for improving the customer experience. This training aims not only to improve merchants' skills but also to ensure they understand and comply with the regulations.

In addition to training, platforms are also required to provide clear and easily accessible information regarding the business licensing process. This includes step-by-step guidance on the required documents, the types of permits appropriate to the merchant's business model, and how to apply for those permits. By providing support with licensing, platforms can help merchants operate legally and avoid future legal issues. Furthermore, compliance with government standards is also a key focus. Platforms must ensure that all registered merchants meet product quality and safety standards. This can be achieved through a rigorous verification system, where products sold must undergo an inspection process to ensure they meet established criteria. Furthermore, for products requiring halal

certification, platforms must provide facilities to assist merchants in obtaining this certification, ensuring that the products offered are acceptable to consumers who prioritize halal aspects.

Collaboration with the government and relevant institutions is also crucial in implementing Minister of Trade Regulation No. 31 of 2023. E-commerce platforms must collaborate with the Ministry of Trade and other institutions to ensure that all merchants receive accurate and up-to-date information regarding applicable regulations and policies. Through discussion forums and seminars, platforms can create a space for merchants to share experiences, challenges, and solutions, creating positive synergy within the trade ecosystem. This collaboration can also help develop better policies that are more responsive to merchant needs.

Finally, investment in technology and innovation is essential to support merchants in running their businesses. E-commerce platforms must invest in developing features that make it easier for merchants to manage their online platforms, such as sales analytics, customer management, and integration with payment systems. With the right technology, merchants can more easily manage their businesses, analyze sales data, and make decisions.

Implementation of Minister of Trade Regulation No. Regulation No. 31 of 2023 marks a significant milestone in the restructuring of Indonesia's digital trade ecosystem, particularly by emphasizing the increased role of e-commerce platforms as educational facilitators for merchants. This regulation positions platforms not merely as transaction media, but also as strategic actors serving to foster, guide, and empower business actors, particularly Micro, Small, and Medium Enterprises (MSMEs), so they can develop legally, competitively, and sustainably. Providing educational platforms for merchants is a vital instrument in creating a trading system based on legal compliance and inclusive economic empowerment.

First, education regarding regulations and compliance is a key foundation emphasized by Regulation No. 31/2023. E-commerce platforms such as TikTok Shop, Tokopedia, and Shopee are required to conduct systematic and comprehensive training programs. The training materials not only cover basic legal concepts such as business licensing mechanisms and product legality requirements, but also address the application of quality standards, the inclusion of halal labels, and mandatory product information. The training should also clearly explain the latest regulations, such as the prohibition on social commerce companies acting as direct sellers, minimum price restrictions for imported products, and the rights and obligations of consumers and traders under the Consumer Protection Law. This education aims to make traders more legally aware and understand how regulations directly impact their business practices.

Second, platforms are also responsible for helping merchants access and complete the legal licensing process, which is often the biggest obstacle for MSMEs going digital. Minister of Trade Regulation No. 31/2023 emphasizes the importance of structured guidance and easy-to-understand information regarding licensing procedures, the types of permits required by business category, and the required documents. Platforms must

provide interactive information dashboards, video-based tutorials, legal chatbots, and licensing assistance services that can encourage merchants to promptly process their legal requirements. This way, the transition from informal to formal trading will be faster and more efficient.

Third, compliance with product quality and safety standards is a primary focus of this Minister of Trade Regulation. Platforms are required to implement a strict verification and validation system for products marketed by merchants. Products that do not meet the Indonesian National Standard (SNI), do not have a distribution permit, or pose a risk to consumers must be prevented from appearing on the platform. This is where compliance-based education is crucial, namely equipping merchants with knowledge of technical product regulations and certification application procedures such as halal certification from BPJPH, BPOM permits, and environmental safety labels. Platforms are even encouraged to provide certification features or service partners to ensure this process is fast and affordable for MSMEs.

Fourth, collaboration between platforms and the government is a crucial dimension outlined in this regulation. Merchant education cannot be carried out solely by platforms without regulatory support and resources from the state. Therefore, e-commerce platforms are encouraged to establish synergistic spaces such as discussion forums, digital law seminars, business training, and coaching clinics, bringing together regulators (such as the Ministry of Trade, the Ministry of Communication and Information, the Food and Drug Monitoring Agency (BPOM), and the BPJPH) with business actors. The goal is to create a two-way dialogue that not only socializes policies but also captures aspirations, complaints, and challenges faced by merchants in the real world. This collaboration is also crucial as a regulatory evaluation tool, ensuring government policies remain relevant and adaptive to market dynamics.

Fifth, technological support is a crucial prerequisite for providing educational platforms. Platforms must invest in the development of artificial intelligence (AI) and big data analytics-based features to facilitate merchants in managing their businesses efficiently. For example, sales analytics features can help merchants map consumer behavior, manage inventory, and adjust pricing strategies. Technology can also be used to detect potential regulatory violations and automatically issue warnings or recommendations for improvement. Furthermore, integration with payment, logistics, and inventory systems in a single dashboard will make it easier for MSMEs to run their businesses professionally without having to build their own systems.

Sixth, providing educational modules based on local needs is also crucial. Many merchants in Indonesia come from areas that lack access to digital training. Therefore, platforms are expected to adapt educational content in local languages, use a simple visual approach, and collaborate with local communities or cooperative offices to reach businesses that are not yet digitalized.

Overall, providing a platform for merchant education is not only part of TikTok Shop's and other e-commerce platforms' compliance with Trade Ministerial Regulation No. 31 of 2023, but also a strategic investment in building an ethical, sustainable, and inclusive

digital trade ecosystem. Education not only improves merchants' business competency but also minimizes the risk of legal violations, increases consumer trust, and strengthens the competitiveness of Indonesian MSMEs in domestic and global markets. As business owners increasingly understand their legal obligations, sell quality products, and maximize the use of technology, the benefits of the digital economy can be felt by all levels of society in a fair and safe manner.

CONCLUSION

The impact of e-commerce transactions on the TikTok Shop platform in Indonesia following the issuance of Minister of Trade Regulation No. 31 of 2023. Prior to Minister of Trade Regulation No. 31 of 2023, TikTok Shop operated with a more relaxed policy that allowed unrestricted e-commerce transactions. However, Minister of Trade Regulation No. 31 of 2023 established stricter regulations governing social e-commerce, including TikTok Shop, with the aim of creating a viable trading ecosystem. While the closure of the TikTok platform was intended to protect local businesses and prevent price gouging, it also negatively impacted many small businesses that rely on the platform for customer acquisition. Minister of Trade Regulation No. 31 of 2023 also enhances consumer protection by requiring businesses to provide complaint services and clear information regarding the products they sell. This aims to provide consumers with a sense of security in electronic transactions. Furthermore, regulations regarding electronic advertising have been tightened to prevent fraud and ensure information transparency. Overall, although Minister of Trade Regulation No. While Law No. 31 of 2023 aims to create a healthier trading environment and protect consumers, its implementation faces challenges, especially for businesses that previously benefited from TikTok Shop. This regulation requires adaptation from all parties to ensure sustainability and growth in the Indonesian e-commerce ecosystem. The arrangements made by the TikTok Platform comply with Minister of Trade Regulation No. 31 of 2023. TikTok Shop has taken concrete steps to comply with this new regulation, including developing clear internal policies, providing training to merchants, and collaborating with relevant parties. First, the Platform has developed clear internal policies to ensure all products sold comply with the regulations, including a prohibition on direct sales and setting minimum prices for imported goods. This policy also includes a monitoring system to ensure compliance and training for employees and merchants to understand and comply with applicable provisions.

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