Dampak Yuridis Integrasi TikTok Shop Tokopedia Terhadap Praktik Persaingan Usaha dan Pelindungan
Usaha Mikro Kecil dan Menengah di Pasar Konvesional
DWI SEKAR AYU, Irna Nurhayati, S.H., M.Hum, LL.M. Ph.D.
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THE LEGAL IMPACT OF THE INTEGRATION OF TIKTOK SHOP AND TOKOPEDIA ON BUSINESS COMPETITION PRACTICES AND THE PROTECTION OF MICRO, SMALL, AND MEDIUM-SIZED ENTERPRISES IN CONVENTIONAL MARKET

Dwi Sekar Ayu[1], Irna Nurhayati[2]

ABSTRACT

This study aims to analyze the forms of legal protection available to MSME business operators in the fashion sector in conventional markets as they face the impact of the integration of the TikTok Shop and Tokopedia platforms. The primary focus of this study is to identify the risks of competition law violations arising from the consolidation of market power, as well as to evaluate the effectiveness of trade and competition regulations particularly in Indonesia in safeguarding the existence of traditional merchants.

This study employs a legal, normative, and empirical research methodology with a prescriptive qualitative approach. The research data was obtained from document analysis, legal regulations, and in-depth interviews with representatives of the Business Competition Supervisory Commission, the Yogyakarta City Trade Office, and fashion UMKM business operators at Beringharjo Market. The analysis is conducted descriptively, using legal protection theory and the principles of competition law as the primary analytical tools to examine the facts on the ground.

The research findings indicate that the integration of TikTok Shop and Tokopedia risks violating Law No. 5 of 1999, particularly regarding the abuse of a dominant position and discriminatory practices through algorithms. Legal protection for conventional businesses is implemented preventively through Minister of Trade Regulation No. 31 of 2023 on Business Licensing, Advertising, Guidance, and Supervision of Business Entities in Electronic Commerce, as well as repressively through the supervisory role of the KPPU. It can therefore be concluded that strengthening the synergy between trade regulations and competition law enforcement is crucial for fostering healthy competition for local SMEs amidst the dominance of digital economy platforms.

***Keywords**: Competition Practices, TikTok Shop-Tokopedia Integration, Monopoly Legal Impac.*

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DAMPAK YURIDIS INTEGRASI TIKTOK *SHOP*-TOKOPEDIA TERHADAP PRAKTIK PERSAINGAN USAHA DAN PELINDUNGAN USAHA MIKRO KECIL DAN MENENGAH DI PASAR KONVENSIONAL

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Intisari

Penelitian ini memiliki tujuan untuk menganalisis bentuk pelindungan hukum bagi pelaku usaha UMKM sektor fesyen di pasar konvensional dalam menghadapi dampak integrasi *platform* TikTok *Shop* dan Tokopedia. Fokus utama dalam penelitian ini yaitu mengindentifikasi risiko pelanggaran persaingan usaha yang timbul dari penggabungan kekuatan pasar, serta bisa mengevaluasi efektivitas peraturan perdagangan dan persaingan usaha khususnya di Indonesia dalam menjaga keberadaan pedagang tradisional.

Penelitian ini menggunakan metode penelitian yuridis, normatif dan empiris dengan pendekatan kualitatif preskriptif. Data penelitian yang didapatkan bersumber dari studi dokumen, peraturan perundang-undangan, serta hasil dari wawancara secara mendalam dengan pihak Komisi Pengawas Persaingan Usaha, Dinas Perdagangan Kota Yogyakarta, pelaku usaha UMKM fesyen di Pasar Beringharjo. Analisis ini dilakukan secara deskriptif, dengan menggunakan teori pelindungan hukum dan prinsip-prinsip hukum persaingan usaha sebagai alat analisis utama untuk mengkaji fakta-fakta di lapangan.

Hasil penelitian menunjukkan bahwa integrasi TikTok *Shop*-Tokopedia berisiko melanggar Undang-Undang Nomor 5 Tahun 1999, khususnya terkait penyalahgunaan posisi dominan dan praktik diskriminatif melalui algoritma. Pelindungan hukum bagi pelaku usaha konvensional direalisasikan secara preventif melalui Peraturan Menteri Perdagangan No. 31 Tahun 2023 Tentang Perizinan Berusaha, Periklanan, Pembinaan, dan Pengawasan Pelaku Usaha dalam Perdagangan Melalui Sistem Elektronik (PMSE), serta secara represif melalui peran pengawasan KPPU. Maka dapat disimpulkan penguatan sinergi antara regulasi perdagangan dan penegakan hukum persaingan usaha sangat penting untuk menciptakan persaingan yang sehat bagi UMKM lokal di tengah dominasi *platform* ekonomi digital.

Kata Kunci: Praktik Persaingan Usaha, Integrasi TikTok *Shop*-Tokopedia, Dampak Yuridis, Monopoli Perdagangan.

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