
THE EFFECTIVENESS OF THE SOCIAL COMMERCE AND E-COMMERCE SEPARATION SYSTEM IN THE IMPLEMENTATION OF MINISTER OF TRADE REGULATION NUMBER 31 OF 2023

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Abstract

The transformation of Indonesia's digital trade ecosystem after the COVID-19 pandemic has given rise to social commerce a model that combines social media functions with online transactions creating an urgent need for more adaptive regulation. This study examines the effectiveness of the separation system between social commerce and e-commerce as regulated by the Minister of Trade Regulation (Permendag) No. 31 of 2023, which aims to restructure digital trade governance and protect micro, small, and medium enterprises (MSMEs). The research aims to assess how effectively the policy achieves market fairness, strengthens platform supervision, and fosters a competitive digital ecosystem. This study employs a qualitative descriptive approach through literature review and observation of implementation practices on platforms such as TikTok, Instagram, and Tokopedia. The analysis applies the Adaptive Policy Design & Governance Capacity framework (Capano & Woo, 2018), covering analytical, operational, and political capacities, as well as policy robustness, adaptiveness, and integration. The results indicate that Minister of Trade Regulation No. 31/2023 is normatively effective in clarifying the boundary between promotional and transactional functions, while encouraging global corporate compliance through the TikTok Shop Tokopedia merger. The policy is found to be robust, adaptive, and well-coordinated across institutions, although challenges remain in oversight and MSME digital literacy. This study highlights the importance of adaptive and collaborative governance capacity in balancing innovation with regulation and provides a foundation for strengthening inclusive and sustainable digital trade governance in Indonesia.

Keywords: digital governance, e-commerce, Minister of Trade Regulation 31/2023, policy effectiveness, social commerce.

Article history:

Submission: 28 October 2025

Revised: 12 November 2025

Accepted: 5 December 2025

Published: 15 December 2025

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INTRODUCTION

The transformation of Indonesia's digital trade ecosystem has accelerated significantly in the post COVID-19 period. The growing use of the internet and social media has shifted consumer behavior from merely seeking information to directly conducting transactions on digital platforms. (Fathoni & Asfiah, 2024) This shift has given rise to the model of social commerce, which integrates social interaction functions with online transaction systems within a single application, as demonstrated by TikTok Shop, Instagram Shopping, and Facebook Marketplace. This model not only accelerates marketing processes but also expands market access for micro, small, and medium enterprises (MSMEs).

Before the emergence of social commerce, digital trade activities in Indonesia were regulated through Minister of Trade Regulation (Permendag) No. 50 of 2020 on Provisions for Electronic Commerce (PMSE). This regulation served as the legal foundation for conventional e-commerce platforms such as Tokopedia, Shopee, and Bukalapak. (Wardhana, 2024) However, advances in digital technology have introduced new forms of trade that are more interactive and cross-platform in nature. This development necessitates policy updates that can keep pace with the increasingly complex integration of social and digital economic activities.

Permendag 50/2020 was originally designed to regulate licensing, advertising, capacity building, and supervision within the electronic commerce (PMSE) ecosystem. However, the regulation does not clearly distinguish between the roles of social platforms and commercial platforms. (Ministry of Trade, 2020) As social media began evolving into a medium that facilitates both promotional activities and commercial transactions, the boundary between the two functions became increasingly blurred. This situation created regulatory gaps that complicate the government's efforts to determine the appropriate regulatory category for platforms that operate with dual functions.

The case of TikTok Shop clearly illustrates this regulatory vacuum. The integration of social media features with e-commerce functions creates new challenges for oversight, transaction transparency, and fair competition. Its content-distribution algorithm can influence the visibility of products and sellers, potentially generating unequal competition for local MSMEs. (Khairani et al., 2024) The merging of content, social interaction, and commercial transactions within a single, continuous flow further complicates the distinction between promotional and transactional functions, making this model insufficiently accommodated under Permendag 50/2020.

When content creation, social engagement, and purchasing activities occur in one integrated stream particularly through live shopping features algorithms originally designed for entertainment distribution also determine product visibility. This dynamic creates unequal competitive conditions and heightens consumer vulnerability to aggressive sales practices lacking adequate transparency. Such circumstances

complicate the government's efforts to classify platforms appropriately as social media, marketplaces, or both resulting in a regulatory void that hinders effective supervision, consumer protection, and the enforcement of fair trade principles.

This ambiguity increases the risk of digital monopolies and weakens consumer protection. The government also faces a dilemma in determining whether platforms such as TikTok Shop should be classified as social media, marketplaces, or a combination of both. Such ambiguity obstructs regulatory oversight, the enforcement of electronic transaction rules, and the maintenance of fairness within the national digital trade ecosystem. These regulatory gaps ultimately triggered the need for a more adaptive policy framework.

Minister of Trade Regulation No. 31 of 2023 emerged as a response to these dynamics. The regulation clarifies the separation of functions between social commerce as a promotional medium and e-commerce as a platform for transactions. (Ministry of Trade of the Republic of Indonesia, 2023) Under this new provision, platforms such as TikTok, Facebook, Instagram, and YouTube are required to obtain licenses as social commerce providers and are prohibited from facilitating payments or direct transactions within their applications. This policy aims to prevent algorithmic dominance by major platforms, strengthen fair business competition, and provide legal certainty for digital trade actors.

However, the implementation of Permendag 31/2023 in practice has revealed new challenges. The shutdown of TikTok Shop as an online sales platform illustrates the immediate impact of the regulatory changes. (Heru Firmansyah & Ahmad Muntaha, 2024) The obligation to comply with PMSE licensing requirements did not unfold smoothly and necessitated significant adjustments for both the platform and business actors. Many MSMEs lost one of their primary sales channels and were forced to reorganize their digital marketing strategies. (Muna & Santoso, 2024) .

This situation has sparked debate regarding the effectiveness of the functional separation policy. On the one hand, the new regulation is expected to create a more equitable and orderly digital trade ecosystem. On the other hand, its implementation has introduced uncertainty for business actors who have relied on integrated social commerce models. This raises a key question: whether the functional separation truly achieves its intended policy goals namely, establishing a healthy, fair, and competitive digital trade governance structure or whether it instead creates new barriers to innovation and digital economic inclusion in Indonesia.

METHODS

This study uses a qualitative approach with the aim of deeply understanding the effectiveness of the separation system between social commerce and e-commerce as regulated in the Minister of Trade Regulation Number 31 of 2023. The qualitative approach was chosen because it is able to explain public policy phenomena

contextually, emphasize the meaning behind policy implementation, and provide space to assess the process and dynamics of its implementation comprehensively. (Kodithuwakku, 2022) Data collection was conducted using two main techniques: literature study and observation.

Literature study was used to explore various secondary sources. (Creswell, 2015) Such sources include legal regulations (Minister of Trade Regulation No. 31/2023 and Minister of Trade Regulation No. 50/2020), official reports from the Ministry of Trade, academic publications, and scientific articles related to digital economy policy and social commerce governance.

These sources serve as the basis for examining the policy context, the concept of effectiveness, and the results of relevant previous studies. Meanwhile, observations were made of policy implementation practices in the field. (Creswell, 2015), particularly related to social commerce activities on platforms like TikTok, Instagram, and Facebook. These observations included monitoring promotional patterns, transaction mechanisms, and the platforms' adaptations to the separation of social and commercial functions.

The observational data were then analyzed descriptively using Capano & Woo's (2018) theory of public policy effectiveness. Within the Adaptive Policy Design & Governance Capacity Framework, the effectiveness of policy implementation is explained through several key indicators or dimensions: analytical capacity, operational capacity, political capacity, policy robustness, adaptiveness, integration capacity, and learning mechanisms. (Capano & Woo, 2018).

Data analysis was conducted through a process of reduction, interpretation, and drawing conclusions oriented towards assessing the extent to which the policy of separating social commerce and e-commerce is effective in achieving regulatory objectives, protecting MSMEs, and strengthening digital trade governance in Indonesia.

RESULTS AND DISCUSSION

Overview of the Separation of Social Commerce and E-Commerce Roles in the Implementation of Minister of Trade Regulation No. 31 of 2023

Rapid changes in the digital trade ecosystem have prompted the Indonesian government to update regulations previously regulated by Minister of Trade Regulation No. 50 of 2020. The old regulations were deemed inadequate to accommodate the emergence of social commerce, a business model that combines social media and direct buying and selling within a single application. From 2021 to 2023, cross-platform trading activities such as TikTok Shop, Instagram Shopping, and Facebook Marketplace raised concerns about unfair business competition, predatory pricing, and weak oversight of permits and product origin. (Sipayung et al., 2025).

In response, the Ministry of Trade issued Ministerial Regulation No. 31 of 2023 concerning Business Licensing, Advertising, Development, and Supervision of Business

Actors in Electronic Commerce, replacing Ministerial Regulation No. 50/2020. This new regulation explicitly separates the roles of social commerce and e-commerce, prohibits the integration of payment systems within social platforms, and tightens business licensing requirements for PMSE players.(Ministry of Trade of the Republic of Indonesia, 2023).

Policy implementation involves several key actors in digital trade governance. The Ministry of Trade serves as the primary regulator, issuing permits, providing guidance, and overseeing compliance by e-commerce (PMSE) players. The Ministry of Communication and Informatics serves as a coordinating partner in overseeing digital platforms and user data security. Meanwhile, e-commerce players (marketplaces such as Shopee, Tokopedia, Lazada) and social commerce platforms (TikTok, Instagram, Facebook, and YouTube) are required to adapt their operational systems to the new classification. Furthermore, e-commerce associations such as idEA (Indonesian E-commerce Association) act as a communication bridge between the government and industry players to ensure effective policy understanding and dissemination.

The essence of this new policy is the separation of promotional and transaction functions. Social commerce platforms may only be used for promotional activities, offers, and communication between sellers and buyers, without providing direct transaction or payment features within the app.(Ministry of Trade of the Republic of Indonesia, 2023) Instead, transactions must be routed to licensed e-commerce platforms that serve as digital transaction organizers. This mechanism aims to clarify the classification of digital businesses, increase government oversight of transaction flows, and prevent monopolistic practices or predatory pricing by platforms with large user bases. (Effendi, 2020).

Based on the Minister of Trade Regulation No. 31/2023, there are several requirements if social commerce wants to operate as e-commerce (electronic commerce), including: 1) changing the business model to e-commerce in accordance with Article 2 paragraph 3, 2) applying for a business license in accordance with the provisions of Article 3 paragraph 1, 3) building a new e-commerce business model with a different entity from its social media as another alternative. (Ministry of Trade of the Republic of Indonesia, 2023).

In the initial implementation phase, this policy had a direct impact on platform operations and MSMEs. TikTok Shop, for example, temporarily suspended its transaction activities in October 2023 after the ban was implemented, then merged with Tokopedia to operate in accordance with regulations.(Setya Saputra et al., 2023).For MSMEs, this policy presents a double-edged sword: on the one hand, it protects against unfair price competition, but on the other hand, it poses challenges in adapting to the new system and additional costs for sales channel migration. Overall, Minister of Trade Regulation 31/2023 is a crucial instrument in restructuring the national digital trade ecosystem by balancing innovation, protection, and public oversight.

The Merger of TikTok Shop and Tokopedia as an Empirical Study of the Minister of Trade's Regulation No. 31/2023

Following the implementation of Trade Ministerial Regulation No. 31 of 2023, the Indonesian government reaffirmed its prohibition on social media platforms from conducting direct transactions within their electronic systems. This means that TikTok Shop can no longer operate as a social commerce entity that facilitates payments and transactions within the app. As an adaptive solution, TikTok has chosen to merge with a national e-commerce player, Tokopedia, owned by the GoTo Group. The purpose of this step is to allow TikTok to continue conducting digital commerce activities in Indonesia while complying with the provisions for the separation of promotional and transaction functions as stipulated in Trade Ministerial Regulation No. 31/2023.(Makarim & Taira, 2023).

Corporately, the merger was officially announced on January 31, 2024, when GoTo Group and TikTok signed a strategic agreement that combined the Tokopedia and TikTok Shop Indonesia businesses into a single entity called PT Tokopedia. Under the agreement, TikTok became the controlling shareholder and committed to investing over US\$1.5 billion to strengthen the new entity's position.(Go-To, 2024).GoTo retains a strategic minority ownership and acts as a local ecosystem partner. This structure allows TikTok to shift all of its transactional activities to the Tokopedia platform, while social and promotional functions continue to be carried out through the TikTok app, as classified as social commerce.(Anindya, 2025).

From a technical perspective, the integration involved moving TikTok Shop's seller system, inventory, payment methods, and logistics infrastructure into Tokopedia's system, as well as adapting the user interface to allow transactions to take place within the licensed e-commerce domain. The competition watchdog, the Business Competition Supervisory Commission (KPPU), granted conditional approval to the merger in mid-2025, after assessing the risks of monopoly and market dominance.(Reuters, 2024). KPPU has established behavioral conditions, including: (1) a ban on predatory pricing practices and bundling of logistics-payment services, (2) the obligation to provide open access for merchants, and (3) the freedom for MSMEs to sell on other platforms.(BRICS Competition Law Centre, 2025)This policy ensures that the merger does not distort competition in the national PMSE market.

Post-merger, the combined entity operates under the Tokopedia brand, but with integrated TikTok Shop features and campaigns, including MSME promotions, video-based shopping campaigns, and cross-platform marketing strategies. According to GoTo's official statement, the post-merger PMSE regulatory compliance rate reached nearly 100% in February 2024, marking the successful adaptation of the two large entities to the separation of digital commerce systems.(Reuters, 2025)Thus, this model sets a precedent for adapting global platform corporate structures to national regulations that prioritize equitable digital governanceThe merger of TikTok Shop and

Tokopedia has had a multidimensional impact on Indonesia's digital market and governance. From a regulatory perspective, this step demonstrates the government's ability to enforce regulations without stifling digital innovation. TikTok Shop chose the legal route through structural integration, rather than regulatory evasion, thus confirming the credibility of Trade Minister Regulation 31/2023 as a normatively effective policy.(Trideta et al., 2024)From a business perspective, this merger expands Tokopedia's user base by penetrating TikTok's young audience, creating synergies between content and transactions. However, on the other hand, the seller migration process and commission system pose technical challenges for some MSMEs, particularly related to the sales dashboard, content adaptation, and new administrative costs.(Adilla Siregar et al., 2025).

From a public administration perspective, this integration exemplifies policy compliance through corporate adjustment, namely the adjustment of global business structures to national policies to maintain a balance between innovation and MSME protection. However, the KPPU (Commission for Public Procurement) continues to assess the risk of market dominance and has imposed a fine for late reporting of the merger transaction.(Lee & Giovanni, 2024)This demonstrates the importance of ongoing oversight mechanisms to ensure that the social commerce separation system for e-commerce does not create new forms of digital market inequality.

Overall, the TikTok Shop Tokopedia merger serves as empirical evidence that the implementation of Trade Ministerial Regulation No. 31 of 2023 is driving a restructuring of the digital trade ecosystem. The government has successfully asserted the legal position of social commerce as a promotional channel, not a transactional one, while global businesses are adapting their business models to remain legally operational under national oversight.

Effectiveness of Social commerce and E-commerce Separation System

According to(Capano & Woo, 2018),The effectiveness of modern policy depends not only on the normative design of the policy, but also on the capacity of the government system to adapt (adaptive governance) to the dynamics of the external environment. This framework combines two main elements: policy capacity, namely the analytical, operational, and political capabilities of implementing institutions in understanding and implementing policies, and robust institutional design, namely policy structures that can survive without losing coherence when the context changes. In this view, effective policies are not static policies, but rather those that are able to react, adapt, and learn from implementation feedback.(Capano & Woo, 2018).

This adaptive approach is becoming increasingly relevant in digital policy governance in Indonesia, such as Minister of Trade Regulation No. 31 of 2023, which regulates the separation of functions between social commerce and e-commerce. This policy was born amidst digital disruption and global political-economic pressures, so

the effectiveness of its implementation depends on the government's ability to balance the interests of various actors ranging from global platforms (TikTok, Meta), national marketplaces (Tokopedia, Shopee), to MSMEs. In this context, the Capano & Woo model provides an analytical framework to assess whether the Indonesian government system has sufficient capacity to manage change and maintain the achievement of policy objectives amidst this complexity.

Within the Adaptive Policy Design & Governance Capacity Framework, the effectiveness of policy implementation is explained through a number of main indicators or dimensions, namely analytical capacity, operational capacity, political capacity, policy robustness, adaptiveness, integration capacity, and learning mechanisms.(Capano & Woo, 2018)These seven indicators can be operationalized to assess the effectiveness of the policy of separating social commerce and e-commerce in Indonesia.

First, analytical capacity is reflected in the government's understanding of the root causes and the formulation of data-driven policies regarding global platform dominance and MSME protection. This indicator is evident in the Ministry of Trade's ability to diagnose predatory pricing and market asymmetry before issuing Permendag 31/2023. Second, operational capacity reflects the ability of institutions such as the Ministry of Trade, the Ministry of Communication and Information Technology (Kominfo), and the idEA association to carry out their supervisory, licensing, and outreach functions to PMSE players. Weak coordination or overlapping tasks can reduce the effectiveness of policy implementation.(Oktavia & Batubara, 2024).Third, political capacity relates to the extent to which this policy gains cross-ministerial political support and public trust. The positive response to the TikTok-Tokopedia merger demonstrates the government's ability to facilitate compliance without triggering major political conflict.(Go-To, 2024).

Furthermore, the policy robustness indicator assesses the ability of a policy to survive.Amidst the changing digital market, Minister of Trade Regulation 31/2023 has proven robust, adapting through cross-platform system integration without compromising the principle of separating transaction functions. Adaptability is reflected in the policy's ability to adjust implementation procedures when faced with new business models, such as accommodating the merger compliance between TikTok Shop and Tokopedia to remain compliant.(Faridi, 2024)Meanwhile, integrative capacity and learning mechanisms are reflected in cross-institutional coordination and ongoing regulatory adjustments. The government is gradually conducting evaluations and strengthening public communication to improve compliance among PMSE players.(Weigl et al., 2024).Thus, all of Capano & Woo's indicators can be used to assess the extent to which Indonesia's digital trade policies are running effectively and adaptively.

(Capano & Woo, 2018) emphasizes three fundamental principles that explain policy

effectiveness amidst the complexities of digital governance: robustness, adaptiveness, and integrated capacity. These three are the pillars of successful policy implementation in a rapidly changing context like Indonesia's digital trade ecosystem.

First, robustness requires policies to maintain consistent objectives despite external shocks. In the context of Trade Ministerial Regulation 31/2023, policy resilience is reflected in its ability to maintain the principle of transaction separation on social media despite global corporate pressure and digital market dynamics. Second, adaptiveness means policies must be flexible to changes in industrial and technological structures without losing their direction. The Indonesian government demonstrated adaptive capacity by allowing the integration of TikTok Shop into Tokopedia, a compromise that maintains regulatory compliance while supporting sustainable innovation. (Ahyani et al., 2024). Third, integrated capacity underscores the importance of synergy between government, private, and civil society actors in digital policy governance.

Effective implementation cannot be achieved if each institution works separately; the success of Permendag 31/2023 depends on coordination between the Ministry of Trade, the Ministry of Communication and Information, the Ministry of Cooperatives and SMEs, and e-commerce associations in carrying out their supervisory and development functions. (Permana, 2023).

These three principles emphasize that the effectiveness of public policy in the digital era is not solely measured by how quickly regulations are implemented, but by the extent to which those policies are resilient, adaptive, and coordinated in the face of the complexities of platform governance. In other words, the effectiveness of Permendag 31/2023 depends on its ability to transform the pressures of digital disruption into opportunities to strengthen national governance capacity and create long-term public value for the MSME ecosystem.

CONCLUSION

This study concludes that the separation policy between social commerce and e-commerce as stipulated in Minister of Trade Regulation Number 31 of 2023 is a strategic step by the Indonesian government in restructuring national digital trade governance. This policy successfully defines the functional boundaries between promotions and transactions, creates legal certainty, and strengthens protection for micro, small, and medium enterprises (MSMEs) amidst digital disruption.

Its implementation demonstrates the government's ability to uphold the principle of market fairness and encourage global corporate compliance through adaptive mechanisms, as seen in the case of the merger of TikTok Shop and Tokopedia, which serves as a model for structural adjustments to national regulations. Based on the analysis using the theory of public policy effectiveness and the Adaptive Policy Design & Governance Capacity framework, the effectiveness of the implementation of Minister of Trade Regulation 31/2023 is determined by three main elements: policy robustness,

adaptability, and integrated capacity.

This policy is considered robust because it is able to withstand global market pressures, adaptive because it adjusts implementation strategies through cross-platform synergy, and integrative because it involves coordination between the government, business actors, and e-commerce associations in its implementation. However, effectiveness on the ground still faces challenges such as limited operational capacity of supervisory agencies, the digital literacy gap among MSMEs, and the need for more sustainable policy learning mechanisms.

Therefore, the policy of separating social commerce and e-commerce through Minister of Trade Regulation 31/2023 can be considered normatively effective and adaptive in creating transparent, fair, and competitive digital trade governance. However, its long-term effectiveness depends on the government's ability to strengthen cross-sector coordination, enhance digital oversight capacity, and ensure policies continue to adapt to technological changes and new business models. This policy serves as a crucial foundation for strengthening Indonesia's digital economy ecosystem, which is inclusive, equitable, and oriented toward the public interest

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