

**Regulation of the Minister of Trade No. 31 of 2023 on E-Commerce Business on the Tiktok Platform (An Analysis of Sharia Economic Law)**

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**Abstract:** This study aims to analyze the Regulation of the Minister of Trade Number 31 of 2023 which regulates the use of TikTok as an e-commerce platform from the perspective of Sharia Economic Law. TikTok, which was originally a social media platform, has now transformed into one of the e-commerce platforms that is popular with the public, especially the younger generation. This Regulation of the Minister of Trade provides regulations related to business permits, transparency, and transaction security, which aim to protect consumers and business actors. However, from the perspective of Sharia Economic Law, there are principles such as justice (al-'adl), balance (al-mizan), and welfare (maqashid syariah) that must be met. This study uses a normative juridical method with an analytical descriptive approach to identify the conformity of these regulations with Sharia principles, as well as the impact of regulations on halal and profitable digital economic activities. The results of the study show that Permendag Number 31 of 2023 is largely in line with the principles of Sharia Economic Law, namely prioritizing aspects of fairness and transaction security, but several points still require further adjustment to be more in line with Sharia values. This study provides recommendations to the government to pay attention to Sharia aspects in the development of digital economic regulations in Indonesia.

**Keywords:** Sharia Economic Law, Minister of Trade Regulation Number 31 of 2023, TikTok, e-Commerce, Regulation

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*Peraturan Menteri Perdagangan No. 31 Tahun 2023 dalam Bisnis E-Commerce di Platform TikTok (Suatu Analisis Hukum Ekonomi Syariah)*

*Muhammad Dayyan et.al*

**Abstrak:** Penelitian ini bertujuan untuk menganalisis Permendag Nomor 31 Tahun 2023 yang mengatur penggunaan TikTok sebagai platform e-commerce dalam perspektif Hukum Ekonomi Syariah. TikTok, yang awalnya merupakan platform media sosial, kini bertransformasi menjadi salah satu platform e-commerce yang digemari masyarakat, khususnya generasi muda. Permendag ini memberikan aturan terkait izin usaha, transparansi, dan keamanan transaksi, yang bertujuan untuk melindungi konsumen serta pelaku usaha. Namun, dalam perspektif Hukum Ekonomi Syariah, ada prinsip-prinsip seperti keadilan (*al-'adl*), keseimbangan (*al-mizan*), dan kemaslahatan (*maqashid syariah*) yang harus terpenuhi. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan deskriptif analitis untuk mengidentifikasi kesesuaian aturan tersebut dengan prinsip-prinsip Syariah, serta dampak regulasi terhadap aktivitas ekonomi digital yang halal dan menguntungkan. Hasil penelitian menunjukkan bahwa Permendag Nomor 31 Tahun 2023 sebagian besar telah sejalan dengan prinsip Hukum Ekonomi Syariah yaitu mengedepankan aspek keadilan dan keamanan transaksi, namun beberapa poin masih membutuhkan penyesuaian lebih lanjut agar lebih sesuai dengan nilai-nilai Syariah. Penelitian ini memberikan rekomendasi kepada pemerintah untuk memperhatikan aspek-aspek Syariah dalam pengembangan regulasi ekonomi digital di Indonesia.

**Kata Kunci:** Hukum Ekonomi Syariah, Permendag Nomor 31 Tahun 2023, TikTok, e-Commerce, Regulasi

## INTRODUCTION

The digital era is increasingly experiencing rapid progress in various aspects of life, including businesses transforming from offline to online. The presence of social media platforms such as Facebook, Instagram, TikTok and others is not only a place to communicate but has also become a significant means of business transactions such as digital marketing<sup>1</sup>. TikTok, as one of the social media platforms launched in 2016 by Zhang Yiming, a Chinese company, founder of Byte Dance Technology, has grown into a center for e-commerce business activities used by millions of business actors and consumers in Indonesia<sup>2</sup>. The use of TikTok Shop has an impact on offline MSMEs which are increasingly difficult to compete in terms of price, quality, and marketing reach, thus disrupting distributive justice for MSME actors (Lo et al., 2023). Tiktok Shop is not only a business breakthrough and technological advancement, but also poses a threat to the domestic market through algorithm manipulation and unhealthy market competition that benefits small groups<sup>3</sup>.

Tiktok Shop, in its implementation, offers prices for goods below market prices which have the potential for unfair competition among traders through predatory pricing practices<sup>4</sup>. The Tiktok Shop platform also has the potential for misuse of personal data, fraud, dependence on the platform,

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<sup>1</sup> Ajeng Nisa and Dwi Novaria Misidawati, 'Pemanfaatan Digital Marketing Dalam Meningkatkan Penjualan Produk Umkm Di Indonesia', *Sahmiyya: Jurnal Ekonomi Dan Bisnis*, 3.1 (2024), pp. 184–190.

<sup>2</sup> Intan Rakhmayanti Dewi, 'Kisah Pendiri TikTok, Dari Kerja Palugada Sampai Kaya Raya', *CNBC Indonesia*, 2023.

<sup>3</sup> Hestutomo Restu Kuncoro and others, *MENGURAI ANCAMAN: Sekuritisasi Melalui Lensa Framing Dan Diskursus Di Media Sosial* (LPPM UPNVY Press, 2023).

<sup>4</sup> Samuel Gading, 'Fakta-Fakta TikTok Diduga Lakukan Predatory Pricing', *DetikFinance*, 2023; Deddy Ahmad Fajar, Farah Nur Fauziah, and Khurriyatul Mutrofin, 'Predatory Pricing Melumpuhkan UMKM Indonesia: Studi Kasus Tiktok Shop', *Jurnal El-Idaarrah*, 2.2 (2022), pp. 19–24; Elsa Catriana, 'Wamen Perdagangan Sebut TikTok Shop Lakukan "Predatory Pricing"', *Kompas.Com*, 2023; Vicky Darmawan Prahmana and Ditha Wiradiputra, 'Predatory Pricing Dalam E-Commerce Menurut Perspektif Hukum Persaingan Usaha', *JISIP (Jurnal Ilmu Sosial Dan Pendidikan)*, 6.3 (2022), pp. 9844–53, doi:10.58258/jisip.v6i3.3277.

*Peraturan Menteri Perdagangan No. 31 Tahun 2023 dalam Bisnis E-Commerce di Platform TikTok (Suatu Analisis Hukum Ekonomi Syariah)*

*Muhammad Dayyan et.al*

neglect of product quality (especially product visualization through Tiktok live broadcasts which prioritize aesthetic aspects)<sup>5</sup>. Products sold through the Tiktok platform have the potential for the risk of products that do not meet the standards of the Food and Drug Supervisory Agency (BPOM), unclear halal status, and the potential for copyright theft by MSMEs when their goods enter the Tiktok Shop platform, especially with the ease with which products are imitated by other parties, as happened in China<sup>6</sup>.

TikTok Shop also uses influencers and sales through live streaming which are stimuli to influence consumers in shopping and feel as if they are shopping in the real world.<sup>7</sup> Influencers in promoting products do not always match the expected value or quality, which can lead to consumer dissatisfaction<sup>8</sup>. Consequently, several consumer rights are not fulfilled in using the TikTok Cash application, namely, the right to obtain maximum service, the right to receive correct, clear, and honest information regarding the conditions and guarantees of goods and/or services from a product offered, the right of users to be treated fairly or served honestly and without discrimination, the right to receive compensation, damages and/or replacement, if the product received does not comply with the agreement or is not as it should be.<sup>9</sup>

This phenomenon encourages the government to create relevant regulations to protect consumers and maintain the stability of the digital

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<sup>5</sup> Melly Septia Pardianti and Velantin Valiant S, 'Pengelolaan Konten Tiktok Sebagai Media Informasi', *Ikon --Jurnal Ilmiah Ilmu Komunikasi*, 27.2 (2022), pp. 187–210, doi:10.37817/ikon.v27i2.1905.

<sup>6</sup> Anisatur Rochmah, 'Tinjauan Maqāsid Syarī'ah Terhadap Penutupan Jual Beli Pada Platform Tiktok' (IAIN Ponorogo, 2024).

<sup>7</sup> Melvin Chandraa, Dyah Wahyu Sukmaningsih, and Enggal Sriwardiningsih, 'The Impact of Live Streaming On Purchase Intention In Social Commerce In Indonesia', *Procedia Computer Science*, 234 (2024), pp. 987–95, doi:10.1016/j.procs.2024.03.088.

<sup>8</sup> Silvanus Alvin, *Komunikasi Politik Di Era Digital: Dari Big Data, Influencer Relations & Kekuatan Selebriti, Hingga Politik Tawa* (Deepublish, 2022).

<sup>9</sup> Yusep Mulyana, 'Perlindungan Konsumen Terhadap Pengguna Aplikasi Tiktok Cash Di Media Sosial', *JIRK: Journal of Innovation Research and Knowledge*, 3.2 (2023), pp. 173–84, doi:https://doi.org/10.53625/jirk.v3i2.6166.

*Peraturan Menteri Perdagangan No. 31 Tahun 2023 dalam Bisnis E-Commerce di Platform TikTok (Suatu Analisis Hukum Ekonomi Syariah)*

*Muhammad Dayyan et.al*

economy in Indonesia. One of these regulations is the Regulation of the Minister of Trade Number 31 of 2023, which aims to regulate trade through electronic systems in order to create a safe, transparent, and fair trade climate<sup>10</sup>. However, in the context of a country with a Muslim majority, the regulations made must also consider the principles of Islamic economic law. Islamic economic law emphasizes aspects of justice, transparency, and prohibitions on practices that are detrimental to one party or contain elements of usury, gharar (uncertainty), and maisir (speculation)<sup>11</sup>. In e-commerce activities on the TikTok platform, there are a number of practices that have the potential to conflict with these principles, for example related to the transparency of product information, pricing, and commissions or additional fees in transactions.

Minister of Trade Regulation No. 31 of 2023 is important to be studied further from the perspective of sharia economic law, especially in its application to the business model on the TikTok platform which has the characteristics of fast transactions and is easily accessible to various groups. Given the importance of sharia aspects in economic life in Indonesia, an in-depth analysis is needed on whether this regulation has adequately accommodated sharia principles and how it is implemented in e-commerce businesses on TikTok.

By conducting this study, it is hoped that it can provide a clearer picture of the extent to which Minister of Trade Regulation No. 31 of 2023 is in line with the principles of sharia economic law and its impact on business actors and consumers who use the TikTok platform. The results of this study are

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<sup>10</sup> Zahra Afina Mahran and Muhamad Hasan Sebyar, 'Pengaruh Peraturan Menteri Perdagangan (PERMENDAG) Nomor 31 Tahun 2023 Terhadap Perkembangan E-Commerce Di Indonesia', *Hakim: Jurnal Ilmu Hukum Dan Sosial*, 1.4 (2023), pp. 51–67, doi:10.51903/HAKIM.V1I4.1440.

<sup>11</sup> Hisam Ahyani, Memet Slamet, and Tobroni, 'Building the Values of Rahmatan Lil 'Alamin for Indonesian Economic Development at 4.0 Era from the Perspective of Philosophy and Islamic Economic Law', *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 16.1 (2021), pp. 111–36, doi:10.19105/AL-LHKAM.V16I1.4550.

*Peraturan Menteri Perdagangan No. 31 Tahun 2023 dalam Bisnis E-Commerce di Platform TikTok (Suatu Analisis Hukum Ekonomi Syariah)*

*Muhammad Dayyan et.al*

expected to contribute to the development of policies that are not only effective in regulating e-commerce, but also in accordance with the principles of sharia economics expected by the wider community.

## **METHOD**

This type of research is empirical normative research, namely a study that combines normative law with empirical legal practice. Normative-empirical research on the implementation of normative legal provisions (laws) in their actions on E-commerce business actors on the TikTok platform<sup>12</sup>. One source of normative data is the Regulation of the Minister of Trade Number 31 of 2023 as an analysis for the Problems in the TikTok E-Commerce business case study. Then the normative data was obtained through a literature study from primary legal materials in the form of the Koran and Hadith, Laws, Government Regulations. Secondary legal materials from fatwas of Ulama, and opinions of legal experts. Then tertiary legal materials obtained from dictionaries, encyclopedias, and research results that have been published in a number of scientific journals.

Empirically, data was obtained from users of the TikTok application as a medium for E-commerce business transactions in East Aceh Regency, namely 5 (five) informants who work as business actors operating through the TikTok platform in Idi, East Aceh Regency as a representation of the dynamics of the E-Commerce business at the local level that uses TikTok as an online trading platform. Information from informants is obtained through interviews or Q&A with respondents verbally and face to face, so that the information obtained can also be trusted.<sup>13</sup> Interviews are conducted in a structured manner by first contacting the informant via WhatsApp to schedule a direct interview meeting.

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<sup>12</sup> Muhammad Syahrums, *Muhammad Syahrums., Pengantar Metodologi Penelitian Hukum: Kajian Penelitian Normatif, Empiris, Penulisan Proposal, Laporan Skripsi Dan Tesis* (CV. DOTPLUS Publisher, 2022).

<sup>13</sup> Lexy J Moleong, *Metodologi Penelitian Kualitatif* (Remaja Rosdakarya, 2010).

*Peraturan Menteri Perdagangan No. 31 Tahun 2023 dalam Bisnis E-Commerce di Platform Tiktok (Suatu Analisis Hukum Ekonomi Syariah)*

*Muhammad Dayyan et.al*

The researcher prepares a research instrument in the form of written questions. With this structured interview, each respondent is given the same questions, and the researcher records what the respondent says. The data analysis method is carried out by reviewing all interview data, observations recorded in field notes, personal documents, official documents, images, and photos. The data analysis technique by means of reduction is to summarize the data that has been collected and select key elements in the data, and focus more on important factors by finding themes and patterns and deleting items that are considered unnecessary. Thus, the data that the researcher has reduced into data will provide a clear picture for the research and facilitate further data collection by the researcher. Furthermore, the reduced data is described with narrative text. After carrying out this stage, a conclusion can be drawn.

## **DISCUSSION OF RESULTS**

This discussion will describe the suitability of the regulation with the basic principles of Islamic Economic Law, as well as identify aspects that need adjustment to achieve better harmony. very important aspects in Islamic economics are the application of the principle of justice (al-'adl), the principle of balance (al-mizan) and the principle of achieving welfare (maqashid syariah),

### **First, the suitability of the Minister of Trade Regulation with the principle of justice (Al-'Adl).**

The principle of justice in Islamic Economic Law demands a balance between the rights and obligations of all parties involved in economic transactions. Minister of Trade Regulation Number 31 of 2023 stipulates regulations aimed at protecting consumers and business actors through a business licensing mechanism as stated in Article 3 paragraph (1) that "Business Actors are required to have a business license in carrying out business activities in the trade sector in accordance with the provisions of laws and regulations concerning the implementation of risk-based business

*Peraturan Menteri Perdagangan No. 31 Tahun 2023 dalam Bisnis E-Commerce di Platform Tiktok (Suatu Analisis Hukum Ekonomi Syariah)*

*Muhammad Dayyan et.al*

licensing" Then Article 5 paragraph (1) regulates foreign traders (Merchants) who carry out Trading Through Electronic Systems (PMSE) activities in the online Market, then the Electronic System Trading Organizer (PPMSE) who provides facilities for Foreign Traders (Merchants) are required to submit: the identity of the foreign trader (merchant) in the form of the name and address of the country of origin of the foreign trader (merchant). Then foreign traders are also required to use easy-to-understand Indonesian in the description of the goods and/or services traded; and display information on the country of origin of the shipment of goods and/or services.

Then the Minister of Trade Regulation has also regulated the obligation of transparency and transaction security as stated in Article 3 paragraph (3) traders are required to have consumer complaint services in accordance with the requirements based on the provisions of the Law concerning consumer protection with the provision that consumer complaint services must be clearly displayed on a page that is easy for consumers to read. Consumer complaint services in the form of contact numbers and/or email addresses that must be contactable and responsible. Traders are also required to display information regarding evidence of compliance with goods and/or service standards. Article 13 paragraph (1) stipulates that in carrying out PMSE activities, PPMSE must play an active role in providing equal business opportunities for traders and maintaining prices of goods and/or services free from price manipulation practices, both directly and indirectly. PPMSE must make efforts to supervise, prevent, and overcome all forms of unfair business competition practices and/or price manipulation practices, both directly and indirectly, as outlined in standard operating procedures.

The regulations made by the Minister of Trade in 2023 aim to prevent large platforms from using their dominant position to benefit their own products, which can harm other traders, especially MSMEs. Yanti Olshop, a trader in Idi City, stated that: "The presence of the Minister of Trade

*Peraturan Menteri Perdagangan No. 31 Tahun 2023 dalam Bisnis E-Commerce di Platform TikTok (Suatu Analisis Hukum Ekonomi Syariah)*

*Muhammad Dayyan et.al*

Regulation on e-commerce restrictions is very necessary, to regulate online business activities for business actors like us so that we can run our businesses more focused and also not harm other parties, either intentionally or not." The same statement was also conveyed by Emita Olshop that "the regulation was made to achieve justice in online business transactions, and does not harm anyone. If we look at its essence, no party is harmed. It's just that we need to adapt."

The regulation of the Minister of Trade has reflected the government's efforts to create a fair e-commerce environment by ensuring that all parties operate within the same legal framework. This is reinforced by the results of a study by Syailendra and Putri<sup>14</sup> which revealed that Permendag No. 31 of 2023 has provided protection for MSMEs in TikTok Shop from unfair competition, increased consumer protection, and encouraged MSMEs to comply with applicable regulations and laws in Indonesia. Bororing's study<sup>15</sup> also emphasized that the implementation of Permendag No. 31 of 2023 has protected the sustainability of the Micro, Small, and Medium Enterprises (MSMEs) Industry in Indonesia that are involved in trade through electronic systems (PMSE), namely prohibiting the Tiktok shop platform from producing its own goods which are then sold on its own platform. However, in its implementation, there are several challenges related to consistent law enforcement and supervision. For example, although regulations require transparency in transactions, practices in the field may still be inconsistent in terms of conveying clear information to consumers. This is reinforced by

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<sup>14</sup> 'Tinjauan Hukum Mengenai Perlindungan UMKM Serta Efektivitas Permendag No. 31 Tahun 2023 Terhadap Social Commerce Tiktok Shop', *Innovative: Journal Of Social Science Research*, 3.6 (2023).

<sup>15</sup> 'Perlindungan Hukum Terhadap Usaha Mikro Kecil Dan Menengah Indonesia Dari Praktek Monopoli Tiktok Shop', *Lex Privatum*, 13.4 (2024).

*Peraturan Menteri Perdagangan No. 31 Tahun 2023 dalam Bisnis E-Commerce di Platform TikTok (Suatu Analisis Hukum Ekonomi Syariah)*

*Muhammad Dayyan et.al*

Prasetyo's study<sup>16</sup> that the implementation of business competition supervision carried out by the Business Competition Supervisory Commission (KPPU) in the digital era is less than optimal. Therefore, a stricter supervision mechanism is needed to ensure that the principle of justice is truly achieved. Therefore, it is necessary to provide an understanding of digital marketing for MSME business actors and it is also necessary to amend Law Number 5 of 1999 in order to strengthen the role of KPPU.<sup>17</sup>

**Second, the suitability of Permendag Number 31 of 2023 in terms of the principle of balance (Al-Mizan).**

The principle of balance prioritizes fair distribution between various economic elements, including business actors, consumers, and the government. This Permendag seeks to achieve this balance by establishing rules that do not burden one party excessively. For example, this regulation regulates the rates and provisions imposed on business actors on the TikTok platform, so as not to burden them financially. As stated in Article 28 paragraph (1) that the display of electronic advertisements does not deceive consumers regarding the quality, quantity, material, use and price of goods and/or service rates, as well as the timeliness of receipt of goods and/or services. Then do not deceive the guarantee or warranty for goods and/or services; do not contain false, incorrect, or inaccurate information regarding Goods and/or Services; contain information regarding the risks of using Goods and/or Services; do not exploit events and/or someone without the permission of the authorized party or the consent of the person concerned; and provide an exit function from the

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<sup>16</sup> 'Pengawasan KPPU Pada Pelaku Usaha Mikro, Kecil Dan Menengah Dalam Persaingan Usaha Tidak Sehat Di Era Digital', *Binamulia Hukum*, 13.1 (2024), pp. 225–37, doi:10.37893/jbh.v13i1.646.

<sup>17</sup> Debby Kusuma Andani and Didiek Wahyu Indarta, 'Pengawasan Hukum Platform E-Commerce Tiktok Dan UMKM Oleh KPPU Berdasarkan UU Nomor 5 Tahun 1999', *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam*, 5.2 (2023), pp. 2393–2408, doi:10.37680/almanhaj.v5i2.4003; Prasetyo, Ahmad, and Lutfi.

*Peraturan Menteri Perdagangan No. 31 Tahun 2023 dalam Bisnis E-Commerce di Platform Tiktok (Suatu Analisis Hukum Ekonomi Syariah)*

*Muhammad Dayyan et.al*

Electronic Advertisement display which is indicated by a close, skip, or close sign and placed in a clear place so that it is easy for Consumers to close the Electronic Advertisement in question. The provisions of this Minister of Trade Regulation have had an impact on maintaining economic stability and protecting consumers from detrimental business practices.<sup>18</sup>

However, there is an imbalance in support for small and medium enterprises (SMEs). Regulations tend to be more beneficial to large business actors who have the resources to meet the requirements for permits and regulations set.<sup>19</sup> Therefore, there needs to be additional policies that support SMEs so that they can participate competitively in the e-commerce ecosystem regulated by this Minister of Trade Regulation.

**Third, the welfare of the community (Maqasid al-Shariah).**

Minister of Trade Regulation Number 31 of 2023, when viewed as a sharia-oriented public policy, has shown aspects of the welfare or welfare of the people with the main pillar of fulfilling the objectives of sharia (maqashid sharia). Classical Muslim scientists and scholars such as Imam Al-Ghazali, Imam Asy-Syatibi, emphasize the importance of fulfilling the pillars of maqashid syariah in all general policies issued by leaders (ulil amri) or the government.<sup>20</sup> In Minister of Trade Regulation Number 31 of 2023 which regulates digital business activities, the principle of welfare has been applied as a principle of Sharia Economic Law which emphasizes achieving maximum benefits for the wider community, namely supporting welfare by encouraging the development of a halal and safe digital economy and rahmatan lil'alam.<sup>21</sup> According to Frida Olshop, the Minister of Trade Regulation must have

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<sup>18</sup> Fitria Damayanti, Setyaning Wida, and Endriyani Lestari, 'Pemenuhan Asas Kebermanfaatan Hukum Pada Permendag No.31 Tahun 2023', *Jurnal Legislatif*, 7.1 (2024), pp. 17–31; Mahran and Sebyar.

<sup>19</sup> Syailendra and Putri.

<sup>20</sup> Muhammad Dayyan, 'Orientasi Kebijakan Publik Syariah', *Serambinews.Com* (2012).

<sup>21</sup> Ahyani, Slamet, and Tobroni.

*Peraturan Menteri Perdagangan No. 31 Tahun 2023 dalam Bisnis E-Commerce di Platform Tiktok (Suatu Analisis Hukum Ekonomi Syariah)*

*Muhammad Dayyan et.al*

considered all the consequences and benefits that are intended to be achieved from the policy, he said. In terms of public interest, it not only increases public access to products and services, but also creates new economic opportunities that can improve people's welfare.

The Minister of Trade Regulation has protected against predatory pricing, violations of intellectual property rights, the invasion of cheap foreign goods, and violations of tax provisions that are detrimental to the state and the protection of domestic MSME businesses.<sup>22</sup> So the digital regulations issued by the Government have created public interest to prevent market monopolies and dirty competition. When MSMEs in Indonesia are threatened and do not develop, the country's economy will also shrink, considering that MSMEs are also one of the pillars of domestic income.<sup>23</sup> Sharia-oriented policies are to reduce poverty, meet the needs of everyone, make life as comfortable as possible for everyone, and encourage a fair distribution of income and wealth.<sup>24</sup> The Minister of Trade Regulation indicates an effort to protect people's wealth from an unfair digital economic system. Because since 2016 TikTok Shop has not had a clear permit and is free to conduct e-commerce transactions through TikTok Shop and this is a violation of business ethics because it carries out illegal business activities that create inequality in business competition.

However, there are several aspects that still need to be considered to ensure that Minister of Trade Regulation Number 31 of 2023 truly creates optimal benefits. For example, aspects of education and digital literacy still

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<sup>22</sup> Diana Aviq Rahmadhani, Nadiasel Ogsala, and M. Noer Falaq Al Amin, 'Analisis Pelarangan Operasional Tiktok Shop Dalam Langkah Pengambilan Keputusan Melalui Perspektif Problem Tree Analysis', *Perkara : Jurnal Ilmu Hukum Dan Politik*, 2.2 (2024), pp. 211–28, doi:10.51903/perkara.v2i2.1881.

<sup>23</sup> Kadeni and Ninik Srijani, 'Peran UMKM (Usaha Mikro Kecil Menengah) Dalam Meningkatkan Kesejahteraan Masyarakat', *EQUILIBRIUM: Jurnal Ilmiah Ekonomi Dan Pembelajarannya*, 8.2 (2020), pp. 191–99, doi:10.25273/equilibrium.v8i2.7118.

<sup>24</sup> Muhammad Dayyan, 'Shari'ah Oriented Public Policy on Aceh Expenditure and Development', *J-EBIS: Jurnal Ekonomi Dan Bisnis Islam*, 1.2 (2016), doi:10.32505/jebis.v1i2.29.

*Peraturan Menteri Perdagangan No. 31 Tahun 2023 dalam Bisnis E-Commerce di Platform TikTok (Suatu Analisis Hukum Ekonomi Syariah)*

*Muhammad Dayyan et.al*

receive less attention. The public needs to be equipped with sufficient knowledge about the use of e-commerce platforms in a halal and safe manner so that they can take advantage of digital economic opportunities wisely. The study by Muna and Santoso<sup>25</sup> reminds that the implementation of Minister of Trade Regulation 31 of 2023 has provided strict rules for TikTok, that PPMSE with a social-commerce business model is prohibited from facilitating payment transactions on electronic systems, so that TikTok only has a permit as a social media, not as a marketplace. Since the end of 2023, TikTok has partnered with Tokopedia in order to have a permit as a marketplace, the logical consequence of the merger of the two companies, is the potential for a monopoly of the e-commerce industry in Indonesia. This is reinforced by the results of a study by Isal and Sidik<sup>26</sup> that business monopoly practices do not only occur in social commerce but also in the conventional e-commerce sector. Therefore, the existence of the Minister of Trade Regulation has shown efforts to encourage transparency and security of e-commerce transactions as crucial elements in Sharia Economic Law that can prevent usury (interest), gharar (uncertainty), and maysir (speculation). This Minister of Trade Regulation emphasizes the importance of transparency in the transaction process on the TikTok platform, including providing clear information regarding prices, product specifications, and return policies.

Although Permendag Number 31 of 2023 already covers several important aspects, there is still room for improvement, especially in terms of implementing blockchain technology to ensure transparency and security of

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<sup>25</sup> 'Regulasi Izin Perdagangan TikTok Shop Sebagai Fitur Tambahan Aplikasi TikTok Di Indonesia', *JURNAL USM LAW REVIEW*, 7.1 (2024), pp. 412–28, doi:10.26623/julr.v7i1.8950.

<sup>26</sup> 'Jeratan Social Commerce: Matinya Masa Depan UMKM Di Indonesia Studi Kasus TikTok Shop Di Indonesia', *Commerce Law*, 3.2 (2023), pp. 404–18, doi:10.29303/commercelaw.v3i2.3551.

*Peraturan Menteri Perdagangan No. 31 Tahun 2023 dalam Bisnis E-Commerce di Platform TikTok (Suatu Analisis Hukum Ekonomi Syariah)*

*Muhammad Dayyan et.al*

transaction data.<sup>27</sup> The use of this technology can strengthen consumer and business trust, and ensure that all transactions are carried out in accordance with Sharia principles.<sup>28</sup> Therefore, Permendag Number 31 of 2023 has the potential to encourage the growth of a halal and profitable digital economy by providing a clear legal framework and supporting innovation. This regulation opens up opportunities for business actors to develop their businesses through the TikTok platform, which has a wide and dynamic market reach. However, it should be remembered that the main challenge lies in the adaptation of business actors to this regulation and the government's ability to supervise and enforce the rules that have been set.<sup>29</sup> Synergy is needed between the government, business actors, and the community to ensure that this regulation can be implemented effectively and provide maximum benefits in accordance with the principles of Sharia Economic Law.

Dr. Safwan Kamal as an academic at the Faculty of Islamic Economics and Business, IAIN Langsa, when interviewed explained that the existence of Permendag Number 31 of 2023 is a legal umbrella that strongly supports the movement of the digital market and can increase local products, help our economic problems, if this regulation is truly implemented as it should be, then the economic progress of the community will continue to grow. Permendag has also encouraged the TikTok shop platform which has joined Tokopedia so that it will further promote local products that have improved the quality of goods through standardization that can compete with foreign products. Tokopedia as

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<sup>27</sup> Wildan Mahendra Ardiansyah, 'Peran Teknologi Dalam Transformasi Ekonomi Dan Bisnis Di Era Digital', *JMEB Jurnal Manajemen Ekonomi & Bisnis*, 1.01 (2023), pp. 11–22, doi:10.59561/jmeb.v1i01.89.

<sup>28</sup> Abdul Halim, 'Tanggung Jawab Penyedia Platform E-Commerce Dalam Melindungi Transaksi Jual Beli Melalui Platform ECommerce', *JURNAL NOTARIUS: Program Studi Kenotariatan Pascasarjana UMSU*, 2.1 (2023), pp. 1–10.

<sup>29</sup> Dyah Permata Budi Asri and Ranti Maulinda Hidayat, 'Analisis Akuisisi Tiktok Terhadap Tokopedia Ditinjau Dalam Perspektif Undang-Undang Larangan Praktek Monopoli Dan Persaingan Usaha Tidak Sehat', *JURNAL HUKUM DAS SOLLEN*, 10.1 (2024), pp. 44–57, doi:10.32520/DAS-SOLLEN.V10I1.3313.

*Peraturan Menteri Perdagangan No. 31 Tahun 2023 dalam Bisnis E-Commerce di Platform TikTok (Suatu Analisis Hukum Ekonomi Syariah)*

*Muhammad Dayyan et.al*

one of the e-commerce applications has been widely known and is halal and profitable by shopping for the goods needed.<sup>30</sup> Wulandari et al.'s study<sup>31</sup> emphasized that through the acquisition of Tokopedia, TikTok Shop can operate as an e-commerce platform, so consumers and business actors need to improve their understanding and the government needs to increase supervision of data usage and also consumer protection in social commerce so that the data used in social media is not misused for buying and selling purposes.

The implications of this study are that the Government needs to build a more effective oversight mechanism to ensure that all business actors comply with the regulations that have been set. Provide incentives and technical assistance for small and medium business actors so that they can meet regulatory requirements without being financially burdened. Integrate blockchain technology into the transaction system to increase transparency and security, in accordance with Sharia principles.<sup>32</sup> Blockchain is a decentralized digital ledger-based technology that records every transaction in the network transparently and immutably.<sup>33</sup> This technology allows all parties participating in the system to have equal access to transaction records without the need for intermediaries.<sup>34</sup> It is necessary to hold educational programs for the public about the use of e-commerce platforms in a halal and safe manner to maximize the benefits of the digital economy. Close cooperation is needed between the

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<sup>30</sup> Sarah Amanah Agustiani and Cucu Susilawati, 'Analysis of Fiqh Tabarru' on the Use of Cashback Gopay Coins in Buying and Selling Transactions in Tokopedia App', *Al-Hiwalah: Journal Syariah Economic Law*, 2.2 (2023), pp. 149–66, doi:10.47766/alhiwalah.v2i2.1713.

<sup>31</sup> 'Peluang Social Commerce Melalui Akuisisi Tokopedia Oleh Tiktok Shop Ditinjau Dari Aspek Legalitas', *Media Hukum Indonesia (MHI)*, 2.3 (2024), pp. 445–53, doi:<https://doi.org/10.5281/zenodo.12522453>.

<sup>32</sup> Mustafa, Shahnawaz Khan, and Eleftherios, 'FinTech, Blockchain and Islamic Finance: An Extensive Literature Review', *International Journal of Economics and Business Administration*, VIII.2 (2020), pp. 65–86, doi:10.35808/ijeba/444.

<sup>33</sup> Ardiansyah.

<sup>34</sup> Dadang Yudih and others, 'Penggunaan Teknologi Blockchain Dalam Perbankan', *EEL-Ecosy: Jurnal Ekonomi Dan Keuangan Islam*, 4.2 (2024), pp. 145–55, doi:<https://doi.org/10.35194/eeki.v4i2.4481>.

*Peraturan Menteri Perdagangan No. 31 Tahun 2023 dalam Bisnis E-Commerce di Platform TikTok (Suatu Analisis Hukum Ekonomi Syariah)*

*Muhammad Dayyan et.al*

government and religious institutions (National Sharia Council of the Indonesian Ulema Council) and the House of Representatives of the Republic of Indonesia (DPR-RI) to ensure that regulations are continuously updated and adjusted to developments in the digital economy and Sharia principles. Collaboration between the government, policy makers, academics, legal and sharia practitioners, and communities involved in digital culture is key to formulating regulations that provide effective solutions.<sup>35</sup>

Government policies through the Minister of Trade have encouraged TikTok Shop to improve security and privacy standards. TikTok Shop must continue to improve transparency in its operations, including privacy policies, recommendation algorithms, and how user data is used. For further researchers, ensure the process of periodic evaluation and monitoring of TikTok Shop to ensure that any concerns or violations can be addressed quickly and effectively.

## **CONCLUSION**

The results of this study indicate that Permendag Number 31 of 2023 has reflected several basic principles of Sharia Economic Law, especially the principle of justice (Al-'Adl), the principle of balance (Al-Mizan), and the benefit (Maqashid Syariah). This study also revealed several aspects that need to be improved, including increasing the role of the Business Competition Supervisory Commission (KPPU) to ensure that the principle of justice is truly achieved. Increasing the understanding of digital marketing for MSME business actors and supporting the development of a halal, fair, and profitable digital economy for all levels of society. The role of the National Sharia Council and the Legislature (DPR-RI) to ensure that regulations continue to be updated and adjusted to the development of the digital economy and Sharia principles.

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<sup>35</sup> Fina Rahmawati, 'Analisis Hukum Dan Syariah Dalam Budaya Digital', *Al-Hiwalah: Journal Syariah Economic Law*, 2.1 (2023), pp. 37–53, doi:10.47766/alhiwalah.v2i1.1473.

*Peraturan Menteri Perdagangan No. 31 Tahun 2023 dalam Bisnis E-Commerce di Platform Tiktok (Suatu Analisis Hukum Ekonomi Syariah)*

Muhammad Dayyan et.al

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