

Analysis Unhealthy Business Competition in the Business Era Digital Based

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The purpose of this research is to understand and analyze the regulation of unfair business practices in the digital business era in Indonesia, as well as the impact of unfair competition on innovation and business sustainability in the future. This research employs a normative research method, using primary and secondary legal materials obtained through literature and the analysis of books, journals, and cases, particularly those available on the internet, literature books, and laws. The research results indicate that unfair competition in Indonesia is regulated by the ITE Law No. 11 of 2008 and Law no. 5 of 1999, but there are still gaps in oversight, especially in the digital sector. The ITE Law focuses more on electronic transactions and personal data protection, while the Anti-Monopoly Law has not fully accommodated new challenges such as predatory pricing and market dominance by large platforms. As a result, unfair competition can lead to market monopolies, a decrease in MSME turnover, and future losses for consumers. The research recommendation is that the anti-monopoly law has been effective in reducing unfair competition in the digital sector, but the government needs to provide further support, especially regarding the limitations of the KPPU under the existing regulations, without disrupting existing industries. Also, to prevent the negative impacts of unfair competition, tighter oversight is necessary, especially in competition within the digital sector, such as e-commerce.

INTRODUCTION

In the era of globalization and progress rapid technology , digital transformation has change almost all aspect life humans , including in the business world . Digitalization give impact significant to method company operate , interact with consumers , as well as compete in the market. As the result , business digital based now become the dominant business model , shifting practice conventional previously depend on channel physical . From trade electronics (e-commerce) to service platform based , digitalization offer a very big opportunity for company For develop and expand their market . [1]

As stated in Law No. 7 of 2014 concerning Trading give protection to consumer from practice business that does not fair . Article 25 of this Law arrange that consumer entitled get correct and clear information about products sold . In the digital context , the practice like misleading advertising , unreasonable prices transparent , or products that are not in accordance with what was promised can considered as competition business No healthy . Therefore that , this law give base for authority For monitor and regulate online transactions in a way transparent and not harm consumers .

Article 47 of Law No. 7 of 2014 regulates about obligation for organizer system electronics (such as e-commerce platforms) for ensure transparency in transactions . Digital platforms must provide clear information about price , quality goods , and policies return goods . This is aiming For avoid practice No Healthy like fraud or fraud in transaction electronics . Use technology information based on means electronic believed give positive impact for perpetrator business especially in matter speed and convenience do transaction in global interaction without limitation place and time . [2]

This law can also be used to arrange practices competition business that is detrimental to the market overall, such as discrimination price or abuse market domination by large digital platforms. This law supports policy to prevent market monopoly that can harm perpetrator business small and medium. Although Law No. 7 of 2014 does not arrange in a way details about monopoly or cartel, but provision related fair and healthy trade gives room for competent authority (for example, the Commission Supervisor Business Competition -KPPU) to do action to harmful practices competition.

According to Arie Siswanto, what is meant by with law competition business (competition law) is instrument the law that determines about how competition that must be done. However, the development is rapid. This also presents a challenge new, especially in matter competition effort. One of the issues that arise is practice competition business No healthy (unfair competition). In the context of business digital based, competition No Healthy No only limited to aspects product or price, but also on usage technology that is not transparent, misuse of personal data consumers, as well as marketing strategies that are not ethical. This is cause injustice that is detrimental to the parties that are more small or more weak, good from side economy and rights consumers. [3]

Change Landscape Business in the Digital Era where Digital transformation creates lots of convenience in various sector business, including convenience market access and efficiency operational. However, along with with existing advantages, the digital business model also opens up potential for practice loss-making business. There is a number of company big that leverages data and technology to press competitor small, or even adopt a detrimental strategy consumers, such as data fraud or misleading marketing practices. This is very detrimental to the market and creates inequality in competition.

There are some factors that cause competition business No healthy in the digital business era, one of them is Misuse of Data and Information Access Digital business where collect user data in amount big, which can be used for various objectives, including analysis behavior consumers and manufacturing decision business. However, this data can also be misused to arrange price or influence preference consumer with the way that is not ethical.

As for the Impact Unfair Business Competition effort that does not Healthy own very detrimental impact various parties. Impact the first most obvious is loss for Consumers. Practices No healthy, like misuse of personal data, discrimination price, or quality declining products, can reduce available options for consumer as well as harm them in matter price and quality product or service.

Impact other is harm companies involved in competition healthy, because they obstructed in to obtain fair chance to compete in the market. Practice monopoly or digital oligopoly can limit innovation and reduce diversity products and services available in the market. [4]

As stated in Constitution Number 5 of 1999 concerning Prohibition Monopolistic Practices and Unfair Business Competition. Article 1 number 6 of the law states in a way clear state:

“ Competition business No Healthy is competition between perpetrator business in operate activity production and or marketing goods or services performed with method No Honest or oppose law or hinder competition business.”

In the Qur'an it is also explained about competition, found in Surah Al-Baqarah verse 148:

Meaning: "And for each and every people There is his own direction (his own) which he facing to him. So compete (in make) goodness. Anywhere You is at surely Allah will gather You all (on the doomsday). Indeed, Allah has power over all something". (QS. Al-Baqarah: 148)

In addition, the competition business No healthy can also bother development ecosystem digital business in overall. When a number of company dominate the market, space for Small and Medium

Enterprises (SMEs) to develop become the more limited. This can hinder potential innovation and creativity that usually come from player small in the market, good it's in the sector conventional (for example, retail) physical, manufacturing, distribution) can covers practice like determination price in a way manipulative, monopolistic, cartel, or competition No fair other

Based on explanation on so Writer interested For study and pour it out in study with title "Analysis Unhealthy Business Competition in the Era of Business Digital Based". The formulation is as follows problem in study this, namely How is it? arrangement competition business No healthy in the business era digital based in Indonesia and How impact competition business No Healthy to innovation and sustainability business in the future.

METHOD

Research methods used in study This is method study normative. Research normative This is research that examines studies document, Because of the approach This focuses on the study regulation Legislation, approach case, and approach conceptual. Research normative allow study For identify and analyze legal norms that exists, and understands its implementation in context competition business No healthy in the business era digital based. This method also helps analyze and describe [5]

RESULTS AND DISCUSSION

Arrangement competition business No healthy in the business era digital based in Indonesia

Law No.5 of 1999 concerning Prohibition Monopolistic Practices and Unfair Business Competition Law no. 5 of 1999 became runway main in arrange competition business in Indonesia. Regulation This aiming For prevent practice monopoly, cartel, and abuse position dominant that can harm consumers and actors business others. In the digital era, KPPU has the authority supervise violation law competition business, including practices carried out through digital transactions. Some chapter in this law, such as Article 6 and Article 7, prohibits company For do the agreement that caused distortion price or unfair competition healthy. In addition, the regulations This also provides sanctions to perpetrator business that does restrictive covenant production and marketing goods or services. [6]

As for the sanctions for violators of anti-monopoly law is the KPPU authorized give sanctions administrative to perpetrator an unlawful attempt regulation competition business. Sanctions the covering cancellation agreement illegal, command termination practice monopoly, a minimum fine of IDR 1 billion, up to cancellation of merger or acquisition that can damage competition healthy. In addition, sanctions other can in the form of separation of business units that are too dominant in the market for ensure No existence anti- competitive practices. [7]

The role of KPPU in Digital Market Supervision Based on Law No. 5 of 1999, KPPU was formed For supervise and enforce rule competition business. With development digital business, the role of KPPU is increasing important in monitor and take action practices that are detrimental to the market and perpetrator business small. KPPU can also do investigation against the digital platform that is suspected do practice discrimination to perpetrator business small.

Law no. 1 of 2024 concerning Information and Electronic Transactions (ITE)

Law no. 1 of 2024 concerning Electronic Information and Transactions (ITE) is regulation important in arrange digital ecosystem in Indonesia. This law give base law for various aspect transaction electronics, including personal data protection, security digital transactions, as well as

supervision to potential abuse system Electronics . Regulation This become the more relevant along with increasing use technology in various sector economy , including digital commerce and services based on technology information . [8]

Personal Data Protection in the ITE Law. One of aspect main in the ITE Law is personal data protection . In the digital era, user data become a very valuable asset for company technology . However , the misuse of personal data by perpetrators business can cause impact negative for consumers , such as theft identity , abuse information , up to practice competition business No healthy . Therefore that , the ITE Law regulates how personal data must collected , stored , and used by the perpetrator digital business . Obligations transparency and permission user in use of personal data become part crucial in arrangement This .Transparency and Security Electronic Transactions

The ITE Law also regulates about transparency and security transaction electronics . In the competition digital business , practices that are not transparent , such as determination price that is not clear or information misleading products , can harm consumers and create imbalance in competition business . Therefore that , the ITE Law demands perpetrator business For give clear and accurate information about product or the services they provide offer . In addition , the system security transactions also become attention main so that consumers avoid from fraud or violation security cyber .

The impact of the ITE Law on Digital Business Competition

Although the ITE Law focuses on regulation transaction electronics and personal data protection , regulations This also has an impact on competition digital business . For example , the rules about security transactions and personal data protection can limit domination company the previous big one own access not limited to consumer data . With existence strict regulations , companies small and medium enterprises (SMEs) have more opportunities fair in access the digital market without must compete with practice No Healthy from company a giant that controls user data .

Weaknesses of the ITE Law in Handle Unfair Business Competition. Although the ITE Law has wide coverage in arrange digital transactions , regulation This Not yet in a way special discuss about competition business No Healthy in the digital world. For example , the practice such as predatory pricing, manipulation digital platform algorithms , as well as practice monopoly Still need regulation more additions specific . Therefore that , the ITE Law is necessary collaborated with the Antimonopoly Law and policies from Commission Supervisor Business Competition (KPPU) for ensure that digital ecosystem remains competitive and not harm perpetrator more effort small .

In general Overall , Law no. 1 of 2024 concerning Information and Electronic Transactions (ITE) plays a role role important in to form a more digital ecosystem safe , transparent and fair . However , in context competition digital business , regulation This Still need strengthening to be able to in a way effective to overcome challenges that arise consequence development rapid digital technology . With existence Law no. 1 of 2024 concerning Information and Electronic Transactions (ITE), regulations to digital transactions and personal data protection become the more important . The ITE Law provides base law For arrange misuse of consumer data and unauthorized transactions transparent which can influence digital market competition . However , the ITE Law is more focus on transactions electronics and personal data protection , not in a way specifically for competition business No healthy . Therefore that , still required more regulation specific use ensure that digital ecosystem remains competitive and not hinder innovation .

Law No.7 of 2014 concerning trading

Arrangement Trading Through Electronic Systems (PMSE)

Law no. 7 of 2014 concerning Trading arrange various aspect trade in Indonesia , including digital

or Trading Through Electronic Systems (PMSE). In this law mentioned that every transactions made in a way electronic must fulfil the terms and conditions stated in Constitution Information and Electronic Transactions (ITE). This aiming For ensure that digital trading takes place in a way transparent , fair and provide protection for consumer as well as perpetrator business small . [9]

Role of Government in Supervision Digital Trading

One of aspect important in Law no. 7 of 2014 is role government in supervise digital commerce . With increasing e-commerce transactions , government must ensure that existing regulations can accommodate development technology and business models new . Supervision to digital trading is done through various policies , including regulation about price , competition business , and personal data protection . The government is also trying to prevent practice loss making business consumers , such as fraud , advertising misleading , and manipulation price . [10]

Challenge in Implementation of Law No. 7 of 2014

Although Law No. 7 of 2014 provides framework law for digital trade , still there is various challenge in its implementation . One of challenge main is lack of awareness law among perpetrator digital businesses , especially MSMEs, regarding provisions that must be met they obey . Apart from that , developments rapid technology often more fast compared to with adjustment existing regulations . As a result , many case violation digital trading is tough prosecuted Because Not yet own base sufficient law strong . [10]

The need for Harmonization with Other Digital Regulations

To be more effective in arrange digital trade , Law no. 7 of 2014 is necessary harmonized with other regulations such as the ITE Law, Law No. 5 of 1999 concerning Business Competition , and Regulations Government Regulation (PP) No. 80 of 2019 concerning Trading Through Electronic Systems . Harmonization This aiming For create ecosystem more digital commerce healthy , competitive and sustainable . With existence more regulation integrated , expected practice monopoly and competition business No Healthy can minimized , so that MSMEs and business actors business other can develop in environment more business fair . [11] In general Overall , Law no. 7 of 2014 concerning Trading own a very important role in arrange ecosystem digital trade in Indonesia. However , it is still required steps addition For ensure that regulation This can answer challenges that arise consequence development rapid digital technology and commerce electronics . Trading Through Electronic Systems (PMSE) is transaction trade conducted through various devices and methods electronics . In Law No. 7 of 2014 concerning Trade , it is said that utilization digital system in transaction sell buy must comply the rules listed in Constitution Information and Electronic Transactions . Provisions This aiming For ensure that trading digital based can walk with fair , transparent , and give protection for consumers and actors effort . [9] Civil Code (KUH Perdata) and Criminal Code (KUHP). Arrangement Business Competition in the Civil Code and Criminal Code

Arrangement about competition business in context law in Indonesia partly big set up in the Civil Code (KUH Perdata) and the Criminal Code (KUHP). Article 1365 of the Civil Code arrange about action oppose law that can used as base law in case competition business No healthy . While that , the Criminal Code is more Lots arrange act criminal economy , but Not yet in a way specific covers action competition business No healthy in the digital world. [12]

Limitations of Article 1365 of the Civil Code in Digital Business Competition

Article 1365 of the Civil Code state that " Every action oppose the law that gives rise to loss for others, obligatory the guilty party For replace loss "In the context of competition business , article This can used For demand perpetrator business that does action cheating that causes loss for its competitors . However , the regulation This Still nature general and not yet accommodate

challenge new in the digital era, such as data misuse , manipulation digital platform algorithms , and predatory pricing practices that often occur happen in e-commerce. [12]

Limitations of Article 362 of the Criminal Code in Arrange Digital Business Competition

Article 362 of the Criminal Code regulates about theft , which in a number of case can associated with data theft or information business secret . However , the article This Not yet in a way specific covers case competition business involving practice monopoly , cartel , or abuse position dominant many happening in the digital sector . Therefore that , is needed regulation more additions specific and relevant with development technology . [12]

The need for Harmonization of the Civil Code and the Criminal Code with Digital Regulation

In facing the challenge competition business in the digital era, harmonization between the Civil Code , the Criminal Code, and other regulations such as Law no. 5 of 1999 concerning Prohibition Monopolistic Practices and Unfair Business Competition are becoming very important . More stringent regulations specific required For handle cases like misuse of consumer data by companies large , prioritized algorithm product certain in a way No fair , and determination price that is exploitative to competitor more small .

With development rapid technology , existing laws moment This Still Not yet fully capable adapt self with dynamics competition business in the digital world. Therefore that , it is necessary There is Updates regulations so that the Civil Code and Criminal Code can more effective in handle challenge new in the digital era, including in prevent practice competition business No increasingly healthy complex . Settings about competition economy in a way general is also regulated in Article 1365 of the Civil Code , while Article 362 of the Civil Code has not can arrange about development competition anti -competitive practices and business business . Article 6 of Law No. 5 of 1999 states that perpetrator business forbidden do activity monopoly and competition business No healthy . Article 7 states that company forbidden stage agreement with his competitors For set price below market price , which can cause competition economy No healthy . This is show that more modern and specific regulations required For answer challenge digital business is growing complex . [12]

Regulation Government Regulation (PP) No. 80 of 2019 concerning Trading Through Electronic Systems [13]

Scope of PP No. 80 of 2019

Regulation Government Regulation (PP) No. 80 of 2019 concerning Trading Through Electronic Systems (PMSE) is rule executor from Law no. 7 of 2014 concerning Trade . This PP arrange various aspect digital trading , starting from transaction electronics , protection consumer , digital payment , system shipping , up to settlement dispute in online trading . Regulations This play a role important in create ecosystem more digital commerce safe , transparent and fair .

Protection Consumer in Digital Trading

One of aspect main in PP no. 80 of 2019 is protection consumer in transaction trading electronics . In the digital era, consumers often face various risk like product No in accordance with description , price not transparent , and practice misleading marketing . This PP obligatory perpetrator digital business for give clear , accurate and unambiguous information misleading to consumers . In addition , there are provision about right consumer For do return goods or request replacement If product received No in accordance with agreement .

Regulation for Business Actors in Digital Ecosystem

PP No. 80 of 2019 also stipulates rule for perpetrator operating business in ecosystem digital trade . Actors business required For own clear identity , such as Number Parent Business (NIB), as well as subject to regulation applicable taxation . This is aiming For prevent existence practice trade that is not valid and ensure that all transactions that occur in digital platforms fulfill standard laws set by the government . In addition , e-commerce platforms such as Shopee, Tokopedia, and Bukalapak are also required For apply supportive policies competition healthy business . For example , they must ensure that algorithm search product No side with the product certain in a way No fair and giving equal opportunity for all seller in system trading electronics .

Completion Disputes and Sanctions for PMSE Violations

PP No. 80 of 2019 also includes mechanism settlement dispute in trading electronics . In case dispute between sellers and buyers , e-commerce platforms are required For provide mechanism fair and transparent settlement . If the perpetrator business proven violate the provisions stipulated in this PP , then they can charged sanctions administrative , starting from reprimand written , freezing permission business , until fine in accordance with applicable provision .

In general Overall , PP No. 80 of 2019 plays a role important in create ecosystem more digital commerce organized and transparent . With existence regulation this , it is expected practice competition business No Healthy in trading electronic can minimized , so that created environment more business fair for all perpetrator business . PP No. 80 of 2019 as rule executor from Law No. 7 of 2014 concerning Trading arrange about system electronics used For activity trade . This PP covers various aspect like system shipping , system electronics , payments , advertising contract electronics , requirements trading through system electronics , personal data protection , settlement disputes , as well as coaching and supervision . With with this PP , the government make an effort create a more digital environment safe and prevent actions that can be hinder competition healthy business .

One of challenge the biggest in the digital sector is predatory pricing practices , where companies big with source strong power sell product or service with price far below cost production For defeat more competitors small . Strong reasons for law For present with objective For to coordinate activity inhabitant new society in transact electronic and in the form of as diverse activity with draft protection law Where activity That always changed in accordance with change on need public information . [14] Practice this , if left , can destroy business small or MSMEs and create market monopoly . In addition , market domination by several large platforms can also harm healthy competition . Therefore that , the steps more supervision strict from the regulator is very necessary For overcome problem this . [15]

E-commerce platforms such as Shopee, Tokopedia, and TikTok Shop have policy Alone in guard competition business . For example , Shopee prohibits manipulation price with raise price product One Sunday before promotion and giving wrong impression on promotion or ongoing discounts . Tokopedia arranges for sellers No raise price original 14 days product before discount shop enforced . TikTok Shop also has rule For protect owner brand from product fake that is detrimental competition . Policy This aiming For ensure transparency in digital trade as well give protection for consumers .

As for the sanctions given by the Commission Supervisor Business Competition (KPPU) in form action administrative , including : [7]

Set cancellation agreement in accordance with Articles 4 - 13, Article 15, and Article 16.

Ordered to perpetrator business For stop integration in a way vertical in accordance with Article 14.

Ordered to perpetrator business For stop proven activities do practice monopoly .

Ordered to perpetrator business For stop activities that become reason competition No Healthy .

Ordered to perpetrator business For stop abusive actions position dominant in accordance with Article 25.

Set cancellation to smelting or merger of business entities in accordance with Article 28.

Set payment change loss and set minimum fine of 1 billion rupiah. Enforcement sanctions This expected can give effect deterrent for perpetrator trying business damage healthy competition .

Even though Indonesia has a number of relevant rules , their arrangements Not yet fully adequate For accommodate problem competition business No healthy in the digital world. There is need For do adjustment regulation , strengthening supervision , as well as enforcement more laws effective so that the digital industry can operate in a way fair and creative ecosystem healthy , transparent and sustainable business . Collaboration between the ITE Law, the Antimonopoly Law , and the KPPU is very necessary For guard balance between digital innovation and protection to healthy competition in the market. [7]

Impact Unfair Business Competition Against Innovation and Sustainability business in the future Competition in the business world is a dynamics alone which is not can avoided . For some businessman , competition connotative negative Because Can threaten business Because Afraid will decreased profits or consumer more choose price low from competitors . But in reality No Thus . Healthy competition can give good thing for businessman , competitor That themselves and even the customers . The perpetrators business in Indonesia in operate activity his efforts based on democracy economy with notice balance between interest perpetrator business and interests general . [6] Competition No Healthy is consequence from practice competition effort . In addition , the conditions competition for company own aspect negative . For example is when competition done by the perpetrator economy that is not ethical , which has an impact bad for welfare public general . The dangers inherent in competition This is potential the occurrence activity fraud (competition) No ethical) , because competitors can see it as opportunity For get rid of his competitors with method whatever . [6] Practice monopoly and competition business No Healthy used as one of the strategies implemented by the perpetrators business For chase away competitors - competitors from the same market . Monopoly and competition business No Healthy it's actually very difficult For carried out in a healthy market economy , because in a healthy market No There is obstacle For entry barrier. Competition business No healthy in the digital era can impact on market monopoly , decline UMKM turnover and losses consumers . Here is impact competition business No healthy in the digital age: [16]

Market monopoly

Competition business No Healthy can give birth to market monopoly . Market monopoly can happen when company big own profit in access the market. Monopoly is component the main thing that will be make riches concentrated in hand a handful group so that can create gap social and economic . Ownership and control asset riches in hand individual is something that is allowed . However thus when freedom the utilized For create practices monopolistic which is detrimental , then is the state's duties and obligations to do intervention and correction .

Monopoly and Its Disappearance Diversity Technology in digital industry , companies that have big market power often misuse position dominant they For hinder development technology new . Practice like acquisition startup company for remove competitors , or unauthorized use of data fair , can create inequality in innovation technology . As a result , the product or the service that should be Can become alternative more innovative and sustainable No get chance For developing . The steps that should be taken are: taken among others.

Tighten rule acquisition company small by giant technology so as not to happen monopoly and

startup remain own chance develop. Increase transparency in data usage for ensure company big No misusing consumer data for profit No fair. Push policy protection innovations , such as patents and copyrights riches intellectual , so that the company small still own right exclusive on the technology they develop .

Decrease UMKM turnover

Large e-commerce platforms , such as PT E-Commerce Nusantara, have significant influence in ecosystem digital commerce . They use various business strategies that often make it difficult for Micro , Small and Medium Enterprises (MSMEs) to compete in a way fair . One of the main strategies implemented is policy aggressive pricing , including discount massive and subsidized fare send the hard way matched by the perpetrator business small . As a result , many MSMEs experience difficulty in interesting customer Because they No can offer competitive prices.

Predatory pricing or strategy determination price under cost production is frequently used tactics used by companies big For eliminate competitor small . With sell product or service they far below market price , company big can be interesting customer in amount big , even with bear loss while . However , after the competitors small knocked out from the market, companies that implement strategies This will raise price in a way significant For get return their benefits. Impact from practice this is very detrimental to the perpetrator business small and medium (MSMEs) which No own source Power financial as big as company big . SMEs often No capable match price low that determined by company big , so experience decline turnover in a way drastically . As a result , many MSMEs were forced to roll mat Because No able to endure in competition price that is not healthy. Besides detrimental to MSMEs, predatory pricing too impact negative for consumer in term long . Initially they Possible feel benefited Because can buy product with price cheap . However , after competition reduced and only A little perpetrator remaining effort , price product will jump up drastic . In the condition this , consumer No own Lots choice besides buy product with price tall Because lack of alternatives in the market.

If predatory pricing continues left alone without supervision tight , the impact No only detrimental to MSMEs but also threaten stability economy national . Therefore that , is needed effort together from government , perpetrators business , and consumers For ensure that competition in the market remains healthy and sustainable . With the steps that right , predatory pricing can controlled , so that created ecosystem more business fair for all party .

The decline Motivation For Innovate in a market dominated by players business big with practice competition No healthy , company small and medium enterprises (SMEs) will difficulty For compete . If innovation from perpetrator business new No get room For develop Because market dominance by a company big running practice monopoly or predatory pricing, then ecosystem innovation will obstructed . The steps that should be taken are: taken among others: [17]

Increase regulation anti-monopoly so that companies big No Can hinder startup and SME innovation with method dominate the market No Healthy .

Create ecosystem inclusive innovation , such as give room for startups to develop through policy incentive tax or subsidy For research and development .

Give support for perpetrator business small in form training innovation , access to technology new , and work The same with university or institution research .

Inequality of Access to Innovation Resources need access to source Power like funding , manpower experts , and technology . However , in ecosystem business that does not healthy , company small often have trouble get access to source Power This Because has controlled by the company big dominating industry . This is can hinder innovation in the sector digital - based businesses and other sectors that depend on technology . The best steps are : taken among others:

Government and institutions finance must provide more many funding and incentive programs for startups and SMEs to get initial capital and grow . Credit scheme flowering low as well as grant research and development can become solution .

Access to technology must expanded through digital education and training programs for perpetrator business small . Partnership with company technology big can also helping SMEs adopt technology new without cost tall .

Increase regulation antitrust , including ensure that company big No abuse position dominant they For obstruct SME access to markets and resources Power. Push ecosystem collaborative where startups and SMEs can access network innovation , sharing knowledge , as well as get mentoring from more companies well established .

Impact to Sustainability and Environment competition effort that does not healthy can also hinder innovation in practice business sustainable . Companies that want to develop product friendly environment or technology sustainable Possible difficulty For compete with more companies big running practice No healthy . Without existence clear incentives For innovation green , sustainability business in the future can threatened . The steps that should be taken are: taken among others: [18]

Increase incentive for business green , like more taxes low For companies that implement technology friendly environment. Mandatory transparency environment for company big , so that they No can harm competitors who want to operate business sustainable .

Create policy competition supporting business innovation green , for example with give access funding special for startups that develop technology friendly environment .

Loss consumers and the lack of trust consumer

In the business world Consumer is the most important element in doing business Because consumer is the person who buys goods For for sale return or objective commercial others , but they who bought goods For for sale return or objective commercial other No considered as consumers . Not For interest family alone , friends , or creature life others . For emphasize importance products and/ or service referred to , UUPK define goods as every object tangible or No tangible , good move and No moving , which can spent or No spent , and can spent . Consumers exchange , use , or utilise product . While service referring to work or whatever achievements are available for public general For consumption .

Competition business No Healthy can harm consumers . This is Can happen when perpetrator business do practice discrimination or limit circulation goods in the market.

The decline Trust Consumers and Markets if competition No Healthy Keep going occurs , consumers and actors other efforts will be lost trust towards the market. Consumers who feel harmed by the practice No fair like price discriminatory or marketing misleading will tend look for alternative others , including switch to a bigger market transparent . In the long term length , thing This can damage growth digital industry and slowing down adoption innovation new . The steps that should be taken taken among others: [19]

Increase transparency in digital business , such as obligatory reporting public about prices and policies company .

Forming a supervisory body independent that can handle complaint consumer in a way more fast and effective .

Give sanctions firm to companies that do practice business No fair , so that trust consumer against

the fixed market awake .

Misuse of personal data

When doing discussion regarding personal data , then will always close the relation with privacy as fulfillment right basic man everyone . In Indonesia, the design the law that determines about personal data protection has proposed in 2019 and is on the Prolegnas list 2020. However Thus , Indonesia still referring to the Regulations Government Number 71 of 2019 concerning Implementation Systems and Transactions Electronics (PSTE).

Difficulties of Startups and SMEs in Compete with Big Companies Startups and SMEs often face challenge big in compete with company big that has own market dominance plays role important in push development global economy and grow entrepreneurship . Some constraint the main thing they face it includes : [12]

Lack of Funding : Startups and SMEs often experience capital constraints compared with company big one who has access to investment large and venture funds .

Impact Price Discrimination : Some digital platforms or Supplier big apply discrimination price that is not profitable for startups and SMEs, making they difficulty offer competitive prices .

Dependence on Large Platforms: Many startups and SMEs have to relies on large digital platforms such as e-commerce and social media For market product them . However , the changes algorithm or policies on this platform often detrimental business small .

Lack of Infrastructure Technology : Source Power technology and access to digital innovation is often more limited for startups and SMEs compared with company big one who has strong IT and development team .

The steps that must be taken done is with Push regulations that protect SMEs and startups from practice business No fair , including transparency in policy prices and competition on digital platforms, and also increase access funding and incentives tax for startups and SMEs so that they can compete with more good , and build a strong startup ecosystem , including incubator business and mentoring programs that help they grow and develop .

When practicing monopoly and competition business No Healthy occurs , the market tends to controlled by a handful company big . Dominance This result in decrease healthy competition , so that innovation hampered and consumers own limited choices . For overcome matter this , the Indonesian government has set Regulation Government Number 44 of 2021 concerning Implementation Prohibition Monopolistic Practices and Unfair Business Competition . Regulations This give authority to Commission Supervisor Business Competition (KPPU) for supervise and take action perpetrator business that does practice monopoly or competition business No healthy . [16]

With existence regulations said , it is expected competition business in Indonesia can in progress in a way healthy , so that innovation and sustainability business , especially for MSMEs, can guaranteed in the future .

The digital economy is trend trade that will Keep going develop in the future come , which role Use of Data including Personal Data and "Big Data" plays a role very important role in sustainability economy especially in the digital economy . Relevance between processing of personal data with competition business in digital economy in general fact can felt and proven , because strength a perpetrator business to access personal data will give profit big for the master of the data . Considering Still limited arrangement personal data protection in Indonesia and regulations law competition legislated business Already more of twenty last year , where digital economy yet develop , then relevance both of them Not yet Lots set up even Not yet Lots under review so that

Still there is great potential for violation personal data protection and for creation anti- competitive conditions related access against personal data from customers . [20]

Analysis writer to the impact caused existence competition business No will be very influential for continuation business in the future will come Because the number of E-Commerce or perpetrator business that has not been fully use the applicable rules , then from it is the KPPU that is taking action as supervisor must more alert in supervise perpetrator efforts that can cause competition business the become No Healthy .

CONCLUSION

Based on results research that has been writer do , can concluded that competition business No healthy in Indonesia is regulated in a number of regulations , such as ITE Law No. 11 of 2008 and Law No. 5 of 1999 concerning Monopoly Ban . However , still there is gap in supervision , especially in the digital sector . The ITE Law is more focus on transactions electronics and personal data protection , while the Antimonopoly Law Not yet fully accommodate challenge new in digital industry , such as predatory pricing, manipulation prices , and market dominance by large platforms . The impact from competition business No Healthy to innovation and sustainability business in the digital era can cause a number of problems , such as the occurrence market monopoly , decline UMKM turnover , as well as loss for consumers in the future . As a suggestion, although Constitution monopoly or competition business No Healthy has Enough effective in minimize the occurrence competition No Healthy between digital business , government must give support full , especially related KPPU's position and limitations in regulation existing legislation . Enforcement law in competition effort is also necessary done with wise , so as not to bother continuity industry that has there is . For that , so that the impact negative competition business No Healthy can minimized , more supervision strict need applied , especially in competition efforts that occur in the digital sector , especially in E-commerce industry .

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