

# Responsibilities of Digital Marketplace Platforms and Anticompetitive Assessments in Business Law

Muhammad Alvin Jauhari, Dharma Setiawan Negara, Didit Darmawan

Universitas Sunan Giri Surabaya, Indonesia

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## ABSTRACT

This article examines competition law in the digital marketplace sector, focusing on the regulation of platforms' duties and responsibilities towards merchants and consumers. The research uses a normative juridical method based on qualitative literature studies and thematic synthesis of relevant legislation and verified academic doctrines. The analysis positions marketplaces as trade service providers that regulate market access through terms of service, interface design, and data-based decisions. The first finding shows that the construction of platform obligations towards consumers rests on the obligations of information honesty, transaction security, data protection, and the provision of enforceable loss recovery. Towards merchants, platform obligations include fair treatment, transparency of commission and promotion terms, orderly account enforcement procedures, and the provision of a secure and well-functioning system as a prerequisite for business certainty. The second finding formulates normative measures to assess potentially anti-competitive actions through access arrangements, ranking, and service policies. These measures assess the relevant market and market power, then test whether the policies create artificial barriers to entry, discrimination without objective justification, self-preferencing, service tying or bundling, and consumer steering restrictions through anti-steering. The assessment is conducted using a rule of reason approach that weighs the consequences of exclusion and consumer harm against efficiency justifications and less restrictive alternatives. The article emphasizes the importance of procedural accountability, including notification of policy changes, testable reasons, effective appeal channels, and data management that limits conflicts of interest. The practical implication is the need for internal governance that documents policy objectives, ranking parameters at the category level, and records of sanctions imposed for auditing purposes. Platforms are encouraged to establish data access separation between business units, account recovery mechanisms, and rapid security incident reporting. For regulators, the results of this study support the development of PMSE compliance and the strengthening of dispute resolution coordination. For the market, the application of these normative measures is expected to maintain quality-based competition, reasonable prices, and transaction trust, as well as minimize uncertainty for small traders and consumers in daily transactions in the marketplace.

## INTRODUCTION

Digital marketplaces are changing the way businesses bring together supply and demand through digital infrastructure that connects sellers, buyers, payment providers, logistics, advertising, and analytics. Platforms no longer function as neutral "shop windows", but rather as managers of the rules of the game: setting conditions for joining, curating products, organizing rating systems, managing reviews, determining promotion

mechanisms, and designing commission and service fee schemes. On top of this architecture, business relationships have evolved into layered relationships that combine standard contracts, internal policies, and algorithmic decisions that directly impact the competitiveness of merchants and consumer choices. As a result, competition in marketplaces does not always take the form of selling prices alone, but also through access, visibility, ratings, advertising, and data terms. In the digital environment, the way

\* Corresponding author, email address: [dr.dharmasetiawannegara@gmail.com](mailto:dr.dharmasetiawannegara@gmail.com)

platforms present, filter, and disseminate information helps shape public perception and economic decisions, making the ethical and legal dimensions of information relevant to the analysis of digital marketplaces (Muhammad et al., 2023). When platforms change the rules, merchants can lose market reach in a matter of hours, while consumers face changes in their shopping experience that affect their purchasing decisions. These rapid changes require careful legal assessment of the limits of platform authority, fairness criteria, and protection against practices that lead to market lock-in or differential treatment that is difficult for outside parties to verify (Hirayama & Arai, 2021).

In business law, digital marketplaces form unique legal relationships because platforms control market access, raising questions about their position as intermediaries, business operators, or ecosystem managers. For merchants, dependence on platforms is a consequence of user networks and service integration, while also making platforms an effective digital promotional tool for expanding market reach (Infante & Mardikaningsih, 2022). For consumers, platforms are the main reference for comparing prices and seller reputations (van der Donk, 2022). This condition is bound by standard contracts and unilateral policies, giving rise to issues of balance of power and potential exclusion or discrimination in competition.

The aspect of competition in the marketplace is also closely related to the nature of the digital market, which often moves towards concentration due to network effects, data scale, and the integration of supporting services. When a platform reaches a certain scale, merchants tend to follow the flow of users, while users tend to choose platforms that provide a greater variety of goods and better seller reputation. This pattern can strengthen the platform's position as a "gateway" to the market, making platform design decisions regarding search rankings, ad placement, or service bundling factors equivalent to pricing policies. In addition, interface design and promotional stimuli in marketplaces can influence consumer behavior, including encouraging impulsive purchases that ultimately strengthen the platform's position in directing demand (Darmawan & Gatheru, 2021). Furthermore, controversial practices have emerged, such as preferences for certain products, labelling, selective subsidized shipping costs, or exclusivity policies. At the behavioral level, merchants may be encouraged to pay for advertising to maintain visibility, while consumers may be influenced by the information presented by the platform (Funta, 2019). This

situation raises the need to formulate legal measures regarding the transparency, fairness, and accountability of platforms. These measures are important because proving competition violations in the digital market is often difficult when relying solely on traditional indicators, while the impact on market structure can occur through invisible technical parameters.

In addition to competition issues, digital marketplaces also touch on consumer protection, particularly in relation to transaction security, information quality, and dispute resolution. Although responsibility for goods and fraud is often transferred to sellers through standard clauses, consumers associate their shopping experience with the platform, while the quality of the platform's electronic services affects satisfaction and repurchase intent (Fared et al., 2021). This situation brings together competition law and consumer protection in the need for fair, accurate, and non-market-distorting platform regulation, thus requiring normative legal review.

The title of this study places "regulation of platform duties and responsibilities" as an entry point for reading competition in the marketplace in a more structured manner. The discussion of duties and responsibilities directs attention to the configuration of rights and obligations: what platforms can do to merchants, when platforms are required to act to protect consumers, and how to ensure that platform policies do not unduly restrict competition. This approach is important considering that not all users have the same level of access, digital literacy, and ability to utilize technology-based services, so platform policies can have different impacts on different user groups (Ramle & Mardikaningsih, 2022). Because marketplaces operate across sectors and regions, relevant regulations are usually spread across various regimes, ranging from business competition, electronic trading, consumer protection, to personal data protection. Normative legal research is needed to map the interrelationships between regulations, the hierarchy of norms, and the standards of conduct that can be applied to platforms. In addition, this type of research can examine whether the platform responsibility model that has developed in practice is in line with the principles of legal certainty and business fairness. The focus on merchants and consumers emphasizes that competition assessments should not stop at inter-company relations, as platform design affects merchants' bargaining power and the quality of consumer choice as important indicators of a healthy market.

Finally, this study is also relevant for assessing how law enforcement can respond to platform dynamics without hindering innovation and service efficiency. Marketplaces require content moderation policies, product standard enforcement, and fraud prevention. However, the same policies can intersect with exclusionary practices when applied selectively or non-transparently. At this point, business law analysis requires a framework capable of distinguishing legitimate risk management actions from actions that lead to market power concentration. In addition, vertical integration schemes of platforms, for example when platforms offer their own branded products or internal logistics and payment services, can increase the potential for conflicts of interest. Therefore, this study will focus on the division of responsibilities, transparency standards, and oversight mechanisms available under positive law. To fulfil its scientific objectives, this paper will begin with a mapping of the issues, then move on to a formulation of the problem that focuses on the normative construction that binds platforms in their relationship with merchants and consumers, as well as their connection to business competition norms in the digital market.

The literature on institutional economics and industrial organization shows that two-sided platforms have different incentive characteristics from one-sided companies, because platform decisions affecting one group of users will affect the other group through network effects and interrelated pricing structures (Rysman, 2009). In marketplaces, this characteristic has the potential to create tension between the platform's efficiency objectives and the demands for fair competition for merchants. Changes in ranking algorithms, promotion requirements, or commission policies can increase merchants' effective costs without appearing as price increases. The legal question that arises is whether actions such as self-preferencing, service bundling, or data access arrangements can be positioned as anti-competitive behavior, or viewed as contractual freedom and service management. The lack of clarity regarding boundaries can cause uncertainty for merchants, especially when platform decisions impact product visibility and sales conversion rates. This issue is further complicated by the fact that proving causality in digital ecosystems often depends on data controlled by the platform, leaving merchants in a weak position to challenge the basis for decisions.

The next issue relates to the structure of the platform's internal rules, which often take the form of standard contracts and rapidly changing operational policies. Multi-sided platforms can

change access designs, fees, or features to optimize growth, but these changes can alter the structure of competition between sellers and between platforms (Hagiu & Wright, 2015). In the realm of business law, the question that arises is how to assess the fairness of clauses, equality of access, and transparency of platform decision-making when the impact resembles private regulation. Provisions for account suspension, listing removal, or downgrading are often based on policy violations, but the standards of proof and appeal mechanisms are not always clear. In addition, platforms may encourage merchants to use internal services, such as logistics or paid advertising, so that merchants who refuse risk losing sales performance. This issue touches on competition because it raises questions about discrimination, hidden exclusivity, and market lock-in through service design. At the same time, consumers have an interest in information disclosure and transaction security, so the assessment of platform duties must take into account the balance between merchant rights and consumer protection.

Another prominent issue is the link between platform responsibility to consumers and the design of competition in the marketplace. Platforms that position themselves as intermediaries may limit their responsibility for the goods or services traded, but consumers often view the platform as the party that guarantees the shopping experience. When platforms regulate reviews, labels, or recommendations, they help shape perceptions of seller quality and reliability. In two-sided network theory, the quality of experience on one side effects participation on the other, so the platform's incentive to manage quality may potentially conflict with different treatment of sellers (Parker & Van Alstyne, 2005). The legal issue is how to determine the limits of the platform's obligation to ensure that the information presented is accurate, not misleading, and does not create an unfair advantage for certain groups. When platforms have their own derivative businesses or products, the challenge increases because interface design decisions can drive demand. In such situations, competition norms, consumer protection norms, and electronic commerce norms are intertwined, while traders and consumers need certainty regarding the chain of responsibility in the event of losses.

The development of digital marketplaces has accelerated the shift in market structure from direct transactions to platform-mediated transactions. This change requires a re-examination of the legal measures commonly used to assess competition, as dominance can be established through control over

access, data, and rules of interaction, rather than through physical asset ownership alone. In practice, merchants often rely on platform features such as advertising, vouchers, and delivery, while consumers rely on rating and recommendation systems to make purchasing decisions. This dependence creates complex legal relationships, which need to be addressed through a systematic review of existing regulations to avoid regulatory gaps or overlapping jurisdictions. In the field of business law, thorough research can help assess the limits of platform freedom of contract, standards of transparency in internal policies, and measures to protect merchants and consumers affected by regulatory changes.

Furthermore, structuring platform responsibilities is strategic for business certainty and public protection. Without clear parameters, merchants may face the risk of sudden access termination, while consumers may face the risk of misleading information, illegal goods, or fraud that morphs with technology. Normative research can map out how competition norms, consumer protection, electronic trading, and personal data protection should be read as a series of obligations. Such an interpretation is necessary so that the regulation of platform tasks does not become a hindering burden, but also does not provide space for practices that harm the market. A structured study also helps to formulate parameters for assessing platform policies such as ranking, data access, moderation obligations, and dispute resolution mechanisms, so that the discourse on business law can be based on clear and testable norms.

This study aims to develop a normative legal analysis of the duties and responsibilities of digital marketplace platforms towards merchants and consumers in relation to competition law and the applicable business law regime, as well as to formulate normative assessment measures for platform policies that may affect the structure of competition. Its theoretical contribution is in the form of mapping the relationship between norms across regimes relevant to the digital market, while its practical contribution is in the form of an argumentative framework that can be used to assess platform policies, develop internal compliance, and clarify the limits of actions justified by positive law.

## RESEARCH METHOD

This study employs a normative legal method with a qualitative literature review design based on the analysis of primary and secondary legal materials. Primary legal materials include laws and regulations

governing business competition, electronic trading, consumer protection, personal data protection, as well as licensing and governance of electronic system operators relevant to marketplaces. Secondary legal materials include academic books and reputable journal articles that explain multi-sided platform theory, digital industry organization, and approaches to competition enforcement in data-based markets. The synthesis framework is guided by a thematic synthesis approach to organize recurring normative themes in the literature and link them to the structure of positive legal norms, thereby obtaining a coherent and testable map of arguments (Thomas & Harden, 2008). To ensure that the results of the literature review are not merely a descriptive summary, this study developed a conceptual matrix containing key issues such as the position of the platform, reasonable standards for clauses and internal policies, limits of responsibility to consumers, and forms of behavior that have the potential to close market access. The themes that emerged were then linked to the legal concept of business regarding contractual relationships, business actor responsibility, and compliance standards, so that the analysis produced normative propositions that could be used to examine platform policies.

The literature search strategy was conducted in a structured manner by setting keywords in Indonesian and English as used in the abstract. The search was directed at academic databases commonly used in law and applied social sciences. The inclusion criteria included: (a) reputable journal articles or academic books with clear publishers, (b) direct relevance to the digital market, platform governance, or competition enforcement, (c) availability of verifiable DOI or ISBN, (d) inclusion of conceptual discussions that could be operationalized for normative analysis. Exclusion criteria include: (a) popular opinion articles without peer review, (b) manuscripts without verifiable bibliographic identity, (c) sources that merely repeat news or press releases, (d) sources that stray too far from the focus on marketplaces and competition. To maintain the traceability of the selection process, each source candidate was recorded in a worksheet containing the reasons for inclusion or exclusion. This design is in line with the principle of transparency in literature reviews, which emphasizes the traceability of source selection and consistency in the screening stages (Tranfield et al., 2003).

Coding was performed through qualitative content analysis with a combination of deductive and inductive codes. Deductive codes were derived from the problem formulation and normative categories that were expected to be dominant in marketplace

regulation, for example: transparency obligations, non-discrimination, fairness of trading conditions, data access and portability, accountability of algorithmic decisions, and allocation of responsibility for consumer losses. Inductive codes were formed from new conceptual findings that emerged during the reading, such as variations in the standard of proof of exclusive behavior in the digital market or the typology of platform policies that affect merchant visibility. The coding process followed systematic content analysis guidelines to ensure that code definitions were stable, consistent, and auditable through analytical memos (Schreier, 2012). Quality assurance is carried out through the following steps: triangulation between source types (books, conceptual articles, empirical articles), checking code consistency through rereading sample sources, and writing analytical decision trails that explain why a normative proposition is retained or eliminated. To maintain the integrity of the analysis, thematic synthesis is treated as a tool to construct normative arguments, not as a substitute for legal interpretation. The final result of this method is a map of themes which is then tested against the structure of the legislation that is still in force, so that the construction of the platform's duties and responsibilities can be formulated along with relevant measures for assessing anti-competitive behavior in the marketplace.

## **RESULT AND DISCUSSION**

### **Construction of Digital Marketplace Platform Obligations towards Merchants and Consumers**

The legal obligations of digital marketplace platforms towards merchants and consumers in Indonesian business law are the result of the interaction of various complementary regulations, which can be understood through four pillars of norms, namely consumer protection, electronic transactions, business competition, and trade governance through electronic systems. The principle of fair competition in the digital era is an important foundation, including the role of supervisory agencies such as the Business Competition Supervisory Commission (KPPU) in creating a fair economic climate (Wibowo et al., 2023).

In practice, platforms formulate private rules through terms and conditions, community policies, and operational standards, but these rules are subject to public laws that set minimum limits, such as prohibitions on harming consumers, good faith obligations, the implementation of reliable electronic systems, and prohibitions on exclusive behavior or obstruction of competition. Because marketplaces

connect merchants and consumers, the obligations of platforms are multi-layered, including ensuring the security and reliability of transactions for consumers (Achmad & Indradewi, 2023), fair access and non-discrimination for merchants, and the obligation to maintain market openness when platforms have significant market power.

Within this framework, platforms are no longer viewed as passive intermediaries but as market organizers that bear legal obligations to protect consumers, maintain transaction integrity, and manage systemic risks in the digital market (Busch, 2020). Therefore, normative legal analysis assesses platform compliance not only based on contracts but also based on the entire public legal framework governing the digital market.

Consumer protection is a key pillar in determining the limits of marketplace platform liability, as stipulated in Law No. 8 of 1999 on Consumer Protection (UUPK), which guarantees the right to comfort, security, safety, accurate information, and the right to submit complaints. In the context of marketplaces, the UUPK requires platforms to ensure the transparency and accuracy of transaction information, including product descriptions, prices, shipping costs, stock, and return policies, as important instruments for consumer protection and fair business competition (Purwanto et al., 2023). Although platforms often position themselves as intermediaries through click contracts and standard clauses, the UUPK emphasizes the obligation of good faith and prohibits unreasonable limitations of liability, especially when interface design, payment systems, seller verification, or the provision of certain labels create consumer expectations of an active role for the platform. Therefore, platforms are obliged to provide effective complaint mechanisms, proportionate seller verification, and content management that prevents misinformation or prohibited goods, as platforms not only provide space but also manage transaction rules and derive economic benefits from such activities (Tsary, 2022).

The aspect of liability for damages clarifies the legal consequences when consumer protection is not fulfilled. The UUPK also establishes a liability for damages construct when consumers suffer losses, either through refunds, replacement of goods, or other forms of compensation in accordance with the losses. In the marketplace, the key question is the distribution of liability between sellers and platforms. Normatively, the UUPK requires that liability schemes not be structured in such a way that consumers bear the burden of proof and disproportionate costs. Because platforms control

transaction data, proof of payment, communication records, and delivery traces, they bear a procedural obligation to open up fair channels of proof for consumers. This means that even though the seller may be the party delivering the goods, the platform is obliged to provide an effective mechanism to ensure that compensation can actually be realized, not just written down. In addition, the prohibition of standard clauses that eliminate the liability of business actors requires platforms to be careful in placing liability restrictions. Clauses stating that the platform is free from all risks, including data leaks or payment system failures, have the potential to conflict with the principle of consumer protection if they cause consumers to lose their right to appropriate recovery (Bintarawati, 2022). Thus, the UUPK directs platforms to design a remediation governance system: escrow, return procedures, response time standards, and penalty policies for sellers who violate the rules. This obligation is linked to fairness for merchants, as arbitrary enforcement can harm compliant merchants. Thus, the UUPK implies the need for orderly claim verification procedures, accompanied by opportunities for merchants to explain and submit evidence, so that consumer protection does not turn into an arbitrary transfer of risk. With this approach, consumer protection and fairness for merchants must be maintained simultaneously.

The obligations of platforms are also firmly rooted in the regulation of electronic transactions as the operational foundation of marketplaces. Law No. 11 of 2008 concerning Electronic Information and Transactions (ITE Law) establishes the obligations of platforms as electronic system operators that provide transaction facilities. Trust in these electronic systems is also reinforced by the perceived ease of use, which contributes significantly to behavioral intentions in the adoption of digital payments (Kemarauwana & Darmawan, 2020). The EIA Law requires electronic systems to be organized in a reliable, secure and responsible manner. In marketplaces, these obligations include protecting the integrity of transaction data, ensuring the availability of payment services, securing account authentication, and preventing unauthorized access. The ITE Law also affirms the position of electronic information and electronic documents as valid evidence, so that platforms are required to maintain transaction log traceability and provide records that can be used in dispute resolution. This obligation is two-way: protecting consumers who need proof of purchase, as well as protecting merchants who need to prove that delivery has been made or that

consumer claims are inaccurate (Saputra, 2023). Furthermore, the ITE Law places the burden of due diligence on operators: if a platform fails to implement reasonable security measures and losses occur due to transaction leaks or manipulation, the platform may be deemed to have failed to meet its standard of responsibility. In the realm of private relationships, contract clauses cannot be used as a tool to remove public obligations regarding system security. The ITE Law therefore serves as a minimum operational standard that compels platforms to invest resources in security, incident management, and recovery procedures. For consumers, this obligation is related to transaction trust. For merchants, this obligation is related to the certainty that accounts, catalogues, and funds cannot be easily sabotaged. Thus, the ITE Law makes system security part of the legal obligations of marketplaces, not a business policy option. Therefore, system reliability is a prerequisite for the operational legitimacy of platforms.

The dimension of data protection extends the obligations of platforms beyond mere transaction security. Still within the ITE Law, the obligation to maintain the confidentiality and security of users' personal data is an integral element of platform responsibility. Electronic system operators are obliged to implement the principles of personal data protection when processing personal data, by protecting the security of personal data from loss, misuse, unauthorized access and disclosure, as well as alteration or destruction of personal data (Haganta, 2020). Marketplaces process data such as identity, address, contact number, shopping preferences, search behavior, and payment data. The management of big data requires optimization to support effective managerial decision-making and business strategies (Ali & Darmawan, 2023). Although the data protection regime now has specific legislation, the ITE Law remains relevant as the basis for the obligation of electronic system operators to manage data responsibly and prevent misuse. Normatively, data protection in marketplaces does not stop at technical security, but also includes internal access restrictions, third-party partner controls, and prevention of the unfair dissemination of merchant data to competitors or advertisers (Perkasa & Saly, 2022). This obligation is directly related to competition: merchant transaction data can be used to imitate products, organize selective promotions, or pressure merchants in commission negotiations. Therefore, the ITE Law reinforces the argument that platforms are obliged to manage data as a service mandate, not as a commodity that can be used without limits. For

consumers, data security obligations are intertwined with the right to feel secure when transacting and protection from further fraud. For merchants, this obligation relates to the confidentiality of business strategies, customer lists, and pricing structures. When an incident occurs, the ITE Law demands operational accountability, requiring platforms to have procedures in place for incident handling, service recovery, and communication with users. In the construction of legal obligations, this places platforms in the position of "system governance managers", so that system failures that cause losses can be questioned as violations of implementation standards, even if the direct perpetrators are external parties. Thus, the ITE Law locks the platform's obligations to the quality of processes and security, not merely the desired results. This confirms that data management is at the core of the legal responsibilities of digital platforms.

The perspective of business competition places marketplaces as legal entities that have the potential to influence market structure. Law No. 5 of 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition is the main pillar in establishing the obligations of marketplaces towards traders and consumers from a competition perspective. Article 17 concerning the prohibition of monopolistic practices is relevant when marketplaces or groups of business actors control the production or marketing of certain goods and services, thereby closing opportunities for other business actors. In the digital market, control over marketing can occur through control of user access, onboarding standards, and determination of visibility. Meanwhile, Article 25 on dominant positions places limits on the actions of business actors who have significant market power to set trading conditions that pressure other parties or hinder competitors. The normative obligations arising from these two articles are not obligations to "act fairly," but rather obligations to refrain from unfair exclusive behavior and to formulate platform policies that do not lock traders into harmful dependencies (Susanti, 2022). For example, policies that force merchants to use internal logistics under threat of downgrading, or policies that require certain prices as a condition for participating in promotions, can be considered restrictions on merchant autonomy if they are implemented without an objective and proportional basis. From a consumer perspective, prohibiting dominant positions protects choice and prevents situations where consumers are trapped in a single distribution channel with information quality fully controlled by

the platform. Thus, Law 5/1999 places platforms, especially large ones, under competition governance obligations: internal policies must be assessed based on their impact on market structure, access, and competitive opportunities, not on unilateral efficiency claims. Competition obligations are inherent in platform internal policies that have systemic impacts.

The prohibition of unfair competition in Law No. 5/1999 serves as a test for daily marketplace operational practices, assessing whether platform policies lead to exclusion, discrimination, or market manipulation. Practices that should be tested include exclusive clauses that restrict cross-channel sales, promotional terms that lock in prices, and visibility arrangements that provide differential treatment without testable criteria. Although often justified as service standards, Law 5/1999 requires that such restrictions be proportionate, applied consistently, and not serve as a cover for eliminating competitors or suppressing merchants. From this perspective, platforms have an obligation to formulate policies with objective justifications, orderly procedures, and equal treatment, as the internal governance of marketplaces has a direct impact on market structure, the quality of competition, and consumer choice and welfare.

In addition to legislation, sectoral regulations through Minister of Trade Regulation No. 31 of 2023 concerning Electronic Trading Operators (Permendag 31/2023) detail the operational obligations of marketplaces as trading operators. This regulation emphasizes the platform's obligations regarding the clarity of business entity identities, the accuracy and traceability of information on goods or services, and complaint handling mechanisms, thereby strengthening the principle of consumer protection at the practical level. The quality of information is crucial because seller-consumer interactions in online transactions influence final purchasing decisions (Darmawan, 2022). For traders, Permendag 31/2023 requires platforms to develop onboarding, verification, and enforcement processes that prevent the circulation of illegal goods or misleading information, but still apply them proportionally so as not to harm compliant traders. Thus, Permendag 31/2023 positions marketplaces as active actors in the electronic trading chain and a bridge between consumer protection norms and trade norms.

Pricing and promotions are crucial aspects in maintaining fairness in the digital marketplace. Ministerial Regulation No. 31/2023 also serves as the basis for the obligation to maintain quality

competition through the prohibition of price manipulation, whether direct or indirect. In marketplaces, price manipulation can occur through promotional designs that force merchants to follow certain reference prices, discount arrangements that are in fact borne by merchants without clear consent, or price-fixing mechanisms that prevent merchants from adjusting to costs and demand. Normatively, the obligation to maintain prices free from manipulation must be read in conjunction with Law 5/1999, because manipulative practices carried out by platforms with strong positions can lead to price standardization, merchant lock-in, or the elimination of small merchants who are unable to follow promotional schemes (Wicaksana, 2022).

In terms of obligations, Minister of Trade Regulation No. 31/2023 requires transparency regarding price components, service costs, discount mechanisms, and promotional terms, so that traders can make business decisions with sufficient information. For consumers, this transparency protects them from false prices, such as large discounts that actually originate from initial price manipulation or hidden cost structures. Financial transactions in this ecosystem increasingly rely on digital instruments, where electronic money has its own strengths and weaknesses as a substitute for cash (Sinambela & Darmawan, 2022). This obligation is also related to market integrity: consumers need fair price comparisons, while traders need certainty that competition is not determined by promotional access manipulation. Therefore, merchant autonomy in setting prices becomes an important test point. Platforms can set certain standards to prevent fraud, but price restrictions that pressure merchants without objective reasons have the potential to cause competition issues. Normatively, Permendag 31/2023 reinforces the principle that platforms must separate legitimate promotion management from price controls that harm market structures. With this approach, price transparency becomes a prerequisite for fair competition.

The integration of all pillars of norms results in a systemic construction of obligations. If the four pillars of norms are combined, the construction of platform obligations can be formulated as "transaction governance" and "market governance" obligations. Transaction governance is rooted in the UUPK and ITE Law, with a focus on information, security, system reliability, and loss remediation. Market governance is rooted in Law 5/1999 and reinforced by Permendag 31/2023, with a focus on non-discrimination, prohibition of manipulation that pressures traders, and prevention of behavior that

closes market access. Within this framework, platforms perform a private regulatory function that potentially resembles micro-regulation of the market. Therefore, their legal obligations must demand two standards: substantive standards and procedural standards. Substantive standards assess the content of policies, such as whether promotional terms impose certain prices, whether account deactivation policies are proportionate, and whether transaction data management is used appropriately. Procedural standards assess how platforms make decisions: whether there is notification, testable reasons, opportunities for objection, and redress. For traders, procedural standards are central to fairness because traders depend on platform access for their income. For consumers, procedural standards are important because they affect the effectiveness of complaints and the speed of fraud handling. This framework emphasizes that platform obligations cannot be fulfilled through a single page of terms of service; these obligations must be reflected in policy design, internal enforcement systems, and data governance and security. Thus, it is understood that platform obligations are both substantive and procedural in nature.

Distinguishing between transaction stages helps to map out the platform's obligations more concretely. The construction of obligations also needs to distinguish the platform's role in various stages of the transaction: pre-transaction, transaction, and post-transaction. In the pre-transaction stage, the UUPK requires honest information, while Permendag 31/2023 requires disclosure of the merchant's identity and product information. During the transaction stage, the Electronic Information and Transactions Law (ITE Law) require system reliability, payment security, and electronic evidence integrity. During the post-transaction stage, the UUPK requires a compensation mechanism, while the ITE Law requires data traceability for evidence (Hermawan & Pramana, 2022). From a competition perspective, Law 5/1999 permeates all stages because every policy design can affect competitive opportunities. For example, in the pre-transaction stage, search and recommendation algorithms affect merchant visibility; in the transaction stage, shipping cost and promotion policies can direct demand; in the post-transaction stage, dispute resolution policies affect merchant reputation. Platform obligations mean managing all stages with testable standards of fairness. This requires platforms to draw a clear line between user protection and the platform's commercial interests. When platforms run derivative businesses, competition obligations require the



prevention of conflicts of interest, for example by ensuring that product placement criteria are based on accountable parameters, not unilateral preferences that close opportunities for other merchants. Thus, the construction of obligations becomes an instrument for maintaining a healthy market, protecting consumers from losses, and protecting merchants from unfair treatment. The structure of these transaction stages shows the broad scope of marketplace obligations.

The limits of contractual freedom are the meeting point between private law and public law. From a business law perspective, the relationship between the platform and merchants is generally established through standard contracts, while the relationship between the platform and consumers often takes the form of a combination of a user agreement and a service promise. However, the four regulations discussed above stipulate that the contractual freedom of platforms has clear limits. Electronic contracts are often contained in standard clauses drafted unilaterally by digital application providers. Standard clauses in digital contracts are often detrimental to consumers. This is because consumers are only given the choice to accept or reject the entire agreement without being able to change or negotiate its terms. The UUPK limits standard clauses that are detrimental to consumers and demands good faith; the ITE Law demands the implementation of a secure and responsible system; Law 5/1999 prohibits the use of market power to suppress or shut down competitors; Permendag 31/2023 demands PMSE implementation standards, including transparency and the prohibition of certain manipulations. This gives rise to the construction of an obligation in the form of "due governance": platforms are required to design internal policies that are in line with public prohibitions and obligations, and then implement them consistently. Consistency is an important measure, because inconsistent application of policies to comparable traders can result in discrimination, which is prohibited by law. In addition, platforms are required to establish recovery mechanisms, such as the recovery of incorrectly deactivated accounts, the correction of reputation ratings due to review manipulation, and the recovery of funds held due to system disruptions. Although these mechanisms are often viewed as customer service, normatively they are a manifestation of consumer protection obligations and the obligations of electronic system operators. This obligation also strengthens the quality of competition: when merchants have procedural certainty, they can innovate and compete on product quality, rather than on their ability to navigate

changing policies without explanation. The concept of due governance emphasizes that the platform's obligations go beyond the text of the contract.

This overall analysis shows that marketplace obligations are comprehensive and interrelated. Ultimately, the construction of marketplace obligations towards traders and consumers in the perspective of business competition and business law can be formulated as a layered responsibility that demands a balance between transaction efficiency and market fairness. The UUPK requires consumer protection through honest information, security, and compensation; the ITE Law requires a secure, reliable, and accountable electronic system; Law 5/1999 prohibits monopolistic practices and the abuse of a dominant position that damages competitive opportunities. Permendag 31/2023 requires electronic commerce governance, including the obligation to keep prices free from manipulation and standardize the implementation of PMSE. These obligations reinforce each other, because consumer protection without healthy competition will result in an expensive and closed market, while competition without system security will result in fragile and fraud-prone transactions. Therefore, normative legal analysis requires platforms to implement two disciplines simultaneously: transaction compliance discipline and competition compliance discipline. At a concrete level, these disciplines are manifested through transparent pricing and promotion policy design, fair enforcement mechanisms for traders, strict data and system security, and dispute resolution procedures that provide real remedies. If platforms fulfil this set of requirements, their responsibilities as digital trading service providers can be assessed as being in line with positive law and the principle of business certainty. Thus, the obligations of marketplaces become a key instrument for maintaining the sustainability and legitimacy of the digital market.

### **Normative Measures for Assessing Anti-Competitive Behavior in Marketplace Management**

As a starting point for analysis, normative measures serve as the primary framework for determining how the behavior of digital platforms is evaluated from the perspective of competition law. The normative measures for assessing the actions of digital marketplace platforms that have the potential to be anti-competitive are based on the structure of prohibitions and standards of proof in Law No. 5 of 1999 and the assessment parameters used by the Business Competition Supervisory Commission (KPPU) in its examination practices. Under Law No.

5/1999, the actions of platforms are not assessed based on their "business model" as something that is automatically legal or automatically prohibited, but rather on how market power is used to limit the opportunities of other business actors, hinder competition, or reduce consumer welfare. Because marketplaces manage transaction access through internal rules and interface design, the normative measure needs to translate the prohibitions of Law 5/1999 into traceable indicators: the definition of the relevant market, the map of business actor dependencies, patterns of rule changes, and impacts that can be measured through competition outputs such as effective prices, product variety, switching costs, and barriers to entry. The unfair use of market power to direct consumer behavior (Gardi & Darmawan, 2022) is one manifestation that needs to be watched out for in this analysis. In the initial assessment stage, the norm directs examiners to separate actions that constitute reasonable risk control from actions that serve to eliminate other business actors (Murti et al., 2023). Here, "internal policies" are not treated as an immune private domain, as internal policies can function as exclusionary mechanisms when applied selectively, unpredictably, or deliberately designed to lock businesses into dependency. Thus, an appropriate normative measure always begins with an assessment of market structure and the platform's control over digital distribution channels. This approach positions normative measures as a bridge between competition law texts and the operational reality of digital platforms.

The next stage of normative assessment focuses on clarifying the market boundaries within which the platform's power operates. The next normative step is to establish the relevant market as the basis for evidence. In Law 5/1999, many prohibitions require analysis of the structure and behavior of the relevant market. For marketplaces, the relevant market needs to be understood through two interrelated dimensions: the dimension of the products or services traded, and the dimension of digital intermediary services that provide search, listing, payment, integrated logistics, promotion, and seller reputation. The normative measure requires a realistic substitution test: whether traders can switch channels without losing material access to customers, and whether consumers can switch platforms without significant search costs. In digital markets, switching costs often take the form not of administrative fees, but rather the loss of reviews, decreased visibility, loss of performance data, and changes in shopping habits (Confido, 2023). These

parameters are important because anti-competitive actions through access and ranking arrangements are often "invisible" in nominal price metrics. Therefore, the assessment of the relevant market needs to consider effective prices after commissions, de facto mandatory advertising costs, internal penalties, and service standard compliance costs. These factors also influence customer commitment, which is shaped not only by service quality and perceived benefits, but also by the experiences and choices available in the digital ecosystem (Ali et al., 2022). The relevant market analysis must also take into account the interaction between online and offline channels, as some categories of goods are highly substitutable, while others are highly dependent on marketplaces. Once the relevant market is defined, the normative measure becomes more precise in assessing whether an internal policy actually affects competition or is merely a service difference that is still under competitive pressure. With a clearly defined market foundation, anti-competitive assessments gain a more precise analytical footing.

The next step after the market boundaries is confirmed is to shift the focus of analysis to the relationship between market power and the behavior of dominant businesses. Once the relevant market has been established, the normative measure shifts to dominant position and how to test for its abuse. Law No. 5/1999 prohibits the abuse of a dominant position as one of the core elements of market power control, including when a business sets trading conditions that hinder or obstruct other businesses (Wahyuningtyas, 2017). For platforms, dominance is not only indicated by transaction share, but also by control over access rules, user behavior data, and standards that are prerequisites for merchant participation. The normative measure of dominance assesses: merchants' dependence on a single platform, the difficulty of multi-homing due to operational costs, dependence on internal advertising to maintain visibility, and merchants' inability to negotiate terms. When dominance is indicated, actions that may be neutral for small companies can become exclusive in nature because their impact on market structure is greater. At this point, the KPPU's criteria in its examination practice usually focus on "the use of market power to coerce, close access, or shift competition from quality to control of rules". The normative measure does not require platforms to stop innovating, but it does require testable justification for any restrictions that reduce merchant freedom, decrease consumer choice, or hinder new entrants. Thus, dominance acts as an impact multiplier: the greater the market

power, the stricter the justification requirements. This framework emphasizes that dominance is not a fault, but becomes relevant when used as a tool to restrict competition.

Market power analysis is then expanded through an examination of structural factors that influence the dynamics of market entry and exit. The main normative element is entry barriers. To assess whether access regulations create artificial barriers, normative measures examine the design of onboarding policies, compliance costs, and disproportionate technical requirements. Entry barriers can arise through rapidly changing verification requirements, the obligation to use certain services as a prerequisite for core features, or penalty policies that make it difficult for new merchants to build a reputation. In Law 5/1999, entry barriers are relevant because they can indicate how dominant players maintain market power by blocking competitors (Achmad & Indradewi, 2023). In marketplaces, entry barriers often operate through a combination of rules and data. For example, if API access for inventory integration is selectively restricted, medium-sized merchants may find it difficult to manage multiple platforms, thereby allowing the dominant platform to gain a lock-in that weakens inter-platform competition. The normative measure requires a proportionality test: whether access restrictions are truly necessary for security and fraud prevention, or whether they are more akin to filters to reduce competition. This approach also reflects broader accountability, which is not only bound by legal obligations, but also by ethics and business responsibility in building a sustainable market (Darmawan, 2022). Examiners also assess whether there are lighter alternatives, such as open technical standardization, a reasonable transition period, and a fast appeal process. If barriers to entry are accompanied by evidence that new entrants find it difficult to gain visibility without purchasing large amounts of advertising, then barriers to entry can be both structural and behavioral. Within the Rule of Reason framework, barriers to entry are interpreted as a signal that the restrictive effects may outweigh the benefits. This assessment shows how the design of technical policies can transform into instruments of market locking.

In addition to structural barriers, differential treatment between businesses is a crucial point in competition evaluation. The next element is discrimination, which is normatively prohibited when differential treatment has no legitimate and justifiable business reasons (Kurniasari & Rahman, 2023). In marketplaces, discrimination can take the

form of differences in data access, promotional terms, service fees, or content moderation standards applied to merchants in comparable circumstances. This occurs when businesses in a strong position grant or restrict access to certain inputs or compatibility with complementary products unequally, thereby harming competitors in comparable circumstances (Asil, 2023). The normative measure for discrimination requires comparative evidence: who is treated differently, under what conditions, and what criteria are used. A common problem on platforms is that criteria are often "embedded" in algorithms and automated decisions, so inspectors need to request explanations of decision parameters and evidence of consistent application. Discrimination can also arise through restrictions on API access or analytical data that allow some merchants to optimize performance, while their competitors cannot. Under Law 5/1999, such actions are harmful if they shift competition from product quality to merchants' proximity to the platform. The normative measure assesses whether restrictions are imposed for legitimate data protection or to steer merchants towards purchasing additional platform services. If the reason given is "service quality", the normative measure requires objective quality indicators, testable internal audits, and equal opportunities for improvement for all merchants. When the justification cannot be verified, differential treatment is more easily assessed as discrimination that distorts competition. This emphasizes that equal treatment is a prerequisite for healthy competition.

Visibility is a key determinant of transaction opportunities in the marketplace ecosystem. A particularly prominent issue is ranking and alleged manipulation of search results. The normative measure for ranking stems from the principle that ranking is the "competitive infrastructure" in the marketplace, as it determines who is seen, who is clicked on, and who gets the transaction. In anti-competitive assessments, ranking is examined as an action that has the potential to alter market structure without changing nominal prices. Two key indicators are the stability of rules and the transparency of parameters. If a platform changes its ranking weights without reasonable notice, and these changes systematically disadvantage certain groups of merchants or benefit affiliated entities, then competition norms provide grounds for examining the motives and impacts. The normative measure also assesses whether rankings are tied to accountable relevance factors, such as service quality, delivery accuracy, and keyword relevance,

or tied to the purchase of advertising, which in practice becomes an "entry ticket" to visibility. Advertising purchases themselves are not a violation, but if the ranking structure forces advertisements to maintain basic visibility, it can form a hidden mandatory cost that puts pressure on small merchants and reduces diversity (Bergqvist & Faustinelli, 2020). The assessment also covers protection against practices that manipulate reviews or reputation, as reputations built through unfair mechanisms can become instruments of exclusion. Thus, ranking is assessed not as an absolute trade secret, but as a policy whose impact on competition must be tested. Through this lens, ranking is understood as a strategic policy that has direct consequences for market structure.

The relationship between the platform as a manager and the platform as a business entity raises the issue of conflicts of interest. In the issue of ranking, an important normative measure is self-preferencing, which is when a platform gives a more advantageous position to its own products or services or those of its affiliates compared to third-party merchants. In Law 5/1999, self-preferencing is not mentioned literally, but it can be analyzed as a form of market power abuse if the platform uses its control over rules and interfaces to shift demand in an unreasonable manner. The normative measure assesses several indicators: whether the platform's own products receive special labels that increase clicks without any basis in quality; whether the placement of affiliate products appears in a space that is functionally the result of "organic" searches; whether the advertising costs paid by third-party merchants are ultimately used to strengthen the position of the platform's products; and whether merchant sales data access is used to design competing products that are then promoted through rankings. The examiner also assesses whether there is a real internal separation between the unit that manages the marketplace and the unit that sells products, particularly with regard to access to competitive merchant data. If the platform holds granular data on demand and conversions, the use of that data to defeat third-party merchants could undermine the competitive process (Colangelo, 2023). The normative measure is not a ban on platforms selling, but rather a ban on using their power as rule managers to give themselves an unassailable advantage. If the platform can demonstrate consistent objective justification, such as rankings based on measurable service quality, then the assessment changes. However, if the justification is vague and the impact is exclusive, self-

preferencing becomes a strong indicator of anti-competitive behavior. This assessment positions self-preferencing as an issue of power governance, not merely a common business strategy.

Platform policy accountability is highly dependent on procedural openness that is understandable to business actors. Another criterion is algorithm transparency. The normative measure of transparency does not mean that platforms are required to disclose their source code, but rather that they are required to present clear terms and conditions regarding the factors that influence ranking, access to promotion, and policy enforcement (Bergqvist, 2020). In competition assessments, transparency serves as a prerequisite for accountability: traders need to understand the basic parameters in order to compete on quality, rather than on speculation or proximity. The absence of transparency can become an instrument of control because platforms can alter market outcomes through parameters that are unknown to users. The normative measure examines whether the platform provides understandable explanations regarding the categories of factors, their relative weights in general, and the actions that merchants can take to improve their performance. In the KPPU's examination, transparency is also related to evidence: without an explanation of the parameters, it is difficult for merchants to prove discrimination or self-preferencing. Therefore, the normative measure tends to assess the openness of the process as a factor that reduces the risk of anti-competition. Beyond rankings, transparency is needed for account suspension policies, listing removal, and service fee changes. When platforms impose automatic penalties, normative measures assess whether there are notifications, specific reasons, and effective appeal channels. Clarity of procedures such as these is also important for building trust in other aspects of service, such as the return process in e-commerce transactions, which is part of consumer protection (Anugroh et al., 2023). This procedural transparency is relevant to competition because merchants who lose access at any time without clear reasons will find it difficult to invest and innovate, causing the market to favor merchants who are best able to absorb uncertainty, rather than those who are most efficient. This procedural openness shows that transparency functions as a market discipline mechanism.

Service tying is a form of access regulation that directly impacts merchant choices. The next element is closed agreements in the form of tying and bundling, which are practices that require the use of additional services as a condition for accessing the

main service. In marketplaces, tying can occur when traders are required to use specific payment methods, logistics, or advertising services to gain access to core features or to maintain a reasonable ranking (Jürgensmeier & Skiera, 2023). Bundling can occur when service packages are structured in such a way that traders have no option to choose the components they need. The normative measure based on Law 5/1999 assesses whether the practice binds the relevant market, closes opportunities for other service providers, or burdens merchants without commensurate benefits. The examiner assesses alternative structures: whether merchants can use other payment or logistics providers that meet the standards, and if so, whether the platform still provides equal access. If the platform argues that tying is necessary for security or service certainty, the normative measure requires evidence that these objectives cannot be achieved through open technical standardization, third-party certification, or neutral quality requirements. Thus, tying is not automatically prohibited. However, when tying is carried out by a dominant platform, the impact can be significant because it locks in merchants and eliminates competitors in the supporting services market. In the Rule of Reason assessment, tying is evaluated by weighing the efficiency benefits against the exclusionary effects. If the exclusionary effects are more dominant and there are no reasonable alternatives for merchants, then tying or bundling is more likely to be assessed as anti-competitive behavior. Through this assessment, service tying is understood as a potential structural lock-in.

The freedom of merchants to build relationships with consumers is an important issue in platform competition. The next criterion is anti-steering, which is the prohibition or restriction of business partners from directing customers to alternative channels outside the platform. Anti-steering can be present in clauses that prohibit merchants from listing contact details, prohibit different pricing on other channels, or prohibit the inclusion of links that lead to independent stores (van der Donk, 2022). These regulations aim to prevent designated platforms from limiting the ability of third-party business users to reach end users through alternative sales channels (Deutscher, 2022). The normative measure assesses whether the prohibition is necessary to prevent fraud and maintain transaction integrity, or whether it is used to maintain high commissions by closing consumer options. In Law 5/1999, anti-steering can be assessed as a restriction that hinders competition between platforms and reduces consumer choice, especially when dominant

platforms apply it widely. The normative measure examines the impact on switching costs and merchants' ability to build independent channels. If anti-steering prevents merchants from establishing direct relationships with customers, merchants will become increasingly dependent on platforms, thereby strengthening the platforms' market power and narrowing the scope for competition. In testing, examiners assess whether there are reasonable exceptions, such as merchants still being allowed to list their business identity for after-sales service purposes, or merchants still being allowed to provide warranty information. If the prohibition is made absolute, the effect is easier to assess as exclusive. Anti-steering is also related to cost transparency, as consumers have the right to know whether the price they pay is affected by platform commissions. The stronger the prohibition on directing consumers to other channels, the greater the risk that commissions will become an uncorrected "private tax". Strict anti-steering prohibitions demonstrate how regulatory control can replace competitive pressure.

All of these normative elements are aimed at a contextual evaluation method. All of the above elements in competition enforcement practice are usually tested through the Rule of Reason approach. The normative measure of the Rule of Reason requires a neat analytical process: identification of behavior, determination of the relevant market, assessment of market power and barriers to entry, proof of significant anti-competitive effects, and then assessment of efficiency justifications and the possibility of lighter alternatives. Within this framework, indirect actions are not deemed unlawful simply because they appear "harsh" to traders. However, platforms cannot simply hide behind the narrative of innovation. The normative measure requires evidence based on transaction data: changes in trader market share, a decline in the number of active sellers after a particular policy, an increase in effective costs, and changes in the variety of products available. The coercive power of Law 5/1999 arises when these effects lead to a real reduction in competition, such as the closure of channels for new businesses or the systematic transfer of demand to affiliated entities. In the Rule of Reason, efficiency is only relevant if it can be shown to be of real benefit to consumers and the market, and cannot be achieved through other, more competition-friendly means. Therefore, the normative measure directs dominant platforms to document policy reasons, compile impact assessments, and provide correction mechanisms. If platforms do not have documentation and are unable to explain the reasons

for changes in ranking or access, the risk of anti-competitive assessment increases because the lack of clarity opens up room for allegations of deliberate exclusive actions. This approach emphasizes that competition assessment requires a balance between control and innovation.

As an analytical conclusion, normative measures need to be formulated operationally so that they can be applied consistently. Operational normative measures can be summarized as four interrelated test questions, all of which are derived from Law 5/1999 and KPPU evaluation practices. First, does the platform's action change the structure of competition by restricting access, whether through rules, costs or technical design? Second, are these changes discriminatory, either explicitly through different terms and conditions, or implicitly through ranking parameters and data access? Third, do these actions create lock-ins that limit the choices of traders and consumers, for example through tying, bundling, or anti-steering, making it difficult for competition to correct the platform's commissions and rules? Fourth, can the efficiency benefits claimed by the platform be proven and achieved through less restrictive alternatives? This framework makes assessment measurable without ignoring technological dynamics. At the evidentiary stage, normative measures require a policy trail, documentation of parameter changes, records of treatment of comparable merchants, and market impact analysis. With such standards, assessment does not stop at conjecture but moves towards testable scrutiny. Platforms that structure their policies with procedural transparency, objective criteria, and proportionate restrictions will find it easier to demonstrate that their actions constitute legitimate service management, not actions that lead to restrictions on competition. This series of questions positions the normative measure as a test that maintains a balance between efficiency and competition.

## CONCLUSION

This study concludes that the legal obligations of digital marketplace platforms towards merchants and consumers are formed from a combination of consumer protection norms, electronic transactions, business competition, and PMSE provisions. Platforms are required to ensure that information on goods or services is presented honestly, transactions are conducted securely, user data is managed with accountable governance, and there are truly enforceable mechanisms for recovery of losses. At the same time, if the platform has strong market power, internal policies regarding access, promotion, and ranking must be formulated with measures of

fairness and non-discrimination so that they do not become instruments of exclusion that close off opportunities for merchants to compete and reduce consumer choice.

The normative implication is that platforms need to structure their internal policies as an auditable compliance system: there must be clear policy rationale, understandable general ranking parameters, consistent account enforcement standards, and effective appeal procedures. The implication for competition assessment is the need to examine platform behavior through analysis of the relevant market, market power, barriers to entry, and effects on competition and consumer welfare, with efficiency justifications that must be demonstrable and comparable to less restrictive alternatives.

It is recommended that platforms document policy changes and service parameters at the category level, establish separation of internal data access to prevent conflicts of interest, and strengthen security incident response and rapid account or transaction recovery. For merchants and consumers, it is recommended to utilize electronic transaction evidence and official complaint channels to maintain dispute traceability. For law enforcement, it is recommended to strengthen transaction data-based inspection standards and clarify indicators of discrimination, self-preferencing, tying or bundling, and anti-steering in the digital market.

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