IPSO JURE JOURNAL

IPSO JURE

Journal

Vol.2. No.6, July 2025
DOI : https://doi.org/10.62872/kn5zah85

E-ISSN : 3032-7644
https://nawalaeducation.com/index.php/IJJ/

Business Competition in the Expansion of Digital Corporations: A Legal Study of Anti-Competitive in the Technology Industry

Riduwansah
Universitas Islam Negeri Raden, Indonesia

Received: June 20, 2025
Revised: July 12, 2025
Accepted: July 27 , 2025
Published: August 05, 2025

Corresponding Author:
Author Name : Riduwansah
Email : riduwansah_uin@radenfatah.ac.id

Abstract: *The development of digital technology has revolutionized the global and national market structure to become more concentrated, with the dominance of giant tech corporations such as Google, Amazon, Meta, and Apple. Aggressive expansion carried out through killer acquisitions, predatory pricing, and strategic data mastery poses a serious challenge to the principle of healthy business competition as regulated in Law Number 5 of 1999. The legal norms in the law have not adequately addressed the complexity of anti-competitive practices in a dynamic, non-linear, algorithm-based digital ecosystem and big data. This study uses a normative juridical method with a comparative legal approach to examine the effectiveness of Law No. 5/1999 in overcoming digital dominance practices and evaluate existing regulatory gaps. The results of the analysis show the need for a legal reformulation that integrates an effect-based approach and the principles of digital market justice in response to the new market structure colored by network effects and inequality of data access. Recommendations include institutional strengthening of ICC, establishment of an ex-ante supervision mechanism, and harmonization of regulations with cross-sectoral authorities. This study offers a progressive model of digital competition law that is adaptive to technological dynamics and contextual to national legal needs, in order to create a fair, inclusive, and sustainable digital business competition ecosystem in Indonesia.*

Keywords*: Digital Economy; The Law Of Competition; Anti-Competitive Practices*

INTRODUCTION

The development of digital technology has changed the structure of the global market to be more concentrated and oligopolistic. A number of giant tech corporations such as Google, Amazon, Meta, and Apple not only control large market shares, but also expand their influence through strategic acquisitions of potential competitors and innovative technology providers. This phenomenon raises legal problems in the context of business competition, where large economic forces tend to create *barriers to entry* for new players. This practice has the potential to violate the principles of free and healthy markets as mandated in Law No. 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition (hereinafter referred to as Law No. 5/1999).

IPSO JURE

Journal

Vol.2. No.6, July 2025
DOI : https://doi.org/10.62872/kn5zah85

E-ISSN : 3032-7644
https://nawalaeducation.com/index.php/IJJ/

Law No. 5/1999 normatively prohibits business actors from exercising unreasonable market control that can hinder competition, as stated in Article 25 paragraph (1) letters a and b. However, in practice, this normative approach faces new challenges in dealing with the fluid and dynamic structure of digital markets. One of the biggest challenges is defining relevant markets in a digital ecosystem that is vertically and horizontally interconnected. The use of algorithms, big data, and artificial intelligence invisibly strengthens the dominant position of digital corporations, making the legal proof mechanism increasingly complex.[1]

The practice of digital corporate expansion is often carried out through mergers and acquisitions of small competitors or innovators who have disruptive potential. This strategy is known in the antitrust literature as *killer acquisitions*, which, while appearing legally legitimate, have the potential to eliminate future competitors and strengthen market dominance.[2] In the context of Indonesian law, Article 28 of Law No. 5/1999 regulates the prohibition of mergers or mergers of business entities that may result in monopolistic practices. However, supervision of digital mergers has not been optimally accommodated in law enforcement policies by the Business Competition Supervisory Commission (ICC), especially due to the lack of adaptive parameters for digital business characteristics.[3]

Inequality of access to user data is also a major problem in creating a fair competition climate. Large digital corporations have an advantage in the accumulation and utilization of data on a massive scale that small businesses cannot match. Within the framework of competition law, this creates an imbalance of market forces that can lead to the exploitation of dominant positions. Law No. 5/1999 has not explicitly regulated the mastery of data as a market control instrument, so there is an urgent need to formulate a new legal approach that takes into account the role of data as a strategic economic resource.

In a theoretical framework, this study proposes a legal approach that combines a *rule-based approach* and *an effect-based approach* in analyzing anti-competitive practices in the digital sector. This approach is in line with practice in the European Union and the United States that has begun to emphasize on evaluating the actual impact on market structure and consumer well-being, rather than simply fixating on formal evidence. The novelty of this research lies in the submission of a progressive legal model based on *digital competition theory* that can be used by regulators such as ICC to analyze digital expansion cases in a more substantial and adaptive manner.

Furthermore, strengthening regulations in the face of digital expansion cannot be separated from the state's role in ensuring socio-economic justice. Article 33 paragraph (4) of the 1945 Constitution emphasizes that the national economic system must be based on the principles of justice, efficiency, and sustainability. The

[1] Ainurrafik, F. K., Apriliana, L. D., Azzahra, R. M., Febrianti, A., & Wulandari, A. (2024). Perspektif Undang-Undang No. 5 Tahun 1999 Tentang Persaingan Usaha Terhadap Dampak Merger Perusahaan Gojek Dan Tokopedia. *Adil: Jurnal Hukum*, *15*(2), 255-271.

[2] Delfina, D. (2025). Sosialisasi Dan Pelatihan Tentang Hukum Persaingan Usaha Yang Sehat. *Journal Of Human And Education (JAHE)*, *5*(2), 432-441.

[3] Kusumayudha, M. I., & Bustani, S. (2023). Kedudukan Hukum Pelaku Usaha Asing Dalam Prinsip Extraterritoriality Jurisdiction Pada Persaingan Usaha Di Indonesia: Legal Position Of Foreign Business Actors In The Principle Of Extraterritoriality Jurisdiction In Business Competition In Indonesia. *Jurnal Hukum Prioris*, *11*(1), 74-98.

practice of market domination by global digital entities is contrary to the spirit of the constitution if it is not accompanied by strong controls on the abuse of market power. Therefore, Law No. 5/1999 must be interpreted progressively in order to be able to provide adequate legal protection for national business actors and digital consumers.

Empirically, there is an urgency to strengthen coordination between ICC, the Ministry of Communication and Information, and the Financial Services Authority in creating an integrated regulatory framework that is able to reach across sectors. In many countries, this cross-sectoral approach has proven effective in regulating the complex and fast-changing digital industry. In the Indonesian context, regulatory harmonization between competition law and personal data protection law is key in ensuring that the expansion of digital corporations does not lead to economic dominance and market exclusion.[4]

Thus, this research is not only relevant in making a theoretical contribution to the development of competition law in the digital era, but also presents practical urgency for policymakers to respond to hidden but systemic anti-competitive phenomena. This research emphasizes the need for more holistic and contextual legal policy reforms, including revisions to Law No. 5/1999 and strengthening ICC's institutional capacity in assessing competition practices in the technology industry. The right policy reformulation will be the foundation for the creation of a fair, innovative, and inclusive digital economy order in the future.

METHOD

This study uses a normative juridical method, which is an approach that focuses on the analysis of written legal norms as the main source, especially in examining how positive law responds to the phenomenon of digital corporate expansion that has the potential to be anti-competitive. This approach focuses on the study of laws and regulations, legal principles, and legal doctrines that are relevant to the issue of business competition in the technology industry. Normative research aims to examine and understand how the law should apply (das sollen), not how the law is practiced in empirical reality (das sein), so that the entire analysis process relies on primary and secondary legal materials that are textual and conceptual.[5]

As explained by Peter Mahmud Marzuki, normative legal research is a method that focuses on the study of legal materials as the main object of study, by interpreting and constructing applicable laws to answer certain legal issues.[6] According to Marzuki, this approach is prescriptive because it aims not only to describe the law, but also to provide normative arguments for the validity of a legal action or act in the legal system

[4] Adam, R. (2023). Study Of Business Competition Law In The Increasingly Complex Digital Market Era. *Russian Law Journal*, *11*(5), 2435-2445.

[5] Novea Elysa Wardhani, Sepriano, and Reni Sinta Yani, *Metodologi Penelitian Bidang Hukum* (Jambi: PT. Sonpedia Publishing Indonesia., 2025).

[6] Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2011).

IPSO JURE

Journal

Vol.2. No.6, July 2025
DOI : https://doi.org/10.62872/kn5zah85

E-ISSN : 3032-7644
https://nawalaeducation.com/index.php/IJJ/

adopted.[7] Meanwhile, Soerjono Soekanto and Sri Mamudji stated that normative legal research includes research on legal principles, legal systematics, legal synchronization, legal history, and comparative law.[8]

In this framework, the research will examine in depth Law Number 5 of 1999 concerning the Prohibition of Monopoly Practices and Unfair Business Competition as the main instrument that regulates the behavior of business actors in the market, especially related to market dominance, abuse of dominant positions, mergers and acquisitions, and regulations regarding large business actors. This study will examine whether the norms in Law No. 5/1999 are adequate in dealing with unfair business competition practices carried out by digital corporations in the form of killer acquisition, predatory pricing, or data control as a disguised monopoly tool.

In addition, this study will also use a comparative approach as part of a normative juridical method to examine the practices and regulations of digital business competition in other countries, such as the European Union and the United States, which have developed the doctrine of abuse of dominance and digital gatekeepers. The goal is to obtain a comparative perspective as an argumentative basis in proposing a more contextual reformulation of competition law norms to the challenges of the digital economy era.

The main data sources in this study consist of primary legal materials, namely Law Number 5 of 1999 and its implementing regulations, ICC decisions, and official legal documents related to business competition policies. In addition, secondary legal materials such as books, scientific journals, research reports, and legal articles that discuss the topic of digital business competition are also used academically. Data analysis is carried out qualitatively through systematic and teleological interpretation methods to uncover the substantive meaning of legal norms and assess their effectiveness in the context of actual practice.

Thus, the normative juridical method in this study aims to provide a comprehensive and critical legal construction of the incompatibility between the prevailing competition law norms and the dynamics of digital corporate expansion in the technological era, as well as to formulate recommendations for legal reform based on the principles of fairness and efficiency in market structure.

DISCUSSION

1. Juridical Analysis of Anti-Competitive Practices in Digital Corporate Expansion

The development of the digital economy has given birth to a new market structure that is heavily influenced by the presence of giant digital corporations such as Google, Amazon, Meta, and various other technology platforms. In the Indonesian context, the aggressive expansion of digital corporations is also increasingly widespread, often leading to alleged violations of the principles of fair business competition as stipulated in Law Number 5 of 1999 concerning the Prohibition of Monopoly Practices and Unfair Business

[7] Mahlil Adriaman et al., *Pengantar Metode Penelitian Ilmu Hukum* (Padang: Yayasan Tri Edukasi Ilmiah, 2024).

[8] Rangga Suganda, "Metode Pendekatan Yuridis Dalam Memahami Sistem Penyelesaian Sengketa Ekonomi Syariah," *Jurnal Ilmiah Ekonomi Islam* 8, no. 3 (2022): 2859, https://doi.org/10.29040/jiei.v8i3.6485.

IPSO JURE

Journal

Vol.2. No.6, July 2025
DOI : https://doi.org/10.62872/kn5zah85

IPSO JURE JOURNAL

E-ISSN : 3032-7644
https://nawalaeducation.com/index.php/IJJ/

Competition.[9] A juridical analysis of anti-competitive practices in this expansion is essential to ensure the continuation of a fair, innovative, and free market from single-entity domination.

One form of practice that is in the spotlight is killer acquisition, which is the acquisition by large companies of potential competitors that are still small with the aim of eliminating the threat of competition in the future.[10] This practice is common in the technology industry and digital platforms, where innovation is disruptive and can disrupt existing market dominance. In the national juridical context, this can be studied through Article 28 of Law No. 5 of 1999, which prohibits mergers or mergers of businesses that may result in monopolistic practices and/or unfair business competition. Killer acquisitions are substantively contrary to the spirit of the article because they aim to limit the possibility of the emergence of innovative new competitors.

The practice of predatory pricing is also the dominant instrument used by large digital corporations in getting rid of competitors. This strategy is carried out by setting prices below production costs for a certain period of time in order to control market share. After the competitor exits, the perpetrator then raises the price again to maximize the profit from market dominance. According to Article 25 paragraph (1) of Law No. 5 of 1999, business actors are prohibited from abusing their dominant position, including by setting very low or unreasonable prices to inhibit competition. Predatory pricing can be interpreted as a form of abuse of dominant position, especially when carried out by business actors who have significant market power.[11]

Furthermore, exclusive dealing or exclusivity agreements are also often found in the digital ecosystem, where large platforms require business partners (e.g. merchants, vendors, or advertisers) to only use their platforms and not cooperate with competitors. This practice creates entry barriers for new competitors and limits consumer choice. Article 15 of Law No. 5 of 1999 explicitly prohibits exclusive agreements if they have the potential to cause unfair business competition. In the digital context, the analysis of this practice requires a functional approach that assesses the structure of the digital market, the strength of the network (network effects), and the switching cost for users.[12]

Another equally important aspect of juridical analysis is the mastery of strategic data, which is a new source of strength in the digital economy. Large digital corporations often acquire and manage user data on a massive scale, which is then used to strengthen their market position and lock users in their ecosystem. Although data control has not been explicitly regulated in Law No. 5 of 1999, in practice it can be analyzed through Article 19, which prohibits business actors from carrying out various activities that hinder other

[9] Ainurrafik, F. K., Apriliana, L. D., Azzahra, R. M., Febrianti, A., & Wulandari, A. (2024). PERSPEKTIF UNDANG-UNDANG NO. 5 TAHUN 1999 TENTANG PERSAINGAN USAHA TERHADAP DAMPAK MERGER PERUSAHAAN GOJEK DAN TOKOPEDIA. *ADIL: Jurnal Hukum*, *15*(2), 255-271.

[10] Delfina, D. (2025). Sosialisasi Dan Pelatihan Tentang Hukum Persaingan Usaha Yang Sehat. *Journal Of Human And Education (JAHE)*, *5*(2), 432-441.

[11] Nazhari, A. F., & Irkham, N. (2023). Analisis Dugaan Praktik Predatory Pricing dan Penyalahgunaan Posisi Dominan dalam Industri E-Commerce. *Jurnal Persaingan Usaha*, *3*(1), 19-31.

[12] Prasetyo, H. L., Ahmad, S., & Lutfi, A. (2024). Pengawasan KPPU Pada Pelaku Usaha Mikro, Kecil dan Menengah Dalam Persaingan Usaha Tidak Sehat di Era Digital. *Binamulia Hukum*, *13*(1), 225-237.

business actors from carrying out business activities in the market in question. Monopolized data can create information imbalances and create market asymmetry that is detrimental to competition.[13]

Within the juridical framework, it should be emphasized that Law No. 5 of 1999 is not only oriented towards formal forms of monopoly, but also includes the practice of substantial market domination through complex and hidden strategies. Therefore, the interpretation and enforcement of the law by the Business Competition Supervisory Commission (ICC) must be adaptive to digital dynamics and based on a legal economy approach (law and economics), so that it can assess the real impact of a corporate action on market structure and behavior.

Thus, a juridical analysis of the anti-competitive practices of digital corporations needs to consider the complexity of digital market structures that are not always in line with conventional market approaches. Responsive regulations, evidence-based economic data, and a substantial approach to business behavior are key in ensuring that digital expansion does not distort the market. Adjustment and revitalization of sectoral regulations is an urgent need so that Indonesia not only becomes a passive market, but also has a strong regulatory capacity in maintaining a healthy and equitable business ecosystem.

2. Evaluation of the Adequacy of Regulation No. 5 of 1999 on the Digital Technology Industry

Law Number 5 of 1999 concerning the Prohibition of Monopoly Practices and Unfair Business Competition is essentially designed within the framework of a conventional market structure dominated by direct interaction between business actors in the physical economic space. However, the rapidly evolving complexity of the digital industry relying on algorithms, big data, and platform ecosystems has created a new configuration in market competition, which no longer rests on the price or volume of products, but rather on the power of data, networks, and technology-based exclusionary behavior. In this context, the effectiveness of the normative and institutional substance in Law No. 5 of 1999 has become doubtful, especially in responding to the phenomenon of systemic and layered digital dominance.[14]

The absence of legal norms that govern concepts such as algorithmic collusion, self-preferencing, interoperability, and gatekeeper platforms creates a legal vacuum in assessing and taking action on the abuse of dominant positions that are digital and non-linear. Law No. 5 of 1999 was designed in the logic of a one-sided market and has not adequately anticipated the multi-sided market dynamics that are the main characteristics of digital platforms. This condition results in a significant regulatory gap between static legal design and rapidly changing market dynamics.

The weakness of this regulation is exacerbated by the institutional limitations faced by the Business Competition Supervisory Commission (ICC). The lack of sufficient technical and methodological capacity in analyzing the behavior of digital business actors causes ICC to experience difficulties in defining relevant

[13] Kurniasari, T. W. K., & Rahman, A. (2022). Perlindungan Hukum Bagi Pelaku Usaha Umkm Terhadap Penyalahgunaan Posisi Dominan Platform Digital: Marketplace Melalui Penetapan Harga Dan Penguasaan Pasar. *REUSAM: Jurnal Ilmu Hukum*, *10*(2), 131-153.

[14] Dewantara, R., & Sitorus, H. A. M. (2022). Re-Evaluasi Pendirian Bank Digital Di Indonesia: Paradigma, Konsep Dan Regulasi. *Veritas et Justitia*, *8*(2), 493-513.

IPSO JURE JOURNAL

IPSO JURE

Journal

Vol.2. No.6, July 2025

DOI : https://doi.org/10.62872/kn5zah85

E-ISSN : 3032-7644

https://nawalaeducation.com/index.php/IJJ/

markets, identifying dominant positions, and calculating consumer losses in the digital context based on cross-subsidization, freemium model, and data monetization. In a market like this, the relationship between consumers, service providers, and third parties is not always measured linearly or transparently, so the classic parameters of competitive analysis become irrelevant or at least inadequate.

The characteristics of the digital market also demand the use of an effect-based approach instead of just fixating on a form-based approach. Many digital exclusion practices such as algorithmic search result manipulation or misuse of user data do not appear to be violations, but have a serious impact on long-term competition. Without a flexible and impact-based analytical tool, Law No. 5 of 1999 becomes incapable of detecting and intervening latent anti-competitive potentials, but undermines the market structure in the long term.

When compared to other jurisdictions, Indonesia seems to be lagging behind in developing a legal approach to digital competition. The European Union, for example, has adopted the Digital Markets Act (DMA) and the Digital Services Act (DSA) that provide a legal basis for controlling the dominance of large platforms through the principles of interoperability, prohibition of self-preservation, and data sharing obligations. Meanwhile, in the United States, antitrust authorities such as the FTC and DOJ have been active in expanding the scope of jurisprudence against monopolization practices by big tech companies. This comparison shows that there is an imbalance in legal adaptation between Indonesia and countries with more dynamic antitrust legal systems.

Another challenge that cannot be ignored is the evidentiary aspect in the case of digital competition. The information needed to prove the abuse of a dominant position in the digital ecosystem is technical, closed, and often inaccessible without strong investigative authority. Information asymmetry between digital business actors and law enforcement authorities hinders investigations and evidence collection, especially when breaches are based on algorithmic source code, automated decision-making systems, or complex data architectures.[15] Without access to these elements, law enforcement efforts will be superficial.

The structure of the digital market inherently leads to the concentration of power through a winner-takes-all mechanism reinforced by the effect of networks and economies of scale. In this condition, large business actors will continue to expand their dominance to close entry opportunities for new players, even before there is a real impact on consumers. Law No. 5 of 1999, which adheres to the ex-post enforcement model, does not have adequate preventive instruments to hinder the consolidation of power from an early stage, so that regulatory intervention always lags behind market developments.

To answer these challenges, a comprehensive regulatory reform of Law No. 5 of 1999 and its derivative rules is needed to accommodate the principle of dynamic competition, which is a form of competition that considers aspects of innovation, control over data, and access to digital infrastructure. The preparation of digital market specific analysis guidelines is a priority to clarify the approach that must be used in assessing

[15] Anjheli, D. (2024). Privasi Digital dan Kejahatan Phishing di Indonesia: Evaluasi Kritis terhadap Efektivitas UU ITE dan UU PDP. *Staatsrecht: Jurnal Hukum Kenegaraan dan Politik Islam*, *4*(1), 165-189.

IPSO JURE JOURNAL

IPSO JURE

Journal

Vol.2. No.6, July 2025

DOI : https://doi.org/10.62872/kn5zah85

E-ISSN : 3032-7644

https://nawalaeducation.com/index.php/IJJ/

dominant positions, market structures, and forms of digital exclusion. These reforms must also include epistemological reforms in understanding how the digital economy itself works.

In addition to changes in normative substance, institutional strengthening of ICC is a key element. This includes the development of a special unit to handle the digital sector, technology-based investigative training, as well as the expansion of authority to access technical and closed information.[16] Inter-agency synergy with the Ministry of Communication and Informatics, OJK, and BSSN must also be strengthened to form a cross-sector supervisory system that is able to comprehensively respond to the challenges of digital complexity. Thus, Indonesia's competition law framework will be better prepared to maintain a balance between technological innovation and market fairness.

3. The Urgency of Reformulating Business Competition Law in the Digital Economy

In the era of the digital economy, the competitive landscape of business undergoes significant structural changes, with digital platforms and information technology-based entities playing a dominant role in shaping the market architecture. New business models, such as digital ecosystems, data-driven economies, and multi-sided platforms, create forms of market power that are not fully accessible by conventional norms in Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition. The law is basically designed to regulate traditional market structures that are physical and linear, so that they are not sufficiently accommodating to the complexity of competitive practices in a dynamic and disruptive digital economy.[17]

The urgency of reformulating business competition law in the digital context lies in the need to insert new legal norms that can regulate forms of abuse of dominant positions rooted in data dominance and algorithms.[18] In practice, big tech companies can use predictive algorithms, big data analytics, and machine learning to strengthen their market exclusivity through self-preferencing, data leveraging, and market foreclosure, without directly violating the provisions of Law No. 5 of 1999. Therefore, positive law needs to be updated to recognize that data and algorithms are now a new source of market power and are vulnerable to abuse.

Furthermore, legal reformulation is also needed to oversee acquisition strategies based on predatory innovation or known as killer acquisitions, where dominant companies acquire innovative startups not for technology development, but to eliminate potential competitors in the future. Law No. 5 of 1999 does not have adequate evaluation parameters to anticipate this, because acquisition supervision norms still rely on static turnover and asset criteria. Thus, it is necessary to regulate new indicators based on innovation

---

[16] Wibowo, R. A. (2022). *Tata Kelola Pemerintahan Yang Baik Dan Pengadaan Barang Jasa Pemerintah: Pendekatan Perbandingan Hukum*. Ugm Press.

[17] Khaliq, N., & Rahman, A. (2025). Perlindungan Hukum Terhadap Persaingan Usaha yang Adil dalam Perkembangan E-Commerce di Indonesia. *Commerce Law*, *5*(1), 32-42.

[18] Malau, P., Hutajulu, R., Rusyuandi, F., & Adiati, C. D. (2025). HUKUM SEBAGAI INSTRUMEN PENGENDALI DAN PENGARAH PEMBANGUNAN EKONOMI DI ERA DIGITAL. *Journal of Innovation Research and Knowledge*, *5*(1), 155-164.

IPSO JURE

Journal

E-ISSN : 3032-7644
https://nawalaeducation.com/index.php/IJJ/

Vol.2. No.6, July 2025
DOI : https://doi.org/10.62872/kn5zah85

potential, user growth, and digital ecosystem value in the merger control mechanism under the authority of the Business Competition Supervisory Commission (ICC).

The next urgency lies in the protection of small and medium enterprises (MSMEs) in the digital ecosystem. In many cases, large digital platforms implement discriminatory policies that harm MSME actors, such as algorithmic arrangements that direct consumers to their affiliate products, as well as deep discounting practices that artificially create market dependency.[19] Within this framework, the legal reformulation must include the affirmation of the principle of digital market fairness that provides room for growth for small businesses through platform intermediation arrangements, algorithm transparency, and the prohibition of digital exclusivity.

As a structural solution, the establishment of a cross-sectoral supervisory mechanism is very important. This reflects the need for regulatory synergy between ICC, the Ministry of Communication and Information Technology (Kominfo), and the Personal Data Protection Authority (OPDP). ICC has competence in assessing market structure and anti-competitive behavior, while Kominfo and OPDP have authority in regulating and supervising data and digital infrastructure. This inter-agency collaboration can be realized through a co-regulation and regulatory interoperability model, resulting in a more comprehensive, accountable, and adaptive legal response to the dynamics of the digital economy.[20]

Furthermore, legal reformulation must also be based on the principle of responsive law, as developed by Philippe Nonet and Philip Selznick, namely laws that not only enforce rules normatively, but are also able to adapt to rapid social and technological changes. In this context, the preparation of digital competition regulations must involve public participation, multi-stakeholder consultation, as well as evaluation based on evidence law and comparative competition law. The practice of the European Union through the Digital Markets Act (DMA) and Germany through GWB-Digitalisierungsgesetz can be a comparative model in designing similar regulations in Indonesia.

The original contribution of this idea of reformulation lies in the proposal of new norms and institutions that are preventive and corrective. For example, ex-ante regulation systems can be developed for large digital platforms before they make significant algorithm acquisitions or changes. This approach does not contradict the principle of the free market, but instead strengthens healthy and sustainable competitiveness. In addition, this legal reform can also be an entry point in designing a national digital economy legal framework that is more inclusive, fair, and guarantees Indonesia's digital sovereignty.

Thus, the renewal of Law No. 5 of 1999 must be seen not only as a technical need for legislation, but also as a national strategic agenda in dealing with the complexity of business competition in the digital era. This update must be based on a multidisciplinary, participatory, and visionary approach so that Indonesia's legal

[19] Aditama, R., Wulandari, M., Damayanti, A. P., & Santoso, A. P. A. (2025, April). Hukum bisnis sebagai instrumen penguatan ekosistem usaha dan stabilitas ekonomi. In *Prosiding Seminar Nasional Hukum, Bisnis, Sains dan Teknologi* (Vol. 5, No. 1, pp. 142-148).

[20] Quddus, M. S., & Aji, A. D. (2025). Urgensi Penguatan Kewenangan KPPU Untuk Menegakkan Hukum Pada Tindak Pidana Persaingan Usaha Tidak Sehat. *SAPIENTIA ET VIRTUS*, *10*(1), 512-529.

IPSO JURE
Journal
Vol.2. No.6, July 2025
DOI : https://doi.org/10.62872/kn5zah85
E-ISSN : 3032-7644
https://nawalaeducation.com/index.php/IJJ/

system is not only responsive to digital disruption, but also able to create a fair, innovative, and inclusive market structure in the future.

CONCLUSIONS

The development of the digital economy has presented new structural challenges to the business competition system in Indonesia. Business models based on algorithms, big data, and digital ecosystems have created a form of market power that cannot be fully reached by the normative provisions in Law No. 5 of 1999. Anti-competitive practices such as killer acquisition, predatory pricing, and exclusive dealing suggest that market dominance no longer depends on physical dominance, but on control over digital data and behavior. The absence of explicit legal norms regarding the misuse of data and algorithms creates a regulatory vacuum that limits the effectiveness of oversight. On the other hand, ICC as a competition authority still faces technical and institutional challenges in identifying and proving hidden forms of anti-competitive behavior. Therefore, the reformulation of competition law must be directed at the formulation of new norms that are able to capture the complexity of the digital market. Strengthening ICC's capacity and cross-sectoral collaboration with data supervisory institutions are key in responding to this dynamic. In addition, an adaptive legal approach, based on effect-based analysis, and oriented towards the principle of digital market fairness must be adopted. Reforms also need to include ex-ante regulation of strategic acquisitions and major algorithm changes. Inspiration can be drawn from the practices of the European Union and the United States that have gone a step further in anticipating digital dominance. Thus, the renewal of Law No. 5 of 1999 has become a national strategic agenda to create a fair, innovative, and sustainable digital market structure.

REFERENCES

Ainurrafik, F. K., Apriliana, L. D., Azzahra, R. M., Febrianti, A., & Wulandari, A. (2024). Perspektif Undang-Undang No. 5 Tahun 1999 Tentang Persaingan Usaha Terhadap Dampak Merger Perusahaan Gojek Dan Tokopedia. Adil: Jurnal Hukum, 15(2), 255-271.

Delfina, D. (2025). Sosialisasi Dan Pelatihan Tentang Hukum Persaingan Usaha Yang Sehat. Journal Of Human And Education (JAHE), 5(2), 432-441.

Kusumayudha, M. I., & Bustani, S. (2023). Kedudukan Hukum Pelaku Usaha Asing Dalam Prinsip Extraterritoriality Jurisdiction Pada Persaingan Usaha Di Indonesia: Legal Position Of Foreign Business Actors In The Principle Of Extraterritoriality Jurisdiction In Business Competition In Indonesia. Jurnal Hukum Prioris, 11(1), 74-98.

Adam, R. (2023). Study Of Business Competition Law In The Increasingly Complex Digital Market Era. Russian Law Journal, 11(5), 2435-2445.

Novea Elysa Wardhani, Sepriano, and Reni Sinta Yani, Metodologi Penelitian Bidang Hukum (Jambi: PT. Sonpedia Publishing Indonesia., 2025).

Peter Mahmud Marzuki, Penelitian Hukum (Jakarta: Kencana Prenada Media Group, 2011).

Mahlil Adriaman et al., Pengantar Metode Penelitian Ilmu Hukum (Padang: Yayasan Tri Edukasi Ilmiah, 2024).

IPSO JURE JOURNAL

IPSO JURE

Journal

Vol.2. No.6, July 2025
DOI : https://doi.org/10.62872/kn5zah85

E-ISSN : 3032-7644
https://nawalaeducation.com/index.php/IJJ/

Rangga Suganda, "Metode Pendekatan Yuridis Dalam Memahami Sistem Penyelesaian Sengketa Ekonomi Syariah," Jurnal Ilmiah Ekonomi Islam 8, no. 3 (2022): 2859, https://doi.org/10.29040/jiei.v8i3.6485.

Ainurrafik, F. K., Apriliana, L. D., Azzahra, R. M., Febrianti, A., & Wulandari, A. (2024). Perspektif Undang-Undang No. 5 Tahun 1999 Tentang Persaingan Usaha Terhadap Dampak Merger Perusahaan Gojek Dan Tokopedia. Adil: Jurnal Hukum, 15(2), 255-271.

Delfina, D. (2025). Sosialisasi Dan Pelatihan Tentang Hukum Persaingan Usaha Yang Sehat. Journal Of Human And Education (JAHE), 5(2), 432-441.

Nazhari, A. F., & Irkham, N. (2023). Analisis Dugaan Praktik Predatory Pricing dan Penyalahgunaan Posisi Dominan dalam Industri E-Commerce. Jurnal Persaingan Usaha, 3(1), 19-31.

Prasetyo, H. L., Ahmad, S., & Lutfi, A. (2024). Pengawasan KPPU Pada Pelaku Usaha Mikro, Kecil dan Menengah Dalam Persaingan Usaha Tidak Sehat di Era Digital. Binamulia Hukum, 13(1), 225-237.

Kurniasari, T. W. K., & Rahman, A. (2022). Perlindungan Hukum Bagi Pelaku Usaha Umkm Terhadap Penyalahgunaan Posisi Dominan Platform Digital: Marketplace Melalui Penetapan Harga Dan Penguasaan Pasar. REUSAM: Jurnal Ilmu Hukum, 10(2), 131-153.

Dewantara, R., & Sitorus, H. A. M. (2022). Re-Evaluasi Pendirian Bank Digital Di Indonesia: Paradigma, Konsep Dan Regulasi. Veritas et Justitia, 8(2), 493-513.

Anjheli, D. (2024). Privasi Digital dan Kejahatan Phishing di Indonesia: Evaluasi Kritis terhadap Efektivitas UU ITE dan UU PDP. Staatsrecht: Jurnal Hukum Kenegaraan dan Politik Islam, 4(1), 165-189.

Wibowo, R. A. (2022). Tata Kelola Pemerintahan Yang Baik Dan Pengadaan Barang Jasa Pemerintah: Pendekatan Perbandingan Hukum. Ugm Press.

Khaliq, N., & Rahman, A. (2025). Perlindungan Hukum Terhadap Persaingan Usaha yang Adil dalam Perkembangan E-Commerce di Indonesia. Commerce Law, 5(1), 32-42.

Malau, P., Hutajulu, R., Rusyuandi, F., & Adiati, C. D. (2025). Hukum Sebagai Instrumen Pengendali Dan Pengarah Pembangunan Ekonomi Di Era Digital. Journal of Innovation Research and Knowledge, 5(1), 155-164.

Aditama, R., Wulandari, M., Damayanti, A. P., & Santoso, A. P. A. (2025, April). Hukum bisnis sebagai instrumen penguatan ekosistem usaha dan stabilitas ekonomi. In Prosiding Seminar Nasional Hukum, Bisnis, Sains dan Teknologi (Vol. 5, No. 1, pp. 142-148).

Quddus, M. S., & Aji, A. D. (2025). Urgensi Penguatan Kewenangan KPPU Untuk Menegakkan Hukum Pada Tindak Pidana Persaingan Usaha Tidak Sehat. SAPIENTIA ET VIRTUS, 10(1), 512-529.