



Legal protection for MSMEs in digital trade regulation in Indonesia: A study of aspects of intellectual property rights, business competition, and consumer protection

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ABSTRACT

The development of digital trade in Indonesia presents significant opportunities for Micro, Small, and Medium Enterprises (MSMEs) to grow but also poses substantial challenges in legal protection. MSMEs face issues such as weak protection of intellectual property rights (IPR), unhealthy business competition, and inadequate consumer protection. This phenomenon highlights the need for an in-depth analysis of existing regulations and their implementation in the context of digital trade. This study employs a normative juridical method with a statute approach and case approach to analyze relevant regulations, such as Law No. 28 of 2014 on Copyright, Law No. 5 of 1999 on Prohibition of Monopolistic Practices, and Law No. 8 of 1999 on Consumer Protection. The findings reveal that although the regulations provide a sufficient legal framework, their implementation is hindered by the lack of MSME awareness, complex administrative processes, and weak oversight. The results of this research recommend that the government simplify procedures, improving legal and digital literacy, and strengthening oversight to create an inclusive and sustainable digital trade ecosystem.

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1. Introduction

Digital trade has become one of the main pillars of global economic transformation, including in Indonesia. The rapid development of information and communication technology has created new opportunities in business transactions. Indonesia, as a country with a large population and an ever-increasing rate of technology adoption, is one of the largest e-commerce markets in Southeast Asia. With internet penetration reaching more than 79.5% in 2023 according to a report by the Indonesian Internet Service Providers Association (APJII), the digital commerce ecosystem in Indonesia has experienced significant growth (A. P. J. I. Indonesia, 2024). E-commerce platforms such as Tokopedia, Shopee, Bukalapak, and Lazada have been the main catalysts in driving this transformation. In addition, the government's efforts through MSME digitization programs, such as the 1,000 Startup Movement, show their commitment to utilizing the potential of the digital economy. However, behind the great opportunities offered by digital trade, there are significant challenges that require serious attention, especially for Micro, Small, and Medium Enterprises (MSMEs) (Evi, 2023).

MSMEs are the backbone of the Indonesian economy with a large contribution to the national Gross Domestic Product (GDP), which is around 60%, and labor absorption is more than 97% (K. Indonesia, 2023). Digital transformation provides opportunities for MSMEs to expand markets, increase efficiency, and create new innovations. However, the process of adapting MSMEs to digital trade is not easy. MSMEs face various obstacles, including intellectual property rights (IPR) protection, unfair business competition, and consumer protection that is not fully guaranteed. This challenge raises an urgent need to strengthen digital trade regulations that provide adequate legal protection for MSMEs. One of the main challenges faced by MSMEs is the protection of IPR. In the digital era, innovation and creativity are the main assets that must be protected. However, many MSME actors have not realized the importance of registering their IPR. Law No. 28 of 2014 concerning Copyright, Law No. 20 of 2016 concerning Trademarks and Geographical Indications, and Law No. 31 of 2000 concerning Patents have provided a legal basis for the protection of IPR. However, the implementation of this law still faces various obstacles. The IPR registration process, which is considered complicated and expensive, is one of the main obstacles, especially for MSMEs with limited resources. In addition, IPR violations often occur without adequate law enforcement, so that MSME products become vulnerable to plagiarism or copyright infringement. Ignorance of the importance of IPR and lack of socialization from the government have also exacerbated this situation (Abdurohim, 2023).

Another challenge comes from unfair business competition. MSMEs are often in a weaker position than large business actors who have much better access to capital, technology, and markets. Law No. 5 of 1999 on the Prohibition of Monopolistic Practices and Unfair Business Competition provides a legal framework to create a fair competition climate. However, monopoly practices and predatory pricing strategies carried out by large business actors often harm MSMEs. In addition, the gap in access to technology and information is the main barrier for MSMEs to compete in the digital market (Juliantari et al., 2024). The lack of support in the form of training and assistance from the government also makes it difficult for MSMEs to adapt in the face of increasingly fierce business competition in the digital era. On the other hand, consumer protection in digital commerce is also an important concern. Law No. 8 of 1999 concerning Consumer Protection is the main legal basis in protecting consumer rights in Indonesia. In addition, Regulation of the Minister of Trade No. 50 of 2020 concerning Provisions for Business Licensing, Advertising, Coaching, and Supervision of Business Actors in Trade Through Electronic Systems also regulates consumer protection in digital transactions.

However, there are still many cases of violations of consumer rights, such as fraud, product incompatibility, and lack of information transparency in online transactions (Widiastuti, 2024). This not only lowers the level of consumer trust in digital platforms but also has a negative impact on MSME actors who utilize digital trade. In addition, the complicated and time-consuming dispute resolution process is often an obstacle in protecting consumer rights. The above challenges demonstrate the need for more comprehensive regulation in digital trading. Although regulations such as Law No. 11 of 2008 concerning Electronic Information and Transactions (UU ITE) and Government Regulation No. 80 of 2019 concerning Trade Through Electronic Systems already exist, their implementation and effectiveness still need to be improved. Existing regulations must be able to answer the challenges faced by MSMEs, create an inclusive digital trade ecosystem, and adequately protect consumers. The government needs to develop policies that not only focus on encouraging the digitization of MSMEs but also provide effective legal protection in the aspects of IPR, business competition, and consumer protection.

This study aims to analyze the legal protection for MSMEs in digital trade regulations in Indonesia. By focusing on aspects of intellectual property rights, business competition, and consumer protection, this research is expected to provide a comprehensive overview of the challenges faced by MSMEs in digital trade. The approach used in this study is juridical normative with a statute approach method to analyze relevant regulations and a case approach

to evaluate cases related to the protection of MSMEs. This research also aims to provide implementable recommendations for the government, business actors, and other stakeholders in strengthening digital trade regulations in Indonesia. With more effective regulations, MSMEs are expected to develop more optimally, face healthy competition, and contribute more to the national economy.

2. Method

This study uses the juridical normative method, which is a legal research method that focuses on the study of applicable legal norms or rules. The approach used includes a statute approach and a case approach. The statute approach is carried out by analyzing various relevant laws and regulations, such as Law No. 28 of 2014 concerning Copyright, Law No. 20 of 2016 concerning Trademarks and Geographical Indications, Law No. 31 of 2000 concerning Patents, and Law No. 8 of 1999 concerning Consumer Protection. The analysis of this regulation aims to understand the legal protection provided to MSMEs in digital trade, especially related to aspects of intellectual property rights, business competition, and consumer protection. In addition, the case approach is used to evaluate concrete cases that occur in Indonesia, in order to illustrate the implementation and effectiveness of the regulation in providing legal protection for MSMEs.

The data used in this study consists of secondary data that includes primary, secondary, and tertiary legal materials. Primary legal materials are in the form of laws and regulations, while secondary legal materials include literature, journals, and relevant documents. The data is analyzed qualitatively by digging, understanding, and interpreting legal rules in the context of the challenges faced by MSMEs in the digital trade era. The results of this analysis are then formulated into policy recommendations that can strengthen legal protection for MSMEs in Indonesia. This approach is expected to provide a comprehensive overview of digital trade regulations as well as strategic measures to create a fairer and more sustainable business climate.

3. Analysis and Results

3.1. Protection of Intellectual Property Rights (IPR) for MSMEs

Intellectual property rights (IPR) protection is one of the fundamental aspects that needs attention in supporting the sustainability of micro, small, and medium enterprises (MSMEs), especially in the era of digital trade. In this context, IPR functions to protect the creativity and innovation of MSMEs from rights violations by other parties, as well as provide added value to the products or services offered (Putri et al., 2024). Regulations related to the protection of IPR in Indonesia have been regulated through several laws, such as Law No. 28 of 2014 concerning Copyright, Law No. 20 of 2016 concerning Trademarks and Geographical Indications, and Law No. 31 of 2000 concerning Patents. Although the regulation provides a fairly strong legal framework, its implementation and effectiveness still face various obstacles, especially for MSMEs trying to adapt to the digital trade ecosystem. Law No. 28 of 2014 concerning Copyright provides protection for copyrighted works in various fields, such as art, literature, and technology. In the context of MSMEs, this protection includes product designs, logos, and other creative works that become business identities. Copyright allows MSMEs to protect their work from plagiarism or unauthorized use, thus providing a guarantee of exclusivity for business actors (Ervan Susilowati & S IP, 2023). In addition, Law No. 20 of 2016 on Trademarks and Geographical Indications regulates the protection of trademarks, which are important assets for MSMEs in building identity and reputation in the digital market. Brand protection prevents others from using similar names or logos that can confuse consumers. Law No. 31 of 2000 concerning Patents protects technological innovations that have commercial value, such as unique formulas or production methods, so that MSMEs can take advantage of technological advantages to compete in the market.

However, in the midst of existing regulations, MSMEs still face various obstacles in obtaining and protecting IPR, especially in the context of digital trade. One of the main obstacles is the lack of awareness of MSMEs about the importance of IPR. Many MSME actors do not understand that IPR not only protects their creativity but can also increase the competitiveness of products in the market. This low awareness often leads MSMEs to neglect important steps, such as trademark or copyright registration, which can actually provide significant legal protection (Limanto et al., 2024). In addition, the IPR registration process is still considered complicated and expensive by many MSME actors. Administrative processes that require documents and considerable costs are often an obstacle, especially for small business actors with limited resources (Fadri & Fil, 2024). This condition makes many MSMEs choose not to register their IPR, so that the products or innovations they produce become vulnerable to violations. On the other hand, law enforcement related to IPR violations in Indonesia still faces various challenges. Although regulations have provided a clear legal basis, implementation in the field often does not run optimally. Many cases of IPR violations, such as the use of trademarks or product designs without permission, do not receive adequate legal settlement (Syarief & Pratiwi, 2025a). This is due to a variety of factors, including a lack of law enforcement resources and the complexity of legal processes that often take a long time. As a result, IPR violations have become one of the recurring issues, harming MSMEs who should get legal protection (Lestari et al., 2023). To overcome these obstacles, comprehensive efforts are needed to improve IPR protection for MSMEs in the digital trade era. One of the steps that can be taken is to increase socialization and education about the importance of IPR to MSME actors. The government, together with related institutions, can hold training and mentoring programs to help MSMEs understand the benefits and procedures of IPR registration.

With a better understanding, it is hoped that MSMEs will be more proactive in protecting the results of their creativity. In addition, the IPR registration process needs to be simplified to make it more accessible to MSMEs. This simplification can be achieved by reducing administrative requirements, speeding up processing times, and lowering registration fees (Syarief & Pratiwi, 2025b). Thus, MSMEs, especially those with limited resources, can register their IPR without facing significant obstacles. Increasing law enforcement is also an important aspect in IPR protection. The government needs to strengthen law enforcement institutions by providing adequate resources and increasing the capacity of law enforcement officers in handling cases of IPR violations (Andrias et al., 2024). In addition, the dispute resolution mechanism needs to be made more efficient and transparent, so that MSME actors who face IPR violations can obtain justice quickly and effectively. These measures must be supported by clear policies and good coordination between government agencies, the private sector, and civil society organizations. By increasing IPR protection, MSMEs can be more confident in innovating and competing in the digital market. Adequate protection not only provides legal security but also increases the added value of MSME products, so that it is able to attract consumers and investors. In the long term, optimal IPR protection will support the growth of MSMEs and make a significant contribution to the national economy, especially in facing challenges and opportunities in the era of digital trade. Therefore, IPR protection must be a priority in the government's efforts to support inclusive and sustainable digital transformation.

3.2. Healthy Business Competition for MSMEs

Healthy business competition is an important element in supporting the sustainability of micro, small, and medium enterprises (MSMEs) in the era of digital trade. With healthy competition, MSMEs can thrive in a fair ecosystem without worrying about facing harmful practices from large business actors. In Indonesia, efforts to create healthy business competition have been regulated through Law No. 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition. These regulations aim to maintain balance in market competition, prevent the dominance of harmful large enterprises, and protect small and medium-sized enterprises from practices such as monopolies, price conspiracy, and other predatory strategies. In the context of digital commerce, this regulation is becoming increasingly relevant,

considering the dominance of large e-commerce platforms that often create new challenges for MSMEs (Mayang Larasati et al., 2024). Law No. 5 of 1999 emphasizes that every business actor has the same right to compete fairly in the market. The law prohibits various forms of practices that can harm competition, including monopolies, cartels, price discrimination, and unlawful market domination. In digital trade, this regulation provides protection for MSMEs so that they can compete without having to face pressure from large business actors who dominate the market through unhealthy strategies (I. N. Putri et al., 2025). In addition, the existence of the Business Competition Supervisory Commission (ICC) as an independent institution tasked with supervising the implementation of this regulation provides a guarantee that business actors who violate can be subject to strict legal sanctions (Aulia AP, 2023).

However, behind the existing regulatory framework, MSMEs still face various obstacles in their efforts to compete healthily in the digital market. One of the main challenges is monopolistic practices and unfair business competition carried out by large business actors. In the digital trading ecosystem, large businesses often have the power to dominate the market through strategies such as predatory pricing or extreme price wars (Puruhito, 2023). However, behind the existing regulatory framework, MSMEs still face various obstacles in their efforts to compete healthily in the digital market. One of the main challenges is monopolistic practices and unfair business competition carried out by large business actors. In the digital trading ecosystem, large businesses often have the power to dominate the market through strategies such as predatory pricing or extreme price wars (Yunitasari & Mediana, 2025). Large businesses often have access to advanced technology, consumer data, and better digital infrastructure, while MSMEs are often limited to the use of simple technology that is inadequate to compete. In addition, access to relevant market information, such as consumer trends or digital marketing strategies, is often easier for large businesses to obtain than for MSMEs (Fadhillah & Yuniarti, 2023).

The lack of government support for MSMEs in the face of digital competition has exacerbated this situation. Although various programs have been launched to support the digitalization of MSMEs, implementation in the field is still uneven. Many MSMEs do not receive adequate training or assistance to increase their capacity to compete in the digital market. In addition, incentives provided by the government, such as technology subsidies or access to funding, are often insufficient or difficult for MSMEs to access, so they remain at a disadvantage compared to large business actors. To create healthy business competition for MSMEs in digital trade, comprehensive strategic measures are needed. First, supervision and law enforcement against monopolistic practices and unfair competition need to be improved. The government, through ICC, must actively monitor the digital market and take strict action against large business actors who are proven to have committed unhealthy practices. In addition, the reporting mechanism for MSMEs who feel disadvantaged must be improved to make it more accessible and provide fast and effective protection.

Second, training and mentoring programs to increase the capacity of MSMEs in digital trade need to be expanded. Governments can work closely with educational institutions, non-governmental organizations, and e-commerce platforms to provide relevant training, such as digital marketing strategies, data management, and product innovation. With this capacity increase, MSMEs can be better prepared to compete in an increasingly competitive market. In addition, direct assistance from mentors or business consultants can help MSMEs face the specific challenges they are experiencing. Third, facilities and incentives for MSMEs to increase access to technology and information must be a priority. The government can provide subsidies or low-interest loans to help MSMEs adopt digital technologies, such as business management software, online marketing, or more efficient production technologies. In addition, access to relevant market data must be facilitated through information portals that can be accessed by MSMEs. With this access, MSMEs can make more strategic decisions in running their businesses (Zikri, 2024).

The creation of healthy business competition is not only the responsibility of the government but also requires collaboration from various parties, including large business actors, digital

platforms, and the public. Large business actors need to be encouraged to provide space for MSMEs in the digital ecosystem, for example by providing special features for the promotion of MSME products or mutually beneficial partnerships. Digital platforms also have an important role in ensuring that search algorithms or product assessment systems do not harm MSMEs. On the other hand, the community as consumers can support MSMEs by choosing quality local products. By creating an ecosystem that supports healthy business competition, MSMEs will have greater opportunities to develop in the era of digital trade. Strategic measures involving strict legal oversight, capacity building, and access to technology and information will provide a solid foundation for MSMEs to compete fairly. In the long term, the success of MSMEs in digital trade will not only increase national competitiveness but also make a significant contribution to inclusive and sustainable economic growth in Indonesia. Therefore, efforts to create healthy business competition must be a priority in the digital economy development agenda in Indonesia.

3.3. Consumer Protection in Digital Commerce

Consumer protection in digital commerce is one of the most important aspects in creating a safe, fair, and sustainable transaction ecosystem. Digital trade, which is marked by an increase in online buying and selling transactions, has opened up great opportunities for businesses and consumers (Dana et al., 2024). However, on the other hand, the complexity of digital transactions presents various risks, such as fraud, product inconformity, or services that do not meet standards. In this context, consumer protection is a crucial element to ensure that consumer rights are guaranteed in digital transactions. In Indonesia, the legal framework that regulates consumer protection is regulated through Law No. 8 of 1999 concerning Consumer Protection and Regulation of the Minister of Trade No. 50 of 2020 concerning Consumer Protection in Electronic Transactions. Law No. 8 of 1999 on Consumer Protection is the main legal basis in protecting consumers from adverse trade practices. This law regulates consumer rights, such as the right to correct information, the right to security in using goods and services, and the right to compensation in the event of losses. In the context of digital commerce, these rights are becoming increasingly relevant, given that consumers often do not have direct control over the products or services purchased online (Wibowo et al., 2024). Meanwhile, Regulation of the Minister of Trade No. 50 of 2020 provides more specific regulations related to consumer protection in electronic transactions. This regulation regulates the obligation of online business actors to provide clear and transparent information to consumers, including product details, prices, and return conditions. In addition, this regulation also requires business actors to ensure that the goods or services offered are in accordance with the description provided.

Although the regulation has provided a clear legal framework, its implementation in the field still faces various obstacles. One of the main challenges is the difficulty in proving violations of the law in online transactions. Digital transactions are often conducted without face-to-face, making it difficult to collect evidence of violations, such as product or service inconsistencies (Saragih et al., 2023). For example, consumers who receive goods that do not match the description often find it difficult to prove that the business actor is responsible for the problem. In addition, some online business actors do not have a clear identity or address, making the law enforcement process more complicated. The dispute resolution process in digital trade is also a significant obstacle. While there are dispute resolution mechanisms through courts or mediation agencies, the process is often complex and time-consuming. In many cases, consumers are reluctant to proceed with their complaints due to the lengthy process and the cost is not worth the value of the loss. This creates a situation where irresponsible business actors can continue to operate without meaningful legal consequences. In addition, effective and efficient online dispute resolution mechanisms are still limited, making it difficult for consumers to get justice quickly (Purwaningtyas et al., 2024).

Lack of consumer awareness of their rights in online transactions is also a major challenge. Many consumers do not know that they have the right to complete and correct information, or the right to compensation if they suffer losses due to digital transactions. The low level of

digital literacy and the lack of socialization from related parties make many consumers not report cases of violations they experience. This condition is further exacerbated by a lack of understanding of complaint or dispute resolution procedures, so many consumers choose to ignore their rights. To improve consumer protection in digital commerce, strategic measures that cover various aspects are needed. First, the obligation of online business actors to provide complete and transparent information to consumers must be enforced more strictly. The information provided should include a description of the product or service, pricing, return policy, and contact information. The government can impose strict sanctions on business actors who do not fulfill this obligation, so that consumers have better access to relevant information in every transaction (Hasan et al., 2024a).

Second, the online dispute resolution mechanism needs to be simplified to make it more efficient and accessible. The government can work with e-commerce platforms to provide fast and transparent online mediation services. These services should be supported by technology that allows consumers to file complaints directly and monitor the progress of their cases in real-time. In addition, courts or dispute resolution agencies should provide a dedicated channel for handling digital commerce cases, so that consumers can resolve their disputes without facing a lengthy and complicated process (Rahman et al., 2023). Third, education and socialization to consumers about their rights in online transactions must be improved. Governments, together with consumer organizations and digital platforms, can hold public awareness campaigns aimed at increasing consumer literacy. These campaigns can include information on consumer rights, how to protect yourself from online fraud, and complaint procedures in case of violations. With a better understanding, consumers will be more confident in exercising their rights and reporting cases of violations they have experienced (Izazi et al., 2024).

In addition, the government also needs to encourage collaboration with digital platforms to create a safer ecosystem for consumers. Digital platforms must play an active role in protecting consumers, for example by verifying the identity of business actors, providing transparent review features, and improving transaction security. With these measures, consumers can feel safer and more confident in making online transactions. In the long term, strong consumer protection will support the continued growth of digital commerce. Consumers who feel protected will be more likely to participate in digital transactions, thus encouraging an increase in overall economic activity. In addition, business actors will also benefit from increasing consumer trust in digital platforms. Therefore, consumer protection must be a top priority in the government's efforts to develop an inclusive, safe, and fair digital trade ecosystem in Indonesia (Hasan et al., 2024).

3.4. Efforts to Improve Legal Protection for MSMEs

Efforts to improve legal protection for Micro, Small, and Medium Enterprises (MSMEs) in digital trade require a comprehensive strategic approach. Coordination between institutions is one of the important elements that must be strengthened. Synergy between ministries and related institutions is urgently needed to ensure that the policies implemented support each other and do not overlap. In many cases, policy overlap or lack of coordination leads to delays in program implementation and reduces the effectiveness of legal protection for MSMEs. Therefore, the government needs to form a more integrated cooperation mechanism to optimize the implementation of policies and programs that support MSMEs. Equal access to MSME development programs is also a top priority. Training, mentoring, and technology facilitation must be accessible to all MSMEs, including those in remote areas or with limited resources. Digital technology can be used to expand the reach of this program, such as through online learning platforms or mobile-based applications (Mayang Larasati et al., 2024). Thus, MSMEs can take part in training and mentoring without having to be physically present, thereby reducing geographical barriers and costs. In addition, collaboration with the private sector, such as e-commerce platforms and technology providers, can also increase the relevance and effectiveness of MSME development programs.

Law enforcement in digital commerce requires stricter supervision and the application of strict sanctions against violations. Technologies such as big data and artificial intelligence can be used to monitor digital trading activity in real-time, so that breaches can be detected early. Business actors who are proven to violate regulations must be subject to appropriate sanctions to provide a deterrent effect and ensure the creation of a fair digital trade ecosystem. In addition, the reporting mechanism for disadvantaged MSMEs needs to be made simpler and more transparent, so that MSME actors can easily report cases of violations and get adequate legal protection (Wibowo et al., 2024). Education and improvement of legal literacy for MSMEs are also an important component in legal protection efforts. MSME actors need to have a good understanding of their rights in digital trade, applicable regulations, and how to deal with challenges such as intellectual property rights infringement or unfair business competition. The government, together with relevant institutions and community organizations, can organize educational programs specifically designed to increase MSMEs' understanding of the legal and technological aspects of digital trade. With better knowledge, MSMEs will be better prepared to face challenges in the digital market and make optimal use of existing opportunities (Zikri, 2024).

Increasing legal protection for MSMEs in digital trade not only provides direct benefits for business actors but also for the national economy as a whole. By creating a fair and inclusive digital trade ecosystem, MSMEs can develop more optimally, create new jobs, and increase their contribution to economic growth. Strong legal protection will also increase the trust of business actors and consumers in digital trade, thereby accelerating digital transformation in Indonesia. Therefore, legal protection for MSMEs must be an integral part of the national digital economy development agenda, with a strong commitment from all stakeholders to realize a sustainable and inclusive ecosystem.

4. Conclusion

The conclusion of this study emphasizes the importance of legal protection for MSMEs in digital trade to create an inclusive and sustainable ecosystem. Although regulations such as Law No. 28 of 2014 on Copyright, Law No. 5 of 1999 on the Prohibition of Monopolistic Practices, and Law No. 8 of 1999 on Consumer Protection have provided a strong legal basis, their implementation still faces obstacles such as lack of awareness of MSMEs, complicated administrative processes, and weak law enforcement. To overcome these challenges, strategic steps are needed such as simplifying administrative processes, increasing legal and digital literacy, and stricter supervision of violations. The active role of government agencies and collaboration with digital platforms is also very important to ensure equitable access for MSMEs to mentoring programs and technology. With strong legal protection, MSMEs can be more competitive, contribute to national economic growth, and strengthen Indonesia's position in the global digital economy.

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