

Confession as a Reason for Termination of Case at KPPU Perspective Ibn Qayyim al-Jauziyah (Study of Decision Number 04/KPPU-I/2024)

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Abstract

This study analyzes the position of recognition as the reason for the termination of the case in KPPU Decision Number 04/KPPU-I/2024 and analyzes it through the perspective of Ibnu Qayyim al-Jauziyah. The background of the research departs from the practice of the behavior change mechanism in KPPU Regulation Number 2 of 2023 which provides space for reported parties to admit alleged violations and submit commitments to improve as well as concerns that recognition can be a shortcut that weakens the function of deterrence and protection of the public interest. The method used is normative juridical research with a legislative approach and a conceptual approach. Legal materials are collected through literature studies and analyzed qualitatively using deductive reasoning. The results of the study show that confession is not the sole basis for stopping the case, but rather the initial condition to enter the mechanism of behavior change. The termination of the case in KPPU Decision Number 04/KPPU-I/2024 was carried out after the implementation of the commitment to change in behavior was declared fulfilled through a supervision and verification process in accordance with KPPU Regulation Number 2 of 2023. In the perspective of Ibn Qayyim al-Jauziyah, confession (iqrār) is a powerful piece of evidence, but it cannot stand alone without evidence capable of revealing the truth objectively. Therefore, the mechanism for stopping cases is basically in line with Ibn Qayyim's thoughts, but the effectiveness and legitimacy of stopping cases still depends on the objectivity and accountability of the verification process for the implementation of behavior change.

INTRODUCTION

Business competition is one of the important instruments in maintaining market efficiency, preventing the abuse of economic power, and protecting the interests of consumers (Junaidi, 2025). In the Indonesian legal system, the enforcement of business competition law is carried out by KPPU based on Law Number 5 of 1999 with the aim of creating a healthy business climate, economic efficiency, protection of the public interest, and fair business opportunities for business actors, so that legal certainty, justice, and benefits are the main targets of its enforcement (Maarif, 2024).

In the development of its practice, KPPU does not always take the repressive path through inspections that lead to administrative sanctions. Through KPPU Regulation Number 2 of 2023 concerning Procedures for Handling Cases of Monopoly Practices and Unfair Business Competition, it is known that there is a mechanism for behavior change that provides space for reported parties to admit alleged violations and submit a commitment to improvement (Murniati et al., 2026). This mechanism reflects a more responsive approach because it encourages efficient and corrective settlement of cases, but it also raises the question of whether such recognition still

guarantees the effectiveness of law enforcement or actually opens up opportunities for business actors to obtain lighter termination of cases (Hutapea et al., 2025).

This problem can be seen in KPPU Decision Number 04/KPPU-I/2024 involving PT Shopee International Indonesia and PT Nusantara Ekspres Kilat regarding alleged discrimination in courier services and abuse of dominant positions. In the case, the reported defendants admitted the alleged violations and proposed a change in behavior so that the case was stopped after the commitment was declared fulfilled. This legal fact triggers the urgency to examine the position of the confession as the basis for the termination of the case according to KPPU Regulation Number 2 of 2023 and the perspective of Islamic law. This is because the recognition has the potential to affect the limit of the termination of the case investigation, so it is necessary to ensure that its implementation still guarantees legal certainty, accountability, and protection of the public interest (Safura, 2022).

Previous academic studies on KPPU generally discussed the effectiveness of behavior change, *indirect evidence*, and administrative sanctions. For example, Kathrin's research (2025) which discusses the implementation of behavior change by KPPU against the abuse of dominant positions in determining courier services on the Shopee platform, the results of which are effective in encouraging business actors to compete in a healthy manner and in accordance with regulations. In addition, there is also research by Aminah (2022) discussing the role of indirect evidence in deciding cases whose results are that the position of indirect evidence or indirect evidence in the proof process can be accepted as evidence in proving cartel cases, as well as Safura (2022) research which focuses on examining KPPU Regulation No.1/2019 which results in the regulation does not regulate administrative sanctions for business actors who take advantage of opportunities for behavior change. In contrast to previous studies, this study not only examines the mechanism of behavior change, but specifically assesses the limits of the position of recognition in the termination of cases based on KPPU Regulation Number 2 of 2023 in KPPU Decision Number 04/KPPU-I/2024 and analyzes it through the perspective of Ibn Qayyim al-Jauziyah regarding *igrār* as evidence in Islamic procedural law. Thus, this study offers a contribution in the form of the integration of the analysis of business competition law in the concept of *igrār* in Islamic law as a basis for assessing the limits of the position of recognition in the mechanism of termination of cases.

This research builds on the theory of responsive regulation proposed by Ian Ayres and John Braithwaite. This theory views law enforcement as a gradual, adaptive, and not merely coercive process. Through the concept of *the enforcement pyramid*, regulators are encouraged to prioritize persuasive and corrective approaches, while the application of heavier sanctions is carried out if the perpetrators do not show compliance (Ayres & Braithwaite, 1992). In the context of business competition law, this theory is relevant to analyze the limits of 's discretion in implementing the behavior change mechanism in KPPU Regulation Number 2 of 2023, in order to ensure that the reported voluntary compliance does not compromise legal certainty and the protection of the public interest (Adelia & Zahara, 2025). In addition to this modern legal approach, the analysis in this study is strengthened by integrating the concept of *igrār* (recognition) in Islamic procedural law according to Ibn Qayyim al-Jauziyah who places *igrār* as a high-strength evidence, but its application must not stand alone absolutely without other proof (*bayyinah*) that guarantees the disclosure of substantive truth and judicial justice (Al-Jauziyah, 1900).

This research aims to analyze the position of the confession as the reason for the termination of the case in KPPU Decision Number 04/KPPU-I/2024, as well as analyze the confession (*igrār*) from the perspective of Ibn Qayyim al-Jauziyah. This framework is used to assess whether the mechanism for terminating cases through recognition and behavior change is still in line with the objectives of enforcing business competition, especially in realizing legal certainty, justice, and protection of the public interest.

METHODS

This research is a normative doctrinal or juridical law research, which is research that places law as norms, rules, and principles that are analyzed through literature materials (Muhaimin, 2020). This study aims to analyze the position of recognition as the reason for the termination of the case in KPPU Decision Number 04/KPPU-I/2024, as well as analyze it from the perspective of Ibnu Qayyim al-Jauziyah. The approaches used include the statute *approach* and the *conceptual approach*. The statutory approach is used to analyze the conformity of KPPU Decision Number 04/KPPU-I/2024 with the provisions of KPPU Regulation Number 2 of 2023, while the conceptual approach is used to examine the concept of *igrār* (recognition) in Islamic procedural law according to Ibn Qayyim al-Jauziyah as a perspective in assessing the position of recognition as the basis for termination of cases (Gunardi, 2022). The legal materials used consist of primary, secondary and tertiary legal materials. Primary legal materials include, KPPU Regulation Number 2 of 2023 and KPPU Decision Number 04/KPPU-I/2024. Secondary legal materials include books, scientific journals, and academic works that discuss business competition law, *responsive regulation* and Ibn Qayyim al-Jauziyah's thoughts on *igrār* in Islamic procedural law. Tertiary legal materials are used as a complement to help understand relevant legal terms and Islamic terms. The collection of legal materials is carried out through literature studies by examining relevant written sources. All materials are analyzed qualitatively using deductive reasoning, which is drawing conclusions from general legal norms towards an analysis of concrete problems. The analysis was carried out by examining the conformity of KPPU Decision Number 04/KPPU-I/2024 to the provisions of KPPU Regulation Number 2 of 2023, then reviewing it based on Ibn Qayyim al-Jauziyah's perspective regarding *igrār* in Islamic procedural law.

RESULTS AND DISCUSSION

A. Overview of KPPU Decision Number 04/KPPU-I/2024

KPPU's Decision Number 04/KPPU-I/2024 began with reports or findings of alleged unfair business competition practices involving PT Shopee International Indonesia (Reported Party I) and PT Nusantara Ekspres Kilat (Reported Party II), namely entities that allegedly collaborated on delivery service platforms in order to obtain unfair competitive advantages. The alleged violations submitted are violations of Article 19 letter d and Article 25 paragraph (1) letter a of Law No. 5 of 1999 concerning the Prohibition of Monopoly Practices and Unfair Business Competition (Law 5/1999) (Rokan, 2012). The alleged violations are related to the arrangement of the delivery service system on the Shopee platform which prioritizes Shopee Express services through algorithmic settings and the elimination of certain delivery service options so that it has the potential to cause discriminatory treatment and abuse of dominant positions (Hidayatullah & Damayanti, 2025). In this context, law enforcement mechanisms are becoming increasingly important as platform decisions can have a wide impact on market structure and competitive opportunities (Batubara et al., 2024).

The case is then processed through a behavior change mechanism as stipulated in KPPU Regulation Number 2 of 2023. At the Preliminary Examination Panel session, the Reported Parties acknowledged and proposed behavior changes and conveyed their commitment to the Behavior Change Integrity Pact, the implementation of which will then be supervised by KPPU for 90 working days. Furthermore, based on the Behavior Change Supervision Report of the Commission Assembly, it is determined that the case will be terminated after the commitment is verified to have been fully implemented (Octavi & Tejomurti, 2025). This flow shows that recognition does not work alone, but is part of a procedural stage that leads to verification of commitment fulfillment.

B. Position of the Recognition and Consideration of the KPPU Assembly in the Termination of the Case

Recognition has an important position in the procedural law of business competition, but it is not the sole variable to stop the case. Based on KPPU Regulation Number 2 of 2023 concerning Procedures for Handling Cases of Monopoly Practices and Unfair Business Competition, the confession is explicitly regulated in the context of the reported party's response in Article 61 paragraph (2) b of Perkom 2/2023 which states that "The Reported Party's response as referred to in paragraph (1) can be in the form of an acknowledgment and statement of acceptance of all alleged violations in the report of alleged violations", then in Article 63 of Perkom 2/2023 it states that "In the event that the Reported Party's response is in the form of an acknowledgment and statement of acceptance of all alleged violations as referred to in Article 61 paragraph (2) letter b, the Reported Party may declare the submission of a Behavior Change application." However, Article 97 of Perkom 2/2023 emphasizes that the termination of the case can only be carried out if the Supervisory Team for the implementation of the integrity pact states that all commitments in the Integrity Pact for Behavior Change have been fully implemented. Thus, normatively recognition does not function as a basis for stopping the case, but as a prerequisite for entering a mechanism for behavior change which must then go through a process of supervision and verification.

This provision is reflected in KPPU Decision Number 04/KPPU-I/2024. The reported defendants admitted to the alleged violations and proposed behavior changes at the Preliminary Examination stage. However, the Commission Panel did not immediately stop the case based on the confession, but first required the reported parties to carry out the commitments outlined in the Behavior Change Integrity Pact, including stopping anti-competitive behavior, eliminating the practice of abusing dominant positions, submitting evidence of the implementation of behavior change, being cooperative during the supervision process, participating in supervision for 90 working days, and participating in compliance programs Competition (Widhiyanto, 2024).

These steps show that KPPU does not completely submit the termination of the case to the confession, but still demands proof through real corrective action from business actors. The approach applied by KPPU in this case is in line with the theory of Responsive Regulation which places voluntary compliance as the initial stage of law enforcement (Braithwaite, 2006). In the context of business competition law, the behavior change mechanism is a form of implementing responsive regulation because it provides space for business actors to admit alleged violations and carry out corrective actions before administrative sanctions are imposed. However, responsive regulation theory does not place voluntary compliance as the ultimate goal of law enforcement. The success of such an approach depends on the ability of regulators to ensure that commitments are actually implemented through oversight and verification mechanisms (Chandra & Hoessein,

2025). Therefore, the termination of the case in KPPU Decision Number 04/KPPU-I/2024 is not based solely on the confession of the reported parties, but on the results of verification of the implementation of the commitment to change in behavior as required in KPPU Regulation Number 2 of 2023.

The suitability of the implementation of the behavior change mechanism is increasingly visible when compared to several other ICC decisions, including :

No	Number & Year of the Case	Substance of Violation	Reported Attitude (Turning Point)	Mechanism & Conditions	Final Results
1.	04/KPPU-I/2024 (Shopee)	Discrimination of courier services (algorithms) & dominant positions.	Recognize LDP and commit to behavior change	Behavior Change: Requirements for improving courier access and algorithm systems.	Termination of Matter
2.	06/ICC-I/2020 (Garuda Indonesia)	Umrah Travel Agent Discrimination	Submitted a commitment to change behavior at the beginning, but violated the Integrity Pact and did not admit the violation at the follow-up examination	Failed Behavior Change: Failing to meet the agreed behavior change commitments.	Administrative fines
3.	14/KPPU-I/2022 (PT Lestari Berkah Sejati)	<i>Tying-in</i> Bulk Cooking Oil	Recognize the LDP and apply for a Change of Behavior.	Behavior Change: Removing the requirement to purchase other products to obtain bulk cooking oil.	Termination of Matter
4.	11/KPPU-L/2023 (PT. Kobe has a major)	Distribution agreements, resale price maintenance, tying agreements, and distribution area restrictions	Recognize the LDP and apply for a Change of Behavior.	Behavior Change: Removal of exclusivity clauses, cancellation of old agreements, and revision of distribution templates	Termination of Matter

5.	03/KPPU-I/2024 (Google)	Dominant position in the Google Play Billing System	Refute the LDP and choose the path of defense (litigation).	Repressive adjudication (follow-up examination hearing).	Administrative sanctions
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If analyzed using *responsive regulation* theory, the five decisions in the table show the application of different law enforcement *pyramids* according to the level of compliance of each business actor. For business actors who admit alleged violations and implement behavior change commitments, KPPU prioritizes a persuasive approach through a behavior change mechanism. On the other hand, if the commitment is not fulfilled or the business actor chooses to deny the alleged violation, KPPU continues the adjudication process and imposes administrative sanctions. This pattern shows that the implementation of behavior change mechanisms in practice has reflected the principle of *responsive regulation*, namely the escalation of law enforcement is carried out based on the level of compliance of business actors, not solely based on recognition.

Based on this comparison, it can be seen that the practice of handling cases by KPPU has implemented a behavior change mechanism consistently in accordance with KPPU Regulation Number 2 of 2023. Recognition serves as a condition for entering a behavior change mechanism, while the termination of the case is still based on the results of supervision and verification of the implementation of commitments. Thus, the mechanism reflects a balance between the efficiency of case resolution and the purpose of enforcing business competition law (Syafinas et al., 2025).

However, the results of the analysis also show that the effectiveness of the behavior change mechanism is highly dependent on the quality of supervision and verification carried out by the Supervisory Team and the Commission Assembly. KPPU Regulation Number 2 of 2023 regulates the stages of supervision, verification, and assessment of the implementation of behavior change. Therefore, the objectivity and consistency of the implementation of verification are important factors so that the termination of cases not only meets the procedural aspects, but is also able to ensure legal certainty, fairness, and effectiveness of business competition law enforcement (Hanif et al., 2025).

Thus, the position of recognition in the mechanism of behavior change is instrumental, namely as a condition for proposing behavior change, and not determinative as a basis for terminating the case. The termination of the case still depends on the results of verification of the implementation of the commitment as stipulated in KPPU Regulation Number 2 of 2023. The application also shows that the mechanism for behavior change is in line with the principle of *responsive regulation*.

C. Analysis of Confession in the Termination of Matters in the Perspective of Ibn Qayyim al-Jauziyah

Ibn Qayyim al-Jauziyah views confession (*igrār*) as evidence that has a high degree of power in Islamic procedural law. However, confession is not understood as the only basis for judges to render a verdict. In the Islamic system of proof, the authority of recognition (*igrār*) is placed side by side with *bayyinah* (other evidence) in the broader system of proof in order to provide knowledge for judges (*yahkuma bi 'ilmih*) in deciding cases (Al-Jauziyah, 1900). This thinking shows that Islamic procedural law places the search for substantive truth as the main orientation of the judicial

process, so that judges should not stop at confessions if verification of the facts of the case is still needed (Nuriskandar, 2021). This view is reflected in *Al-Turuq al-Hukmiyyah*, when Ibn Qayyim explained that judges must use all means of proof that can lead to truth and justice. He stated:

فرض على الحاكم أن يحكم بعلمه في الدماء والاموال والقصاص والفروج والحدود سواء علم ذلك قبل ولايته أو بعد ولايته، وأقوى ما حكم بعلمه ثم بالاقرار ثم بالبينة

"It is mandatory for judges to decide based on their knowledge in matters of blood, property, honor, and hudud, whether the knowledge is obtained before or after taking office. And the strongest basis for the verdict is the knowledge (the judge) the confession (*iqrār*), then the evidence (*bayyinah*)" (Al-Jauziyah, 1900).

The quotation shows that although the confession has a very high probative power, Ibn Qayyim still places it in a broader system of proof along with *the bayyinah* and other evidence. Thus, confession is not a stand-alone mechanism, but part of the evidentiary process that must lead to the judge's belief about the truth of the case.

Ibn Qayyim also emphasized the importance of a transparent evidentiary process that can eliminate prejudice against the judge's decision. In his discussion of the procedure for examining the case, he explained that the evidentiary mechanism must be held accountably in an open trial assembly, where the evidence is guarded by the accuracy of the facts of the trial in order to close the isolation of the unilateral examination that raises allegations of partiality or collusion in the judicial process (Jauziyah, 2006). This principle shows that the legitimacy of the verdict is not only determined by the final result, but also by objective and accountable evidentiary procedures (Hamid & Putra, 2021). This idea is still very relevant to the development of modern law that places transparency, accountability, and due process as important elements in law enforcement (Adha et al., 2023).

If integrated with KPPU Decision Number 04/KPPU-I/2024, Ibnu Qayyim's thinking shows that the confession of the reported parties can indeed be the starting point for resolving cases through a behavior change mechanism. However, the termination of the case should not only be based on recognition, but must be supported by proof that the commitment to change behavior has really been implemented effectively and is able to restore the conditions of business competition. Thus, the confession serves as an entry point to the verification process, not as the final basis for the termination of the case.

Although KPPU Regulation Number 2 of 2023 has regulated the mechanism for supervision and verification of the implementation of integrity pacts validly, the regulation is still considered predominantly procedural because it has not yet detailed the substantive parameters that are a measure of the success of market recovery in each type of competition violation. As a result, the assessment of the fulfillment of commitments still depends on the casuistic evaluation by the Supervisory Team and the Commission Panel based on the characteristics of each case. In the perspective of Ibn Qayyim al-Jauziyyah, such a condition emphasizes the importance of the evidentiary process that is carried out objectively and transparently so as not to raise doubts or prejudices about the integrity of the examination. In this regard, the void of the substantive parameters can be filled by reconstructing the concept of *bayyinah* (evidence), which according to Ibn Qayyim is essentially everything that is capable of making the truth real. Through these lenses, the indicator of the success of behavior change at KPPU should not simply rely on compliance with administrative documents, but must be proven through substantive *bayyinah* in the form of empirical data that shows the recovery of the market structure in real terms in the field. Within the

framework of *Al-Turuq al-Hukmiyyah*, confession in front of a court is indeed binding, but passing a verdict solely on the basis of confessions without witnesses or market data risks giving rise to prejudice of collusion. Thus, the *bayyinah*-based approach recommends a transparent oversight of recognition from the outset, for example with empirical evidence of market conditions, expert testimony support, and assessment through quantitative indicators. Therefore, this perspective of Islamic procedural law is not present to deny the effectiveness of back-end supervision carried out by KPPU for 90 working days, but rather serves as an ideal framework that emphasizes that recognition must be guarded with full transparency from the beginning in order to close the space for suspicion and ensure the restoration of economic justice in essence (Pasaribu et al., 2018).

Based on this description, this study concludes that Ibn Qayyim's perspective supports the use of confession as part of the case settlement mechanism, but rejects it as the sole basis for termination of the case. Confession only gains legitimacy if it is followed by an objective proof and verification process so that it really shows that there is recovery for the violation committed. Thus, the mechanism for behavior change in business competition law remains in line with the principle of justice if the recognition is positioned as the beginning of the evidentiary process, not as the end of legal liability.

CONCLUSION

Based on the results of the research, it can be concluded that recognition in the behavior change mechanism based on KPPU Regulation Number 2 of 2023 is not the sole basis for the termination of the case, but rather the initial condition for the reported party to propose behavior change. In KPPU Decision Number 04/KPPU-I/2024, the termination of the case was not based solely on the confession of the reported parties, but on the results of supervision and verification that stated that all commitments in the Integrity Pact for Behavior Change had been implemented. Thus, the position of recognition is instrumental rather than determinative, namely as an entry point for a behavior change mechanism, while the basis for termination of the case still depends on the fulfillment of commitments that have been verified by KPPU. The mechanism shows the application of a responsive regulation approach that prioritizes voluntary compliance without ruling out the supervisory function and the possibility of implementing repressive measures if commitments are not met. Confession (*iqrār*) according to Ibn Qayyim al-Jauziyah is evidence that has high probative power, but it cannot be used as the only basis for resolving the case. Confession must be followed by *bayyinah* (other evidence) in a broader evidentiary system for the sake of providing knowledge for the judge and an objective evidentiary process to ensure the disclosure of the truth and the realization of justice. Therefore, the mechanism for terminating the case in KPPU Decision Number 04/KPPU-I/2024 is basically in line with Ibn Qayyim's thinking because the confession does not immediately end the case, but is continued with supervision and verification of the implementation of the commitment to change behavior. However, in order for the legitimacy of the termination of the case to be stronger, the verification process needs to be carried out objectively, transparently, and accountably so as to be able to guarantee that behavior changes truly restore business competition conditions and protect the public interest.

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