

The Implementation Of Islamic Business Ethical Theory In E-Commerce

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Abstract

The development of modern technology recently influences the activities of human beings, particularly in doing commercial transactions. One of medias used in the transaction is online (internet) media. The role of internet as the communicative media facilitates people to do online trading business. The network connection makes it easily accessible by communities. There are problems in the selling buying transaction through social media when the sellers do cheating in the transaction and goods and/or services are mismatched. Besides, the hidden defect risk in the sold goods can be the biggest modus of online sellers, intentionally and unintentionally. Based on the problems above, the writer was interested to analyze the application of the Islamic business ethics in the online trading transaction. This publication provides figures, the potential views and the development of e-commerce, such as the numbers of e-commerce and the medias used. The purpose of this study is to review the implementation of business ethics in e-commerce, especially in the rapid progress of e-commerce in Indonesia lately, and to recognize the importance of managing ethical issues in e-commerce. The result of this study can be the reference for the next e-commerce researchers in finding out the problems that relate to the e-commerce business ethics in Indonesia as the existing norms and regulation. Therefore, the practitioners are able to implement the high business ethical standard in e-commerce activities for protecting and maintaining the high e-commerce industry to improve the welfare of Indonesian people.

Keywords: Business Ethical Theory, Islamic Business Ethics, E-commerce

A. INTRODUCTION

Nowadays, most of the social life aspects are connected to technology. Technological usage that uses Internet is the essential thing in everyday activities of Indonesian people. The technology and Internet accommodate not only the communication, but also commercial transactions and trading activities both individually and between regions. Today business and economic sectors are fields that are influenced by them. In the development of technology, called Industrial Revolution 4.0, the Internet world becomes more important and the human mobility gets higher. As a result, all aspects and sectors have to give express and precise services. In industrial sector, for instance, producers must give fast

and appropriate services for the customers satisfaction. Thus, e-commerce is one of the example.

In 1998, e-commerce was known as a transaction conducted by buyers and sellers in buying and selling various products electronically from one company to another by using computer as the mediator of business transactions performed. The other opinion said that *Electronic Commerce*, further called *E-Commerce*, is a result of internet technological development. The definition of e-commerce is a business process by using the electronic technology relating the companies, customers, and society in electronic transactions. Therefore, the business principle in e-commerce is the paperless trading.

According to the statistical report about top 10 e-commerce in 6/7/2020, the most visited e-commerce in Indonesia is Shopee that is in the first rank with 71.5 million clicks per month during the first quarter of 2020. Besides Shopee, users visited many e-commerce in Indonesia as stated in Figure 1 below:

Monthly Web Visitor (1st Quarter of 2020)

Source: iPrice, 1st Quarter of 2020

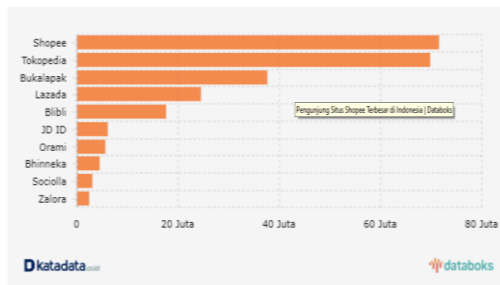


Figure 1 Monthly Web Visitor (1st Quarter of 2020)

Meanwhile in the pandemic condition, e-commerce must have an active role in assisting Micro-Business Units to grow. With many suggestions to work and study from home, it will be the alternative for traders to keep selling from their homes. The other benefit is that the unlimited business and sales scopes around the world make it prospective. The sales growth in online platform also climbs during the pandemic situation.

Moreover, the business performance does not only measure the collecting profit, but also concerning about moral commitment, service, quality, and social responsibility. Doing ethical action in business is the best long-termed business strategy. In general, the principles of ethical business are:

- a. Honesty
- b. Responsibility
- c. Transparency
- d. Professional
- e. Trust
- f. Equity

Islamic business ethics is ethical norms based on Quran and Hadith as the foundation for people who run business activities.

In Islamic teaching, Islamic business ethics demands and directs muslims to take actions in accordance with what is allowed and prohibited by Allah the Almighty, including to carry out the economic activities. Human beings are free to do them to improve their standard of living. The business ethics functions to help businessmen to solve moral problems in business activities they have. They should understand the Islamic business ethics correctly to minimize the risk possibility. The right principle will not cause anyone feel harmed, even the society will receive more advantages from the buying and selling activities conducted.

B. RESEARCH OF THE STUDY

There were many previous studies regarding on the Islamic business ethics, such as reviewing from the normative side, philosophy, to its application in the business world. In the normative review, Sirman Dahwal, 2009 gave a deeper understanding to muslim businessmen in particular and the society in general to implement the Islamic business ethics as the part of Indonesian national law.

Furthermore, the philosophical business ethical reviews by Ahmad, 2011; Aldulaimi, 2016; Butterworth, 1987; Hidayatulloh, 2012; Nasr, 1987; Nawatmi, 2010; Saifullah, 2011. Those are for the views of the Quran and Hadith on business ethics and muslim philosophical views.

Disfa, 2019 made a review of the Islamic business ethics as a comparative review with a purpose to explain the Islamic business ethical concept as the philosophical base on business behavior comparing with the business ethics in Protestant, Catholic, Buddha, and Hindu.

C. METHOD OF THE STUDY

The study used a descriptive qualitative approach by using a literature review. The analysis study is the source, both qualitative and comparative of the previous studies and articles on mass medias regarding on the discussion of this study. The data collection

were from literatures and journals related to the title of this study.

D. REVIEW OF THE LITERATURE

1. *Theory of Business Ethics*

Many problems and cases in business world caused positive effects where there were more business ethical philosophers who tried to formulate and develop many business ethical theories. The ethics will not be understood if one puts aside moral values. Theory of business ethics also has moral value background. Here is the discussion of business ethical theory from various theories:

1. Theory of Deontological Ethics. *Deontology* came from the Greek, *deon* (obligation or duty). Based on deontological ethics, an action is good on account of judgment and justification of effects or the acceptable purposes of the action, but it is based on the goodness itself. Someone conducts the obligation because it is a form of responsibility that has been ordered to him. In the business world, if there is a responsibility given to a person, he/she has an obligation to do it, particularly if he/she does not want to disappoint his/her customers. For instance, giving a good service to customers, offering qualified goods and services that are comparable to the price, and so on. A buyer always needs satisfaction when he/she deals with a product.
2. Theory of Theological Ethics. Theology came from the Greek, *telos* that means a purpose. Theological ethics measures the goodness or badness of an action based on the goals that will be achieved with the it, or based on the goals to be achieved with, or based on the consequences of that action. The activity is good if it aims to achieve something good or if the consequences are good and useful. From this theory, two studies emerged: 1) *Egoism*. The theory views that moral behavior is considered good if it is more beneficial than detrimental for individuals who carry out moral actions, although they do not always have to

ignore the welfare of others. 2) *Utilitarianism*. The theory is a derivative of the theological theory (consequentialist theory) where a business activity is good if it can provide benefits to the majority of society or consumers in a business context. It can also be said that good deeds are those that benefit many people (Jeremy Bentham).

3. Theory of Ethical and Human Rights. The approach of this theory is that moral demands of a person, namely his/her rights, are taken seriously. In the theory of rights, it is discussed all about an individual rights and how them should be respected. In fact, it is stated that each man who was born on this earth has the right and it deserved to be earned and fought for. Among the rights that must be fought for is the right to obtain a decent living (such as obtaining education, welfare, health service, etc). When a person is treated unfairly or harmed by a company, he deserves to claim his rights.
4. Theory of Virtue. In this theory, a satisfaction concept is dominant, since everybody wants to be prioritized in fulfilling the interests he wants. Efforts to fulfill them often lead to selfishness.
5. Theory of Relative. It is stated that ethics is relative. Problems that arise in practice are self-centered (selfish), focusing on oneself and ignore interactions with outsiders and decision makers do not further consideration, all of them are depending on their own criteria. In this theory, it is explained that the one's opinion is subjective. It means that if A thinks that something is the best, B might be not have the same point of view, and so on. This is because everyone's views and thought can be different.

2. *Definitions of Islamic Business Ethics*

Ethics, in general, is defined as a systematical effort by using ratio to interpret individual and social moral

experiences, so that it can establish rules to control human behavior as well as meaningful values to be targeted in life.

The Islamic business ethics is a process and an effort to find out what is right and wrong which then it continues and do the good things with regard to products and company services to parties with an interest of the company. Learning the moral qualities of organizational policies, general concepts and standards for moral conduct in business, behave responsibly and morally. This means that Islamic business ethics is a moral habit or culture related to the business activities of a company. So it can be concluded that the Islamic business ethics is a set of values about good and bad, right and wrong, and *halal* and *haram* in the business world based on the principles of morality in accordance with sharia.

The characteristics of Islamic business ethical standards are:

- 1) Considering to behavior of serious consequences for human welfare;
- 2) Paying attention to the fairly high validity of aid or justice. Ethics for proper and fair business is done by upholding law and justice consistently and consequently and faithfully to the principles of truth, civility, and dignity.

3. Principles of Business Ethics Based on Quran

According to Imaddudin (2007:156), there are five basic principles of Islamic ethics, namely: 1) unity, 2) equilibrium, 3) free will, 4) responsibility, 5) truth, goodness, and honesty.

- a. *Tauhid/Unity*. In this case, the unity is reflected to the *tauhid* concept that combines all aspects of muslim life, both in economic, politics, and social aspects into homogenous unity and emphasizes the overall concept of consistency and regularity. With this concept, Islam offers religious, economic, and social integration in order to form unity. Based on this point of view, ethics and business are combined, both vertically and

horizontally, to form an essential equality in the Islamic system.

- b. *Equilibrium/Fairness*. Islam strongly recommends doing fairness in business, and prohibits cheating or being wrongful. The Prophet was sent to establish legitimacy. A big disaster for people who like cheating. Those who receive a right dose from others, but they reduce the dose for other people. Cheating in business is a sign of the destruction of the business, because the key to business success is trust. Quran orders muslims to measure and weigh in a right way and forbids the cheating by reducing the measurement or weight. Al-Isra':35 stated that

وَأَوْفُوا الْكَيْلَ إِذَا كُنْتُمْ وَزِنُوا بِالْقِسْطَاسِ
الْمُسْتَقِيمِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

Meaning:

And complete the measure when you measure, and weigh with the right scales. That is more important (for you) and better as the result.

- c. *Free Will*. Freedom is an important part in Islamic business ethical values, but it should not make risks to the collective interests. The individual attentiveness should be widely opened. Unlimited income encourages people to actively work with all their potential. The human tendency to continuously fulfill unlimited personal needs is controlled by the obligation of each individual to the surrounding community through *zakat*, *infaq* and charity.
- d. *Responsibility*. Limitless freedom is something that is impossible for humans to do, because it does not require responsibility and accountability to meet the demands of fairness and unity, they need to be responsible for their actions logically. It sets limits on what humans are free to do by being responsible for everything they do.
- e. *Truth, goodness and honesty*. In this context, it either means the truth versus error or two elements of benevolence and honesty. In the business context, the *truth* means a

proper intention, attitude, and behavior involving the transaction process, search process or getting development commodities, even the process of gaining or setting profit. With this principle, the Islamic business ethics cares and prevent to possibilities of loss of one of the parties conducting a transaction, cooperation or agreement in the business.

4. Definition of E-Commerce

The definition of e-commerce according to David Baum (1999) in Pranata (2015): *E-commerce is a dynamic set of technologies, applications, and business process that link enterprises, consumers, and communities through electronic transactions and electronic exchange of goods, services, and information.* Onno. W. Purbo translated it in his study.

According to Laudon & Laudon (1998) in Pranata (2015), e-commerce is a process of selling and buying products electronically by consumers from one company to the other by using computer as the business transactional media.

Kalakota & Whinston (1997) in Pranata (2015) stated that e-commerce can be viewed by 3 (three) perspectives.

- a. Communication perspective, e-commerce is the delivery process of goods, services, information, or payment through computer network or the other electronic equipments.
- b. Business process perspective, e-commerce is an automatic technological application for business transactions and work flow.
- c. Service perspective, e-commerce is a media to meet the interests of companies, consumers, and management to cut the service costs when improving the quality of goods and increasing the speed of delivery services.
- d. Online perspective, e-commerce provides the ability to buy and sell goods and information via the

internet and other online means. E-commerce, usually called *Ecom* or *Emmerce* or *EC*, is a routine business transaction by using Electronic Data Interchange (EDI) transmission, surel, electronic bulletin boards, facsimilile, and Electronic Funds Transfer related to the shopping transactions in Internet shopping, stock online and bond, downloading and sales software, documents, graphic, music, and so on, and also Business to Business (B2B) transactions.

5. Types of E-Commerce

E-commerce activities cover many things. To distinguish it, e-commerce is divided into 2 (two) based on its characteristics:

1. Business to Business (B2B), its characteristics are:
 - a. Trading partners already know each other and there has been a long-standing relationship between them.
 - b. Data exchange is regularly conducted with a mutually agreed data format.
 - c. One of the players does not have to wait for their other partner to send the data.
 - d. The common model used is *peer-to-peer* in which the *processing intelligence* can be distributed to both business players.
2. Business to Consumers, its characteristics are:
 - a. Being open to the public where information is shared publicly, too.
 - b. The implemented services are also general, so that they can be used by many people.
 - c. Services are used on request.
 - d. *Client-server* approach is often used.

6. Laws and Regulations In Force in Indonesia

In the legal aspect, Indonesia currently has legal instruments that regulate electronic transactions, namely Law No.11 of 2008 concerning the

Electronic Information and Transaction Law (UU-ITE) which includes, among others, regulating efforts to protect the public in electronic transactions. In addition, Indonesia has Law No.7 of 2014 which specifically regulates electronic commerce. According to the Law, Business Actors in electronic commerce are obligated to register and fulfill the technical provisions of the relevant agencies. Each actor must have and declare the business ethics (business conduct or code of practices). Business actors are prohibited from requiring consumers to pay for products sent without prior agreement (*inertia selling*). Information or electronic documents can be used as evidence. Electronic information or document have the same legal force value as an authentic deed. Regarding on the electronic contracts, electronic trading contracts are valid when there is an agreement between the parties. The contracts must at least contain the identities of the parties, agreed specifications of goods or services, legality of goods and/or services, value or trade transactions, terms and conditions of payment, operational procedures for delivery of goods and/or services, and procedures for returning goods and/or if they occur mismatch. If there is a dispute related to trade transactions through an electronic system, the person or business entity that is experiencing the dispute can resolve it through the court or through other resolution mechanism.

In Law No.7 of 2014, every business actor who trades goods and/or services using an electronic system is required to provide complete and correct data and/or information: (1) Every business actor is prohibited to trade goods and/or services by using electronic system that is not in accordance with the data and/or information; (2) The usage of electronic system must comply with provisions stipulated in the Law on Information and Electronic Transactions; (3) The data and/or information should contain: (a) identity and legality of the business actors as producers or

distribution business actors; (b) technical requirements of the goods offered; (c) technical requirements or qualifications of services offered; (d) price and method of payment for goods and/or services; and (e) how to deliver goods.

Every business player who trades goods and/or services using an electronic system that does not give complete and valid data and/or information will be given an administrative sanction in the form of license revocation. Those who trade goods and/or services using and electronic system that is not in accordance with the data and/or information as referred to in the Article 65 Paragraph (2) (using an electronic system must comply with the provisions stipulated in the Law on information and electronic transactions) will be sentenced to a maximum 12 years imprisonment and/or a maximum fine of IDR 12,000,000,000 (twelve billion rupiahs).

To implement the mandate of Law No.11 of 2008 concerning the Electronic Information and Transaction Law (UU-ITE), the government through the Ministry of Communication and Information has issued the following Government Regulations and Circulars:

1. Government Regulation of Republic of Indonesia No.82 of 2012 concerning on the implementation of electronic systems and transactions. It regulates:
 - a. The Implementation of Electronic System;
 - b. The Application of Electronic Agency;
 - c. The Administration of Electronic Transaction;
 - d. The Electronic Signature;
 - e. The Realization of Electronic Certification;
 - f. The Reliability Certification Institution
 - g. The Domain Name Management

In relation to ethical issue, this regulation has regulated the obligation of electronic system operators to enter into standar service level agreements with customers, confidentiality agreement and

utilization of customer and transaction data, and electronic system operators for public services are required to implement acceptable and accountable administration. The administration must at least meet the following requirements: the ability of procedures or instructions in the Electronic System Operation that are documented and/or announced in language, information, or symbols that are understood by parties related to the Electronic System Operation:

- a. There is a continuous mechanism to maintain the novelty and clarity of the implementation guide procedures.
 - b. The existence of institutions and completeness of supporting personnel for the proper operation of the electronic system.
 - c. The implementation of performance management on the electronic system that is held to ensure it operates as it should.
 - d. There is a plan to maintain the continuity of the implementation of the electronic system it manages.
2. Regulation of the Minister of Communication and Information of the Republic of Indonesia No.36 of 2014 concerning on Procedures for Registration of Electronic System Operators. This regulation involves registration obligations and procedures for electronic system operators which include:
- a. Portal, site, or online application via the internet that is used to facilitate the offer and/or trade of goods and/or services;
 - b. An electronic system in which there are online payment facilities and/or other financial transactions through a data communication network or the internet.
 - c. An electronic system which is used for processing electronic information that contains or requires a deposit of funds or something that is equivalent to fund.

- d. An electronic system which is used for processing or storing data related to facilities for customer data in the operational activities to serve the public related to financial and trading transaction activities.
- e. An electronic system that is used for the delivery of paid digital materials through the data network either by downloading the portal/site, sending via email, or through other applications to the user's device. Electronic system operators must use Indonesian high-level domain names for website electronic systems.

E. DISCUSSION

The role of business ethics in e-commerce has a significant effect because it is the major support to develop a company. Without any ethics, the business will not grow or maintain and neither run well. It is also able to solve the existing problems. Ethics will resolve them without hurting others. The ethics teach businessmen and consumers to see the right and the wrong things. It also creates the special comfort for buyers when they are making transaction through websites. In good e-commerce trading, we should have ethics and social responsibility concerning on the functions.

Business ethics in the e-commerce has a strong impact and relation to the transaction and commerce for a person who has a good ethics is capable to see whether something is good or bad. Further, the producers will know whether their consumers who are buying their products are honest or lying. They also learn how to communicate with their buyers for a smooth transaction.

The influence of business ethics in e-commerce is enormous because the development of technology in this age is so fast. Trading is increasingly accessible anywhere and wider. In the organizational aspect, business ethics can make each other feel comfortable and not jealous of what they have and make competition better and less

fraudulent. They can establish good cooperation between producers and consumers. With this business ethics, producers can see whether consumers are honest or lying in buying their products or services. Producers must also able to find out whether consumers can be invited to cooperate in transactions or not. On the other hand, producers may commit fraud, for example when consumers have paid for the goods that have been selected and have transferred the price, but the producer does not send them.

E-commerce businesses in Indonesia recorded the growth of sales volume with more people who do the *physical distancing* in the middle of pandemic of Covid-19. The government also considers about the e-commerce sector as one of the solutions for solving the tax deficit as the result of economic slowdown. As shown in the figure below, in the second quarter there was an enhancement as in the first quarter of the same year.

The Average Visit of Monthly E-Commerce Web (2nd Quarter of 2020)

Source: iPrice, 1st Quarter of 2020

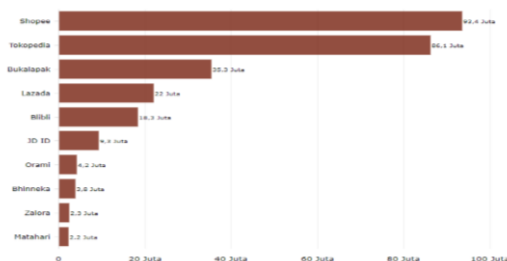


Figure 2 The Monthly Web Visitors (2nd Quarter of 2020)

Business ethics or morals have very strong characteristics in our life. It is closely related to things that have a major impact on the life and well-being of individuals or groups. Trust each other in a cooperation will give a great influence to the reputation of a company, both in micro and macro environments. It will not give profit sooner, but it becomes the long-term investment for the entire elements in the business circle. Therefore, the business ethics is very important.

**Thousands of Online Cheating Reported for The Last Five Years
The Numbers of Online Cheating Report per Year**

Source: Police of Republic of Indonesia, September 2020

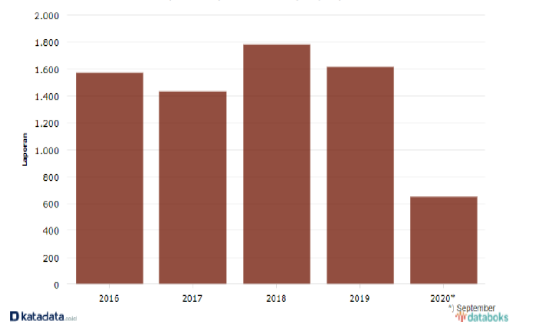


Figure 3 The Numbers of Online Cheating Report per Year

Source: Police of Republic of Indonesia, September 2020

Ministry of Trade and Ministry of Communication and Information are the Government's technical units that directly manage, control, monitor, and encourage the development of e-commerce industries in Indonesia. The laws and regulations above show that the Indonesian Government seriously makes a set of regulations to build a healthy environment with the law guarantee and to protect the Indonesian e-commerce industries, both producers and consumers for growing the e-commerce industries to all Indonesian people's welfare.

F. CONCLUSION

The Government of Republic of Indonesia greatly supports the development of Indonesian e-commerce industries. By publishing sets of laws, government and minister's regulations that involve the Ministry of Trade, Ministry of Information and Informatics, and other relevant state agencies. E-commerce improves well-being and support the digital industrial and national economic growths. The continuous improvement of regulations, rules and *code of conduct* in countries and companies are improved to give the better law guarantee and support the Indonesian e-commerce. The ethic

problems generally relate to ethics of honesty, responsibility, and moral awareness of the sold fake products. However, the development of Standard Operation Procedure (SOP) in the process of e-commerce transaction is getting significant. The review of Islamic business ethics shows that e-commerce business in accordance with the ethics discussed. Hopefully, all parties will support the improvement of e-commerce business for Indonesian people's welfare.

AUTHORS' CONTRIBUTIONS

This research has a contribution for the current conditions, where the concept of this study follows the current state of conducting research related to the implementation of Islamic Business Ethical Theory In E-Commerce. This publication provides figures, the potential views and the development of e-commerce, such as the numbers of e-commerce and the medias used. The purpose of this study is to review the implementation of business ethics in e-commerce, especially in the rapid progress of e-commerce in Indonesia lately, and to recognize the importance of managing ethical issues in e-commerce. Therefore, the practitioners are able to implement the high business ethical standard in e-commerce activities for protecting and maintaining the high e-commerce industry to improve the welfare of Indonesian people.

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