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Abuse of Data-Driven Market Power and Monopsony of Personal Data by Social Commerce Platforms from a Competition Law Perspective

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Abstract

This study analyzes the abuse of data-driven market power and the monopsony o personal data by social commerce platforms, examined through the lens of Indonesia competition law. Employing a juridical-normative methodology utilizing both statutor and conceptual approaches the research investigates the implications of dat concentration for anti-competitive practices. The findings indicate that the exclusiv control of personal data by social commerce platforms creates significant barriers t entry for new market participants, reinforces dominant positions through networ effects, and facilitates monopsonistic practices that disadvantage both producers an consumers. The deployment of algorithms and the large-scale collection of data lackin transparency trigger market distortions and discriminatory behaviors that are difficu to address using the conventional instruments of Law Number 5 of 1999 concerning th Prohibition of Monopolistic Practices and Unfair Business Competition. Consequently, reinterpretation of competition law, integrated with personal data protectio regulations, is essential to ensure a fair and competitive digital ecosystem.

Abstrak

Penelitian ini disusun untuk menganalisis praktik penyalahgunaan posisi dominan berbasis data (*data-driven market power*) dan monopsoni data pribadi oleh platform *social commerce* dalam perspektif hukum persaingan usaha di Indonesia. Penelitian ini menggunakan metode yuridis-normatif dengan pendekatan perundang-undangan dan konseptual untuk mengkaji implikasi konsentrasi data terhadap persaingan usaha tidak sehat. Hasil penelitian menunjukkan bahwa penguasaan data pribadi secara eksklusif oleh platform *social commerce* menciptakan hambatan masuk (*barriers to entry*) yang tinggi bagi pelaku usaha baru, memperkuat posisi dominan melalui efek jaringan (*network effects*), serta menimbulkan praktik monopsoni yang merugikan produsen dan konsumen. Penggunaan algoritma dan pengumpulan data masif tanpa transparansi memicu distorsi pasar dan perilaku diskriminatif yang sulit dijangkau oleh instrumen Undang-Undang Nomor 5 Tahun 1999 tentang Larangan Praktek Monopsoni dan Persaingan Usaha Tidak Sehat konvensional. Oleh karena itu, diperlukan reinterpretasi hukum persaingan usaha yang terintegrasi dengan regulasi pelindungan data pribadi untuk menjamin ekosistem digital yang adil dan kompetitif.

Kata kunci: Posisi Dominan, Monopsoni, Data Pribadi, *Social Commerce*, Hukum Persaingan Usaha.

INTRODUCTION

The rapid development of the digital economy has changed the global and national trade landscape through the integration of social media and e-commerce networks into platforms.*social commerce* (Syarkani, 2025). This platform not only functions as a medium for social interaction between users, but also transforms into an integrated economic ecosystem that facilitates massive business transactions. In the modern digital market structure, users'

personal data has transformed from mere profile information into a highly valuable economic commodity that has become a key pillar for establishing business competitiveness. Control over the abundant flow of public data has given rise to a new form of market power known as data-driven market power. This phenomenon has triggered the emergence of dominant positions that are no longer measured solely by the size of the financial market share or control of physical assets, but rather by the depth, diversity, and speed of access to accumulated user data. Competition law now faces a fundamental challenge in responding to the dynamics of this digital market structure, given that traditional competition doctrines are often not fully designed to anticipate the complexity of the expansion of economic power stemming from monopolies and asymmetric data utilization.

Empirical phenomena show that the platform*social commerce*Platforms often exploit their dominant data-driven positions to exploit the personal data of consumers and micro, small, and medium-sized businesses within their ecosystems (Rizan, Widiarty, and Nadapdap, 2026). Platforms continuously collect information on user behavior, shopping preferences, and location traces through sophisticated algorithms that often operate behind closed doors or without transparency. This creates a monopsony of personal data, where platforms act as sole buyers or primary collectors, controlling the data supply, while users and trading partners have no choice but to hand over their personal data in exchange for service access. This excessive data collection practice is often combined with restrictions on data portability, unilateral terms and conditions, and the implementation of algorithmic ranking practices that prioritize the platform's own products. The implication is a clear distortion of competition, where competing businesses without equal access to data are gradually eliminated from the market, while consumers lose substantial control over the confidentiality of their personal data in everyday digital economic transactions.

Although studies on the digital economy and competition law have been widely discussed, there is a crucial research gap in the Indonesian competition law literature regarding the integration of data-based market power analysis and data monopsony. Most existing research still focuses on conventional forms of violations such as predatory pricing, physical cartels, or control of the supply of tangible goods, as explicitly regulated in the existing competition law framework (Fitriansyah, Windari, and Hadi, 2025). Very few normative or practical studies have in-depth explained how personal data monopsony can occur on platforms.*social commerce*and how these data control structures are used as a tool to maintain and abuse dominant positions. Furthermore, there is no clear conceptual agreement on the boundaries between violations of the right to personal data protection and violations of competition law, creating legal uncertainty in determining the boundaries of authority between supervisory institutions. This gap in normative analysis has resulted in a doctrinal vacuum that hinders the effectiveness of law enforcement in responding to unfair competition practices based on algorithms and massive data accumulation.

The urgency of this research is very pressing considering the rate of platform penetration.*social commerce*Indonesia's extremely high competition rates are not balanced by adaptive business competition regulations to the characteristics of the digital market. Unchecked, unequal control of personal data has the potential to stifle innovation, damage the business climate for local MSMEs, and systematically harm long-term consumer welfare. If the abuse of dominant data-based positions and monopsony practices of personal data are not immediately intervened through clear laws, the Indonesian digital market could become trapped in an oligopoly or closed monopoly structure that is difficult for new business actors

to penetrate. The existence of a robust legal framework is essential to maintain an inclusive, equitable digital economy ecosystem that provides comprehensive protection for user rights. This research is crucial because it provides a foundation for critical thinking and concrete input for competition law reform and its harmonization with the personal data protection regime to create healthy and competitive business competition.

The main objective of this research is to analyze in depth and comprehensively the mechanisms of formation and abuse of dominant data-based positions by platforms.*social commerce*from a competition law perspective. This research is designed to identify legal indicators that determine the existence of data-based market power and to analyze the characteristics of a two-sided market.*social commerce*can trigger the phenomenon of personal data monopsony against users and business partners. Furthermore, this study aims to examine the extent to which current competition law instruments are able to address and address data-based discriminatory practices and market entry barriers created by digital platforms. Through this investigation, this study seeks to formulate a proposal for legal reconceptualization and reform that aligns the principles of fair business competition with the principles of personal data protection. Ultimately, this research is expected to provide academic contributions in the form of scientific thinking that will be useful for policy formulation, law enforcement guidelines, and future regulations.

METHODS

This research uses the normative legal research method (*doctrinal legal research*) by focusing on literature studies (*library research*) to examine the issue of abuse of dominant data-based positions and monopsony of personal data by platforms*social commerce*. The research approach used includes a legislative approach (*statute approach*) to analyze the provisions of Law Number 5 of 1999 and Law Number 27 of 2022 concerning Personal Data Protection, as well as the conceptual approach (*conceptual approach*) to dissect the doctrine of data-based market power (*data-driven market power*), network effects (*network effects*), and data monopsony. Primary legal materials consist of national laws and regulations, decisions of the Business Competition Supervisory Commission (KPPU), and relevant international regulations. Secondary legal materials were obtained through a search of scientific literature, competition law textbooks, reputable journals, reports from independent institutions, and academic articles relevant to the digital economy. Tertiary legal materials, including legal dictionaries and encyclopedias, were used to supplement technical definitions. All legal materials were collected through documentation study techniques, then inventoried, classified, and logically systematized. Data analysis was conducted qualitatively using deductive reasoning methods to draw prescriptive conclusions regarding the reconstruction of competition law that is adaptive to the dynamics of the ecosystem.*social commerce*.

RESULT AND DISCUSSION

Abuse of Data-Driven Market Power

The concept of data-driven market power (*data-driven market power*) represents a fundamental transformation in the understanding of industrial economics and modern competition law, where a company's strategic assets are no longer measured by ownership of

physical factories, logistics infrastructure, or conventional financial capital, but rather by the volume, speed, and variety of data they control (Fatmawati, Alisyahbana and Nurbayani, 2025). In the contemporary digital ecosystem, platforms*social commerce*have seamlessly integrated social communication and commercial transaction functions, enabling them to absorb trillions of user behavioral data points every second, either for free or in exchange for digital services. This personal data includes highly intimate digital footprints, from consumption preferences, search history, interaction times, to users' geolocation and friendship networks. The massive accumulation of data processed through artificial intelligence and machine learning algorithms gives platforms extraordinary predictive capabilities, enabling them to map consumer habits with high precision. Mastery of this exclusive information has become a solid economic fortress, creating an absolute competitive advantage that traditional businesses cannot match, and is the main foundation for the emergence of dominant market power in the digital era.

The presence of data-driven market forces directly changes the way companies dominate the market through indirect network effect mechanisms (*indirect network effects*) and data feedback (*data feedback loops*) (Prastowo, Khalifah and Rizadian, 2026). When more and more consumers join a platform*social commerce*, the platform's value increases exponentially for advertisers and merchants, which then attracts more businesses to enter and offer their products within the same ecosystem. This increase in merchants then attracts more new consumers due to the wide variety of goods and ease of service offered, creating a vicious cycle of growth that is impossible for new competitors to break through. What makes this cycle unique and dangerous for business competition is the accumulation of data itself; the more users interact, the more data is collected, making the platform's algorithms increasingly intelligent and personalized in their product recommendations. This data-driven process of service quality improvement permanently reinforces the monopoly on user attention and transactions. As a result, even new competitors with high-quality products or services will face tremendous difficulties competing because they lack the sufficient volume of historical data to train their recommendation algorithms to match the existing platform giants.

The most detrimental impact of data-driven market power abuse in the landscape*social commerce*is the emergence of artificial market entry barriers (*artificial barriers to entry*) which is discriminatory and exclusive (Made Jayantara, 2026). Digital platforms that have mastered a dominant position often act as traffic regulators and players in the same market (*dual-role platform*), granting algorithmic privileges to their own affiliated products or merchants while limiting the visibility of independent competitors through search ranking adjustments. In addition, cross-service data collection practices (*cross-market data pooling*) allows platforms to leverage the financial and database power of one business line to cross-subsidize or stifle competition in related markets. Micro, small, and medium-sized enterprises (MSMEs) that rely on platforms to market their products are in a very weak bargaining position, forced to accept unfair trading terms, unilateral commissions, and even the obligation to hand over access to their operational data as a prerequisite for operating within the ecosystem. This situation demonstrates how data-driven dominance is exploited not through superior efficiency innovation, but through ecosystem lock-in (*ecosystem lock-in*) which limits consumer choice and undermines the dynamics of the free market.

Conventional competition law frameworks, including Law No. 5 of 1999 in Indonesia, face massive methodological challenges in identifying, measuring, and prosecuting data-based practices of abuse of dominant positions (PRADANA, 2025). Traditional antitrust legal

doctrine generally relies heavily on market share analysis based on financial income or ownership of tangible assets and indicators of product price increases (*price increase*), even though the platform*social commerce*often offer their core services to consumers for free while profiting through data monetization and targeted advertising. When services are offered without a direct monetary cost, traditional indicators of price increases become irrelevant, so indications of exploitation shift to non-price dimensions such as decreased data privacy, manipulation of consumer choices through deceptive interface design (*dark patterns*), and stifling innovation. Furthermore, the concept of determining dominance based on a certain market share threshold often fails to capture the reality of digital markets, which are dynamic and naturally concentrated due to the characteristics of the digital economy of scale. Therefore, competition supervisory authorities need to expand analytical instruments capable of assessing market power based on control of the data ecosystem and barriers to data transfer (*data switching costs*).

Mitigation efforts and legal reconceptualization of data-based abuse of dominant positions require close regulatory synchronization between competition law, personal data protection law, and e-commerce regulations (Manurung, 2026). Law enforcement must begin adopting a digital economy approach that treats data portability (*data portability*) and system interoperability as key pillars for breaking down the ecosystem barriers built by dominant platforms, so that consumers and merchants have full freedom to move their data assets to competing platforms without technical or administrative barriers. The government and the Business Competition Supervisory Commission also need to strengthen oversight of consumer behavior.*self-preferencing*algorithms and prohibit excessive and disproportionate data collection practices that violate the principle of data minimization. By integrating progressive competition law enforcement instruments and strict privacy protection, the ecosystem*social commerce*It is hoped that the national economy can transform into a fair, transparent, and competitive digital economic space for all business actors without exception.

Discussion on Monopsony of Personal Data by Social Commerce Platforms

Discourse on personal data monopsony by platforms*social commerce*represents a critical paradigm shift in the modern competition law landscape, where market power analysis is no longer limited to monopoly positions on the sales side (*selling side*), but rather focuses on a single or dominant buyer structure on the input side (*buying side*) (Fatmawati, Alisyahbana and Nurbayani, 2025). In the two-legged market ecosystem (*two-sided market*), platform *social commerce*positioning itself as the main gate (*gatekeeper*) that connects millions of consumers with micro, small, and medium-sized businesses. However, behind the ease of transactions and market access offered, platforms operate as sole aggregators that control and control the flow of a highly valuable commodity: users' personal data. Because consumers and merchants lack comparable alternative channels for commercial interaction in the digital space, they find themselves in a position of highly dependent economic conditions. This structural condition creates a data monopsony situation, where platforms hold extremely dominant bargaining power to determine the terms, conditions, and rewards for the transfer of personal data without any meaningful competition from other data buyers.

The main manifestation of this personal data monopsony practice is seen in the inequality of contractual relations between platforms.*social commerce*and its users, both consumers and merchant partners (Putra, 2024). Users are systematically placed in a position*take-it-or-leave-it*, where access to essential digital services is conditioned on explicit consent to hand over excessive amounts of personal data (*over-collection*). Platforms collect information on shopping behavior, location tracks, conversation histories, and even financial preferences without any obligation to provide fair financial compensation or transparency

regarding how the economic value of this data is exploited. In conventional market economic theory, a monopsonist will suppress input prices below the level of fair competition to maximize internal profits. In the context of a seemingly free digital market (*zero-price market*), this form of monopsonistic exploitation manifests itself not in nominal price reductions, but rather in the form of a reduction in the quality of privacy protection levels, disproportionate extraction of data commodities, and the loss of users' autonomous control over their own personal information in order to gain basic market access.

For micro, small and medium business actors who depend on the continuity of their business on the platform*social commerce*, personal data monopsony creates highly extractive dependency and risks undermining long-term competitiveness (Nurarafah, 2025). Platforms use their monopsony position to siphon off merchants' operational data, including information on best-selling products, profit margins, transaction history, and even customer demographic profiles. This massively extracted commercial data is then processed by the platforms to precisely map market trends, which, ironically, are often reused by the platforms to launch their own private products (*private labels*) or giving algorithmic preference to internally affiliated merchants. Practices*self-preferencing*This puts genuine traders at a significant disadvantage, as their hard-earned data is exploited by data-buying platforms to eliminate them from market competition, creating a form of economic cannibalism that undermines a fair business climate.

The biggest challenge in responding to this discourse on personal data monopsony lies in the limitations of conventional competition law doctrines and instruments, including the supervisory framework stipulated in Law Number 5 of 1999 in Indonesia (Made Jayantara, 2026). Traditional competition law tends to be oriented toward consumer welfare (*consumer welfare standard*) measured by the price of goods and the direct detrimental impact on end consumers on the output side. In contrast, the phenomenon of data monopsony operates on the input side and is often hidden behind the facade of zero-cost digital services that appear to benefit consumers in the short term. Competition supervisory authorities often encounter methodological difficulties in determining the relevant market boundaries (*relevant market*) for data transactions, as well as measuring fair value (*fair value*) of massively extracted personal data. This doctrinal vacuum allows monopsonistic exploitation of personal data to escape the reach of antitrust law, despite its very real impact in creating systemic market structure imbalances.

Therefore, a progressive legal reconceptualization is needed through alignment between competition law and the personal data protection regime to intervene in data monopsony on platforms.*social commerce*. Competition law enforcement must begin to adopt non-price injury indicators (*non-price harm*), such as lowering privacy standards and imposing unfair trading conditions, as a form of abuse of dominant position or unlawful monopsony position. In addition, the promotion of the right to data portability (*data portability*) and interoperability between platforms are crucial legal instruments for quenching the monopsonistic thirst of dominant platforms. By giving users the right to move their databases and business reputation records to competing platforms without technical barriers, the level of economic dependency can be significantly reduced. This integrative step is key to breaking down monopolies on data control, restoring the bargaining power of local businesses, and ensuring a fair and sustainable digital trade ecosystem.

Abuse of Data-Driven Market Power and Monopsony of Personal Data by Social Commerce Platforms from a Competition Law Perspective

Competition law perspective on abuse of dominant data-based positions and personal data monopsony by platforms*social commerce*requires a deep understanding of how economic power in the digital era is centered on the control of information (Prastowo, Khalifah, and Rizadian, 2026). In the contemporary digital commerce ecosystem, platforms no longer function simply as neutral intermediaries connecting buyers and sellers, but rather as market architects that regulate the entire flow of information, transactions, and interactions. Control of users' personal data on a massive scale gives platforms the ability to detect trends, predict consumer behavior, and lock user participation into their closed ecosystems. When this power accumulates without adequate oversight, platforms are able to dictate trading terms, set unilateral commissions, and marginalize competitors who do not have equal access to data resources. National competition law faces significant challenges because traditional indicators relying on financial market share and price increases often fail to capture the reality of data-driven economic exploitation that operates behind free digital services for end consumers.

This practice of abusing a dominant data-based position is clearly manifested in various forms of unfair business competition restrictions, such as algorithmic discrimination and the use of cross-service information to kill independent competitors (Hsb, Qinvi, and Nabila, 2025).*social commerce* They often internally prioritize affiliated products through manipulation of search results and recommendation systems, thus depriving small merchants who rely on the platform of a fair opportunity to reach the market. Furthermore, excessive and disproportionate data collection practices create very high barriers to entry for new startups seeking to enter the market because they lack sufficient historical data volumes to train their algorithms. This situation reinforces an oligopolistic, concentrated market structure, where a few large players control the entire digital economy supply chain (Leeland and Adam, 2025). Without decisive regulatory intervention, this imbalance in data control will continue to perpetuate centralized economic power and undermine the principles of economic democracy mandated by applicable competition laws.

On the other hand, the discourse on personal data monopsony highlights the dark side of the contractual relationship between digital platforms and data providers, both consumers and micro, small, and medium enterprises. As the sole buyer or dominant aggregator in the data input market, platforms force users to agree to exploitative terms of service based on the principle of*take-it-or-leave-it*, where the submission of personal data is a prerequisite for accessing the digital marketplace. In this market structure, users have no bargaining power whatsoever to negotiate the value or compensation for the commercial data they generate daily. For small merchants, platforms not only purchase merchandise but also siphon off entire operational data, transaction histories, and customer profiles, which the platforms then exploit to unfairly launch competing products. This data monopsony phenomenon demonstrates a form of economic wealth extraction that systematically harms local producers, yet is often overlooked in conventional antitrust law enforcement, which focuses too much on sales-side pricing dynamics.

The fundamental weakness in the conventional competition law framework lies in its doctrinal orientation, which remains fixated on indicators of price loss and conventional physical supply restrictions, making it difficult to address non-price losses such as privacy impairment and data exploitation. The Business Competition Supervisory Commission (KPK) often faces complex methodological obstacles in proving competition law violations when platforms offer their core services without charging consumers directly financial costs. This

legal obstacle is exacerbated by the absence of regulations explicitly classifying exclusive data control and data portability restrictions as forms of abuse of a dominant position subject to strict sanctions. As a result, fraudulent business practices based on the power of algorithms and monopsony of personal data tend to proceed without significant legal obstacles. This situation creates a regulatory vacuum that urgently needs to be addressed through updated legal interpretations and expanding the scope of competition law to adapt and comprehensively address the characteristics of the digital economy.

As a solution, future competition law enforcement must be directed toward an integrated approach, incorporating the principles of personal data protection and strengthening equitable e-commerce regulations. Law enforcement authorities need to mandate the right to data portability and system interoperability so that users and businesses can transfer their digital assets and business records to alternative platforms without technical barriers intentionally created by dominant players. Furthermore, strict oversight must be applied to cross-service data aggregation practices and algorithmic discriminatory behavior that harms fair competition within the ecosystem.*social commerce*By reconstructing relevant market analysis instruments and expanding the definition of competitive harm to include non-price dimensions, competition law in Indonesia can effectively protect the public interest, maintain a competitive investment climate, and ensure fairness for all economic actors in this era of rapidly developing digital transformation.

CONCLUSION

This research confirms that the practice of abusing dominant data-based positions and monopsony of personal data by platforms*social commerce*This constitutes a violation of modern business competition that severely harms the digital market structure. Exclusive control over user information and behavior through closed algorithms creates high barriers to entry and unfairly eliminates competing businesses. Furthermore, the phenomenon of data monopsony places consumers and MSMEs in an exploitatively dependent position, where the submission of personal data is made a prerequisite without commensurate compensation. Conventional competition law frameworks, including Law No. 5 of 1999, still face doctrinal obstacles in addressing non-price losses and the characteristics of a free digital market. Therefore, a legal reconceptualization is needed that integrates the principles of business competition with personal data protection. Encouraging data portability, algorithmic transparency, and system interoperability are crucial steps to break the monopoly on data control, so that the national digital trade ecosystem can operate fairly, competitively, and in the public interest and long-term economic justice.

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