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Harmonization of Digital laws and Adaptation Strategies in Indonesia focusing on E-Commerce and Digital transactions

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Abstrak

Tujuan dari penelitian ini adalah untuk menilai bagaimana Indonesia menggabungkan prinsip-prinsip hukum digital internasional ke dalam konteks domestiknya, dengan fokus khusus pada e-commerce dan transaksi digital. Peneliti mengadopsi pendekatan normatif dan konseptual, memeriksa peraturan, hukum, kebijakan, literatur akademis, dan sumber hukum sekunder. Metode analisis dengan menggunakan perbandingan antara standar hukum internasional dan implementasinya di Indonesia, dan mempertimbangkan faktor sosial, ekonomi, dan budaya. Temuan menunjukkan komitmen Indonesia untuk mengintegrasikan standar hukum digital global ke dalam kerangka hukum lokal, sejalan dengan perjanjian ASEAN sambil mengakui keunikan nasional. Komitmen ini tercermin dalam pembentukan peraturan yang mendukung pengembangan ekonomi digital yang inklusif dan berkelanjutan. Namun, praktisi hukum dan pemain industri di Indonesia dihadapkan pada tantangan untuk terus beradaptasi dengan teknologi dan regulasi yang terus berkembang. Pendekatan proaktif ini memastikan kepatuhan terhadap standar saat ini dan masa depan, mempersiapkan mereka menghadapi tantangan yang akan datang.

Kata Kunci : *Digital; Hukum; E-Commerce*

Abstract

The aim of this study is to analyze how Indonesia is adapting the principles of international digital law into its local context, with a particular focus on e-commerce and digital transactions, as well as how legal practitioners and industry players in Indonesia are updating their strategies to comply with and adapt to changes in digital law. We utilized a normative and conceptual approach for our research, analyzing regulations, laws, policies, academic literature, and secondary legal sources. The analysis technique focuses on the comparison between international legal standards and their implementation in Indonesia, with consideration of social, economic, and cultural factors. The results show that Indonesia has committed to integrating international digital legal standards into the local legal framework, in line with ASEAN agreements, while considering national uniqueness. This includes the implementation of regulations that support the growth of an inclusive and sustainable digital economy. On the other hand, legal practitioners and industry players in Indonesia are faced with the need to continuously adapt to evolving technologies and regulations. This approach not only ensures compliance with existing and future regulations but also prepares them for future challenges.

Keywords : *Digital Law, E-Commerce, Regulatory Adaptation*

INTRODUCTION

In an era where technology is rapidly evolving, digital law is becoming increasingly important, changing the legal landscape and posing new challenges (Puluhulawa et al., 2023). Digital law covers a wide range of aspects, including digital copyright, data privacy, cybersecurity, and e-commerce. Strategies in digital law are essential for successful navigation in this area. Companies and individuals must adopt appropriate strategies to ensure legal compliance, avoid sanctions, and maintain a good reputation. Compliance with the law itself is a crucial aspect, with serious consequences for those who fail to comply with it. In this context, international law and local arrangements, such as in Indonesia, play an important role. International law establishes a broad framework, while settings in Indonesia present a specific perspective on the application of digital law in a national context, reflecting the distinctiveness of local cultures and regulations. Digital technology has revolutionized many aspects of life while changing the legal landscape and posing new challenges and needs in terms of regulation and compliance. Digital law itself covers various aspects, including digital copyright, (Bakung & Muhtar, 2020) data privacy, cybersecurity and e-commerce, all of which are vital in both global and local contexts. Strategy in digital law becomes key in navigating this complexity. (Bokhari, 2023) Not only is it important for companies and individuals to develop and adopt appropriate strategies to ensure legal compliance, but it is also important to understand the consequences of non-compliance, including legal sanctions and reputational impacts (Phillips et al., 2022).

In the context of international law, it is important to understand that digital law does not operate in a vacuum. There are international frameworks that regulate aspects such as data protection, copyright, and cybersecurity. Other countries, including Indonesia, often adopt or adapt standards set by regulations like the GDPR (General Data Protection Regulation) in the European Union. In Indonesia, digital law has evolved to address the country's unique needs in the face of the digital age. Regulations in Indonesia often reflect international principles but are customized to meet local social, economic, and cultural contexts.

For example, regulations on e-commerce and digital transactions in Indonesia highlight how the law must adapt to consumer habits and local business practices. Facing digital legal challenges, including rapid regulatory change and technological complexity, requires foresight. The future of digital law is likely to see further developments and a new focus that legal practitioners and industry players should be aware of. To remain relevant and compliant, it is necessary to adapt and update digital legal strategies on an ongoing basis (Holovkin et al., 2021).

In the face of digital legal challenges, such as rapid regulatory change and technological complexity, it is important to look to the future. The future of digital law is likely to be colored by further developments and new focus areas that legal practitioners and industry players should anticipate (Muhtar et al., 2022). The importance of continuous adaptation and renewal in digital legal strategies to remain relevant and compliant in a changing world. With case studies and real-life examples, readers will gain a deeper insight into how digital law operates both in the international context and in Indonesia, highlighting its similarities and differences.

In the face of the challenges presented by digital law, both on the international stage and in Indonesia, it is important for legal practitioners and industry players to adopt a dynamic and proactive approach. International frameworks such as the GDPR have provided the foundation for global standards, setting precedents for data protection, copyright, and cybersecurity. Countries like Indonesia have taken this a step further, adapting and integrating these principles into their local contexts, reflecting their social, economic, and cultural uniqueness. Notably, regulations on e-commerce and digital transactions highlight how laws must evolve to accommodate consumer habits and business practices in Indonesia.

However, rapid regulatory change and technological complexity continue to pose significant challenges. Further developments and new areas of focus will flood the future of digital law, necessitating flexible and adaptive legal strategies. Legal practitioners and

industry players must constantly update their knowledge and strategies to remain relevant and compliant. The importance of not only understanding current laws but also predicting and preparing for future changes cannot be underestimated (Akdemi`r et al., 2020).

Highlighting the similarities and differences between international and local law in Indonesia. The case studies and real-life examples presented provide a deeper insight into how digital law operates and adapts to evolving challenges. To address this need, it is important for all stakeholders to continually learn, adapt, and implement strategies that enable compliance and efficiency in the ever-changing digital legal environment. It is not only about complying with current laws but also about preparing for the future of digital law, ensuring that they are prepared for the changes and challenges to come.

Based on description above, the formulation problem are : (1) How does Indonesia adapt and integrate the principles of international digital law into its local context to meet its social, economic, and cultural uniqueness, especially in the aspects of e-commerce and digital transactions? And (2) How can Legal Practitioners and industry players in Indonesia continue to update their strategies to stay relevant and comply with digital law, while preparing for future challenges?

RESEARCH METHOD

This study will use normative methods with a conceptual approach to investigate and understand how Indonesia integrates the principles of international digital law into its local context and the way Legal Practitioners and industry players update their strategies to comply with and adapt to changes in digital law (Gobel et al., 2023). This approach involves an analysis of relevant legal documents, such as regulations, statutes, and policies, to understand the existing legal framework and how it is applied in practice. The research will also focus on academic literature and secondary legal sources to gain a deep theoretical understanding of the issues under study (Zamroni & Mohamad, 2022).

The analysis techniques in this study will rely on critical and analytical thinking about the sources of law and literature that exist. It will involve benchmarking between international legal standards and their implementation in Indonesia, as well as considering how social, economic, and cultural differences affect the application of digital law (Indra et al., 2023). This analysis aims to identify gaps, nonconformities, and potential areas for improvement in digital legal practice in Indonesia. In addition, the research will draw on case studies and real-life examples to apply theories and concepts to practical situations, providing a more concrete and applicative insight into the challenges and solutions in digital law. This approach enables a broader and more comprehensive understanding of the

current dynamics of digital law in Indonesia and its future projections in a global context.

RESULT AND DISCUSSION

Luo (2022) (Sidorenko & von Arx, 2020) highlights the emerging risks of digital dependency in international business, providing a framework for assessing and managing these risks. This is relevant to the Indonesian context, where multinational and local companies must navigate the diversity of digital regulation and information security risks. Research Sidorenko and von Arx (2020) (Luo, 2022) it further emphasizes the limitations of traditional law in the face of digital technologies and suggests the development of new legal models. In the Indonesian context, this encourages the adjustment of local laws to accommodate the unique needs of the digital economy.

Reier Forradellas and Garay Gallastegui (2021) (Reier Forradellas & Garay Gallastegui, 2021) explaining the importance of a uniform legal framework for regulating digital transformation and AI, highlighting the need for regulation that does not hinder innovation. This is particularly relevant for Indonesia, where the integration of new technologies requires a balanced legal framework between growth and protection. Wynn and Lam (2023) (Parviainen et al., 2017) in their research in the hospitality industry, identified key factors for successful digitization, such as process agility and workforce adaptability. This can be applied to other sectors in Indonesia, emphasizing the importance of a strong IT strategy in the digitization process.

Ritter and Pedersen (2020) (Ritter & Pedersen, 2020) discuss how companies' digitization capabilities can interact with their business models. This research is relevant for B2B companies in Indonesia, who seek to incorporate digital technologies into their business models. On the other hand, Trittin-Ulbrich et al. (2021) (Trittin-Ulbrich et al., 2021) understanding the negative side of digitization, as an important perspective to understand that Indonesian companies pursue unexpected risks when adopting digital technology. Seyffarth and Kuehnel (2022) (Seyffarth & Kuehnel, 2022) discusses the importance of maintaining business process compliance amid change, providing insight into how companies in Indonesia can tailor their processes to take compliance requirements into account.

Research by Peter, Kraft, and Lindeque (Peter et al., 2020) regarding digital transformation in Swiss companies, it provides a model that can be adapted by Indonesian companies in developing their DT strategies. While Rohendi, Asriani, and Kharisma (2023) (Rohendi et al., 2023) discusses issues and recommendations related to startup regulation in Indonesia, highlighting the need for a more supportive legal framework for the digital

economy. Finally, Rahayu and Kusdianto (2023) (Rahayu et al., 2023) exploring the transformation of digital tax administration in Indonesia, highlighting the importance of efficiency, transparency, and cost-effective tax administration, which are key aspects of compliance and legal strategies in the digital age.

Overall, this literature underscores the importance of a dynamic and adaptable legal strategy and compliance in facing the challenges and opportunities of digitalization in Indonesia. The interrelationships between the need for legal adaptation, security risks, and the need for business model transformation, as well as the importance of regulations that support innovation, all contribute to a more comprehensive understanding of the digital legal landscape in Indonesia

Adapting International Digital Law Principles to the Local Indonesian Context In E-Commerce and Digital Transaction

The discussion on how Indonesia adapts and integrates the principles of international digital law into its local context, especially in the aspects of e-commerce and digital transactions, begins with an understanding of the prevailing international regulatory landscape. In this era of globalization, international regulations such as the GDPR in the European Union and various other cross-border agreements have set new standards in data protection, cybersecurity, and digital copyright. Countries around the world, including Indonesia, are under pressure to adapt their domestic regulations to these global standards to ensure smooth data flow and secure transactions in the digital economy. In Indonesia, adaptation is not only about compliance with international norms but also about balancing global needs with local social, economic, and cultural realities and uniqueness.

The e-commerce industry, which is growing rapidly in Indonesia, is an important example in this regard. The Indonesian government has taken steps to ensure that e-commerce and digital transaction regulations in the country not only meet international standards but also support local economic growth, protect consumers, and maintain competitive fairness among local and international players (Sahputra et al., 2022).

The Government, in its response to these challenges, has demonstrated a commitment to adopt and adapt key aspects of global digital law by developing relevant policies and legislation (Asri et al., 2021). This is evident in their efforts to formulate and implement regulations relating to data privacy, cybersecurity, and electronic transactions, all of which are essential foundations of a secure and sustainable digital economy.

Especially in the context of e-commerce, Indonesia has faced unique challenges in integrating global business practices with local market dynamics. With a large population

and a rapidly growing digital economy, Indonesia is becoming an attractive market for global e-commerce companies (Fitriyono, 2023). However, to ensure a fair and sustainable environment, the government has implemented regulations designed to regulate the activities of these companies and also support local businesses. For example, regulations regarding taxes for digital transactions, online consumer protection rules, and policies on the use of personal data are all geared towards creating a healthy and competitive digital ecosystem.

Furthermore, Indonesia must also address the challenge of balancing the need to maintain cybersecurity and data privacy with freedom of expression and innovation. This demands a careful regulatory approach that not only complies with international standards but is also sensitive to the local social and cultural context (Perkasa* et al., 2016). Policies and laws adopted in Indonesia often reflect efforts to strike a balance between encouraging digital innovation and protecting citizens' rights.

An analysis of Indonesia's response to adapting global digital law, especially in the context of e-commerce, shows a significant commitment to harmonizing regional regulations, as reflected in the enactment of law (UU) number 4 of 2021 on the ratification of the ASEAN Agreement on Electronic Commerce. This endorsement is a strategic move that signals Indonesia's willingness to integrate more deeply with the ASEAN digital economy and ensure that its domestic regulations are in line with regional standards. The Act facilitates closer cooperation among ASEAN countries in electronic commerce, creating a framework for more secure and efficient digital transactions. This is relevant to Indonesia's efforts to regulate data privacy, cybersecurity, and electronic transactions, as stated in its domestic policies.

By adopting the agreement, Indonesia demonstrates its commitment to support the sustainable growth of the digital economy while ensuring that domestic policies and regulations are in line with international best practices. In the context of e-commerce, this law has important implications. First, it ensures that transactions are conducted in a secure and orderly environment, increasing trust between consumers and businesses in the ASEAN e-commerce ecosystem, including in Indonesia. Second, by standardizing some aspects of electronic commerce, it provides opportunities for local Indonesian businesses to expand their operations regionally more easily while gaining access to a larger market. Furthermore, this law also helps Indonesia balance the need to maintain cybersecurity and data privacy by encouraging freedom of expression and innovation. This regional framework provides guidelines for developing regulations that not only comply with international standards but also respect the local social and cultural context.

This is important for ensuring that digital policies in Indonesia are not only effective but also fair and inclusive. This analysis confirms that Indonesia's efforts in adapting and integrating international digital law into its domestic legal framework, especially in the field of e-commerce, are a reflection of the country's commitment to achieving a balance between global compliance and local needs. The passing of Law No. 4 of 2021 on the ASEAN Agreement on trade through electronic systems not only marks a step forward in harmonizing regional regulations but also demonstrates Indonesia's desire to support inclusive and sustainable digital economic growth.

These efforts reflect Indonesia's awareness of the importance of building a healthy digital ecosystem that is not only safe and orderly but also conducive to innovation and economic growth. With an approach that considers the need to maintain cybersecurity and data privacy and encourages freedom of expression and innovation, Indonesia has demonstrated its ability to navigate the complexities of global digital law while still prioritizing its national interests and identity. This is a testament to the evolution of digital law in Indonesia, which is moving towards broader global integration while remaining rooted in local principles and values.

Adaptation Strategies of Indonesian Legal Practitioners and Industry Players in Digital Legal Compliance and Preparation for Future Challenges

The discussion on the adaptation strategies of legal practitioners and industry players in Indonesia in complying with digital laws and preparing for future challenges begins by recognizing the main problem: rapid changes in digital technology and accompanying regulations. Legal practitioners and industry players must navigate the ever-changing legal landscape while ensuring compliance with existing laws and adapting to new regulations. For example, the introduction of regulations on personal data protection similar to the GDPR in Europe demands a change in the way Indonesian companies manage customer data.

This involves an in-depth understanding of current technology trends and how they can affect legal and regulatory aspects. For example, with the development of technologies such as artificial intelligence, the internet of things, and blockchain, new legal questions arise around data ownership, cybersecurity, and compliance in digital transactions (Casanovas et al., 2022).

One of the main strategies in dealing with these changes is continuous education and training. Legal practitioners must continuously improve their knowledge of digital law and technological trends, through both formal education and self-directed learning (Wynn & Lam, 2023). This allows them to provide more precise and effective advice to their clients.

Meanwhile, for industry players, there is a need to not only understand existing regulations but also anticipate how future changes may affect their business operations. They must be prepared to adopt new technologies and integrate them into their business practices while ensuring compliance with applicable regulations.

Collaboration between legal practitioners, industry players, and policymakers is also an important aspect. Multi-stakeholder discussions and forums can help create a shared understanding of the challenges faced and possible solutions. For example, cooperation in developing industry standards for data privacy and cybersecurity can help create a more secure and orderly environment for all stakeholders.

A relevant case in point is the adoption of new regulations regarding e-commerce transactions. The Indonesian government has introduced stricter rules regarding consumer protection and tax liability for digital transactions. This forces e-commerce companies to revise their privacy policies, improve data security, and adjust their accounting systems for tax compliance.

Legal practitioners, on the other hand, must constantly update their knowledge of these regulations in order to provide accurate and timely advice to their clients. E-commerce companies must not only follow but also deeply understand the legal implications of this new regulation. They must conduct a thorough assessment of their operations, from the way they collect and store consumer personal data to their procedures for processing payments and calculating taxes. This calls for investment in information technology and cybersecurity, as well as the development of adequate internal policies to ensure consistent compliance with regulations.

On the side of legal practitioners, there is an increasing demand for legal expertise in the fields of digital technology and e-commerce. They must constantly adjust to dynamic and sometimes ambiguous regulations, requiring an understanding that is not only technical but also strategic. This involves not only knowledge of domestic law but also an understanding of international best practices and standards that may influence or become benchmarks for Indonesian regulation. The case also highlights the need for stronger collaboration between the public and private sectors in developing fair and effective regulation. It is crucial for governments to ensure representation of a wide range of stakeholders, including small and medium-sized e-commerce companies, in the policy-making process.

This can help create a more inclusive regulatory environment and prevent power imbalances that can hinder innovation and economic growth. With the advent of technologies such as AI and blockchain, industry players and legal practitioners in Indonesia

are faced with the challenge of integrating these new technologies into existing business models and legal frameworks (Pitt et al., 2020). For example, the implementation of smart contracts in the blockchain offers new possibilities in business transactions, but also raises legal questions regarding validity and enforcement.

In the Indonesian context, there is a challenge to ensuring that regulations not only support technological developments but also protect the rights of consumers and other stakeholders. Furthermore, the use of blockchain-based smart contracts raises questions about the application of traditional contract law in the context of an all-automated and decentralized technology, despite their ability to enhance efficiency and transparency in business transactions.

Legal practitioners in Indonesia must develop a strong understanding of these technologies and their implications for the law. This involves not only a technical understanding of how such technologies work but also a critical analysis of how existing laws can be applied or need to be adapted. For example, there is a need to determine how legal responsibilities are allocated in decentralized systems such as blockchain or how AI should be managed in terms of copyright and data protection.

Collaboration between technologists, legal practitioners, and policymakers is key here. This interdisciplinary dialogue is essential to developing regulations that accommodate technological advances while maintaining fairness, security, and transparency. In Indonesia, this could mean closer cooperation between government institutions, the technology sector, universities, and legal organizations to develop applicable standards and guidelines. Furthermore, there is a need for continuing education and training, not only for legal practitioners but also for industry players, so that they can understand and navigate the legal landscape as it relates to new technologies. This education should cover the legal and ethical aspects of AI and blockchain, as well as the technical aspects.

The digital transformation has changed the way businesses operate and how laws are applied, forcing these two groups to constantly update their knowledge and strategies. An important aspect of this adaptation process is a deep understanding of new technologies such as AI and blockchain, as well as their legal implications. This requires not only strong technical knowledge but also a broad understanding of the regulations in force and how they develop. From a legal practitioner's point of view, there is an urgent need to not only understand current laws but also be proactive in predicting future changes.

They must be able to provide advice that is not only in accordance with current law but also sustainable in the long term. This requires continuing legal education and special training in the field of new technologies. In addition, legal practitioners must maintain close

collaboration with technology experts and policymakers to ensure that they remain at the forefront of the evolution of digital law. For industry players, this adaptation means integrating new technologies into their business models while ensuring compliance with existing and future regulations. Companies must actively engage in the development of industry standards and participate in dialogue with policymakers to ensure their voices are heard in policy-making that affects their industries. Furthermore, companies must invest in systems and procedures that allow them to quickly adapt to regulatory changes.

Legal practitioners and industry players in Indonesia need to adopt a comprehensive and detailed approach to address the ever-evolving digital legal challenges. First, an increased focus on education and training proved crucial. Educational institutions and professional organizations need to develop programs that specifically address digital law and new technologies. It is not only about adding technological law courses in addition, but also integrating them in depth into the curriculum. The program should include up-to-date case studies, practical simulations, and interactive learning modules to ensure that professionals are equipped with relevant and up-to-date skills.

Furthermore, intersectoral collaboration is another important element. Legal practitioners, the technology industry, and policymakers need to form stronger and more structured dialogue platforms. Regular meetings, discussion panels, and inter-sectoral cooperation forums can be effective platforms for building mutual understanding and formulating regulations that support innovation while protecting the rights of consumers and other stakeholders. It also includes cooperation in research and development, allowing law and technology to go hand in hand.

Companies in Indonesia must not ignore investments in technology and infrastructure. Companies in Indonesia must allocate significant resources to develop systems and technologies that enable more efficient and adaptive regulatory compliance. An example of this is the investment in sophisticated data management systems, which not only ensure data security but also facilitate reporting and auditing. The system must be able to adapt to rapid regulatory changes and provide real-time information accessible to the management team.

Finally, the development of flexible and responsive internal policies is key. Companies should have mechanisms in place to review and update their policies periodically. This includes having an in-house legal team or consultants who are able to interpret regulatory changes and implement them into business operations quickly and effectively. The policy should also include procedures for managing legal and technological risks, ensuring that companies can adapt to market and regulatory changes without disrupting business

operations.

Through an approach that emphasizes education, collaboration, investment in technology, and the development of flexible internal policies, legal practitioners and industry players in Indonesia will be better prepared to face the challenges posed by the digitalization era. This approach not only assists them in navigating the complexities of existing laws today but also prepares them for future growth and innovation. Thus, they will not only meet current needs but also be prepared for the changes and challenges to come.

CONCLUSION

In the face of digital legal challenges, both in the context of e-commerce and more broadly, Indonesia has demonstrated a commitment to integrating international digital legal standards into its local legal framework while taking into account the country's social, economic, and cultural uniqueness. With the enactment of the law in line with the ASEAN agreement, Indonesia has strengthened regional cooperation and harmonized domestic regulations with international standards. On the other hand, legal practitioners and industry players are faced with the urgent need to constantly adapt to technological and regulatory changes. This involves continuing education, cross-sectoral collaboration, investment in technology, and the development of flexible internal policies. This approach not only ensures compliance with existing and future regulations but also prepares Indonesia for future innovations and challenges in the dynamic digital legal landscape

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