

## DIGITAL ERA BUSINESS LAW TRANSFORMATION: LEGAL CERTAINTY ANALYSIS IN E-COMMERCE TRANSACTIONS IN INDONESIA

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### ABSTRACT

This research analyzes the transformation of business law in the digital era with a focus on legal certainty in e-commerce transactions in Indonesia. The rapid development of e-commerce has transformed the traditional business landscape and raised various complex legal challenges. This study employs a normative juridical method with statutory and comparative approaches to analyze the legal framework governing e-commerce transactions in Indonesia. The findings indicate that although Indonesia has established cyber law regulations supporting e-commerce, gaps remain in the implementation of consumer protection, personal data security, and digital transaction dispute resolution. This research provides recommendations for strengthening a more adaptive and responsive legal framework to digital economy dynamics, including harmonization of regulations with international standards, enhancement of law enforcement mechanisms, and development of effective online dispute resolution systems.

### 1. Introduction

The digital era has brought fundamental revolution in business practices worldwide, including Indonesia. Digital transformation not only changes transaction mechanisms but also creates new paradigms in business law that require regulatory adaptation to provide legal certainty for business actors and consumers (Chen et al., 2021; Grybauskas et al., 2022). The development of e-commerce in Indonesia shows exponential growth with an annual growth rate reaching 25% between 2020 and 2025, making Indonesia one of the largest digital markets in the Asia-Pacific region (Alhumud et al., 2025).

The presence of information and communication technology in electronic commerce activities has created significant economic opportunities while simultaneously presenting various complex legal challenges (Geng et al., 2025). E-commerce transactions have unique characteristics different from conventional transactions, particularly regarding the physical absence of parties, cross-jurisdictional nature, and dependence on digital infrastructure (Durovic, 2020).



These unique characteristics raise issues related to legal certainty, consumer protection, personal data security, and dispute resolution mechanisms (Stead & Gilbert, 2001; Morić et al., 2024).

In Indonesia, the e-commerce legal framework is regulated through various regulations including Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law) as amended by Law Number 19 of 2016 and its second amendment in 2024, Law Number 8 of 1999 concerning Consumer Protection, Law Number 27 of 2022 concerning Personal Data Protection, and Government Regulation Number 80 of 2019 concerning Trade Through Electronic Systems (Santoso, 2022). Despite the existence of various regulations, their implementation and effectiveness in providing legal certainty remain debated (Arifin et al., 2021). Based on the background above, this research formulates the following problems:

1. How does business law transformation in the digital era affect legal certainty in e-commerce transactions in Indonesia?
2. What legal challenges are faced in implementing e-commerce regulations in Indonesia?
3. How can the harmonization of Indonesia's e-commerce legal framework with international standards improve legal certainty?

This research aims to:

1. Analyze business law transformation in the digital era and its implications for legal certainty in e-commerce transactions in Indonesia.
2. Identify legal challenges in e-commerce regulation implementation and provide adaptive legal solutions.
3. Formulate policy recommendations for strengthening responsive e-commerce legal frameworks to technological developments and digital market needs.

## 2. Research Method

**Research Type** This research employs a normative juridical method focusing on analysis of legal norms, legislation, and legal doctrines related to e-commerce transactions in Indonesia (Eastlick et al., 2006). The normative juridical approach is chosen as it aligns with research objectives analyzing legal certainty in the context of e-commerce regulations (Pavlou, 2003).

**2.2 Research Approaches** This research utilizes two main approaches: a. **Statute Approach** This approach is used to analyze various laws and regulations governing e-commerce transactions in Indonesia, including the ITE Law, Consumer Protection Law, Personal Data Protection Law, and derivative regulations (Nadem et al., 2020). b. **Comparative Approach** The comparative approach is conducted by comparing Indonesia's e-commerce legal framework with regulations in other countries such as the European Union, United States, Singapore, and Malaysia to identify best practices and improvement areas (Ponte et al., 2015; Gomez-Herrera et al., 2014).



Data Sources a. Primary Legal Materials Primary legal materials include Indonesian laws and regulations governing e-commerce, court decisions related to e-commerce disputes, and international agreements ratified by Indonesia (Mayer et al., 1995). b. Secondary Legal Materials Secondary legal materials consist of high-reputation international law journals, business and e-commerce law textbooks, scientific articles indexed in Scopus and Web of Science, and reports from international organizations such as UNCTAD and OECD (Grant et al., 2014). c. Tertiary Legal Materials Tertiary legal materials include legal dictionaries, encyclopedias, and online legal databases to support understanding of legal concepts and terminology (McKnight et al., 2002). 2.4 Data Collection Techniques Data is collected through library research by analyzing legal documents, scientific journals, and publications related to e-commerce and digital business law transformation (Brynjolfsson et al., 2003). This research also conducts content analysis of court decisions and regulatory policies related to e-commerce disputes in Indonesia. 2.5 Data Analysis Collected data is analyzed qualitatively using descriptive-analytical and prescriptive methods (Roman, 2007). Descriptive analysis is used to describe the existing e-commerce legal framework, while prescriptive analysis is used to formulate more effective legal policy recommendations (Elbeltagi & Agag, 2016).

### 3. Results And Discussion

#### 3.1 Business Law Transformation in the Digital Era

##### 3.1.1 New Paradigm of Digital Business Law

Digital transformation has changed the fundamental paradigm of business law from conventional approaches based on physical transactions to legal systems that must accommodate virtual transactions without geographical boundaries (Nadeem et al., 2021). Technology integration across all business aspects requires transformation of traditional business models and creates the need for clear and reliable legal frameworks (Meltzer, 2019). This development aligns with the concept of responsive law proposed by Nonet and Selznick, where law must be able to adapt to social and technological changes (Wolfe, 2019).

Unique characteristics of e-commerce include transaction dematerialization, execution speed, and geographical unlimitedness, all of which demand different legal approaches from conventional transactions (Freund & Weinhold, 2004). This transformation also involves a shift from traditional written contracts to electronic contracts requiring reliable digital verification and authentication mechanisms (Işoraitè & Miniotienè, 2018).

##### 3.1.2 E-Commerce Legal Framework in Indonesia

Indonesia has developed a comprehensive legal framework to regulate e-commerce transactions, beginning with the enactment of the ITE Law in 2008 as the first cyber law providing legal foundation for electronic transactions (Pezderka & Sinkovics,



2010). The second amendment to the ITE Law in 2024 introduced important provisions regarding choice of law in international electronic contracts, where contracts involving users from Indonesia must be subject to Indonesian law (Pezderka & Sinkovics, 2011).

Government Regulation Number 80 of 2019 concerning Trade Through Electronic Systems provides more detailed regulations regarding business licensing, e-commerce platform supervision, and business actor responsibilities (Jean et al., 2020). This regulation aims to provide legal certainty for sustainable development of electronic-based trading activities in Indonesia.

Law Number 27 of 2022 concerning Personal Data Protection represents an important milestone in Indonesia's e-commerce legal framework, considering consumer personal data is a crucial asset in digital transactions (Cavallo, 2018). Despite being a progressive step, implementation of this law faces challenges, particularly in ensuring small and medium enterprise (SME) compliance, which often lacks resources to meet regulatory requirements (Dolfen et al., 2018).

## 3.2 Legal Certainty in E-Commerce Transactions

### 3.2.1 Concept of Legal Certainty in Digital Context

Legal certainty is a fundamental principle in legal systems guaranteeing predictability and stability in legal relationships (Griffis et al., 2012). In the e-commerce context, legal certainty encompasses three main dimensions: certainty of rule, certainty of application, and certainty of enforcement (Kacen et al., 2013).

Gustav Radbruch's legal certainty theory emphasizes that law must provide clarity, consistency, and predictability (Narwal & Kant, 2014). In e-commerce transactions, legal certainty functions to protect consumer interests, provide guarantees for business actors, and create a conducive business environment (Binding & Purnhagen, 2011).

### 3.2.2 Challenges to Legal Certainty in Indonesian E-Commerce

Implementation of e-commerce regulations in Indonesia faces various challenges hindering achievement of optimal legal certainty:

a. Regulatory and Implementation Gaps Despite existing legal frameworks, significant gaps exist between legal norms and their field implementation (Smith & Brynjolfsson, 2001). Many online business actors, particularly SMEs, do not fully comply with the Consumer Protection Law due to weak law enforcement and minimal supervision (Bourlier & Gomez, 2016). Fraud victims often struggle to track perpetrators, especially in cases involving anonymous sellers or international vendors (Saarijärvi et al., 2017).

b. Definition and Interpretation Ambiguity Research shows challenges in interpreting the term "consumer" in the Consumer Protection Law, which explicitly refers to the final beneficiary of a product or service (Pei et al., 2014). This definition





creates ambiguity in cases involving intermediaries or non-end consumers in online transactions, creating legal uncertainty (Nisar & Prabhakar, 2017).

c. Personal Data Protection Although the Personal Data Protection Law has been enacted as a crucial step, its implementation faces significant challenges (Lim & Dubinsky, 2005). Consumer awareness of their legal protections remains low, and many e-commerce platforms have not fully complied with established data security standards (Roy et al., 2022).

d. Cross-Border Dispute Resolution The transnational characteristics of e-commerce create complexity in dispute resolution crossing national legal jurisdictions (Gessner & Snodgrass, 2015). Indonesia lacks comprehensive regulations regarding Online Dispute Resolution (ODR), limiting optimal application of digital dispute resolution mechanisms (UNCTAD, 2017).

### 3.3 Consumer Protection in E-Commerce

#### 3.3.1 Consumer Protection Legal Framework

Consumer protection in e-commerce transactions in Indonesia is regulated by several interrelated regulations aimed at creating balance between consumer and business actor rights and obligations (Maqableh et al., 2015). This legal framework includes Law Number 8 of 1999 concerning Consumer Protection, which regulates fundamental consumer rights including the right to correct, clear, and honest information regarding product conditions and guarantees (Veh et al., 2019).

The ITE Law regulates business actor obligations to maintain consumer data security and guarantee transaction authenticity, while Ministry of Trade Regulation Number 31 of 2023 concerning Provisions on Business Licensing, Advertising, Development and Supervision of Business Actors in Electronic Systems Trading increases e-commerce platform responsibilities (Cheung & To, 2021).

#### 3.3.2 Rights and Obligations in Digital Transactions

In the e-commerce ecosystem, legal relationships involve three main parties: consumers, business actors/merchants, and marketplace platforms (Michaelidou et al., 2021). Each party has rights and obligations regulated normatively in various laws and regulations:

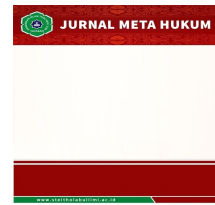
##### Consumer Rights:

- Right to correct, clear, and honest information about products
- Right to choose and obtain goods according to exchange value paid
- Right to be heard regarding complaints and grievances
- Right to personal data protection
- Right to compensation or replacement if products do not conform

##### Business Actor Obligations:

- Provide correct, clear, and honest information
- Guarantee product quality according to description
- Protect consumer personal data





- Provide effective dispute resolution mechanisms
- Be responsible for transaction security

Platform Responsibilities:

- Verification of business actors selling on the platform
- Provision of secure payment systems
- Facilitation of dispute resolution between consumers and merchants
- Protection of user data
- Compliance with content and transaction regulations

## 3.4 Comparative Analysis: Harmonization with International Standards

### 3.4.1 International E-Commerce Legal Framework

E-commerce regulations across various jurisdictions show diverse approaches but have common principles that can be learned by Indonesia:

a. European Union The General Data Protection Regulation (GDPR) implemented since 2018 has become the global standard in personal data protection, providing comprehensive rights to individuals over their data and imposing significant sanctions for violations (Aboul-Dahab et al., 2021). The E-Commerce Directive and Consumer Rights Directive provide harmonized consumer protection frameworks across EU member states (Frik & Mittone, 2016).

b. United States The US approach tends to be more sectoral with regulations varying across states (Alisa & Mittone, 2016). The California Consumer Privacy Act (CCPA) represents one of the most progressive data protection regulations in the US, providing consumers rights to know what data is collected and request deletion of their personal data (Ghali-Zinoubi, 2023).

c. Singapore The Personal Data Protection Act (PDPA) and Electronic Transactions Act provide comprehensive and adaptive legal frameworks to technological developments (Kaningini et al., 2023). Singapore has also developed an effective ODR framework for e-commerce dispute resolution.

### 3.4.2 Best Practices and Recommendations for Indonesia

Based on comparative analysis, several best practices that can be adopted by Indonesia include:

1. Regulatory Harmonization: Need for harmonization of various e-commerce regulations to avoid overlap and inconsistency (Kedah, 2023).
2. Strengthening Enforcement Mechanisms: Enhancing capacity of supervisory and law enforcement agencies with special training regarding digital and e-commerce issues (Hafiani & El Abbadi, 2023).
3. ODR Development: Adopting comprehensive ODR frameworks following models successfully implemented in the European Union and Singapore to provide faster and more efficient access to justice (Khan et al., 2023).





4. Enhancing Digital Literacy: Consumer and business actor education programs regarding their rights and obligations in e-commerce transactions (Ingole, 2021).

## 3.5 Technology and Innovation in E-Commerce Legal Certainty

### 3.5.1 Blockchain and Smart Contracts

Blockchain technology offers revolutionary potential in enhancing legal certainty of e-commerce transactions through transparency, immutability, and decentralization (Mosteanu & Faccia, 2020). Blockchain-based smart contracts can automate contract execution when certain conditions are met, reducing dispute risks and increasing efficiency (Chen et al., 2021).

### 3.5.2 Artificial Intelligence in Consumer Protection

Artificial intelligence (AI) can be utilized to enhance consumer protection through fraud detection, suspicious transaction pattern analysis, and safe product recommendation personalization (Grybauskas et al., 2022). However, AI use also raises issues related to algorithmic bias and data privacy requiring clear regulations.

### 3.5.3 Digital Identity and E-Signature

Implementation of reliable digital identity systems and certified electronic signatures is crucial for enhancing legal certainty and e-commerce transaction security (Arifin, 2022). The second amendment to the ITE Law mandates the use of electronic certificates for high-risk financial transactions, though its scope still needs clarification in implementing regulations.

## 4. Conclusion

### 4.1 Main Conclusions

Based on comprehensive analysis conducted, this research produces several main conclusions:

1. Business Law Transformation: Digital transformation has fundamentally changed the business law paradigm in Indonesia, creating the need for regulatory frameworks adaptive and responsive to technological dynamics. Although Indonesia has various cyber law regulations supporting e-commerce, gaps remain between legal norms and field implementation hindering achievement of optimal legal certainty.
2. Legal Certainty Challenges: E-commerce regulation implementation faces various significant challenges, including gaps between regulation and implementation, ambiguity in legal definitions and interpretations, sub-optimal personal data protection, and limited dispute resolution mechanisms



for cross-border transactions. These challenges indicate the need for comprehensive legal reform and strengthening of law enforcement capacity.

3. Consumer Protection: The consumer protection legal framework in e-commerce transactions in Indonesia is normatively comprehensive, but its implementation effectiveness remains limited. Low consumer awareness of their rights, weak supervision of online business actors, and minimal effective sanctions for violations cause consumers to remain in vulnerable positions.
4. International Harmonization: Comparison with e-commerce legal frameworks in other jurisdictions shows that Indonesia needs to enhance regulatory harmonization with international standards, particularly in personal data protection aspects, ODR mechanisms, and platform responsibilities. Adoption of best practices from the European Union, United States, and Singapore can accelerate development of safer and more trustworthy e-commerce ecosystems.

## 4.2 Policy Recommendations

To enhance legal certainty in e-commerce transactions in Indonesia, this research recommends:

1. Regulatory Harmonization and Simplification: The government needs to harmonize various e-commerce regulations to avoid overlap and inconsistency, and simplify compliance processes for business actors, particularly SMEs.
2. Institutional Strengthening: Enhancing capacity and authority of e-commerce supervisory agencies, including the National Consumer Protection Agency (BPKN) and Business Competition Supervisory Commission (KPPU), by strengthening human resources, technology, and budgets.
3. ODR Development: Formulating specific regulations regarding comprehensive Online Dispute Resolution, regulating ODR procedures, institutional responsibilities, data security, and enforceability of ODR decisions, and integrating them with conventional dispute resolution mechanisms.
4. Enhancing Digital Literacy: Implementing mass education programs to increase consumer and business actor awareness regarding rights, obligations, and risks in e-commerce transactions, and how to use available legal protection mechanisms.
5. International Cooperation: Enhancing bilateral and multilateral cooperation in cross-border e-commerce regulation and law enforcement, including information exchange, standard harmonization, and mutual recognition of legal decisions.
6. Regulatory Technology Innovation: Encouraging adoption of technologies such as blockchain, AI, and digital identity to enhance transparency, security, and efficiency in e-commerce regulation and supervision, while ensuring privacy protection and preventing algorithmic bias.





## 4.3 Research Limitations and Future Research Agenda

This research has several limitations, including focus on normative analysis without conducting empirical research on business actors and consumers. Future research can develop empirical studies to measure the effectiveness of e-commerce regulation implementation, analyze economic impacts of regulations on digital business growth, and evaluate ODR best practices that can be adapted for the Indonesian context. Additionally, further research is needed to analyze legal implications of emerging technologies such as artificial intelligence, Internet of Things, and metaverse in the context of e-commerce transactions.

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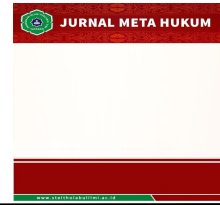


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