

The Comparative Law Study: E-Commerce Regulation in Indonesia and Singapore

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Abstract: Indonesia and Singapore were the founding members of an economic and geopolitical organization of countries in the Southeast Asian region called the Association of Southeast Asian Nations (ASEAN). ASEAN mandates each member country to create regulations and policies related to e-commerce transactions through the 1999 ASEAN Summit. This paper is a normative study and aims to analyse the development of e-commerce regulations in Indonesia and Singapore by utilizing comparative and statute approaches. The result of the study finds out that Singapore has designed its e-commerce master plan since 1998, meanwhile, Indonesia started to develop the master plan related to e-commerce a decade late than Singapore through the Acceleration and Expansion of Indonesian Economic Development program (MP3EI), which launched in 2011. Indonesia has regulated a few components related to e-commerce, but some are still partial and spread in a few regulations. This paper recommends governments unify all e-commerce components regulations into one act that can cover legal protection and become the basis of procedure regulation related to e-commerce in Indonesia. The usage of the Trustmark stamp and online registration procedure for the e-commerce activities required by Singapore can be enforced in Indonesia as a solution to problems that occur in e-commerce activity in Indonesia.

Keywords: E-Commerce; Telematics Law; Comparative Law.

1. Introduction

E-commerce (*electronic commerce*), or trading through electronic systems, the part of development of information technology that is recently eroding conventional transactions. This trade does not require a physical presence between the seller and the buyer to agree on buying and selling goods, whereas sellers only use an online system through a computer network to serve buyers.¹ The data on the growth of e-commerce in Indonesia, as stated by the Ministry of Communication and Informatics (Kemkominfo), is quite good, with a significant growth of 91% during the pandemic. Indonesia also ranks 8th with the highest number of internet users in the world with 82 million users, meaning that internet user penetration in Indonesia

¹ Ardiansyah, "Tantangan Hukum Dan Peran Pemerintah Dalam Perkembangan Bisnis Start-Up E-Commerce di Indonesia" (Thesis, Master of electrical engineering, Postgraduate Faculty of Universitas Mercu Buana), 1.

has increased by 73.3%.² There is the increasing of the number of *start-up* businesses, *marketplaces*, and online retail sales. This certainly has a huge impact on the existence of conventional stores which are now replaced by electronics stores better known by the name; cyberstore, digital market, online shop, electronic mall and so on. The development of *e-commerce* certainly has a positive and negative impact on Indonesia's trading system which currently no longer has territorial boundaries. Therefore, integrated legal system related to e-commerce is necessary to guarantee these transactions' security.³

In the scope of developing investment value in the e-commerce sector, Indonesia and Singapore frequently become the top two countries in ASEAN to achieve the biggest investment growth value. In 2012-2017, Singapore ranked first in Southeast Asia for the value of venture capital investments that go to startup companies. Singapore's investment value in the period reached 7,305 million USD. While Indonesia only ranked second with an investment of 3,477 million USD.⁴ In 2021, Indonesia ranked first in ASEAN and has value of venture capital investments around 42% in Southeast Asia, but this was a 26% decrease from the previous year. This value contrasts with Singapore, whose portion of startup investment value increased from 19% to 34%.⁵ With a larger population than Singapore, Indonesia can only obtain an investment value of a maximum of half of the number Singapore can reap in 2012-2017 and experience a decline in investment value in 2022.

Indonesia and Singapore are neighboring countries located in the Southeast Asian region. They are also in an economic and geopolitical organization of countries in the Southeast Asian region called the Association of Southeast Asian Nations (ASEAN). The association was formed through the Bangkok Declaration in 1967. ASEAN agreed to form an integrated, peaceful, stable, prosperous, and jointly bound region in a dynamic partnership as outlined in the ASEAN Vision 2020 to implement the ideals of the founders of ASEAN as agreed in Bali Concord I in 1976, which is creating friendship and cooperation in politics, economy, society, culture, and security. ASEAN heads of state/government set out this vision at the ASEAN High-Level Convergence in Kuala Lumpur on December 15, 1997. As well as ratifying Bali Concord II in the ninth ASEAN High-Level Convergence in Bali in 2003, the core of the agreement was forming the ASEAN Community.⁶

One of the programs in the ASEAN community is to accord e-commerce regulations for a consistent work plan across borders by offering guidance to develop legal infrastructure principles related to e-commerce for ASEAN member

² Rina Irawati and Irawan Budi Prasetyo, "Pemanfaatan Platform E-Commerce melalui Marketplace sebagai Upaya Peningkatan Penjualan dan Mempertahankan Bisnis Di Masa Pandemi (Studi Pada Umkm Makanan Dan Minuman Di Malang)," *Jurnal Penelitian Manajemen Terapan (PENATARAN)* 6, no. 2 (2021): 115.

³ Imam Lukito, "Tantangan Hukum dan Peran Pemerintah dalam Pembangunan E-Commerce," *Jurnal Ilmiah Kebijakan Hukum* 11, no. 3 (2017): 350, <https://doi.org/10.30641/kebijakan.2017.V11.349-367>.

⁴ Ardiansyah, *Op. Cit.* 4

⁵ Hino Kertapati, "Menang Jumlah, Ternyata Nilai Investasi Startup di Indonesia Masih Kalah Dari Singapura, Kenapa? | indiekraf.com," May 8, 2022, <https://indiekraf.com/menang-jumlah-ternyata-nilai-investasi-startup-di-indonesia-masih-kalah-dari-singapura-kenapa/>.

⁶ Sekretariat Direktorat Jenderal Kerja Sama ASEAN, Ditjen Kerja Sama ASEAN, Kementerian Luar Negeri, "ASEAN Selayang Pandang 2017," *ASEAN Main Portal*, 1, accessed February 19, 2022, <https://asean.org/book/asean-selayang-pandang/>.

states. In November 1999, ASEAN agreed to establish the e-ASEAN Task Force, a supervisory body comprising representatives of government and private parties from ten member states. The purpose of establishing the e-ASEAN Task Force is to support the emergence of e-commerce in the form of dot-com businesses and the projects that support it, such as e-entrepreneurship seminars, ASEAN School Network, regional trade networks, ASEAN World Master portals, and business/industry exchange programs.⁷ Besides that, ASEAN also already has the e-ASEAN Legal Framework established at the 1999 ASEAN Summit in Manila, the e-ASEAN Framework (2000), the ASEAN Economic Blueprint (2007), and the ASEAN ICT Master Plan 2015 adopted in 2011 by the ten ASEAN Telecommunications and IT member offices (TELMIN). There are several obligations of ASEAN members in the 1999 ASEAN Summit in developing a comprehensive work plan for the development of Information and Communication Technology in business, society, and government, as follows:⁸

- a. Drafting national regulations and policies related to e-commerce transactions.
- b. Facilitating the establishment of frameworks and digital signatures.
- c. Facilitating regional electronic payments through electronic payment gateways.
- d. Adopting/ratifying IPR protection due to e-commerce activities.
- e. Promoting personal data protection and consumer privacy.
- f. Encourage the usage of alternative dispute resolution (ADR) for online transactions issues.

The joint regulations and policies related to e-commerce at the regional level has regulated since 1999. However, the implementation of each country is different. For example, Singapore has envisioned becoming an International E-Commerce hub since 1980, meanwhile Indonesia established a law related to information and transaction electronic later in 2008.⁹ The establishment of comprehensive Master Plan in Singapore has placed since 1998 through the e-commerce master plan. While in Indonesia, e-commerce presented through the Acceleration and Expansion of Indonesian Economic Development program (MP3EI), launched in 2011. Then in 2017, Indonesia launched the 2017-2019 Indonesia E-Commerce Road Map as an embodiment of the government's seriousness regarding e-commerce development program through regulations and policies. ¹⁰ it means that Indonesia is a few decades late than Singapore in implementing regulations and master plans related to e-commerce.

⁷ Aniceto Jr Orbeta, "E-Commerce in Southeast Asia: A Review of Developments, Challenges and Issues," In C. S. Yue And J. J. Lim (Ed), *Information Technology In Asia: New Development Paradigm, Singapore: Institute Of Southeast Asian Studies*, January 2002, 133.

⁸ Suparman, "Urgensi Regulasi Komprehensif E-Commerce di Indonesia dalam Menghadapi Masyarakat Ekonomi Asean (MEA)," *JURNAL MERCATORIA* 8, no. 1 (2015): 78-80, <https://doi.org/10.31289/mercatoria.v8i1.648>.

⁹ Varelza Geraldo, "Kerja Sama Indonesia-Singapura Di Bidang Ekonomi Digital Melalui Pembentukan Kawasan Ekonomi Khusus Nongsa Digital Park Di Batam (2018-2020)," *Jurnal Ilmu Hubungan Internasional LINO* 2, no. 2 (2022): 132, <https://doi.org/10.31605/lino>.

¹⁰ Ulya Amalia, "E-Commerce Di Indonesia Dan Singapura: Sebuah Perbandingan Kebijakan" (Faculty of Social and Political Sciences, Universitas Gajah Mada, 2009), 10.

Here is the e-commerce regulatory comparison between Singapore and Indonesia regarding the e-commerce component's regulation status. This data is presented by UNTAD (United Nations Conference on Trade and Development):¹¹

Table 1. Comparison of e-commerce component's regulation status between Singapore and Indonesia

Country	Electronic Transaction	Privacy	Cybercrime	Consumer Protection	Content Regulation	Domain Names
Singapore	Enacted	Enacted	Enacted	Enacted	Enacted	Enacted
Indonesia	Enacted	Partial	Enacted	Partial	Enacted	Enacted

Source: UNTAD (United Nations Conference on Trade and Development)

From the data we can conclude that Indonesia has regulated a few components related to e-commerce, but some are still partially regulated. Different with Singapore, the electronic transaction act already regulates all e-commerce components.

2. Method

This paper aims to analyze the comparison of development of e-commerce regulations in Indonesia and Singapore in order to find a best solution that occur in e-commerce activity in Indonesia. This is a normative legal study that utilize comparative and statute approaches.

3. Analysis or Discussion

3.1. E-Commerce Regulations in Indonesia

Indonesia partially regulates e-commerce through several acts and government regulations. One of the acts that became the basis for regulating all digital activities in Indonesia was Law Number 11 of 2008, later revised into Law Number 19 of 2016 on Electronic Information and Transactions.¹² With this law, the recognition of electronic transactions and electronic documents within the framework of binding law and evidentiary law has legal acknowledgment in Indonesia so that the legal certainty of electronic transactions could also be guaranteed. The violations related to information technology misuse also have legal regulations with criminal sanctions by the enactment of this law.¹³ To support this law, the Indonesian government, through Government Regulation Number 82 of 2012 on the Implementation of Electronic Systems and Transactions, outlines further regulations on its implementation. However, these regulations cannot provide legal certainty and protection for business actors in the e-commerce sector.

¹¹ Suparman, *Op.Cit.*,77

¹² Jufryanto Puluhulawa, Lisnawaty W Badu, and Vifi Swarianata, "Discourse on Affiliate Marketing Platform Trading/Investment from Indonesian Legal Perspective," *KnE Social Sciences*, 2022, 138–147.

¹³ Setia Putra, "perlindungan hukum terhadap konsumen dalam transaksi jual-beli melalui e-commerce," *Jurnal Ilmu Hukum* 5, no. 2 (August 13, 2015): 291, doi:10.30652/jih.v4i2.2794.

One problem is that no specific definition exists for trading through electronic systems. This law only mentions "Electronic Transactions," which broadly defines "a legal action carried out using a computer, computer network, and/or other electronic media."¹⁴

The basis of judiciary regulation of Buying and selling in Indonesia is the Civil Code (KUHPperdata), specifically in Book III on Binding. However, the regulation in the Civil Code only regulates buying and selling transactions in conventional methods and does not regulate trade transactions through electronic systems (e-commerce).¹⁵ E-commerce was first explicitly mentioned in Law Number 7 of 2014 on Trade. The articles related to e-commerce in this law aim to provide the definition and legal protection for electronic commerce in Indonesia. This law also guarantees business actors and consumers' protection in trading activities. However, this law is still partial and has not provided solutions to the main problems of e-commerce, such as electronic payments issues, electronic contracts, security guarantees, dispute resolution, state and legal boundaries used, consumer protection, and taxes.¹⁶ This law should be the manifestation of the principle of *Lex Specialis derogate legi Generali* for law enforcement related to e-commerce and became the legal basis for trading through electronic systems in Indonesia, but materials related to trading through electronic systems are only regulated in two articles in this law.¹⁷

E-commerce activities have great potential to support the nation's economy. E-commerce transactions make the largest contribution to Indonesia's digital economy, where in 2021 the value reached US\$53 billion. This amount is predicted to increase to US\$104 billion in 2025, with a growth rate of 18%.¹⁸ Therefore, the government began to optimize this sector by accelerating and developing an electronic-based national trade system, developing start-ups, accelerating logistics, and establishing an Electronic-Based National Trade System Roadmap (E-commerce Road Map), which regulated through Presidential Regulation Number 74 of 2017 About the 2017-2019 Electronic-Based National Trade System Road Map (E-commerce Road Map). This roadmap programmed six aspects of cyber security and consumer protection, The three of them are cyber security programs that consist of (1) improving the security of electronic transaction activities, (2) monitoring and increasing public awareness of cybercrime, and (3) developing a national surveillance system model in e-commerce transactions. Meanwhile, the three other programs are consumer protection programs that consist of (1) drafting

¹⁴ Ahmad Firmansyah, "Kajian Kendala Implementasi E-commerce di Indonesia," *Masyarakat Telematika dan Informasi* 8, no. 2 (2017): 132–133.

¹⁵ Ardiansyah, *loc. Cit.*

¹⁶ Margaretha Rosa Anjani and Budi Santoso, "URGENSI REKONSTRUKSI HUKUM E-COMMERCE DI INDONESIA," *LAW REFORM* 14, no. 1 (March 28, 2018): 91, doi:10.14710/lr.v14i1.20239.

¹⁷ Mohamad Rivaldi Moha, Sukarmi Sukarmi, and Afifah Kusumadara, "Urgensi Pendaftaran Penyelenggara Sistem Elektronik Bagi Pelaku Usaha E-Commerce," *Jambura Law Review* 2, no. 2 (June 19, 2020): 107, doi:10.33756/jlr.v2i2.5280.

¹⁸ Kementerian Koordinator Bidang Perekonomian Republik Indonesia. "Akselerasi Ekonomi Digital pada e-Commerce dan Online Travel Menjadi Salah Satu Strategi Efektif Mendorong Kinerja Perekonomian Nasional - Kementerian Koordinator Bidang Perekonomian Republik Indonesia," accessed January 30, 2023, <https://www.ekon.go.id/publikasi/detail/3978/akselerasi-ekonomi-digital-pada-e-commerce-dan-online-travel-menjadi-salah-satu-strategi-efektif-mendorong-kinerja-perekonomian-nasional#>.

regulations for trade transactions through electronic systems, (2) building consumer trust, and (3) developing a national payment gateway.¹⁹

The Indonesian government is accelerating the growth of business operations through measures outlined in Government Regulation Number 24 of 2018 about Electronically Integrated Business Licensing Services. According to this act, the principal method for conducting business licensing operations, including e-commerce, is Online Single Submission (OSS). The one-stop electronic licensing system service is linked to the business licensing services. To use the OSS system, the applicant requests permission to access the URL page: <http://oss.go.id>. Online Single Submission (OSS) was implemented by the center on July, 8 2018.²⁰

Despite the fact that there is license processing based on OSS that requires a single submission, OSS fails to meet the principle of processing licensing by single submission. This implies that, even the use of OSS, OSS cannot be utilized as intended in Article 1 paragraph (5) of Government Regulation Number 24 of 2018 since the nature of license processing has not yet been integrated. Apart from that, OSS cannot yet function as data sharing between agencies, which means that the number of permits that must be processed is the largest in the world. This condition is the reason why even though the government has used OSS as a means of processing permits, the existence of OSS itself has not had a positive correlation with the ease of doing business in Indonesia.²¹

3.2. E-Commerce Regulations in Singapore

Singapore is a country that is responsive to the development of the internet. Becoming an international e-commerce hub is one of Singapore's primary goals to accomplish its global vision as the center of information and technology products. Singapore has devised a strategy to achieve this goal even since the early days of the internet in 1980. The implementation of this strategy consists of four phases. The initial phase in 1980-1985 was the realization of a computerized system of government. The second phase, in 1986-1990, strived to make computerized and easy access to information acceptable to the entire community so that in the third phase in 1990-1999, Singapore could become an 'Intelligent' Island and IT center. In early 2000, Singapore reached the fourth phase by turning the country into a Global IT Center with a tremendous effort to implement its strategy. The implementation began with computerizing of the industry, government, and universities. In the third phase, Singapore began to devise a regulation related to the usage of new media. In 1993, Singapore incorporated Computer Misuse Act (CMA)

¹⁹ Rais Agil Bahtiar, "Potensi, Peran Pemerintah, dan Tantangan dalam Pengembangan E-Commerce di Indonesia [Potency, Government Role, and Challenges of E-Commerce Development in Indonesia]," *Jurnal Ekonomi & Kebijakan Publik* 11, no. 1 (July 15, 2020): 20–22, doi:10.22212/jekp.v11i1.1485.

²⁰ Wida Samsi Yudani, Waluyo Waluyo, and Rahayu Subekti, "Pelaksanaan Perizinan Berusaha Melalui Online Single Submission (OSS) Oleh Dinas Penanaman Modal dan Pelayanan Terpadu Satu Pintu (DPMPTSP) Kabupaten Sukoharjo," *Jurnal Discretie* 2, no. 3 (2021): 121–28, doi:10.20961/jd.v2i3.53611.

²¹ Rio Christiawan, "Perizinan Berbasis Online Single Submission Untuk Mewujudkan Kemudahan Berusaha," *Masalah-Masalah Hukum* 50, no. 1 (January 31, 2021): 60–69, doi:10.14710/mmh.50.1.2021.60-69.

policy into Chapter 50 A of the Singapore Constitution. CMA is an adopted regulation of the 1990 UK law on The Misuse of computers, whereas this law has amendment four times, and the last amendment was in 2005. Meanwhile, the more specific regulation on electronic trading began along with the promotion of the E-Commerce Hotbed Program in 1996. The first Singapore policy on electronic trading contains the instruction for e-commerce infrastructures development, both legally and technically. In 1998, Singapore developed an e-commerce development roadmap called the Electronic Commerce Master Plan, the vision of Singapore as an International E-Commerce Hub designed through this Master Plan. This master plan mandated that the government build the international trading system, financial services, and telecommunications and transport infrastructure. The Master Plan aims to create e-commerce as a service industry by attracting foreign investment in e-commerce activities, accelerating electronic delivery services as one of the public services systems, encouraging companies to utilize e-commerce services, and harmonizing laws and policies regarding e-commerce.²²

In 1999, the Consumer Association of Singapore (CASE), Consumer Net Singapore, and Retail Promotion Retail initiated the e-commerce actors certification scheme named Casetrust. This scheme is one of the components that are obligated in this master plan and aims to increase public trust in all business actors, including e-commerce.²³ Singapore enforces certification for e-commerce business actors through the Casetrust, primarily providing certification to online merchant sites, or call web certification. Casetrust also certifies retailers and online businesses to ensure that all e-commerce actors run their business under the Internet Code of Practice regulations. This certification also requires e-commerce actors to comply with the code of ethics or declarations regarding trading and be willing to be audited under the accreditation scheme.²⁴

This certification creates legal protection for e-commerce consumers. It increases public trust in e-commerce because it runs by a legal and trusted institution that can become the mediator when the consumers get fraud or losses in online transactions with the e-commerce actors. Besides that, this institution has the competence to force the e-commerce actors that violated the code of conduct of business practices or e-commerce regulations to sell their goods or property to pay for consumer losses. With this certification, business actors will achieve a higher consumer trust rating. Therefore, to get these benefits, business actors must apply for certification to Casetrust and pay for administration. The certification application requires the applicant to submit the data of the organizational structure and elaboration on the applicant's activities so that Casetrust can classify the applicant based on the recognized group of electronic activities in Singapore, such as browsing, purchasing, selling, and security. Some of the criteria that the casetrust certification applicant must meet are:²⁵

²² Ulya Amalia, *op. cit.*, 9-11

²³ Iman Syahputra, *Perlindungan Konsumen Dalam Transaksi Elektronik* (Bandung: PT. Alumnus, 2010), 208.

²⁴ Dian Mega Erianti Renouw, *Perlindungan Hukum E-Commerce* (Pramuka Grafika, 2017), 149.

²⁵ Liany Dewi Sanjoto, "Perlindungan Hukum Bagi Konsumen Pemakai Jasa Elektronik Dalam Transaksi Melalui Marketplace," *Jurnal Ilmiah Dunia Hukum* 3, no. 2 (2019): 109, doi:10.35973/jidh.v3i2.1365.

1. Clear and complete information about the products and services offered to help consumers make purchasing decisions.
2. The Commitment to Ensure the protection of consumers' personal data.
3. Payment Systems must use secure means.
4. Purchased Products must be delivered safely and on time.
5. Cancellations and withdrawals must be clearly stated.
6. Retailers must provide a complaint service on their platform.

Casetrust requires the applicant to cite and elaborate contractual agreements of selling and purchasing that utilize the fair contract principle and must not harm either party. The advertisements of products must utilize ethical advertising principles. If the applicant meets all the requirements and criteria in the certification procedure, the applicant is entitled to obtain certification and hold the title of a trusted retailer, as evidenced by the Trustmark stamp. Trustmark stamp issuance supports e-commerce activity in Singapore.

The customer losses on e-commerce activity is an issue that can only abolish if consumers are solicitously minded in choosing the right and trusted e-commerce platform. However, the existence of casetrust and Trustmark stamp can provide a solution to problems that occur in e-commerce activity. Consumers can choose the identified and certified sellers that are more trusted and provide them with the transaction experience without any fear. Meanwhile, for business actors, the stamp can be aligned as a symbol of trust, indicating the quality of goods and services offered to customers.

Besides Casetrust, Singapore also requires everyone who conducts activities to make a profit through online services to register their business through the official website named Bizfile. Bizfile is an online registration website for actors that run online and offline businesses in Singapore and is organized by The Accounting and Corporate Regulatory Authority or ACRA. ACRA is the national regulatory authority in business, public accounting, and enterprise services that aim to create a trusted business environment in Singapore and make Singapore the world's business place. This online registration is an obligation to all actors in Singapore except those who run their online or offline store and name it with their exact full name according to the ID card or those who cooperate with the other person to run their business and name it according to the name on the ID of one of the people who run the business. The age limit for business actors to be allowed to register their business is a minimum of 18 years old.²⁶

This online registration can create a good business ecosystem in Singapore, because it can benefit not only the actors but also the consumers. The public can easily search and verify the identity of business owner and other related information about the business. Business actors can utilize some features provided on the official website of the Bizfile to receive some benefits such as, participating on government's national project tenders, claiming the intellectual property rights and patents on their products/invention, and business actors can also get access to government's funding program to support their business.²⁷

²⁶ See more about registration exceptions in article 4 Business Names Registration Act 2014

²⁷ "Who Must Register with ACRA," *Default*, accessed Jan 7 2023, <https://www.acra.gov.sg/how-to-guides/before-you-start/who-must-register>.

1. Business, consists of (1) Sole-Proprietorship, a type of business enterprise which runs by one business owner. (2) Partnership, a type of business that runs/is owned by 2 to 20 persons. In this type of business, there is no separation between personal and enterprise finances or known as unlimited liability.
2. *Limited Liability Partnership (LLP)* is a type of business consist of two business partners which have limited liability and there is a separation of personal assets and business finance.
3. *Limited Partnership (LP)*, a type of business consists of two business partners, one of which is responsible for debts and losses of the business and the other has limited liability.
4. Company is a type of local company business that separates the personal finances and assets of the company owner from his business finances so that the owner is not responsible for the company's losses and debts. Usually, the company name begins with Ptd. or Ltd

3.3. The Ideal Concept of E-commerce Regulation in Indonesia

The problems of e-commerce activity in Indonesia occur because some of the components of e-commerce are regulated partially and spread in some regulations. One of the best solutions to solve the problem is unifying these regulations into one act that is related to e-commerce or revising the act of commerce so all the e-commerce components can be regulated in this act. This act aims to be the unification legal basis of e-commerce in all terms. In the process of formulating this act, many parties must be involved, such as the Ministry of Finance, the Ministry of National Development Planning or the National Development Planning Agency, the Ministry of Communication and Information, and involving the E-Commerce and digital economy associations. This act must provide the effectiveness in society philosophically, sociologically, and juridically.

The improvements in the online registration process for e-commerce business actors which are currently running through online single submission (OSS) is needed. The registration for e-commerce actors is one of e-commerce activities that provide values and advantages directly to the community such as strengthen public trust in e-commerce. Indonesia can follow Singapore's steps in implementing online registration for business actors in their country that does not distinguish the types of businesses or income from the business. All types of businesses, both individually and large-scale businesses are required to register their business before their business starts operating. So that the government can easily identify business actors, determine the business feasibility of business actors, impose taxes on businesses and control the distribution of goods. This registration can provide legal benefits for the consumer protection in electronic-based trade, because consumer can easily identify business actors which has implications for increasing public trust in trading activities and reducing the number of online frauds. The government should give the punishment for those who do not do the registration, such as blocking their online platform.

Business actors who have met the requirements and are registered, the government can give them a Trustmark stamp. This stamp can be a barcode that link to the Business Actors Database, and it must be attached on their e-commerce platform. There should be a punishment to business actors who do not attach this

stamp on their business platform. The government also needs to provide website/application for customer to identify this Stamp.

The government needs to cooperate with e-commerce platform providers in order to streamlining the registration by prohibiting online trading activities for merchants or service providers under the e-commerce platform who do not register. The government can also reprimand and block portals, websites or social media of business actors who;

- a. Do not register.
- b. Do not attach the trustmark stamp.
- c. Proven to do things that harm consumers.

Government needs to cooperate with the e-commerce business actor association or Indonesian Consumer Institute in socializing the importance of the online registration for e-commerce business, the attachment of Trustmark stamp, the procedure of identifying business actors through the website /application.

4. Conclusion

Singapore is the best example of a country that succeeded to organize and regulate e-commerce. Singapore requires applicants for all business actors in the form of online and offline businesses to register through an online registration portal www.bizfile.gov.sg which is commissioned by The Accounting and Corporate Regulatory Authority or known as ACRA. Besides that, Singapore enforces certification for e-commerce business actors through Casetrust. If the applicant meets all the requirements and criteria in the certification procedure, the applicant is entitled to obtain certification and hold the title of a trusted retailer, as evidenced by the Trustmark stamp. Trustmark stamp issuance supports e-commerce activity in Singapore. The problems of e-commerce activity in Indonesia occur because some of the components of e-commerce are regulated partially and spread in some regulations. One of the best solutions to decrease the problem is unifying these regulations into one act that is related to e-commerce or revising the act of commerce so all the e-commerce components can be regulated in this act. This act must strictly obligate the e-commerce business actors to do to register and give punishment for those who do not register their businesses. Indonesia can also strengthen public trust in e-commerce activities by issuing Trustmark stamps.

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