

Decomposition of Legal Constructions in Cross-Border E-Commerce Dispute Resolution from an International Civil Law Perspective

**Happy Yulia Anggraeni¹, Erna Listiawati², Anisya Auriana Dewi³,
R Tiara Ragylia⁴, Febriyanti Wahyu Utami⁵**

^{1,3,4,5} Fakultas Hukum Universitas Islam Nusantara, Bandung, Indonesia

² Sinergi Foundation, Bandung, Indonesia

happianggraeni@yahoo.com

Abstract

Digital transformation has driven a surge in cross-border transactions, but on the other hand, it has raised legal challenges related to jurisdiction, recognition of foreign judgments, and regulatory harmonization. The urgency of this research lies in the need for a legal framework that is fair, adaptive, and responsive to the complexities of international electronic commerce. This study aims to analyze the effectiveness of the application of International Civil Law (ICL) in the settlement of cross-border e-commerce disputes in the digital era. The method used is normative legal research based on a literature review, examining international regulations and practices of technology-based dispute resolution. The results of the study show that the harmonization of international regulations, the development of practical guidelines for e-commerce players, and clear regulations regarding the role of digital platforms are strategic steps to increase legal certainty and consumer confidence in cross-border transactions. This research offers novelty by emphasizing the integration of digital technology, including artificial intelligence and big data, in ADR-based dispute resolution mechanisms to strengthen effectiveness, legal certainty, and consumer confidence in the global arena.

Keywords: *Cross-Border Disputes; E-commerce; International Civil Law; Online Dispute Resolution*

1. INTRODUCTION

Digital transformation has driven rapid growth in e-commerce, which has now developed into a global ecosystem with a significant contribution to the Indonesian economy.¹ In 2023, the value of national e-commerce transactions reached more than US\$73 billion and is projected to exceed US\$120 billion by 2025. However, behind these great opportunities lie complex legal issues, especially in cross-border dispute resolution.²

The main issues that arise include jurisdiction, recognition and enforcement of foreign judgments, and consumer protection in cross-border transactions. Indonesian consumers, for example, often face difficulties in claiming their rights against foreign businesses due to

¹ Shelly Adisti Setiawati, "Upaya Hukum Dalam Menyelesaikan Sengketa Transaksi Bisnis Internasional Diera Perdagangan," *Innovative: Journal Of Social Science Research* 5, no. 4 (2025): 4, <https://doi.org/10.31004/innovative.v5i4.19804>.

² Cihan Uzunoglu, "eCommerce in Indonesia: Revenues & Market Development," ECDB: eCommerce Database, July 22, 2025, <https://ecdb.com/blog/indonesian-ecommerce-market-revenues-projected-to-cross-us-100-billion-in-2025/4573>.

regulatory differences and weak legal harmonization between countries.³ This situation creates legal uncertainty and reduces the level of trust in global digital transactions.

In this context, International Civil Law (ICL) plays a strategic role in providing certainty regarding the applicable law and the competent forum in cross-border disputes. However, its application still faces obstacles, both due to differences in national legal policies and the limitations of available international legal instruments.

One important instrument in addressing these challenges is International Civil Law (ICL), which plays a strategic role in determining jurisdiction and applicable law in cross-border dispute resolution. Although international frameworks such as the Hague Convention on Choice of Court (2005) and regional regulations like Rome I and Rome II in the European Union provide important references, their implementation still encounters obstacles due to differing national legal policies and the absence of comprehensive global harmonization.⁴ Based on the above description, this study clearly formulates the main question: How effective is the application of International Civil Law in resolving cross-border e-commerce disputes in the digital age?

This study analyzes how International Civil Law (ICL) can be applied more effectively to address legal challenges in digital trade, particularly in resolving cross-border e-commerce disputes. The main problem lies in the legal uncertainty faced by businesses and consumers due to differences in jurisdiction and legal systems. Emphasizing the role of international and national regulations in creating a fair and transparent legal ecosystem, this research seeks to identify strategic steps that strengthen legal certainty, build trust, and establish more effective and reliable mechanisms for cross-border dispute resolution.

In line with this urgency, Harahap (2024) emphasizes the need to update International Civil Law (ICL) instruments to be more adaptive to the dynamics of cross-border digital trade, asserting that legal harmonization cannot rely solely on conventional frameworks.⁵ Furthermore, Sukmaningsih (2025), through a case study of Tmall Global, shows that Online Dispute Resolution (ODR) mechanisms supported by artificial intelligence, big data, and cloud computing can improve the efficiency, transparency, and responsiveness of cross-border dispute resolution.⁶ Meanwhile, Wiyono and Kurniawan (2025) focus on the aspects of legal responsibility and consumer protection, finding gaps in national regulations and obstacles to

³ Kristi Buhuri, "Arbitration in the Era of E-Commerce: A Comprehensive Overview," *World Journal of Advanced Research and Reviews* 23, no. 3 (2024): 089–103, <https://doi.org/10.30574/wjarr.2024.23.3.2628>.

⁴ Ayad Kheira, "Electronic Arbitration as an Alternative Mechanism for Resolving E-Commerce Disputes," *Journal of Lifestyle and SDGs Review* 4, no. 4 (2024): e04292–e04292, <https://doi.org/10.47172/2965-730X.SDGsReview.v4.n04.pe04292>.

⁵ Syaiful Khoiri Harahap, "The Role of Private International Law in Resolving Disputes in Global Commerce," *Global International Journal of Innovative Research* 2, no. 11 (2024): 11, <https://doi.org/10.59613/global.v2i11.368>.

⁶ Ni Komang Irma Adi Sukmaningsih et al., "Paradigma Baru Dalam Pembaharuan Kitab Undang-Undang Hukum Perdata: Upaya Adaptasi Terhadap Dinamika Hukum Di Era Digital Dan Globalisasi," *Jurnal Yustitia* 20, no. 1 (2025): 1, <https://doi.org/10.62279/yustitia.v20i1.1459>.

cross-jurisdictional law enforcement, and recommending the strengthening of regulatory harmonization and clearer legal guidelines for foreign businesses.⁷

Although these three studies make important contributions, there has been no comprehensive study linking digital technology integration with the effectiveness of ADR in resolving cross-border e-commerce disputes. This gap is the main basis for this study. Within this framework, this study offers a novel approach by emphasizing the integration of digital technology, including artificial intelligence and big data, in HPI-based dispute resolution mechanisms to strengthen legal certainty and increase consumer confidence in cross-border trade. This study aims to analyze the effectiveness of the application of International Civil Law (ICL) in the settlement of cross-border e-commerce disputes in the digital era.

2. METHOD

This study uses a legal-normative method with a legislative, conceptual, and comparative approach. This method is relevant because the study focuses on the effectiveness of HPI in resolving cross-border e-commerce disputes, which requires an analysis of international legal instruments and their resolution practices in various jurisdictions.⁸ Data was obtained through literature studies from international journals, academic books, and policy reports discussing HPI, cross-border e-commerce regulations, and legal challenges in the digital era. The analysis was conducted using a narrative approach through critical synthesis of previous research findings, thereby identifying key themes and trends related to the implementation of HPI. Through this approach, the study seeks to formulate a comprehensive understanding of cross-border dispute resolution strategies, including the development of practical guidelines for e-commerce players, enhanced cooperation between countries through multilateral agreements, and the establishment of a more adaptive legal framework.⁹ Thus, the results of this study are expected to be useful for academics, regulators, and business actors in facing the legal challenges of global digital trade.

3. RESULTS AND DISCUSSION

3.1 The Urgency of Harmonizing Cross-Border International Civil Law (ICL) Regulations and Implementation

Global digital development does present enormous economic opportunities, but at the same time, it poses complex legal challenges, particularly in relation to jurisdictional certainty and the application of applicable law. The application of International Civil Law (ICL) in the settlement of cross-border e-commerce disputes is still hampered by differences in legal policies between countries and the lack of consistent international regulatory harmonization. Instruments such as

⁷ Agung Abdul Rahman Wiyono and Nando Dwi Kurniawan, "Tanggung Jawab Hukum Dalam Perdagangan E-Commerce Lintas Negara," *Jurnal Ar Ro'is Mandalika (Armada)* 5, no. 2 (2025): 249–59, <https://doi.org/10.59613/armada.v5i2.4992>.

⁸ Zainuddin Ali, *Metode Penelitian Hukum* (Sinar Grafika, 2021).

⁹ N Rizkia and H Fardiansyah, *Metode Penelitian Hukum (Normatif dan Empiris)*, Cetakan Pertama (Widina Media Utama, 2023).

the Hague Convention on Choice of Court (2005) and European Union regulations (Rome I and Rome II) have provided an important basis for determining jurisdiction and applicable law, but their implementation is not uniform across all countries.¹⁰ The European Union was relatively quick to adopt these instruments due to its strong tradition of regional legal integration, while China was driven by its economic interests in global digital trade. Indonesia, on the other hand, has tended to be slow due to considerations of domestic legal sovereignty, limited institutional capacity, and conservative views on accepting international legal instruments.¹¹

From the perspective of private international law theory, this condition indicates a conflict between the principle of state sovereignty and the need for legal uniformity at the global level.¹² The principle of recognition and enforcement of foreign judgments, for example, is often constrained by the principle of reciprocity or public policy exceptions, thereby reducing the effectiveness of cross-border dispute resolution.¹³ If Indonesia does not immediately harmonize its laws, the practical risks that arise are increased legal uncertainty, weakened consumer protection, and reduced competitiveness of national businesses in global transactions. Furthermore, the absence of clear standards regarding the role of digital platforms also has the potential to create asymmetry of responsibility, where consumers find it difficult to find a clear legal path when disputes arise.

It should be noted that differences in the application of international law and regional regulations affect the effectiveness of cross-border e-commerce dispute resolution.¹⁴ For example, although the European Union has regulations such as Rome I and Rome II that govern the law applicable to contractual and non-contractual disputes, challenges remain in their implementation in non-EU countries.¹⁵ These regulations provide guidelines on how applicable law is determined in international cases involving EU countries,¹⁶ but countries outside this region may not be bound by the same provisions.¹⁷

Therefore, the resolution of cross-border e-commerce disputes requires a more integrated legal approach by strengthening international cooperation in regulatory harmonization, clarifying the

¹⁰ Kawal Krishan Jain, "The Legal Framework of E-Commerce: Challenges and Solutions in Cross-Border Transactions," *Indian Journal of Law* 2, no. 6 (2024): 15–21, <https://doi.org/10.36676/ijl.v2.i6.67>.

¹¹ Alan A. Ahi et al., "E-Commerce Policy and the Global Economy: A Path to More Inclusive Development?," *Management International Review* 63, no. 1 (2023): 27–56, <https://doi.org/10.1007/s11575-022-00490-1>.

¹² Zhurabaev Bekzod Latifjon Ugli, "Regulating E-Commerce: International Legal Perspectives and Challenges," *International Journal of Cyber Law* 1, no. 6 (2023), <https://doi.org/10.59022/ijcl.102>.

¹³ Djahongir Akhmurodov, "Recognition and Enforcement of Foreign Judgments: International Best Practices," *International Journal of Law, Justice and Jurisprudence* 4, no. 1 (2024): 01–02.

¹⁴ Shumin Wang et al., "Innovation Helps with Sustainable Business, Law, and Digital Technologies: Economic Development and Dispute Resolution," *Sustainability* 16, no. 10 (2024): 1–18.

¹⁵ Firmansyah Umar et al., "Penyelesaian Sengketa Konsumen dalam Transaksi Cross Border E-Commerce Sebagai Upaya Memberikan Perlindungan Hukum," *The Juris* 7, no. 2 (2023): 438–44, <https://doi.org/10.56301/juris.v7i2.1050>.

¹⁶ Salma Kirana Nariswari et al., "Peranan Negara dan Perlindungan Hukum Konsumen dalam E-Commerce berdasarkan Hukum Perdagangan Internasional," *Causa: Jurnal Hukum Dan Kewarganegaraan* 8, no. 10 (2024): 71–80, <https://doi.org/10.3783/causa.v8i10.7832>.

¹⁷ Imadatul Fitriani et al., "Perlindungan Hukum Terhadap Konsumen Dalam Transaksi E-Commerce Lintas Negara," *Al-Zayn : Jurnal Ilmu Sosial & Hukum* 3, no. 3 (2025): 1387–97, <https://doi.org/10.61104/alz.v3i3.1323>.

role of digital platforms, and establishing more consistent mechanisms for the recognition of foreign judgments.¹⁸ Without these measures, Indonesia risks falling behind in the development of global legal governance in the digital age, as well as failing to provide the legal certainty needed to support consumer confidence and the stability of cross-border transactions.

Table 1. Comparison of regulations between the European Union, Indonesia, and China regarding key aspects of cross-border e-commerce dispute resolution

Comparative Aspects	European Union	Indonesia	China
Main Legal Basis	Roma I & Roma II, GDPR	Electronic Information and Transactions Law (UU ITE), Consumer Protection Law	E-Commerce Law 2019, Civil Code 2021
Application of the 2005 Hague Convention	Widely applied by member states	Not yet fully adopted	Limited, primarily through bilateral mechanisms
Consumer Protection Regulations	Strict and comprehensive at the regional level	Developing, still largely governed by domestic regulations	Relatively strict, especially for domestic transactions
Recognition of Foreign Judgments	Widely recognized among member states	Selective, based on the reciprocity principle	Selective, aligned with national interests
ODR (Online Dispute Resolution) Mechanism	Integrated under the ODR Directive	Not yet standardized, still partial initiatives	Advanced, integrated into major platforms such as Tmall and JD.com
Role of Digital Platforms	Must comply with the EU Digital Services Act and bear legal responsibility	No specific obligations yet; regulations remain general	Major platforms are required to provide an internal dispute resolution mechanism

Source: Primary data, 2025(Edited).

Table 1 illustrates that the European Union has achieved a relatively advanced level of regulatory harmonization compared to Indonesia and China, particularly through the consistent application of Rome I and Rome II, the broad adoption of the 2005 Hague Convention, and the establishment of an integrated ODR system under the ODR Directive. This framework provides legal certainty and predictability for parties engaged in cross-border transactions.¹⁹ By contrast,

¹⁸ Zahwa Maulidina Afwija, "Penyelesaian Sengketa atas Kerugian Konsumen Sebagai Bentuk Perlindungan Konsumen dalam Transaksi Cross Border E-Commerce," *Brawijaya Law Student Journal*, July 13, 2021, <https://hukum.studentjournal.ub.ac.id/index.php/hukum/article/view/4320>.

¹⁹ Laura Çami, "The Impact of the Rome II Regulation on Product Liability Claims: An Analysis of Case Law from European Jurisdictions," *Global Journal of Politics and Law Research* 11, no. 4 (2023), <https://ejournals.org/gjplr/tag/rome-ii-regulation/>.

Indonesia remains confined to its domestic legal framework, such as the Electronic Information and Transactions Law and the Consumer Protection Law, with limited adoption of international instruments.²⁰ China, on the other hand, has made notable progress in deploying ODR technology through large platforms such as Tmall and JD.com, although its application of international conventions remains restricted to bilateral mechanisms.²¹

Indonesia lags behind in adopting international legal instruments for several reasons.²² First, the process of harmonizing international norms with domestic law tends to be slow, as it requires adjustments in terminology, public policy principles, and enforcement procedures. Second, the government's cautious approach to preserving legal sovereignty means that the recognition of foreign judgments is granted selectively, primarily under the principle of reciprocity. Third, institutional and technical capacity remains limited, ranging from digital infrastructure and evidentiary standards to the readiness of judges, clerks, and mediators familiar with private international law.²³ Moreover, differences in consumer and data protection standards, coupled with domestic economic and political interests in protecting local businesses, further explain Indonesia's delayed adoption compared to the EU and China.

The implications of this gap are significant for both consumers and businesses. Consumers face legal uncertainty, as it is often unclear which law applies or which court has jurisdiction over cross-border disputes. The enforcement of foreign judgments in Indonesia is difficult, weakening the credibility of dispute resolution mechanisms and discouraging foreign businesses from entering the market. For consumers, the lack of enforceable remedies reduces access to effective redress. Disputes that could be resolved quickly through ODR instead become prolonged through conventional litigation, increasing costs and delays. This exacerbates the imbalance of power, as consumers, typically the weaker party, are bound by unfair choice-of-law or forum clauses imposed by stronger e-commerce platforms, undermining trust in the cross-border e-commerce ecosystem.

From the perspective of private international law, this problem highlights the importance of principles such as party autonomy in cross-border contracts, which must be balanced with mandatory consumer protection rules. The application of *lex loci contractus*, *lex loci delicti*, or the "closest connection" principle in determining applicable law has yet to be formulated consistently in Indonesia, unlike the EU, where Rome I and II provide clarity. In terms of recognition and enforcement, reliance on reciprocity and *comity* through the *exequatur*

²⁰ Anita Firdausi and Rina Arum Prastyanti, "Legal Approaches to Cross-Border E-Commerce Consumer Protection in Indonesia, Singapore, and China," *Sinergi International Journal of Law* 3, no. 3 (2025): 194–206, <https://doi.org/10.61194/law.v3i3.780>.

²¹ "Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters," *Netherlands International Law Review* 67, no. 1 (2020): 169–81, <https://doi.org/10.1007/s40802-020-00154-7>.

²² Arfak Korowai et al., "Legality and Consumer Protection in E-Commerce Transactions in Indonesia," *Journal of Normative and Socio-Legal Studies* 1, no. 1 (2025): 28–35.

²³ Zhixun Cao, "Online Dispute Resolution Mechanism in China: Principle of Proceedings and Impact of Technologies," *China and WTO Review* 8, no. 1 (2022): 29–62.

mechanism makes recognition of foreign judgments ad hoc and inconsistent, while an overly broad interpretation of *ordre public* risks being used as a protectionist barrier rather than a safeguard of fundamental values.

Indonesia can draw important lessons from the EU and China. The EU demonstrates that harmonizing conflict-of-law rules and establishing uniform consumer protection,²⁴ as reflected in Rome I and II, fosters legal certainty and predictability. Its centralized and interoperable ODR system has also proven effective in reducing litigation costs while expediting dispute resolution. From China, Indonesia can learn the value of requiring large platforms to provide internal dispute resolution systems that are fast, scalable, and technology-driven. The integration of ODR into the e-commerce ecosystem illustrates how technological innovation can complement, and even precede, formal legal frameworks.

Therefore, Indonesia should move forward by ratifying and implementing international instruments such as the 2005 Hague Convention, formulating conflict-of-law rules tailored for e-commerce that strike a balance between party autonomy and consumer protection, and mandating digital platforms to provide transparent and accountable ODR mechanisms.²⁵ Strengthening institutional capacity, through judicial training in cross-border disputes and the development of electronic evidence infrastructure, will also be essential to make these reforms effective.²⁶

In sum, without harmonized conflict-of-law rules, effective recognition of foreign judgments, and reliable ODR mechanisms, legal certainty and trust in cross-border e-commerce will remain fragile. Conversely, by consistently adopting private international law principles and learning from the EU's harmonization model and China's technological integration, Indonesia can build a cross-border e-commerce ecosystem that is more inclusive, equitable, and sustainable.

In order to achieve harmonization, international cooperation between countries and international legal organizations such as the United Nations and the World Trade Organization (WTO) is essential.²⁷ Countries need to agree on internationally acceptable basic principles for e-commerce dispute resolution, including more efficient and accountable dispute resolution procedures at the global level.²⁸ This more integrated approach will ensure that the rapid development of e-

²⁴ Dwi Savedo Yusuf Ardiyanto Putra, "Peran Regulasi Dalam Mengatur Perdagangan Online di Indonesia: Kepatuhan, Penyelesaian Sengketa, dan Dampaknya pada Bisnis Online," *HUKMY: Jurnal Hukum* 3, no. 2 (2023): 462–74, <https://doi.org/10.35316/hukmy.2023.v3i2.462-474>.

²⁵ Cheny Berlian et al., "Consumer Dispute Resolution in Cross-Border Online Transactions Through Alternative Dispute Resolution From the Perspective Of International Law," *Tirtayasa Journal of International Law* 4, no. 1 (2025): 95–110, <https://doi.org/10.51825/tjil.v4i1.31185>.

²⁶ Agung Abdul Rahman Wiyono and Nando Dwi Kurniawan, "Tanggung Jawab Hukum Dalam Perdagangan E-Commerce Lintas Negara," *Jurnal Ar Ro'is Mandalika (Armada)* 5, no. 2 (2025): 249–59, <https://doi.org/10.59613/armada.v5i2.4992>.

²⁷ Haijing Huang and Ong Tze Chin, "The Future of E-Commerce Disputes: An Analysis of Multilateral Dispute Resolution Mechanisms," *Journal of Malaysian and Comparative Law* 51, no. 1 (2025): 63–86.

²⁸ Yihan Zhu, "The Current Status and Future of the WTO Dispute Settlement Mechanism," *Advances in Economics, Management and Political Sciences* 181 (May 2025): 75–80, <https://doi.org/10.54254/2754-1169/2025.22955>.

commerce is accompanied by a more transparent and fair legal framework for all parties involved.

Development of practical guidelines: One way to help e-commerce players understand and overcome the legal challenges that arise in cross-border transactions is to develop clear and accessible practical guidelines. These guidelines can include information on jurisdiction, legal options, and dispute resolution procedures applicable in various countries. With these guidelines, e-commerce players can more easily understand their rights and obligations in each international transaction, as well as the steps to take in the event of a dispute. This will increase legal certainty for businesses, which in turn will strengthen consumer confidence in cross-border transactions.

Enhanced collaboration between countries: Countries need to increase cooperation in formulating multilateral agreements that can create more uniform regulations that can be implemented globally. These multilateral agreements could cover consumer protection standards, dispute resolution procedures, and the acceptance of foreign court rulings. Increased collaboration will accelerate the process of regulatory harmonization and enable more consistent application of rules around the world. It will also reduce the risk of differences in the application of laws that could harm one party in cross-border e-commerce transactions.

Developing a more adaptive legal framework: Given the rapid development of technology and e-commerce, it is important to develop a more adaptive and flexible legal framework to address new issues that arise. This framework must be able to adapt to technological changes and evolving business models, such as the emergence of new digital platforms and blockchain technology, which are increasingly used in e-commerce transactions. In addition, this legal framework needs to take into account the different legal systems around the world and provide space for countries to adapt the rules to their domestic context without sacrificing internationally applicable basic principles. Thus, this more adaptive framework will help create a legal system that is more responsive to the dynamics of global e-commerce.

The application of International Civil Law (ICL) in the settlement of cross-border e-commerce disputes plays a very important role in maintaining justice and legal certainty for all parties involved. ICL provides a clear legal basis for handling disputes between parties from different countries,²⁹ by establishing rules regarding jurisdiction and relevant legal choices. The application of HPI in the context of cross-border e-commerce makes it possible to regulate transactions involving businesses and consumers from different countries, thereby minimizing the risk of legal uncertainty that often arises in international transactions. However, its implementation still faces significant challenges, such as regulatory inconsistencies between countries and the unclear role of digital platforms.

²⁹ Ridwan Anthony Taufan and Rineke Sara, "Evaluation of the Legal Framework for Digital Business in Indonesia in Addressing Technological Developments and Regulatory Challenges," *International Journal of Social Service and Research* 5, no. 7 (2025): 715–23, <https://doi.org/10.46799/ijssr.v5i7.1257>.

Therefore, efforts are needed to strengthen regulatory harmonization between countries and enhance international collaboration to create a more equitable and inclusive e-commerce ecosystem. International cooperation is crucial in formulating globally acceptable regulations that can overcome inconsistencies in law enforcement and ensure equal protection for all parties. With better harmonization, the cross-border e-commerce ecosystem will be more transparent, stable, and reliable, providing greater benefits for businesses and consumers around the world.

3.2 Integration of Digital Technology in Cross-Border E-Commerce Dispute Resolution Mechanisms

Although international legal instruments such as the 2005 Hague Convention and European Union regulations such as Rome I and Rome II provide a solid legal framework for determining jurisdiction and applicable law in cross-border e-commerce disputes, their implementation still faces significant challenges.³⁰ The 2005 Hague Convention provides guidelines on the choice of court in international disputes, while the Rome I and Rome II regulations in the European Union govern the applicable law in contractual and non-contractual disputes.³¹ However, even though this instrument provides a clear basic framework, its implementation is hampered by inconsistencies in regulations and legal systems between countries involved in international transactions.

It is in this context that digital technology offers concrete solutions to narrow the jurisdictional gap. The practice of Online Dispute Resolution (ODR) implemented by the European Union through the European Online Dispute Resolution Platform and by Tmall Global in China shows how technology can overcome the limitations of conventional law. Through ODR, consumer disputes can be resolved quickly, across jurisdictions, and at a lower cost than traditional litigation.³² This system not only facilitates communication between parties in different countries but also provides a neutral mechanism that is recognized across borders, thereby reducing dependence on national courts, which often give rise to legal conflicts.

Furthermore, digital technology also enables the integration of international legal instruments with data-based mechanisms. The use of artificial intelligence and big data analytics in ODR platforms can detect dispute patterns, accelerate decision-making, and provide more consistent legal recommendations across jurisdictions. This reinforces the argument of private international law theory that emphasizes the importance of legal adaptability to global developments.³³ Thus,

³⁰ Kittiwat Chunchaemsai, "Legal Considerations and Challenges Involved in Bringing the 2005 Hague Convention on Choice of Court Agreements into Force within an Internal Legal System: A Case Study of Thailand," *Journal of Private International Law* 17, no. 1 (2021): 147–70, <https://doi.org/10.1080/17441048.2021.1907946>.

³¹ Affiah Kusumadara, "Jurisdiction of Courts Chosen in the Parties' Choice of Court Agreements: An Unsettled Issue in Indonesian Private International Law and the Way-Out," *Journal of Private International Law* 18, no. 3 (2022): 424–49, <https://doi.org/10.1080/17441048.2022.2148905>.

³² Philipp Goetzinger and Mario Spremic, "Cross-Border E-Commerce and Its Implications for Consumer Protection (2019–2024): A Systematic Literature Review," *European Journal of Economics* 5, no. 1 (2025): 1–7, <https://doi.org/10.33422/eje.v5i1.972>.

³³ Rohaini Rohaini et al., "Reforming Online Dispute Resolution (ODR) Regulations in Growing E-Commerce for Legal Certainty and Protection," *Cepalo* 9, no. 1 (2025): 69–80, <https://doi.org/10.25041/cepalo.v9no1.3335>.

technology is not merely a complement, but a catalyst in creating dispute resolution mechanisms that are responsive to the complexities of digital commerce.

If Indonesia continues to be slow in adopting instruments such as the 2005 Hague Convention and does not immediately integrate technology into the HPI system, the risk that arises is a widening gap in legal certainty between Indonesia and its main trading partners. This not only has an impact on low consumer protection, but also reduces the competitiveness of national businesses in cross-border trade. Furthermore, legal uncertainty could lead to forum shopping by foreign parties or even hinder Indonesia's participation in multilateral digital trade agreements.

This finding emphasizes the importance of harmonizing regulations and enhancing international cooperation in order to create a globally acceptable legal system, especially considering that e-commerce is an activity that involves various countries with different legal systems. To that end, there needs to be more intensive efforts from countries and international organizations in formulating multilateral agreements that can create regulatory uniformity, as well as establishing dispute resolution mechanisms that are acceptable to all parties at the international level.

The assumption used in this study is that current international law and regulations are not yet fully capable of addressing legal issues arising from cross-border e-commerce, especially in terms of dispute resolution. Although international legal instruments such as the 2005 Hague Convention and European Union regulations such as Rome I and Rome II provide a basic framework for determining jurisdiction and applicable law, the implementation of these regulations still faces various obstacles. This study assumes that the international legal system needs to be updated and harmonized to be more responsive to rapid changes in the digital world. The rapid technological changes in the e-commerce sector require more flexible rules that can adapt to the ever-evolving dynamics of the digital market.

In addition, another assumption made in this study is that e-commerce players and consumers in various countries need clear guidance regarding applicable regulations and legal procedures. Legal uncertainty in international transactions often leads to uncertainty, which directly impacts the protection of consumer rights and the sustainability of e-commerce businesses themselves. Without clear guidance, e-commerce players may not know their rights and obligations, while consumers may feel unprotected in cross-border transactions. This worsens the situation for both parties and creates greater potential for legal conflict. Therefore, transparent and accessible regulations are essential to building trust in the e-commerce ecosystem.

Another important assumption is that technology, while facilitating transactions, also complicates dispute resolution. Digital platform-based e-commerce and technologies such as blockchain create new challenges in terms of identifying the responsible parties in disputes. Dispute resolution involving digital platforms as third parties requires a different approach compared to traditional disputes involving two parties. Therefore, regulations related to dispute resolution must accommodate the dynamics of digitalization and the involvement of digital

platforms as third parties. These regulations must be able to address new challenges that arise with the development of technology and new business models in the digital world, such as the existence of e-commerce platforms and the use of smart contracts in transactions.

The harmonization of cross-border e-commerce regulations will increase efficiency in international dispute resolution.³⁴ This study assumes that if e-commerce regulations can be harmonized among major countries involved in digital trade, dispute resolution will be faster and fairer. Disparities in legal regulations between countries often lead to disputes that cannot be resolved quickly and sometimes create uncertainty for the parties involved. With regulatory harmonization, countries involved in international trade can have a uniform legal framework, which allows for more efficient and transparent dispute resolution.

Increased oversight of digital platforms will reduce the potential for abuse of authority and increase protection for consumers in cross-border e-commerce transactions. This study assumes that a clearer and more standardized role for digital platforms will reduce the scope for legal conflicts related to cross-border transactions. Digital platforms that facilitate transactions between consumers and businesses often do not have clear legal obligations regarding dispute resolution. Therefore, stricter regulations on the role and responsibilities of digital platforms will help reduce the potential for abuse of authority, while increasing consumer protection and providing legal certainty for businesses and consumers.

The development of more adaptive and flexible international legal instruments can address the legal challenges that arise with technological developments. This hypothesis is based on the assumption that existing legal instruments are too rigid and insufficiently responsive to rapid changes in the digital world, requiring updates to accommodate various new challenges that arise. By updating and adapting international legal instruments, such as multilateral agreements, countries can create a more flexible legal framework that can address the challenges posed by new technologies, such as blockchain and smart contracts, which are increasingly common in e-commerce.

4. CONCLUSION

Indonesia needs to immediately adopt the 2005 Hague Convention to strengthen legal certainty in cross-border disputes in the field of e-commerce, while also establishing clear national regulations regarding the obligations of digital platforms, including complaint mechanisms, online mediation, and consumer protection. The government must also strengthen its oversight of platforms through compliance audit systems and measurable sanctions to prevent abuse of dominant positions. At the same time, international regulatory standardization needs to be developed through multilateral cooperation, for example in ASEAN or the G20 forum, so that cross-border dispute resolution mechanisms are more harmonized. Collaboration between

³⁴ Tina Amelia et al., "Harmonizing Consumer Protection Laws: E-Commerce as Challenges and Opportunities for Global Businesses," Atlantis Press, December 31, 2023, 1507–16, https://doi.org/10.2991/978-2-38476-180-7_155.

countries, businesses, and consumer protection agencies is also important to encourage the formation of a fair, transparent, and efficient online dispute resolution (ODR) system. Thus, this study has successfully achieved its objectives of analyzing the effectiveness of existing international legal instruments and offering concrete steps for Indonesia and the global community to strengthen the legal framework for cross-border e-commerce dispute resolution. This study confirms that the effectiveness of International Civil Law (ICL) in cross-border e-commerce disputes is largely determined by the harmonization of international regulations and the clarity of the role of digital platforms, which ultimately has direct implications for legal certainty and consumer protection in the digital economy era.

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