



## Perspectives on Commercial Law Enforcement in the Era of Digitalization and Globalization

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E-mail: [taufikbabara03@gmail.com](mailto:taufikbabara03@gmail.com) [marbunadelia12@gmail.com](mailto:marbunadelia12@gmail.com) [aqtikalubis27@gmail.com](mailto:aqtikalubis27@gmail.com)  
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<p><b>Article History</b> Received: 2025-09-03 Revised: 2025-09-20 Published: 2025-09-30</p> <p><b>Keywords:</b> <i>Globalization;</i> <i>Digitalization, Trade Law</i></p>	<p>Globalization has had a significant impact on the corporate sector in recent decades. One of the most significant forces behind this change is digitalization. While facilitating a wide range of direct information and commercial transactions through digital platforms, these procedures also pose new challenges for the rules and laws governing the operations of global companies. In addition to discussing the difficulties and tactics involved in developing a current and flexible legal framework, this essay also examines how globalization and digitalization have impacted commercial law. Its primary focus is on how commercial law can foster inclusive economic growth, address the digitalization of trade, and resolve regulatory disparities. Trade law must be able to lower trade barriers in the context of globalization that prevent poor countries from accessing international markets. Case studies and a literature review are among the research techniques used. While case studies offer a practical dimension by examining actual examples of the application of commercial law in the context of globalization and digitalization, the literature review seeks to explore sources of information that discuss changes in commercial law with the advent of globalization and digitalization. The study's conclusion highlights the importance of cross-sector engagement and successful tactics in creating an appropriate legal framework considering the evolving realities of international trade in the digital age. As a result, this essay provides a comprehensive understanding of the regulatory nuances surrounding international trade alongside legal remedies and appropriate approaches to address the difficulties that arise in the digital age.</p>

### I. INTRODUCTION

The business sector has undergone profound transformations in recent decades due to the phenomenon of globalization. National economies are now part of an integrated global economic system thanks to this process. Broader market access, faster economic growth, and simpler technology transfer are all benefits of globalization.

Despite these advantages, globalization presents serious challenges to the rules and laws governing corporate operations worldwide. Meanwhile, nearly every aspect of human life is being transformed by digitalization. Digitalization makes it easier for businesses to conduct business transactions instantly and share information through digital channels. Workflows are accelerated, product and service innovation is enabled, and business-customer interactions are revolutionized. However, these developments also bring new challenges, such as

cybersecurity, data privacy, and unequal access to technology. In this context, commercial law is becoming increasingly complex and diverse. Amidst rapid economic globalization and digitalization, commercial law must adapt to these changes to remain relevant and effective. International trade agreements, national regulations, and principles of trade law need to be updated and adapted to reflect the new realities of global trade. Specific challenges in this era include overcoming technical barriers to e-commerce, regulating consumer protection in cross-border online transactions, and handling trade disputes related to digital technology (Triphati, 2022). Furthermore, in the context of increasingly digital international trade, a robust legal framework is needed to address issues such as data security, privacy, and intellectual property protection. Therefore, it is crucial to examine the perspectives of commercial law in the era of globalization and digitalization. In

addition to offering insight into the regulatory complexities associated with international trade, this research will help identify appropriate legal remedies and approaches to address new issues. It is anticipated that by taking a comprehensive, interdisciplinary approach, this journal will help stakeholders, including businesspeople, legislators, and legal professionals, navigate the new realities of international trade in the digital age.

## **II. RESEARCH METHODS**

Case study research and literature review are among the research techniques used. In the context of commercial law, the use of literary studies is a particularly relevant strategy. Using this approach, this research will investigate various sources of information, including books, reports, journal articles, and other documents, that discuss the development of commercial law and the emergence of the era of globalization and digitalization. Through an examination of the existing literature, this research will reveal patterns, obstacles, and tactics that have been suggested or practiced to address the intricacies of contemporary international trade.

In addition to providing guidance for future research, this will provide a solid foundation for a comprehensive understanding of how commercial law is changing in the context of globalization and digitalization (Zed Mestika, 2014). However, by examining specific examples of how commercial law is applied in the context of globalization and digitalization, the case study technique will add a practical element to this research. For example, a number of countries or trade associations could be selected for in-depth analysis. In addition to examining the difficulties these countries or trade associations face in regulating trade in the digital age, these case studies will evaluate how trade laws are applied in actual circumstances. This research will offer a comprehensive understanding of the perspectives of commercial law in the era of globalization and digitalization by combining a case study approach for practical understanding and application of commercial law with a literature review approach for theoretical understanding and analysis (Yin, 2008).

## **III. RESULTS AND DISCUSSION**

### **A. The Function of Commercial Law in the Era of Globalization and Digitalization**

In the era of globalization and digitalization, the importance of commercial law has grown along with the complexity of global trade. The global economic landscape has been significantly impacted by globalization because it has created opportunities for countries to integrate economically. As a regulatory framework, commercial law controls the movement of capital, products, and services between countries and upholds fair and equitable trade regulations. However, as information technology has advanced rapidly in the digital age, new issues have also emerged. Global business practices have changed as a result of technical advances such as digital payments and e-commerce. Consequently, the function of commercial law encompasses new regulations relating to the digital aspects of trade as well as the more conventional ones.

Trade laws must be able to reduce trade barriers that prevent developing countries from accessing international markets in the context of globalization. This requires eliminating exorbitant tariffs and non-tariff barriers, as well as promoting investment and technology transfer. To ensure that trade agreements not only benefit wealthy countries but also provide developing countries with opportunities for advancement, it is crucial to update international trade agreements. For developing countries to compete more fairly in the global market, trade rules must also meet their needs in terms of economic capacity and infrastructure development (Sukma, Yan Andriariza Ambhita, 2019).

Furthermore, as key players in the e-commerce and technology sectors, today's young generation has numerous opportunities thanks to Indonesia's growing digital economy. Technopreneurs are expected to develop rapidly and significantly contribute to national economic expansion with government support, including the creation of digital infrastructure and entrepreneurship education. However, an appropriate legislative framework is needed to facilitate equitable digital economic development. This requires promoting investment in technical innovation, managing healthy competition, and updating laws to protect intellectual property (Kominfo, 2015).

As key participants in the e-commerce and technology sectors, Indonesia's young generation has excellent opportunities as a result of the country's growing digital economy. Technopreneurs are expected to develop rapidly and significantly contribute to the expansion of the national economy with government assistance, including the creation of digital infrastructure and entrepreneurship education. Consequently, the function of commercial law is increasingly significant and complex in the era of globalization and digitalization. In addition to regulating conventional trade, commercial law must be prepared to address new issues raised by the rapid advancement of information technology. In the era of globalization and digitalization, commercial law is expected to be a useful tool in encouraging equitable and sustainable economic growth through updates to relevant laws and regulations and international trade cooperation between nations (Dalle, Jusman, 2016).

#### **B. The Impact of Digitalization on Commercial Law to Promote Better Economic Integration**

By driving the expansion of digital trade in products and services, trade digitalization has emerged as a key factor in global economic transformation and has had a significant impact on the structure of trade. Through modifications to global supply chains, this shift influences economic integration between countries, as well as how countries conduct business. For example, the rise of digital trade makes it easier for businesses to access international markets and conduct cross-border operations. However, despite these advantages, there are also drawbacks, such as variations in national laws and data security issues. The impact of digitalization on micro, small, and medium enterprises (MSMEs) is one of its key features. MSMEs are a key component of many countries' economies, and digitalization has opened them up to new opportunities. MSMEs can grow their markets without significant capital commitments by leveraging digital technologies.

This allows them to increase their contribution to the national gross domestic product (GDP) and compete more effectively in the global market (Wibowo, Agus, 2023). The Indonesian government has recognized

the enormous potential of the digital economy to drive the nation's economic expansion. Don Tapscott first proposed the idea of a digital economy in 1995, and it is now a key objective of Indonesia's economic development plan. The digital economy is expected to be a major driving force behind future economic growth due to population changes and increasing internet usage (Tapscott, 1995). However, the transition to a digital economy is not simple. It requires an appropriate legal framework to regulate areas such as cybersecurity, data protection, and digital commerce regulation. To ensure that everyone can access and benefit from the promise of the digital economy, a robust digital infrastructure is also needed.

Players in the digital business, especially young producers, play a crucial role in this evolution. They act as catalysts for social change and innovation, advancing the principles of inclusivity and the sharing economy. Indonesia can accelerate the shift to a sustainable and inclusive digital economy by supporting the creative industry and startup ecosystem (Syauqi, Ahmad Thariq, 2016). All things considered, the digitalization of trade is not only changing the way we do business but also driving a paradigm shift in international trade law. Governments, the business sector, international organizations, and civil society must work together to create an appropriate legal framework that supports this rapidly growing digital economy to maximize the benefits and mitigate the harms of digitalization. As a result, we can ensure that the digitalization of trade drives global economic expansion while maintaining equity and security for all stakeholders.

#### **C. The Difficulties of Commercial Law in the Digital Era**

Ensuring alignment between international trade rules and potentially divergent national laws, particularly those related to cybersecurity, data privacy, and consumer protection, is one of the trade law challenges associated with digitalization. For businesses operating internationally, these differences can lead to regulatory conflicts, legal confusion, and potential legal issues. Nationalization of transnational norms, legal harmonization, bilateral collaboration, international standards, self-regulation, legal

education and awareness, and ongoing monitoring and assessment are some tactics that can be used to overcome these obstacles.

By practicing these tactics, countries can work to make their domestic laws more consistent with international trade laws, promote legal clarity, reduce regulatory conflicts, and build a more stable and predictable business climate in the digital era (Sulistiyawan, Aditya Yuli, 2019).

Furthermore, it is crucial to understand that all stakeholders, including governments, the business sector, international organizations, and civil society, must actively participate in commercial law. Collaboration between countries and sectors will enhance the harmonization process and ensure that everyone's requirements and opinions are taken into account. Regulations should be updated to reflect rapid market dynamics and technical advances through ongoing discussions. This will allow legislation to more easily adapt to the ever-changing digital landscape and maximize benefits for all stakeholders.

#### **IV. CONCLUSION AND SUGGESTIONS**

##### **A. Conclusion**

In recent decades, the phenomenon of globalization has fundamentally transformed the business landscape. This process has integrated national economies into an interconnected global economic system. Globalization has brought significant opportunities in terms of broader market access, rapid economic growth, and easier technology transfer. However, despite these benefits, globalization also poses serious challenges to the regulations and laws governing international business activities.

Meanwhile, digitalization has become a driving force for transformation in nearly every aspect of human life. In the business realm, digitalization has facilitated the instant exchange of information and business transactions through digital platforms. This has accelerated workflows, enabled product and service innovation, and transformed the way companies interact with their customers. However, with this progress, a number of new challenges have emerged, including issues of data privacy, cybersecurity, and inequality in access to technology.

In this context, commercial law is becoming increasingly complex and diverse. Amidst rapid economic globalization and digitalization, commercial law must adapt to these changes to remain relevant and effective.

Due to the promotion of economic connectivity between countries, globalization has had a significant impact on the state of the world economy. To ensure the fair and systematic implementation of trade regulations, commercial law acts as a regulatory framework that controls the movement of investments, goods, and services across international borders. However, the rapid advancement of information technology in the digital age has given rise to new challenges. Digital payments, e-commerce, and other technical advancements have transformed the way companies operate globally. Consequently, the function of commercial law encompasses new regulations relating to the digital aspects of trade as well as the more conventional ones. Trade law must be able to lower trade barriers that prevent developing countries from accessing international markets in the context of globalization. This requires enabling the transfer of technology and investment and eliminating exorbitant tariffs and non-tariff barriers. To ensure that trade agreements not only benefit rich countries but also provide developing countries with opportunities to advance, it is essential to update international trade agreements. To enable developing countries to compete more fairly in the global market, trade law must also be adapted to meet their demands in terms of economic capacity and infrastructure development.

##### **B. Suggestions**

In response to the growing complexity of globalization and digitalization, commercial law must continue to adapt to remain relevant and effective. Governments are encouraged to strengthen the harmonization between national regulations and international standards, particularly in areas such as e-commerce, data protection, and cybersecurity.

Inclusive and adaptive legal frameworks should also be developed to support technological innovation while protecting MSMEs and consumers. Cross-sector collaboration—among governments,

businesses, academics, and civil society—is essential to building a responsive and sustainable legal ecosystem.

Finally, enhancing digital literacy and international trade law awareness is crucial to prepare younger generations and entrepreneurs to compete in the global digital economy.

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