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Trade in Strategic Goods in the Digital Era: A Review of Regulations, Impacts, and Enforcement

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Abstract

Praktek perdagangan barang startegis di era digitalisasi seperti saat ini menjadi penting untuk ditelaah berkaitan dengan kebijakan yang ditetapkan oleh pemerintah, terlebih setelah adanya kesepakatan resiprokal antara Amerika dan Indonesai tentang tarif impor yang pada prakteknya kebijakan pemerintah Amerika Serikat justru dibatalkan oleh Mahkamah Agung Amerika. Oleh sebab itu, telaah akan dilakukan terhadap pengaturan, implikasi dan penegakan hukum yang ada di Indonesia. Terhadap persoalan tersebut akan dikaji dengan pendekatan kualitatif normatif untuk menganalisis persoalan hukum dalam mengatur kegiatan ekspor impor barang strategis di era digitalisasi. Hasil kajian ini menunjukkan bahwa pengaturan kegiatan ekspor-impor barang strategis di era digitalisasi yang diatur dalam UU Perdagangan, UU Kepabeanan, UU ITE serta peraturan tehknis pelaksana menjadi sangat penting untuk menjaga kepatuhan pelaku usaha, efektivitas pengawasan, dan perlindungan kepentingan nasional. Regulasi tersebut juga memungkinkan pemerintah melakukan pengawasan yang lebih efisien melalui sistem digital, memberikan kepastian hukum, dan mencegah praktik perdagangan ilegal. Oleh sebab itu, penegakan hukum yang dilakukan ialah dengan penegakan terhadap sanksi pidana, sanksi administratif, sanksi tambahan, serta sanksi digital.

Kata Kunci : *Barang Strategis, Perdagangan, Pengawasan, Penegakan Hukum*

Abstract

The practice of trading strategic goods in the current digital era is crucial to examine in relation to government policies, particularly following the reciprocal agreement between the United States and Indonesia on import tariffs, which in practice was overturned by the United States Supreme Court. Therefore, a review will be conducted of the regulations, implications, and enforcement of existing laws in Indonesia. This issue will be examined using a qualitative, normative approach to analyse the

legal issues governing the export and import of strategic goods in the digital era. The results of this study indicate that the regulation of strategic goods export and import activities in the digital era, as governed by the Trade Law, Customs Law, Electronic Information and Transactions Law, and technical implementing regulations, is crucial for maintaining business compliance, effective supervision, and protecting national interests. These regulations also enable the government to conduct more efficient supervision through digital systems, provide legal certainty, and prevent illegal trade practices. Consequently, law enforcement will encompass criminal sanctions, administrative sanctions, additional sanctions, and digital sanctions.

Keywords: *Law Enforcement, Trade, Strategic Goods, Surveillance.*



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Introduction

International trade is a crucial pillar of a country's economic development. International trade itself is a type of buying and selling transaction that transcends national borders and involves several countries.¹ Globally, 70% of international trade currently takes place within global value chains (GVCs). In other words, rather than establishing their own value chains to produce export goods, companies form part of production networks in which the raw materials, parts and components of their goods are produced and traded across various countries.²

International trade plays a vital role in the Indonesian economy.³ Particularly for Indonesia, which possesses abundant natural resource potential and a strategic position on global trade routes, international trade practices rely on various import and export activities.

Export and import activities are crucial instruments for supporting national economic growth, enhancing the competitiveness of domestic products, and expanding markets for businesses. However, as trade volumes increase, various challenges arise regarding regulation, legal compliance, and the oversight of strategic goods with high economic and security value. In this context, trade law plays a vital role in regulating trade mechanisms to ensure they remain efficient, transparent, and compliant with applicable laws and regulations.⁴

¹ Petra Pengarapenta Tarigan et al. "Enforcement of the Law on the Trade in Children's Toys Imports Lacking SNI Certification within the Jurisdiction of the Meranti Islands Police District". *Teraju: Journal of Sharia and Law*, Vol. 7, No. 1, 2025. 32–47.

² Felippa Amanta and Krisna Gupta, "Trade for Economic Recovery: Import Policies to Support Indonesia's Food and Beverage Sector". Policy Paper No. 51, Jakarta, Indonesia, September 2022. 1–46.

³ Irna Yaumul Isni, et al., "Implementation of Changes in Bag Import Policies and Regulations on Local Products: A Case Study in Indonesia", *Accountability: Journal of Economic Sciences*, Vol. 7, No. 1, 2025, 80–93.

⁴ Carolin, V., Insan, N., Afila, D. R., & Malik, A, "Challenges and Opportunities in the

Trade mechanisms are becoming increasingly complex as commerce becomes increasingly digitalised. Digitalisation has brought about significant transformations in trade processes, ranging from trade information systems to cross-border electronic transactions. Advances in information technology enable businesses to conduct export and import transactions more quickly, securely and in an integrated manner. However, digitalisation also presents new risks, such as data manipulation, smuggling via electronic documents, and the uncontrolled circulation of strategic goods. Therefore, adaptation to digital technology is necessary, including accommodating regulations regarding electronic documents, digital signatures, and online customs systems.⁵

This trade activity also encompasses the trade of strategic goods such as industrial raw materials, high-tech products, and energy resources, which possess special characteristics requiring strict supervision. This has led to the practice of importing and exporting strategic goods.

The import and export of strategic goods is regulated not only for economic reasons but also for national security and social stability. In the context of digitalisation, monitoring strategic goods is increasingly challenging because transactions are conducted electronically and across borders. Digital customs systems such as the National Single Window or e-Customs enable the government to monitor imports and exports in real time, reduce the potential

for fraud, and expedite the licensing process.

In a global context, trade in strategic goods is also influenced by international agreements and regional economic policies, such as the ASEAN Free Trade Area (AFTA) and the World Trade Organization (WTO). As a WTO member, Indonesia must align its trade laws with international standards, including tariffs, quotas, and customs procedures. This underscores the importance of harmonising national laws with international regulations to promote fair, transparent, and sustainable trade.

Meanwhile, there are several domestic regulations relating to the trade of strategic goods, particularly export and import activities, including Law No. 7 of 2014 on Trade, Law No. 17 of 2006 on Customs, Law No. 8 of 1999 on Consumer Protection, Law No. 3 of 2014 on Industry, and Law No. 22 of 2001 on Oil and Gas. Meanwhile, regarding the practice of digitalisation, this cannot be separated from the enactment of Law No. 11 of 2008 concerning Electronic Information and Transactions (EIT Law).

Digitalisation also creates opportunities for the development of international e-commerce, including the export of strategic goods via digital platforms. Consequently, the government has regulated this more specifically through Government Regulation No. 80 of 2019 on Trade via Electronic Systems. This regulation serves as a reference for businesses engaged in cross-border e-commerce. It governs the rights and obligations of businesses, the security of electronic transactions, consumer protection, and online dispute resolution mechanisms. Consequently, trade law in the digital era must accommodate technological innovation whilst ensuring legal compliance.

In practice, digital trade practices extend beyond regulatory aspects to provide legal certainty for businesses. This

Export and Import Sector in the Digital Age”, *Journal of Economics*, Vol. 3, No. 3, 2024, 81–97

⁵ Agustono, F., & Yusuf, H., “Analysis of the Legal Perspectives on Trade in the Era of Globalisation and Digitalisation”, *Journal of Intellectuals and Scholars of the Archipelago*, Vol. 1, No. 2, 2024, 1227–1234

legal certainty is a crucial factor in attracting investment, particularly for multinational companies importing and exporting strategic goods.

In the current context of an unstable global economic system, the government is required not only to regulate but also to implement comprehensive policies. The government must ensure that existing regulations do not overlap, are complementary, and can be effectively implemented. Coordination between agencies such as the Ministry of Trade, the Ministry of Industry, the Ministry of Finance, and the Investment Coordinating Board is key to the successful supervision and regulation of strategic goods, especially in the complex digital era.

Furthermore, this contemporary trend also highlights the need for continuous adaptation. Current regulations, whilst comprehensive, must be continually updated to keep pace with technological developments, global market changes, and geopolitical dynamics. Digitalisation demands flexible yet firm regulations, ensuring that national economic interests and strategic security are simultaneously safeguarded.⁷

This is evident in Indonesia's current trade policy with the United States, where the trade agreement between the two countries has become problematic. This is because the agreement actually benefits the United States as the sole beneficiary.

The reciprocal trade agreement signed on 19 February 2026 created a new problem when the Indonesian government reduced tariffs on Indonesian products to 19% from 32%, but eliminated tariffs on American products to 0%. Further complicating matters, the United States Supreme Court overturned the tariff policy imposed by President Donald Trump's administration. Consequently, all imported goods entering the United States were subject to a

uniform tariff of 15%, rather than the 19% stipulated in the trade agreement.

This situation highlights the inconsistency of Indonesia's trade practices on the international stage. Furthermore, it demonstrates the lack of clarity regarding the principles of Indonesian trade law. Moreover, it underscores challenges and obstacles, such as the absence of uniform global standards and the complexities—⁶—associated with global trade.

In fact, trade law is a fundamental instrument in regulating the export and import of strategic goods, particularly in the digital era. The combination of national regulations, international regulations, and an effective digitalisation system can create efficient, secure, and equitable trade.

Based on these issues, this article will address the topics discussed herein: the scope of regulation, implications, and enforcement of laws concerning export-import practices in the current digital era. This study aims to evaluate the implementation of existing regulations and provide recommendations for optimal trade in strategic goods amidst the evolving digital transformation. This analysis is expected to offer practical insights to policymakers, business stakeholders, and academics in establishing a modern, secure, and sustainable international trade ecosystem, in accordance with national legal principles and international standards.

This study employs a qualitative, normative approach to analyse legal issues governing the export and import of strategic goods in the digital era. The qualitative approach was selected as the research focuses on understanding legal regulations, implementation practices, and

⁶ Zaenol Hasan, et al., "The Evolution of Sukuk (Islamic Bonds): Challenges and Future Prospects in the Tapal Kuda Region of East Java", *Teraju: Journal of Sharia and Law*, Vol. 6, No. 02, 2024, 115–128.

emerging issues in the international trade of strategic goods.

The data used is sourced from national legislation as well as a review of scientific literature, policy documents, and official publications from relevant government agencies.⁷ Meanwhile, data analysis was conducted using descriptive qualitative methods, linking existing legal regulations with the export-import practices of strategic goods in the digital era. This method is expected to yield comprehensive and relevant findings that can serve as a basis for improving regulations, strengthening digital systems, and optimising international trade in strategic goods in Indonesia.

Discussion

A. National Legal Framework for Strategic Goods Trade

A state is a true reflection of a highly developed form of human social interaction. Group life within a state constitutes a highly developed form of social interaction, which is essentially based on the shared objectives of the people who make up that group. These shared objectives are a reflection of the collective will.⁸

In order to realise these shared objectives, a legal framework was subsequently established within the state, thereby transforming it into a state governed by the rule of law. The law plays a role in regulating the dynamics of communal life. It is therefore true to say that the primary aim of the application of the law is to protect human interests.⁹

With reference to Article 1(3) of the 1945 Constitution, which states that the

Republic of Indonesia is a state governed by the rule of law—¹⁰—this gives rise to the principle that all activities of state administration must be based on the law (*Rechtsstaat*). This is intended to ensure the realisation of order in society, whereby every person is treated in such a way as to be able to lead a normal life in accordance with their dignity and worth as human beings.¹¹

In the context of a *rechtstaat*, the prevailing law is a just one enshrined in a constitution, whereby everyone within that state—whether governed or governing—must be subject to the same law, so that those who are alike are treated alike and those who are different are treated differently on the basis of rational distinctions.¹² This demonstrates the acceptance of the principle of legal certainty within the rule of law as well as the principle of a sense of justice within the rule of law. Written law, with all its procedures, must be established in order to uphold justice. Written provisions that hinder justice may be set aside.¹³

The rule of law essentially aims to provide legal protection for the people; this legal protection for the people against government actions is based on two principles: the principle of human rights and the principle of the rule of law.¹⁴ On this basis, the law serves as an instrument to balance and embrace diversity,

¹⁰ St. Zubaidah, *Interpreting Judicial Discretion in Judicial Authority*, <https://badilag.mahkamahagung.go.id/artikel/publikasi/artikel/memaknai-freedom-of-judge-dalam-kewenangan-hakim-oleh-hj-st-zubaidah-s-ag-s-h-m-h-3-10>

¹¹ B. Arief Sidharta, *Indonesian Law*. (Bandung: Unpar Press, 2017).

¹² Munir Fuady, *Modern Theory of the Rule of Law*. (Bandung: PT. Refika Aditama, 2009).

¹³ Moh Mahfud MD, *Constitutional Law Debates Following the Constitutional Amendment*. (Jakarta: LP3ES, 2007).

¹⁴ Nurul Qamar, *Rule of Law or State of Power (Rechtsstaat or Machtstaat)*. (Makassar: CV Social Politic Genius, 2018)

⁷ Carolin, V. *et al.*, *op. cit.*

⁸ Hotma P. Sibuea, *The Rule of Law, Policy Regulations, and General Principles of Good Governance*. (Jakarta: Erlangga, 2010)

⁹ Hidayat, N., "Reference and Application of the Indonesian Legal System Based on Article 1 Paragraph (3) of the 1945 Constitution Post-Third Amendment", *UIR Law Review*, Vol. 1, No. 2, 2017. 191–200

preventing conflicts of interest that may arise within the public.¹⁵

The implementation of the rule of law is subsequently embodied in a national legal framework through legislation. A law plays a crucial role in the conduct of state affairs, as it serves not only as a guide but also as the basis for the legitimacy of actions taken by the state, including in the trade of strategic goods

The national legal framework serves as the primary foundation for regulating the export and import of strategic goods in Indonesia. National trade law emphasises legal certainty, the protection of state interests, and the regulation of trade procedures to ensure compliance with applicable standards. Law No. 7 of 2014 concerning Trade regulates the basic principles of trade, including export and import mechanisms, licensing, and business obligations. This law highlights the importance of monitoring strategic goods that have economic, social, and national security implications. This regulation serves as a reference for the government in establishing structured and transparent export and import policies, and provides a basis for law enforcement in the event of violations.¹⁶

In addition to the Trade Law, Law No. 10 of 1995 concerning Customs is the legal instrument that regulates the entry and exit of strategic goods from Indonesian territory. Customs grants the Directorate General of Customs and Excise the authority to supervise, inspect, and enforce the law on strategic goods, including determining classifications, tariffs, and customs procedures.

¹⁵ Shyandra P.B, et al., “Judicial Authority in Rendering Judgments on Murder Cases in Accordance with the Law on Judicial Power”, *Jembatan Hukum*, Vol. 1, No. 2, 2023, 1–15.

¹⁶ Ikaningtyas, M., et al. “Strategies and Policies on Export-Import or International Trade Regarding Indonesia’s Economic Growth”. *EL-Mal: Journal of Islamic Economic & Business Studies*, Vol. 5, No. 1, 2024, 160–165

The conduct of international trade activities is regulated by the Government under Law of the Republic of Indonesia No. 17 of 2006 concerning Amendments to Law No. 10 of 1995 on Customs. These regulations were established to monitor and prevent violations occurring in international trade practices. The shipment of imported goods may be carried out not only by air but also by sea. The importation of goods in large quantities by sea takes place at ports designated as customs zones; this is to facilitate supervision.¹⁷

The existence of the Customs Law is also rooted in the increasingly rapid evolution of legal norms governing international trade and customs. Consequently, personnel within Indonesia’s customs sector are finding it increasingly difficult to keep pace with developments in international trade economics, let alone to contribute to the discourse.¹⁸

In essence, the Customs Law also prescribes administrative and criminal sanctions for businesses that breach its provisions, ranging from the confiscation of goods to fines and imprisonment. This demonstrates that the monitoring of strategic goods is not merely a technical matter, but also a legal one that serves as a deterrent to businesses.

These two laws are further elaborated through various implementing regulations, namely the Minister of Trade Regulation No. 49 of 2020, which regulates document requirements and export permits for certain strategic goods;

¹⁷ Zahabi May Hamzah and Emillia Rusdiana, “Enforcement of Article 103(a) of the Customs Act Regarding the Forgery of Import Customs Documents at Tanjung Perak Customs”, *Novum: Law Journal*, Vol. 7, No. 3, July 2020, 14–22.

¹⁸ Safri Nurgraha, *Report of the Legal Analysis and Evaluation Team on Customs (Law No. 10 of 1995)*, National Legal Development Agency, Ministry of Law and Human Rights of the Republic of Indonesia, 2006, 1–42.

the Minister of Finance Regulation No. 207/PMK.04/2019, which stipulates customs procedures for strategic goods and electronic supervision via the e-Customs system, and Government Regulation No. 80 of 2019 concerning Trade Through Electronic Systems, which forms the basis for the use of digital platforms in export-import activities.

Operational guidelines for business actors and supervisory authorities, as set out in Minister of Trade Regulation No. 49 of 2020, govern the export procedures for certain strategic goods, including document requirements, permits, and an electronic reporting system. This regulation facilitates the government's monitoring of the movement of strategic goods and reduces the risk of illegal trade. With supporting regulations, the law's implementation can be more detailed and adaptable to trade dynamics, including the increasingly complex challenges of digitalisation.¹⁹

In the digital era, the national legal framework must also accommodate cross-border electronic transactions. The enactment of Law No. 11 of 2008 concerning Electronic Information and Transactions (EIT Law), most recently updated as Law No. 1 of 2024 concerning the Second Amendment to the EIT Law, regulates the validity of electronic documents, digital signatures, and data protection. The EIT Law serves as the legal basis for the use of digital systems, including in export-import processes, such as e-Customs and the National Single Window. This regulation ensures that electronic documents have the same legal force as conventional documents, ensuring that export-import transactions involving strategic goods remain valid and legally protected.

The National Single Window (NSW) and e-Customs systems enable the

government to monitor transactions in real time, examine electronic documents, and identify potential smuggling or illegal trade. This digital system aims to make the oversight process faster, more transparent, and legally accountable. All licensing stages conducted through the online system have the same legal force as conventional documents. This also improves oversight efficiency and legal compliance in the digital trade era.²⁰

Furthermore, Law No. 17 of 2006 on Customs emphasises the importance of legal compliance in the trade of strategic goods. This law authorises officials to carry out physical and document inspections, conduct compliance audits, and prosecute violations through clear legal mechanisms. Consequently, every business entity exporting or importing strategic goods is obliged to comply with all legal procedures, from licensing to reporting, so that trade can proceed in an orderly and secure manner.

The national legal framework must also balance economic interests and national security. Strategic goods, such as industrial raw materials, energy, and high-tech products, pose a high risk of misuse or illegal trade. Consequently, the Trade and Customs Law mandates strict oversight of strategic goods, including the issuance of special permits, the establishment of quotas, and export restrictions. These regulations aim not only to safeguard national economic interests but also to uphold social stability and national security.

Harmonising regulations presents a unique challenge. The government must ensure that the Trade Law, the Customs Law, the Electronic Information and

¹⁹ Ibrahim, H. R., & Halkam, H. *International Trade & Import Control Strategies*. (Jakarta: National University Press, 2021)

²⁰ Syauqina, L., & Ichsan, S. S., "Communication Strategies for the Dissemination of Information on the Export and Import of Passenger Baggage by Customs and Excise to Parcel Service Providers". *Garut University Journal of Communication: Results of Thought and Research*, Vol. 8, No. 1, 2022, 781–793

Transactions Law, and other related regulations are mutually supportive and do not overlap. Coordination between agencies such as the Ministry of Trade, the Ministry of Finance, and the Directorate General of Customs and Excise is key to the effective supervision of strategic goods in the digital age. This legal harmonisation is also crucial to provide legal certainty for businesses, allowing them to carry out export and import activities without confusion regarding applicable procedures and regulations.

Overall, the national legal framework provides a strong foundation for regulating the export and import of strategic goods in the digital era. The integration of the Trade Law, Customs Law, Electronic Information and Transactions Law, and implementing regulations ensures that trade in strategic goods is efficient, secure, and compliant. With a comprehensive understanding of this legal framework, research can assess the effectiveness of oversight, legal compliance, and regulatory adaptation to developments in digital technology, thus making a practical contribution to strengthening the national trade system.

This is because, although relevant regulations are in place, several issues regarding the current trade of strategic goods in Indonesia remain a significant concern. As the author mentioned above, in practice there is still scope for problems in the trade of strategic goods due to two fundamental factors that are always present, namely:

Firstly, existing regulations undergo rapid transformation or change. Strict import-export regulations or sudden policy changes can disrupt the supply chain of the computer hardware industry, particularly for companies reliant on imports of specific components or technologies. Sudden changes or

uncertainty in trade regulations can lead to instability and pose risks to companies.²¹

These regulatory changes and transformations have created uncertainty in international trade practices. Uncertainty in trade policy can also hinder innovation and the development of new products. Companies require certainty regarding trade rules in order to invest in research and development of new technologies. High levels of uncertainty can make companies reluctant to invest in innovation, which in turn can hinder industrial progress and global competitiveness.²²

Secondly, the practice of illegal imports continues to occur. Indonesia, as the world's largest archipelago with extensive maritime borders, faces a range of significant challenges in tackling the smuggling of illegal goods, including but not limited to luxury vehicles and strategic goods.²³ This is in line with data from the Ministry of Finance's official website, which shows that throughout 2024, the government took action against 31,275 cases of illegal trade. The total value of the seized illegal goods amounted to Rp 6.1 trillion, with potential losses to the state estimated at up to Rp 3.9 trillion.²⁴

The widespread practice of illegal imports is, in part, driven by the need to

²¹ Maria Yosefina Meinadia Sekar Kinanti Aswirawan, "Analysis of the Impact of International Trade Policy on the Computer Hardware Industry", *Journal of Education and Teaching Review*, vol. 7, no. 1, 2024, 2555–2559.

²² Sri Wahyuningsih, "Impact of the Information and Communication Technology (ICT) Connectivity Index on Economic Growth", *Post and Telecommunications Bulletin*, Vol. 11 No. 4 December 2013, 335–344.

²³ Feny Windyastuti, et al., "A Criminal Law Approach to Addressing the Smuggling of Illegal Goods in Indonesia: An In-Depth Analysis and Comparative Study of Policies and Law Enforcement Practices in ASEAN Member States", *Decisio: Scientific Journal of Law*. Vol. 1 No. 1 March 2024, 16–22.

²⁴ Aguido Adri, *Can Indonesia Stop Illegal Imports*, <https://www.kompas.id/artikel/bisakah-indonesia-menghentikan-impor-ilegal>

meet basic living requirements. Whilst this clearly constitutes a breach of the law, people continue to engage in it out of necessity and to avoid additional costs.²⁵ This situation demonstrates that, despite the existence of government regulations governing the trade of strategic goods, in practice illegal trade persists, driven by public need. Existing regulations appear unable to address the widespread illegal imports as a whole, particularly regarding strategic commodities.

B. Implications of the Digitalisation of Strategic Goods Trade on Legal Supervision and Compliance

In today's digital era, the dissemination of information is on the rise,²⁶ including in the context of the digitalisation of trade. The use of digital technology has become widespread, and international trade now feels more practical and more open, offering a range of new opportunities.²⁷

The digital era has brought significant changes to international trade mechanisms, including oversight and legal compliance regarding strategic goods. This transformation is characterised by the use of electronic systems in the export-import process, from permit applications and document verification to monitoring the movement of goods.

The enactment of the EIT Law subsequently provided the legal basis for the use of electronic documents and digital signatures, ensuring that online

transactions possess legal validity. Digitisation enables regulatory authorities, such as the Directorate General of Customs and Excise, to monitor the flow of goods in real time, thereby enhancing oversight efficiency and reducing opportunities for illegal practices or smuggling.²⁸

In the context of digitalisation, this is also evident in the strengthening of business compliance. Law No. 7 of 2014 on Trade requires businesses to comply with applicable procedures and requirements, including the use of electronic systems for permit applications and the reporting of strategic goods. An integrated digital system enables the government to track every transaction, automatically verify documents, and detect potential violations more quickly than conventional methods. Thus, digitalisation not only simplifies administration but also strengthens legal mechanisms and compliance with existing regulations.

Furthermore, the implications of digitalisation also extend to the context of legal supervision and compliance, beginning with process efficiency:²⁹ Digitalisation accelerates the procedures for applying for permits, document checks, and approvals for the export and import of strategic goods; Transparency: Electronic systems enable all relevant parties, including the government and businesses, to monitor the process in real-time; Reduction of human error: Automation reduces the risk of errors in document verification or the classification of goods; A stronger deterrent effect: Early detection of legal violations allows

²⁵ Noor Syafitriani Ningsih, "The Customs Directorate's Strategy in Policy-Making Regarding Cross-Border Licensing in Indonesia", *Student Research Journal of Public Administration*, vol. 5, no. 3, June 2024, 504–517.

²⁶ Yulia Audina Sukmawan, et al. "Legal Protection of Patient Personal Data to Prevent Leaks on Social Media". *Teraju: Journal of Sharia and Law*, Vol. 7, No. 02, 2025, 229–239

²⁷ Binus, *The Impact of Digital Technology Development on International Trade and Its Challenges*, <https://binus.ac.id/2025/06/pengaruh-perkembangan-teknologi-digital-terhadap-perdagangan-internasional-beserta-tantangannya/>

²⁸ Ismail, M. N., et al. "The Role of Law in the Regulation of Corporate Digital Assets: A Comparative Analysis and Implications for Corporate Policy in the Technological Era". *Jurnal Intelekt Dan Cendekiawan Nusantara*, Vol. 2, No. 5, 2025, 8455–8468

²⁹ Lase, I. N. "The Impact of Digital Transformation on Business Law: Addressing Legal Challenges in E-commerce". *Journal of Law, Humanities and Politics (JIHHP)*. Vol. 5, No. 1, 2024.

authorities to take swift action in accordance with the provisions of the law; International harmonisation: Digitalisation facilitates collaboration and integration with international trading systems, such as the WTO and the ASEAN Free Trade Area (AFTA).

International collaboration is vital for building a stable digital trade ecosystem. Countries must work together to develop global policies that can address regulatory barriers, enhance the security of digital transactions, and ensure that all nations have equal access to technology. Furthermore, international trade in the digital age can become more inclusive and sustainable by promoting innovation and the adoption of new technologies to create systems that are more efficient, transparent and secure. With the right strategic measures, this can drive fairer global economic growth for all nations.³⁰

However, digitalisation also presents new challenges in legal oversight and compliance. Not all business actors possess adequate technological capabilities, creating the risk of inconsistencies in electronic documents or data input errors. Furthermore, the use of digital systems is vulnerable to manipulation or cyberattacks, which can compromise the validity of documents and transactions.³¹ Therefore, the EIT Law and its derivative regulations must be continually updated to address evolving digital risks, including data protection, transaction security, and electronic system audits.

In digital surveillance practices, Customs and Excise officers utilise the e-Customs system and the National Single Window to control the movement of

strategic goods. Some of the surveillance mechanisms include:³² Automatic electronic document checking using validation algorithms, data-based compliance audits to detect non-conformities or indications of illegal trade, real-time monitoring of the distribution of strategic goods from producers to exporters or importers, and inter-agency data integration to ensure compliance with trade, customs and consumer protection regulations.

Digitalisation also encourages more transparent and accountable trade practices. Rapid and transformative technological advancements have brought about significant changes in the way we work and interact in the workplace.³³

With centralised and easily accessible data, the government can objectively assess business compliance, appropriately prosecute violations, and provide data-driven policy recommendations. Trade practices under existing regulations are becoming increasingly strategic because laws not only regulate administrative procedures but also provide a legal framework for the use of digital technology, including electronic documents, digital signatures, and online reporting systems.

Thus, digitalisation has brought both positive impacts and new challenges to the oversight and legal compliance of trade in strategic goods.

Consequently, digitalisation has not only revolutionised the behaviour of businesses and consumers when transacting in strategic goods, but has also brought about positive impacts and new challenges in the supervision and legal

³⁰ Rusmiati et al., "International Trade in the Digital Age: Challenges and Opportunities", *Journal of Management, Entrepreneurship, Business and Digital Innovation*, Vol. 2, No. 1, 2025, 71–93.

³¹ Siti Khoiriah et al., Security and Privacy in Digital Finance, *JUPSIM*, vol. 4, no. 2, May 2025, 409–418.

³² Agustono, F., & Yusuf, H. "Analysis of the Commercial Law Perspective in the Era of Globalisation & Digitalisation". *Jurnal Intelek Dan Cendekiawan Nusantara*, Vol. 1, No. 2, 2024, 1227–1234

³³ Anastasya Agustine, et al., "The Influence of Technology on Commercial Law in Indonesia", *Konsensus*, vol. 2, no. 1, 2025, 217–225.

compliance of trade in strategic goods.³⁴ The integration of the Trade Law, Customs Law, Electronic Information and Transactions Law, and derivative regulations ensures that digital mechanisms operate legally, securely, and efficiently. Legally sound trade practices remain the foundation for ensuring that digital innovation does not compromise business compliance with regulations, whilst safeguarding national security and interests in the international trade of strategic goods.

C. Law Enforcement in the Trade of Strategic Goods in the Digitalisation Era

Law enforcement, as defined in Black's Law Dictionary, is the detection and punishment of violations of the law. This action is not limited to criminal law enforcement alone, but also applies to various laws related to non-criminal matters.³⁵

Law enforcement is the process of ensuring that legal norms effectively serve as guidelines for behaviour in interactions and legal relations within society and the state. Broadly speaking, law enforcement encompasses concrete actions, deeds, or behaviour that conform to binding rules or norms. However, in efforts to maintain and restore order in social life, the government plays a primary role in security.³⁶

According to Satjipto Raharjo, law enforcement is a process to realise legal intentions (i.e., the intentions of the law-making body formulated in legal regulations) in practice. Law enforcement aims to enhance order and legal certainty

in society. This is achieved, amongst other things, by regulating the functions, duties and authorities of institutions tasked with enforcing the law in accordance with the scope of their respective responsibilities, and is based on a system of effective cooperation that supports the objectives to be achieved. Satjipto Rahardjo further explained that law enforcement is a form of effort to realise legal ideals (justice, certainty and legal benefits) in practice, and the process of realising these legal ideals is the essence of the law enforcement process.³⁷

From a subject perspective, law enforcement can be carried out by various parties and involves all legal subjects. The primary task of law enforcement is to realise justice, so that the law can become a reality. Therefore, law enforcement is an absolute prerequisite for creating a peaceful and prosperous Indonesia, particularly the implementation of applicable rules within the wider community.³⁸

In this context, law enforcement is a crucial aspect in ensuring business compliance with strategic goods export and import regulations. National trade regulations provide a clear legal framework regarding administrative and criminal sanctions for businesses that violate provisions. Law Number 7 of 2014 concerning Trade stipulates that violations of strategic goods export and import regulations are subject to administrative sanctions, such as permit revocation or fines. This law enforcement aims not only to punish but also to provide a deterrent effect and maintain the integrity of

³⁴ Wilda Sri Wahyuni Siyasatuna, et al., "The Impact of Electronic Commerce from the Perspective of Islamic Jurisprudence", Vol. 3, No. 2, May 2022, 304–315.

³⁵ Bryan A. Garner, *Black's Law Dictionary*, (United States of America: West Group, 1999).

³⁶ Soerjono Sukanto, *Factors Influencing Law Enforcement*. (Jakarta: Raja Grafindo Persada, 2016)

³⁷ Imamulhadi, *Environmental Law Enforcement Based on the Wisdom of the Indigenous Peoples of the Archipelago*, (Bandung: Unpad Press, 2011)

³⁸ Fence M. Wantu, *The Idea of Law: Legal Certainty, Justice and Utility (Implementation in Civil Judicial Proceedings)*, First Edition, (Yogyakarta: Pustaka Pelajar, 2011).

national trade, ensuring it remains orderly, safe, and sustainable.³⁹

Furthermore, law enforcement practices also draw upon other regulations. Law No. 10 of 1995 on Customs provides the legal basis for Customs and Excise officers to prosecute violations related to the movement of strategic goods. Sanctions may include the confiscation of goods, administrative fines, and even imprisonment for business entities found to be engaging in illegal trade or falsifying export-import documents. The Customs Law also emphasises that all law enforcement actions must be supported by legal procedures, document audits, and physical inspections of goods in accordance with regulations. Thus, law enforcement is a crucial instrument for protecting the interests of the state and the public.

Furthermore, the digitalisation process introduces a new dimension to law enforcement. Electronic systems, such as e-Customs and the National Single Window, enable authorities to monitor the flow of strategic goods in real time and quickly detect indications of violations. This facilitates the identification of document manipulation, smuggling, or licensing violations. The Electronic Information and Transactions Law provides a legal framework for the use of electronic data as evidence in law enforcement. With digital systems, legal sanctions can be applied more effectively because evidence and transaction data can be verified legally and transparently.

Based on these provisions, law enforcement agencies carry out their role by applying various types of sanctions. The legal sanctions applicable to violations of trade in strategic goods include:

- (1) Administrative sanctions: Revocation of business permits, suspension of export-import activities, or administrative fines in accordance with the Regulation of the Minister of Trade and the Regulation of the Director General of Customs and Excise.
- (2) Criminal sanctions: Detention, criminal fines, or imprisonment for business actors who engage in illegal trade or document falsification, in accordance with the provisions of the Customs Law.
- (3) Additional sanctions: Confiscation of strategic goods and closure of production or distribution facilities used in violations.
- (4) Digital sanctions: Blocking of business actors' electronic accounts, freezing of online trading systems, or automatic rejection of invalid digital documents.⁴⁰

The implementation of legal sanctions in the digital era requires strong coordination between relevant agencies. The Ministry of Trade, the Ministry of Finance, and the Directorate General of Customs and Excise must collaborate in monitoring, auditing, and imposing sanctions. This coordination also includes regulatory adjustments to address cross-border digital trade practices, enabling authorities to prosecute violations both within and outside national jurisdiction.

Therefore, authorities must be equipped with technological capabilities, robust cybersecurity systems, and comprehensive electronic audit procedures. In this way, law enforcement will not only be conventional but also adapt to digital dynamics, ensuring business compliance and safeguarding the security of trade in strategic goods.

³⁹ Kaffah, A. F., & Badriyah, S. M. "Legal Aspects of Business Protection in the Digital Age in Indonesia". *Lex Renaissance*. Vol. 9, No. 1, 2024. 203–228

⁴⁰ Warni, R. "Legal Protection for the Public in Modern Commercial Transactions: A Review of Commercial and Civil Law". *JUSTITIA: Journal of Justice, Law Studies, and Politics*, Vol. 1, No. 3, 2025. 73–80

Conclusion

The regulation of the export and import of strategic goods in the digital age is carried out by the Indonesian government through legislation and technical implementing regulations; however, challenges persist in the context of rapid regulatory transformation and the continued prevalence of large-scale illegal imports. Existing regulations also support the digitalisation of trade. The digitalisation of trade facilitates technical implementation on the ground, making collaboration and integration with trading systems easier; however, it also raises implications for oversight, which must be supported by adequate mechanisms. Consequently, violations of existing legal provisions may be subject to administrative sanctions, criminal sanctions and additional sanctions.

Reference

- Agustono, F., & Yusuf, H. "An Analysis of the Legal Perspectives on Commercial Law in the Era of Globalisation and Digitalisation". *Jurnal Intelek Dan Cendekiawan Nusantara*, Vol. 1, No. 2, 2024. 1227–1234.
- Anastasya Agustine, et al., "The Impact of Technology on Commercial Law in Indonesia", *Konsensus*, Vol. 2, No. 1, 2025, 217–225.
- Aguido Adri, *Can Indonesia Stop Illegal Imports*, <https://www.kompas.id/artikel/bisakah-indonesia-menghentikan-impor-ilegal>.
- Arief Sidharta, *Indonesian Law*. (Bandung: Unpar Press, 2017).
- Binus, *The Impact of Digital Technology Development on International Trade and Its Challenges*, <https://binus.ac.id/2025/06/pengaruh-perkembangan-teknologi-digital-terhadap-perdagangan-internasional-besertantangannya/>.
- Bryan A. Garner, *Black's Law Dictionary*, (United States of America: West Group, 1999).
- Carolin, V., et al. "Challenges and Opportunities in the Export and Import Sector in the Digital Age". *Journal of Economics*, Vol. 3, No. 3, 2024. 81–97.
- Felippa Amanta and Krisna Gupta, *Trade for Economic Recovery: Import Policies to Support Indonesia's Food and Beverage Sector*, *Policy Paper No. 51*, (Jakarta, Indonesia, September 2022)
- Fence M. Wantu, *The Concept of Legal Certainty, Justice and Utility (Implementation in Civil Judicial Proceedings)*, First Edition, (Yogyakarta: Pustaka Pelajar, 2011).
- Feny Windyastuti, et al., "A Criminal Law Approach to Tackling the Smuggling of Illegal Goods in Indonesia: An In-Depth Analysis and Comparative Study of Policies and Law Enforcement Practices in ASEAN Member States", *Decisio: Scientific Journal of Law*, Vol. 1 No. 1 March 2024, 16–22.
- Hidayat, N. "Reference and Application of the Indonesian Legal System Based on Article 1(3) of the 1945 Constitution Post-Third Amendment", *UIR Law Review*, Vol. 1, No. 2, 2017, 191–200.
- Hotma P. Sibuea, *The Rule of Law, Policy Regulations, and General Principles of Good Governance*, (Jakarta: Erlangga, 2010).
- Ibrahim, H. R., & Halkam, H. *International Trade & Import Control Strategies*. (Jakarta: National University Press, 2021)
- Imamulhadi, *Enforcement of Environmental Law Based on the Wisdom of Indigenous Peoples of the Archipelago*, (Bandung: Unpad Press, 2011)

- Ikaningtyas, M., et al. "Strategies and Policies on Exports, Imports, or International Trade Regarding Indonesia's Economic Growth". *El-Mal: Journal of Islamic Economic and Business Studies*, Vol. 5, No. 1, 2024. 160–165.
- Irna Yaumil Isni, et al. "Implementation of Changes in Policy and Regulations on Handbag Imports Affecting Local Products: A Case Study in Indonesia", *Akuntabilitas: Journal of Economic Sciences*, Vol. 7, No. 1, 2025, 80–93
- Ismail, M. N., et al. "The Role of Law in the Regulation of Corporate Digital Assets: A Comparative Analysis and Implications for Corporate Policy in the Digital Age". *Jurnal Intelek Dan Cendekiawan Nusantara*. Vol. 2, No. 5, 2025. 8455–8468
- Kaffah, A. F., & Badriyah, S. M. "Legal Aspects of Business Protection in the Digital Age in Indonesia". *Lex Renaissance*, Vol. 9, No. 1, 2024. 203–228.
- Lase, I. N. "The Impact of Digital Transformation on Business Law: Addressing Legal Challenges in E-commerce". *Journal of Law, Humanities and Politics (Jihhp)*, Vol. 5, No. 1, 2024.
- Maria Yosefina Meinadia Sekar Kinanti Aswirawan, "Analysis of the Influence of International Trade Policy on the Computer Hardware Industry", *Journal of Education and Teaching Review*, vol. 7, no. 1, 2024, 2555–2559.
- Moh Mahfud MD. *Debates on Constitutional Law Following the Constitutional Amendment*, (Jakarta: LP3ES, 2007).
- Munir Fuady. *Modern Theories of the Rule of Law*, (Bandung: PT. Refika Aditama, 2009).
- Noor Syafitriani Ningsih, "The Customs Directorate's Strategy in Policy-Making Regarding Cross-Border Licensing in Indonesia", vol. 5, no. 3, June 2024, 504–517.
- Nurul Qamar. *The Rule of Law or the State of Power (Rechtsstaat or Machtstaat)*. (Makassar: CV Social Politic Genius, 2018).
- Petra Pengarapenta Tarigan, et al. "Enforcement of the Law on the Import of Children's Toys Imports Lacking SNI Certification within the Jurisdiction of the Meranti Islands Police District". *Teraju: Journal of Sharia and Law*, Vol. 7, No. 1, 2025, 32–47.
- Rusmiati, et al., "International Trade in the Digital Age: Challenges and Opportunities", *Journal of Management Innovation, Entrepreneurship, Business and Digital*, Vol. 2, No. 1, 2025, 71–93.
- Safri Nurgraha, *Report of the Legal Analysis and Evaluation Team on Customs (Law No. 10 of 1995)*, (Jakarta: National Law Development Agency, Ministry of Law and Human Rights of the Republic of Indonesia, 2006).
- Siti Khoiriah et al., "Security and Privacy in Digital Finance", *JUPSIM*, vol. 4, no. 2, 2025, 409–418.
- Soerjono Sukanto, *Factors Influencing Law Enforcement*. (Jakarta: Raja Grafindo Persada, 2016).
- St. Zubaidah, *Interpreting Judicial Discretion in Judicial Authority*, <https://badilag.mahkamahagung.go.id/artikel/publikasi/artikel/meknainai-freedom-of-judge-dalam-kewenangan-hakim-oleh-hj-st-zubaidah-s-ag-s-h-m-h-3-10>
- Shyandra P.B, et al., Judicial Authority in Rendering Judgments in Murder Cases in Accordance with the Law on Judicial Power, *Jembatan Hukum*, Vol. 1, No. 2, 2023, 1–15.
- Sri Wahyuningsih, "Impact of the Connectivity Index of Information and Communication Technology

- (ICT) on Economic Growth, Post and Telecommunications Bulletin”, Vol. 11 No. 4 December 2013, 335–344.
- Syauqina, L., & Ichsan, S. S. “Communication Strategies Regarding the Promotion of Export and Import of Passenger Baggage by Customs and Excise to Parcel Service Providers”. *Garut University Journal of Communication: Results of Thought and Research*, Vol. 8, No. 1, 2022, 781–793.
- Warni, R. “Legal Protection for the Public in Modern Trade Transactions: A Review of Commercial and Civil Law”. *Justitia: Journal of Justice, Law Studies, and Politics*, Vol. 1, No. 3, 2025, 73–80.
- Wilda Sri Wahyuni Siyasatuna, et al., The Impact of Electronic Commerce Systems from the Perspective of Islamic Political Thought, *Siyasatuna*, Vol. 3, No. 2, 2022, 304–315.
- Yulia Audina Sukmawan, et al. “Legal Protection of Patient Personal Data to Prevent Leaks on Social Media”. *Teraju: Journal of Sharia and Law*, Vol. 7, No. 02, 2025, 229–239.
- Zaenol Hasan, et al., “The Evolution of Sukuk (Sharia Bonds): Challenges and Future Prospects in the Tapal Kuda Region of East Java”. *Teraju: Journal of Sharia and Law*, Vol. 6, No. 02, 2024, 115–128.
- Zahabi May Hamzah and Emilia Rusdiana, “Enforcement of Article 103(a) of the Customs Act Regarding the Forgery of Import Customs Documents at Tanjung Perak Customs”, *Novum: Law Journal*, vol. 7, no. 3, July 2020, 14–22.