

Conference Paper

Green Economy as a Law for the Economic Recovery Post Covid-19 Amidst the Increasing Cross-border E-commerce in Indonesia

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Abstract.

The development of information technology pushed the economic ecosystem toward digital. The convenience provided in online shopping through e-commerce has increased the number of trades in Indonesia. Currently, economic activities are not only carried out domestically but also occur in non-domestic trade. This digitalization brings high competitiveness to domestic and non-domestic business actors. This paper aims to convey that the Green Economy policy is a solution to increase the acceleration of economic recovery in Indonesia post Covid-19 pandemic. The paper is used for normative juridical research. According to Indonesia's economic records, online trade transactions grew in a positive direction during the Covid-19 pandemic, reaching 70 percent throughout 2020 and in 2022, Lazada reported 73% customers in Southeast Asia see online shopping as a part of their daily life. If we see, although there is an increase, it is not significant. On this occasion, regulatory reforms are needed in order to help accelerate the Indonesian digital economy post the pandemic. However, this law is deemed insufficient so regulations and/or legal norms that specifically regulate digital trade are needed, especially regarding cross-border e-commerce. Besides, trade activities are closely related to monopolistic and unfair competition, so it is necessary to form binding agreements both within Indonesia and international countries to prevent any acts of abuse of international trade progress. In achieving this goal, it is not only the role of the government but also necessary steps such as the establishment of green regulation, green government, and green e-commerce.

Keywords: green economy, economic recovery, cross-border e-commerce, post Covid-19

1. INTRODUCTION

Recovery in various aspects of life post Covid-19 pandemic in general has gradually occurred in Indonesia. However, recovery will depend on the economic structure and governance of both the central and local is well. Talking about accelerating the recovery of economic conditions post Covid-19 pandemic, it is necessary to involve various parties, including civil society, private sector so that economic growth is balanced [1].

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We agree that Covid-19 pandemic has caused a decline in the economy and activities in various sectors and regions in Indonesia. Despite the economic shock due to Covid-19 pandemic, it is now gradually easing as the domestic financial market stabilizes and several economic sectors are thriving [2].

The convenience provided in online shopping or e-commerce in Indonesia has increased every year. Based on the e-Conomy SEA 2021 report issued by Google, Bain & Company stated that Indonesia has the largest digital economic growth potential in Southeast Asia. Indonesia's digital economy potential in 2025 could reach US\$ 146 billion by 2025. Bank Indonesia (BI) noted that online trading transactions or through e-commerce grew in a positive direction during pandemic conditions. This increase is projected to reach Rp429 trillion throughout 2020 [3]. Seeing this situation, the losses that can be calculated are aggregate losses nationally. However, because the aggregate losses are macro in nature, this calculation can only be used by large-scale economic actors, or by the state in preparing the revised State Revenue and Expenditure Budget (APBN). One way to calculate aggregate losses can be using the reference Gross Domestic Product (GDP), which is the total accumulation of production in a country for a year [4].

Several countries in the world have experienced an economic recession due to the Covid-19 pandemic. This happened after economic growth in the first and second quarters of 2020 became negative [5]. Several countries experiencing economic recession include Singapore, South, France, Hong Kong, United States, Korea, Germany, and Japan. Indonesia will experience an economic recession if economic growth in the third quarter is also negative.

The Indonesian economy based on Gross Domestic Product (GDP) based on current prices in the first quarter of 2022 reached Rp4,513.0 trillion and at constant prices in 2010 reached Rp2,818.6 trillion. Also, Indonesia's economy in the first quarter of 2022 compared to the first quarter of 2021 grew by 5.01 percent (y-on-y). In terms of production, the Transportation and Warehousing Business Field experienced the highest growth of 15.79 percent. Meanwhile, in terms of expenditure, the Export Component of Products and Services experienced the highest growth of 16.22 percent (BPS, 2022).

This positive growth is of course due to after post Covid-19 pandemic, but on the other hand, seeing that during Covid-19 pandemic has caused changes in people's habits that tend to make transactions or buying and selling online, this will also have an impact in the future. Thus, this will certainly have an impact on the existence of the Indonesian economy post Covid-19 pandemic. The trend of shopping through e-commerce based

abroad is increasingly easy to find in other parts of the world, especially post Covid-19 pandemic has almost hit all countries, even Indonesia nowtoday.

Nowdays, we can see together that consumers from Indonesia can get products from anywhere, for example, from Australia cheaply through existing online stores. The low price was obtained because the products from overseas e-commerce were not subject to import duties. If this continues, it can disrupt the domestic business climate. Mainly, Indonesian small-medium entrepreneurs ("MSMEs") who also sell through e-commerce platforms [6]. This is one of the effects of technological advances that are growing rapidly in the world market in all parts of the world. As a result of these developments, it creates an instant habit of getting an item using only online shopping applications. Therefore, all business people who are located in any country. Indonesia as one of the countries that has a large population is a destination for these business actors, even though the policies that have been carried out by the government are pro to the domestic economy, the steps taken by a number of e-commerce companies to close access to cross-border trade is considered inadequate. More trade in imported products occurs after the product is generally imported by business actors, then resold online [7]. This behavior is certainly not beneficial at all for the small economy in Indonesia.

Illegal foreign products that are very cheap and not necessarily genuine can threaten local products in Indonesia. The potential for state losses is also very large due to illegal cross-border practices because no taxes are paid [8]. The government, the formulation of a cross-border e-commerce transaction taxation scheme is more complex than that applied to local actors [9]. This is certainly a critical problem that needs to be resolved immediately with policies that favor local domestic business actors, especially in post-Covid-19 pandemic for Indonesia's economic recovery post Covid-19 pandemic.

If we look at the consequences of this, the big impact is experienced especially by MSMEs, so the role of government policies to increase the role of MSMEs in the country's economy needs to be followed up with legal protection using the green economy concept. This is related to efforts and to move the real sector, so that MSMEs get legal certainty. The role of a small economy can be increased if the map of the problems it experiences can be identified and then assisted with a comprehensive countermeasure program so that its growth can be felt by the lowest community, especially the MSMEs community [10].

The importance of maintaining a sustainable economic climate for the welfare of the Indonesian people, both for the current generation and the next generation, economic activities that produce products and create jobs. Thus, green economy concept is needed in order to support the welfare and justice of domestic market players to be

given the opportunity to develop the Indonesian economy. We agree and hope that the vision of national market development in the future must be based on green economy regulations, to maintain a balance between improving people's welfare and maintaining the national economy. Therefore, there is great hope that in micro and macro-economic development carried out by the government, the government has adopted the principles of the green economy in its implementation in the field.

There are 5 principles of green economy-based economic development. The first, a green economy must be able to create prosperity for all mankind. Second, it must be able to create equality, both in one generation period and with the next generation. Third, must be able to maintain, restore, and invest in various activities based on natural resources. Fourth, it is expected to be able to support sustainable levels of consumption and production. Fifth, it must be supported by strong, integrated, and accountable institutions [11]. Thus the urgency in overcoming the problems that exist in the era of cross-border e-commerce needs to be done immediately by the government. Therefore, in this matter, the authors provide suggestions for optimizing solutions to the parties concerned while still paying attention to and prioritizing the concept of a green economy with family economic principles and fair and correct supervision in create regulations regarding cross-border e-commerce and its impact on the economy in Indonesia. Based on the explanation of the problems above, the researchers here draw two problem formulations as follows: 1) What does it look like, conditions and challenges in Indonesia's economic recovery in the midst of increasing cross-border e-commerce trade post the Covid-19 pandemic, 2) How to optimize the concept of green economy policy as a solution in facing the challenges of economic recovery in the midst of increasing cross-border e-commerce trade in post Covid-19 pandemic.

2. METHODOLOGY/ MATERIALS

This paper uses normative law research, which is a legal research conducted by examining library materials or secondary data. Normative legal research is also known as doctrinal legal research. According to Peter Mahmud Marzuki, normative legal research is a process to find a rule of law, legal principles, and legal doctrines in order to answer the legal issues faced. In this type of legal research, law is often conceptualized as what is written in legislation or the law is conceptualized as a rule or norm which is a benchmark for human behavior that is considered appropriate. This paper uses normative law research, which is a legal research conducted by examining library materials or secondary data. Normative legal research is also known as doctrinal legal

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3. RESULTS AND DISCUSSIONS

3.1. Conditions and Challenges in Indonesia's Economic in E-Commerce Cross-border Trade Post Covid-19 Pandemic

The conditions and challenges for Indonesia's economic recovery post Covid-19 actually cannot be separated from technological advances which will have a considerable influence on the economic activities. The existing conditions and challenges are not only due to the decline in market selling value due to Covid-19 pandemic, but also to the increasing spread of cross-border e-commerce trade. This can happen because during Covid-19 pandemic, social conditions of community did not allow for face-to-face trade meetings, so communication technology brought developments in trade into online trading and shopping. The Covid-19 pandemic has encouraged the growth of a digital trading and shopping ecosystem by utilizing technology ranging from processes to marketing products and services. The presence of e-commerce which has grown significantly, both domestic and non-domestic has become a place for MSMEs to market

their products, in other words, e-commerce is a solution for convenience and profit for business activities by bargaining or exchanging products and services between companies. Sellers and buyers without limited access, and quickly in obtaining a product as desired without having to leave the house [13].

The digitalization era is not always seen as profitable. The current conditions in practice tend to be detrimental to MSMEs with the emergence of cross-border e-commerce trade carried out by non-domestic e-commerce. There is no legal norm that regulates it, so it is clear that there is still weak legal certainty and protection given to MSMEs from cross-border e-commerce trading practices. Cross-border e-commerce trade is one type of international e-commerce which is similar to cross-border e-tailing. This action that allows for splitting or splitting of transactions for the purchase of products and services by cross-border e-commerce is what makes MSMEs very disadvantaged and unfairly competed in the market.

E-commerce is the fastest growing area in the global economy, which provides convenience between sellers and buyers. The convenience provided is in the form of distance shortening because transactions are carried out online and can be accessed by various regions or countries as long as they have adequate technology and information and communication (ICT) [14]. Consciously, at this time economic developments, especially in buying and selling activities, can be carried out between countries and are not confined to a particular country, so that Indonesia, as an international community, is ready or not ready, whether we like it or not, and like it or not, we must be able to follow the developments that are taking place.

The business area should indeed be considered as a world that cannot stand alone, it can be proven by the existence of a transaction that includes between business actors and consumers. There are other aspects involved in the business or the economy area. The existing linkages can provide a separate limitation with the business area, for example, a regulation that must be obeyed by business actors and consumers. The impact of Covid-19 pandemic has forced the flow of movement from the economy to be hampered but has changed the way of thinking of business people to be able to continue living by developing good marketing and sales strategies. Thus, the economy in Indonesia is increasingly leading to an economy that is independent and with integrity. However, this rapid change brings a high competitiveness and forces business actors to be able to keep abreast of existing developments, even though to form a rule or regulation regarding these changes it takes quite a long time, due to the need for a process and going through various discussions and considerations. The existing competitiveness can be considered as an important challenge for the economic system in

Indonesia, especially during the recovery period post Covid-19 pandemic. Therefore, the solution to the conditions and challenges for the recovery of the Indonesian economy post Covid-19 pandemic which is also influenced by the increase in cross-border e-commerce trade must be related to the status of the Indonesian state, namely a state of law. The conditions and challenges that are clearly faced are the lack of formation of rules, both the formation of laws regarding cross-border trade or extraterritorial borders, regulations regarding taxation which are sometimes still overlooked by the presence of illegal products that escape supervision, as well as agreements between countries in the world regarding what matters may and may not be done when cross-border e-commerce online trade occurs.

Indonesia has not yet established a special law regarding cross-border trade in the scope of cross-border e-commerce, the current rule for cross-border trade is Government Regulation (PP) Number 80 of 2009 concerning Trading Through Electronic Systems (ITE), while further provisions will only be regulated in a PP which until now still needs to be pushed for completion. In addition, the requirement for conducting cross-border trade is still fixed on export-import requirements and must comply with the ITE Law. In fact, seeing this very rapid progress, e-commerce trading must have its own legal basis that is stronger and regulates all loopholes in the occurrence of fraud in the trading system.

The application of rules that must be stricter and supervision that must be more guarded against cross-border trade is caused because not only through face-to-face delivery of products or must first be verified on products that will enter or leave Indonesia, but these products can be easily ordered to enter and exit, it can be difficult to detect possible fraud. It is undeniable that technological progress has a bad side in it, so strict supervision and rules can be one way to close the fraud. Letter, this will be related to the imposition of taxable products (BKP) which can provide benefits to the state. According to Gustav Radbuch, the purpose and function of Law should consist of three very important things, namely the existence of the principle of legal certainty from a juridical point of view, the principle of legal justice from a philosophical point of view, and the principle of legal expediency. Thus, as a State of Law that must understand the purpose of the Law well, Indonesia must be able to form rules regarding cross-border e-commerce trade quickly.

In addition, the placement of the execution of decisions in Indonesia is still territorial, making it difficult to implement a court decision that only applies to the territory of Indonesia. Execution for regions outside Indonesia or abroad is difficult or even impossible given the absence of applicable rules, even though the handling of executions,

especially in cases of trade during the cross-border e-commerce period, is very important in order to bring order to foreign business actors who act submissively and play on the existing rules.

The absence of international cooperation on trade law that leads to business competition in the cross-border e-commerce gives the impression that each country still disobeys the rule of law of the international community and does not rely on the law in its mechanism. Therefore, cooperation between countries is needed to form a more law-abiding business competition authority both bilaterally and multilaterally, this is not only beneficial for Indonesia but also for other countries, considering that legal certainty can help business actors who are groaning as well as business actors who maintain the stability of their business.

The development of cross-border e-commerce trade poses new challenges from the taxation aspect. The current international tax system is seen as incompatible with the digital transaction business model. Countries in the world are nowadays faced with two choices in cross-border e-commerce trading, namely unilaterally regulating themselves in domestic rules or making mutual agreements between countries in the world [15]. The Indonesian government has carried out and made regulations on taxation of transactions based on cross-border e-commerce trade through PMK 210/PMK.10/2018, but these regulations still cause a lot of conflict in the community, especially among cross-border e-commerce traders.

Another challenge, matters relating to business competition law enforcement in the cross-border e-commerce sector in Indonesia is related to the potential for monopolistic practices and unfair business competition in the e-commerce sector such as digital monopoly, digital predatory, lock-in and others. Another challenge is related to the fact that the principle of extraterritoriality has not been adopted in Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition. In relation to these issues, the Business Competition Supervisory Commission (KPPU) itself has a supervisory role and has the authority to act as investigators, examiners, prosecutors, decision makers, as well as consultative functions in the context of enforcing business competition law in the e-commerce [16].

However, the function as a supervisor for unfair business competition is still piling up in the country. The absence of agreements between countries or multilateral and bilateral in enforcing business competition law in extraterritorial form is also one of the major obstacles to the development of rules between countries. Therefore, KPPU itself is hampered in processing reports regarding the problem of unfair business competition, although basically KPPU must move to find evidence. Based on this discussion, the

authors believe that the conditions and challenges of economic recovery in Indonesia post Covid-19 pandemic will be even more difficult, because they not only have to struggle to develop the economy from within the country, but also immediately forced to be ready to compete with free trade between countries that even there are no regulations or strict supervision in Indonesia. Therefore, as a country that has diverse natural resources, Indonesia must be able to take advantage of existing natural resources to be able to pump up the nation's economic downturn without forgetting to protect natural wealth which will be passed down to the next generation. The condition of existing natural wealth can make the nation's economy increasingly peak. Besides that, cross-border trade is used as a forum to introduce Indonesian culture to foreign countries, with the ease of technology to market and sell products on e-commerce media, it should be able to open up opportunities for Indonesia's cultural wealth to be more visible in the eyes of the world. Therefore, the existing conditions and challenges can be overcome by incising a good color in it.

3.2. Green Economic as Law Concept in Economic Recovery Post Covid-19 in the Middle of Increasing Cross-border E-Commerce

Reflecting on the existence of Article 33 paragraph 4 of the 1945 Constitution of the Republic of Indonesia (UUD 1945) which reads:

"The national economy is organized based on economic democracy with the principles of togetherness, efficiency, justice, sustainability, environmental insight, independence, and by maintaining a balance of progress and national economic unity".

It makes us aware that the nation's economy must be properly structured based on existing principles. So, the national economic policy must pay attention to several principles that have been explained in Article 33 paragraph 4 of the 1945 Constitution. The government as the owner of power should provide welfare, justice and economic balance, this is certainly one of the government's obligations to carry out what is mandated by the 1945 Constitution as the basis for state guidelines. Indonesia has abundant in natural resources, makes Indonesia a country that is seen in its economy. This should be maintained by continuing to strive for economic development in various sectors while still paying attention to the concept of sustainable development, which is a development that is based on the principle of meeting the needs of the present without compromising the fulfillment of the needs of future generations.

In connection with the above objectives, a green economy concept can be part to answer the problems. The concept of green economy was first introduced at the United Nations (UN) Conference in 1992, also known as the Rio Summit [17]. This initiative then began to be realized after the global financial crisis in 2008, when the international community tried to revive the economy in a more sustainable way. The United Nations Environment Program (UNEP) formulated a definition of a green economy concept that is generally accepted as an economy that results in increased human and social well-being, and significantly reduces the risk of environmental damage. In other words, the application of a green economy can change economic practices that emphasize short-term profits into an environmentally friendly economy. However, there are some differences in views between developing countries and developed countries regarding the concept of a green economy. The basic difference refers to the responsibilities and capabilities. Therefore, the definition of a green economy implies flexibility and also depends on the differences seen based on different economic, social, and environmental factors in each country. The general principles used in the green economy include [18]:

1. Green economy is a means to achieve sustainable development;
2. Green economy improves governance and rule of law, inclusive, democratic, participatory, accountable, transparent, and stable.

Democracy in the economic field provides equal opportunities for every business actor to participate actively in the process of producing and marketing products and/or services in an effective, healthy, and efficient business climate so as to encourage economic growth. Green economy is a relatively new concept which is actually a continuation of sustainable development. This concept is very popularly used by countries that are members of the European Union (EU) as a sustainability measure contained in the Treaty of the Functioning European Union (TFEU) and the European Union Charter on Fundamental Rights of the European Union. The form of implementation green economy is the establishment of trade agreements, both multilateral and bilateral which have a sustainable development orientation.

The development of the digital trade ecosystem by utilizing technology, ranging from processes to marketing products and services, e-commerce which is growing rapidly and significantly both at the domestic and non-domestic levels has become one of the forums for MSMEs to market their products and services. In other words, e-commerce is a solution for convenience and profit for business activities by bargaining or exchanging products and services between sellers and buyers without limited access, as well as

being fast in obtaining a product as desired without having to leave the house [13]. In addition, the factors driving the rapid growth of e-commerce is divided into two possibilities, namely the existence of competitive incentives and costs. Indirectly, e-commerce has become a field for new business models in various countries that help national economic growth. This situation can be seen clearly based on data on the projected value of the Indonesian digital economy sector, which shows a significant increase every year. Further development of the entry of the digitalization era is not always seen as always profitable. The problem in question is marked by the emergence of cross-border e-commerce trading practices. Cross-border e-commerce trade is one type of international e-commerce which is similar to cross-border e-tailing. Actions that allow for splitting or splitting of products purchase transactions make the state suffer losses. Therefore, in this case a form of legal concretization is needed for the realization of a principle of certainty and community welfare which is in line with the goals of the green economy as a sustainable economic development.

So far, sustainable development in the economic field with the concept of a green economy is only always associated with developments related to environmental insight, we forget that the goal of the green economy itself has the ultimate goal of welfare and justice that can be felt by the community. Therefore, in this case, we believe that green economy concept can also be implemented in policies related to cross-border e-commerce. Thus, policies in cross-border e-commerce needs to be aligned with green growth policies, which are to ensure that green economy policies contribute to Indonesia's national and regional strategic goals. In ensuring these policies, systematic rules are needed and will pave the way in contributing to the successful achievement of the Sustainable Development Goals (SDGs) [19]. It is important for us to understand literacy that current economic developments propagate to the e-commerce sectors.

Indonesia as one of the countries that is being targeted by business actors because of its large population, and the presence of significant e-commerce, it is necessary to immediately has regulations that adapt to the concept of a green economy. Although Indonesia has regulated regulations relating to the empowerment of local MSMEs in the Minister of Finance Regulation (Permenkeu) No. 199/PMK/010/2019 which lowers the import duty threshold from US\$ 75 to US\$ 3 and protection for local Cooperatives and MSMEs through Government Regulation (PP) Number 7 of 2021 concerning Ease, Protection, and Empowerment of Cooperatives and MSMEs and the Law No. 11 of 2020 concerning Job Creation [20]. However, this still does not specifically regulate cross-border e-commerce. The descriptions of the problems above certainly cannot be realized if only depend on the government, so therefore the authors would like to

provide several recommendations in achieving the goals of the green economy concept, namely:

1. Green in All

The support of all parties such as the community, business actors, and the government have a strategic role to improve the economic and social welfare of the community, ensure inclusive development, and maintain the quality of the community in online shopping by optimizing socialization and invitations to shop for domestic products which are important points in developing domestic economy [21]. In carrying out this invitation, we can do it easily through the use of existing social media, such as Facebook, Instagram, Twitter, Tiktok, and so on, of course there must be awareness and concern from each individual, and to build this awareness there needs to be work the same between the parties involved. If we see other countries began to influence to love their products openly with the cultures they have. For example, they influence through the entertainment sector, such as South Korea, which indirectly invites our people to love their products through their entertainment sector. In this case, the subject is our young people, where they are more productive in utilizing e-commerce shopping. Therefore, responding to these challenges, all existing parties, the private sector, individuals, groups, and the government must also participate in minimizing these threats, by raising awareness through institutions, both formal and non-formal.

2. Green Government

The role of the government in designing and educating the public to care about domestic products is to be at the forefront to always promote in every activity by used good strategic. The government, both central and regional, must work together in embracing all communities in various regions, because the existence of unstoppable e-commerce that can be accessed anywhere and anytime can easily affect people from various circles, from the young to the old though. The central government which has a very strategic role in this issue, such as the ministry of finance, the business competition supervisory commission (KPPU), the ministry of trade, the ministry of communication and so on. For example, the participation of the ministry of finance in supporting this by optimizing taxes for business actors who sell domestically through e-commerce platforms. This has to be seen from several sides, the tax rate must depend on a country, for example, products originating from Singapore and Thailand, should be applied differently, which takes into account the exchange rate between the two countries and the graphic condition and value of the product being sold, and establish cooperation, especially in the field of taxation in the field of e-commerce.

If a technical point of view, business competition law is traditionally known from two different perspectives, namely Business Competition Law being a "Shield" and business competition law being a "Sword." The application of business competition law can be used as a "sword" to achieve sustainability, which can be achieved by prohibiting actions that deviate from the perspective of sustainability. Meanwhile, business competition law as far as the supporting aspect as a "shield" allows actions that are directed to achieve sustainability in balancing the effects of healthy sustainability for the domestic economy [22].

A clear description of Business Competition Law as a "Sword" is reviewed based on the application of Article 101 paragraph 3 of The Treaty on the Functioning of the European Union (TFEU). The application of Article 101 paragraph 3 of the TFEU was reflected in the case of automakers in Germany, where the European Commission imposed a fine of EUR 875,189,000 on BMW and the Volkswagen group (Audi and Porche) for violating EU antitrust rules in particular Article 101 paragraph 1 of the TFEU by colluding on developments in the area of nitrogen oxide cleaning [23]. In addition, it can also be seen in the detergent case involving Henkel, Unilever and Procter and Gamble engaging in market stabilizing behavior by not using environmental initiatives to gain a competitive advantage over others. This case review describes the implementation of a green economy in business competition law in *European Union (EU)* is successful. It is possible that we will also achieve success by embracing, trusting and working hard together in combating unhealthy economic threats so as to provide economic prosperity to the domestic community.

3. Green Regulation

Healthy economic protection in the field of e-commerce also needs to be legalized through regulations or laws. Protecting a healthy economy through regulations is deemed necessary because it is the goal, guideline, and measuring instrument for the life of the nation. Even though Indonesia has made amendments to the 1945 Constitution, not many parties have taken this matter seriously. Article 33 paragraph (4) of the 1945 Constitution is proof that the Indonesian constitution can be called the Green Constitution. Article 33 paragraph (4) of the 1945 Constitution, the idea of green regulation is that the sovereignty of a healthy economy is a complement to the existing treasures of sovereignty theory. In history, mankind has known the idea of God's Sovereignty which is associated with theocracy, the idea of people's sovereignty which is associated with democracy.

Thus maintaining the country's economy is the government's duty in carrying out the constitutional mandate, considering the laws that specifically regulate online trade has not been regulated and we see that the world is now easily accessible anywhere, hence the urgency in the formation of laws to protect various parties, partiality and support for domestic business actors for the progress and civility of the country in order to welcome advanced Indonesia in 2030.

4. Green E-commerce

E-commerce is one form of progress that emerged from the rapid development of the internet and became a trend in the world for the last ten years. In Indonesia, the use of online shopping sites and online store transactions tends to increase even though the infrastructure and regulations are still lagging. This is a great opportunity and requires a comprehensive policy in order to be able to develop and utilize economic digitization activities optimally. E-commerce practices are able to increase economic growth because they can save transaction costs, eliminate space and time constraints, reduce shipping costs, minimize transportation barriers, facilitate communication between sellers and buyers, and reduce advertising and transportation costs. On the other hand, The government plays an important role in implementing six strategies to be able to encourage the practice of the digital economy, namely knowledge development, knowledge dissemination, subsidies, mobilization, innovation direction, and standard setting. Meanwhile, the challenges in developing e-commerce activities are consumer security and protection, logistics and infrastructure, and taxation related to e-commerce transactions [24].

Indonesian government and industry e-commerce have been going quite well in partnership efforts to advance the digital economy in Indonesia. The positive value is the joining of Indonesia in the ASEAN Agreement on E-Commerce, for example, where we can synergize more with e-commerce stakeholders in all ASEAN member countries [25]. Realizing the importance of the green economy concept, especially in the e-commerce sector, its implementation must be supported by government policies. In this regard, for the realization of good implementation, a government supervisory and control institution is needed. There is government involvement in the direction of green e-commerce which is properly designed and implemented effectively. So, the green economy can become an instrument in green e-commerce specifically to restore the economy in a sustainable and inclusive manner.

4. CONCLUSION AND RECOMMENDATION

Based on the research above, the authors would like to conclude the results of this study. The existence of technological advances must be used very well by all aspects of the subject of the state, the conditions of technological progress that affect the trading system which is usually carried out face-to-face have turned out to be easier, namely through online media which is not only in Indonesia but also can shop outside Indonesia, for example, shopping malls such as Shopee, Bli-Bli, Tokopedia, and other online shopping platforms. Seeing this phenomenon, actually developments in Indonesia must also be able to follow the existing progress. However, as a state of law, it is unfortunate that the movement to establish legal rules regarding cross-border trade or regulations regarding extraterritorial trade in Indonesia still does not have a clear legal basis. In fact, the existence of a legal basis that will become the pathway for the course of cross-border trade is very important, an example of a violation that becomes one of the main problems is the ease with which illegal products enter the country without being taxed. In other cases, there is a violation of the crossing of territorial lines on merchant ships, then the formation of rules firm and strict supervision is the beginning of the orderly participation of the Indonesian state to improve the economy by plunging into world trade not only through the import-export system. Moreover, trading activities are closely related to monopolistic and unfair competition, so it is necessary to form binding agreements both within Indonesia and even by international countries to prevent any acts of abuse of international trade progress. things like this of course bring losses to the Indonesian state, or in other cases, there is a violation regarding the crossing of territorial lines on merchant ships, then the establishment of strict rules and strict supervision is the beginning of the orderly participation of the Indonesian state to improve the economy by plunging into world trade not only through the import-export system. In achieving this goal, it is not only the role of the government but also necessary steps such as the establishment of green regulation, green government, and green e-commerce, In order to achieve the ideal goal of economic recovery in the midst of cross-border e-commerce practices, several things that need to be considered in supporting, there are:

1. (a) Aware that Indonesia is a country of law and there is a legal vacuum regarding cross-border trade, we suggest 3 important things in order to balance the development of cross-border e-commerce so that it can be put to good use for post-Covid-19 economic recovery, namely:

2. Establish a legal umbrella regarding extraterritorial provisions in cross-border trade that can benefit domestic MSMEs and also support MSMEs participation in cross-border trade as a form of encouragement in Indonesia's economic recovery.
3. Establishing an Indonesian-owned online trading platform that contains not only fashion items but also natural resources (vegetables, fruit, or even natural resources) within the country so that they can be sent abroad and increasingly recognized by the world.
4. Forming international agreements with other countries to be able to balance domestic regulations, established international regulations regarding prohibitions, penalties, and also what must be obeyed in cross-border trade.
 - (a) A legal umbrella regarding extraterritorial provisions in cross-border e-commerce, it is also necessary to have this arrangement oriented towards a green economy. There are at least 5 (five) recommendations according to the authors that can frame economic recovery in the midst of cross-border e-commerce practices, namely the establishment of green in all, green regulation, green government, green e-commerce, and the need for supervisory agencies in carrying out control functions by the government.

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