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Digital Platform Liability for Economic Crimes in Online Marketplaces

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Abstract

The rapid growth of digital marketplaces has transformed commercial activities and expanded public access to goods and services. At the same time, this development has created greater opportunities for economic crimes, including online fraud, money laundering, identity theft, illegal trade, and misuse of personal data. These problems raise important legal questions concerning the responsibility of digital platforms that manage commercial transactions and control marketplace activities. This study analyzes the legal liability of digital platforms for economic crimes within marketplace ecosystems and develops an appropriate model of platform accountability for Indonesia by drawing lessons from Singapore. The study applies normative legal research through statutory, conceptual, and comparative approaches. The findings reveal three major problems. First, Indonesian law regulates digital platform responsibility through fragmented provisions that do not clearly define the scope of platform liability for economic crimes committed by third parties. Second, the existing legal framework does not impose adequate obligations on platforms to conduct due diligence, identify transaction risks, prevent unlawful activities, and maintain effective internal governance. Third, the comparison with Singapore demonstrates the importance of preventive obligations, effective risk assessment, transparent governance, and proportionate responsibility in strengthening platform accountability. This study concludes that Indonesia should establish a risk-based accountability model that requires digital platforms to actively prevent foreseeable economic crimes while maintaining proportionate liability according to their authority, knowledge, control, and involvement in marketplace activities.

Keywords: Digital; Economic Crime; Liability; Marketplace;

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Introduction

Digital economic transformation has fundamentally reshaped commercial activities by shifting conventional trading practices toward platform based commerce through digital marketplaces.[1] Marketplaces no longer function merely as intermediaries connecting sellers and buyers; instead, they have evolved into integrated business ecosystems that combine electronic

[1] Dyah Ochtorina Susanti, 'The Electronic Market (Marketplace) On Electronic Trade (E-Commerce) In Indonesia', *Notaril Jurnal Kenotariatan*, 7.1 (2022), 24–31 <https://doi.org/10.22225/JN.7.1.2022.24-31>

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payment services, logistics, digital advertising, and artificial intelligence to manage commercial transactions.[2] This transformation has positioned Indonesia as one of the largest digital economies in Southeast Asia. However, alongside this remarkable growth, digital marketplaces have also facilitated the proliferation of various forms of economic crime that exploit vulnerabilities within digital systems, including online fraud, identity fraud, money laundering through electronic transactions, the sale of illegal goods, review manipulation, the misuse of mule accounts, and the unlawful exploitation of personal data for financial gain.[3] Consequently, digital platforms no longer serve solely as commercial intermediaries but have increasingly become environments in which complex, cross border, and multi actor economic crimes can occur.

Increasing prevalence of digital economic crime in Indonesia demonstrates the seriousness of this issue.[4] Data published by the Indonesia Anti Scam Center (IASC) indicate that, from its establishment in late 2024 until mid-2025, the institution received more than 166,000 reports of digital fraud involving estimated public losses of approximately IDR 3.4 trillion. During the same period, more than 267,000 bank accounts were identified as being associated with fraudulent activities, while tens of thousands of accounts were frozen as part of law enforcement efforts.[5] Furthermore, the Ministry of Communication and Digital Affairs reported that cybercrime generated financial losses of approximately IDR 476 billion between November 2024 and January 2025.[6] The government's public complaint system also recorded approximately 1.2 million reports of digital fraud during the first half of 2025. These figures demonstrate that digital economic crime has evolved into a significant threat to the security of electronic

[2] Tubagus Muhammad Ali Ridho Azhari and Maria Grasia Sari Soetopo, 'Protection of Personal Data in Transactions Using ECommerce in the Perspective of Indonesian Law (An Overview)', *International Journal of Research and Innovation in Social Science*, 06.12 (2022), 370–75 https://doi.org/10.47772/IJRISS.2022.61222

[3] Anggia Putri Lestari, Syahla Amany Fatiha, and Sylvia Octa Putri, 'E-Commerce in Indonesia's Economic Transformation and Its Influence on Global Trade', *International Journal of Computer in Law & Political Science*, 4 (2024), 10–23 https://doi.org/10.34010/injucolpos.vxix.xxxx

[4] Jonathan Gilbert, 'Scripting Mortgage Fraud for the Motion Picture: "Fraud and Its Interrelationship with the Financial Services Sector in the UK"', *Journal of Economic Criminology*, 5 (2024) https://doi.org/10.1016/j.jeconc.2024.100084

[5] 'IASC Terima 166.258 Laporan Kasus Penipuan Hingga 30 Juni 2025' <https://keuangan.kontan.co.id/news/iasc-terima-166258-laporan-kasus-penipuan-hingga-30-juni-2025?utm >

[6] 'Kemenkomdigi: Jumlah Kerugian Akibat Kejahatan Siber Capai Rp476 Miliar' <https://www.kompas.tv/nasional/610420/kemenkomdigi-jumlah-kerugian-akibat-kejahatan-siber-capai-rp476-miliar?utm>

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transactions, consumer protection, and the sustainability of digital business activities.[7]

This phenomenon demonstrates that digital marketplaces are no longer passive providers of transactional infrastructure but have assumed strategic roles in governing the digital ecosystem through identity verification mechanisms (Know Your Customer/KYC), seller monitoring, payment system management, algorithmic detection of suspicious transactions, and user data management.[8] Numerous cases reveal that offenders exploit weaknesses in account verification procedures, the use of fictitious identities, and inadequate monitoring of commercial activities conducted through digital platforms.[9] These circumstances raise a fundamental legal question regarding the extent to which digital platforms should bear legal responsibility when economic crimes occur within the ecosystems that they establish, manage, and economically benefit from.[10]

From a business law perspective, these developments reveal a significant regulatory gap between technological innovation and the existing legal framework. The legal obligations of digital platforms remain dispersed across several Indonesian statutes and regulations, including Law Number 1 of 2024 concerning the Second Amendment to the Law on Electronic Information and Transactions, Law Number 27 of 2022 concerning Personal Data Protection, Government Regulation Number 71 of 2019 concerning the Operation of Electronic Systems and Transactions, and Minister of Trade Regulation Number 31 of 2023 governing trading through electronic systems. Although these legal instruments impose obligations upon electronic system operators and business actors, none provides a comprehensive framework defining the scope, standards, and forms of legal responsibility applicable to marketplace platforms when users commit economic crimes by exploiting the digital infrastructure provided by those platforms.[11] Consequently, marketplaces continue to be legally perceived primarily as intermediaries, despite

[7] Hongryol Cha, Masaaki Kotabe, and Jie Wu, 'Reshaping Internationalization Strategy and Control for Global E-Commerce and Digital Transactions: A Hayekian Perspective', *Management International Review*, 63.1 (2023), 161–92 https://doi.org/10.1007/s11575-022-00494-x

[8] Xingyue Yang, Zhengxin Wang, and Lingling Pei, 'The Liability of Origin and Outsidership in Digital Platforms: A Case Study of ByteDance from China', *Nankai Business Review International*, 17.2 (2026), 369–416 https://doi.org/10.1108/NBRI-02-2025-0024

[9] Bronwyn E. Howell and Petrus H. Potgieter, 'The Exhaustion Principle in Copyright and Modern Digital Markets', *Telecommunications Policy*, 50.8 (2026), 103276 https://doi.org/10.1016/J.TELPOL.2026.103276

[10] Fei Wang and Yanping Zhou, 'Cross-Border E-Commerce, Platform Economy, and Export Product Quality', *International Business Review*, 34.5 (2025) https://doi.org/10.1016/j.ibusrev.2025.102466

[11] Pratik Prakash Dixit, 'From Gatekeepers to Publishers: Liability of Internet Intermediaries in India for Hosting Defamatory Content', *Computer Law & Security Review*, 41 (2021), 105558 https://doi.org/10.1016/J.CLSR.2021.105558

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exercising substantial control over transaction mechanisms, identity verification, payment systems, and user data governance.[12]

This regulatory deficiency creates a normative gap regarding the due diligence standards that digital platforms should implement to prevent economic crime. Existing regulations predominantly emphasize administrative compliance by electronic system operators rather than establishing clear legal parameters for platform liability arising from failures to exercise adequate oversight.[13] Contemporary digital business practices further demonstrate that marketplace operators derive direct economic benefits from every transaction conducted within their ecosystems.[14] Accordingly, a compelling legal argument emerges that digital platforms should also bear proportionate legal responsibility for criminal risks arising within the digital environments from which they derive commercial benefits. [15]

Several previous studies have examined issues relating to economic crime and marketplace liability. Hijriyah Puspitasari analyzed marketplace liability for fraudulent overclaim skincare products and proposed regulatory reforms. However, the study remained confined to consumer protection within the cosmetics sector.[16] In contrast, the present research comprehensively examines digital economic crime by encompassing online fraud, money laundering, personal data misuse, fictitious accounts, and deficiencies in platform governance. Yervant investigated the legal status of marketplaces by analyzing the distinction between intermediary functions and legal obligations in cross border digital commerce, with particular emphasis on intermediary liability.[17] In contrast to that study, the present research develops a broader framework of corporate liability, due diligence, and platform governance to address multiple forms of economic crime occurring within Indonesian digital marketplaces.

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[12] Petter Gottschalk, 'Exploring the Complexities of Criminal Justice', *Exploring the Complexities of Criminal Justice*, 2024, 1–360 https://doi.org/10.4018/9798369395363
[13] Pinar Buyukbalci and Meral Dulger, 'Dynamic and Ambidextrous: International Expansion of Digital Economy Ventures from an Emerging Market', *Journal of Entrepreneurship in Emerging Economies*, 15.6 (2023), 1459–89 https://doi.org/10.1108/jeee-08-2021-0339
[14] Mamoun Benmamoun and others, 'Social Enterprises in Electronic Markets: Web Localization or Standardization', *Electronic Markets*, 31.1 (2021), 215–31 https://doi.org/10.1007/s12525-020-00430-7
[15] Anita Firdausi and Rina Arum Prastyanti, 'Legal Approaches to Cross-Border E-Commerce Consumer Protection in Indonesia, Singapore, and China', *Sinergi International Journal of Law*, 3.3 (2025), 194–206 https://doi.org/10.61194/LAW.V3I3.780
[16] Hijriyah Puspitasari and others, 'Tanggung Jawab Marketplace Terhadap Penipuan Produk Skincare Overclaim: Analisis Hukum Dan Implementasi', *Jurnal Legislatif*, 8.2 (2025), 144–59 https://doi.org/10.20956/JL.V8I2.44519
[17] Yervant T. S Sitompoel and Gunardi Lie, 'Analisis Yuridis Tanggung Jawab Marketplace Dalam Mengurai Batas Antara Peran Perantara Dan Kewajiban Hukum', *QISTINA: Jurnal Multidisiplin Indonesia*, 4.2 (2025), 1199–1204 https://doi.org/10.57235/QISTINA.V4I2.7195

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Another relevant study conducted by Maslihati examined the implementation of online dispute resolution (ODR) and marketplace liability under the principle of intermediary responsibility. That research primarily focused on dispute resolution mechanisms within electronic commerce.[18] By contrast, the present study concentrates on constructing a comprehensive legal liability model for digital platforms through a comparative analysis of regulatory implementation in Indonesia and Singapore. Previous studies have predominantly examined consumer protection in electronic commerce, the liability of business actors in electronic transactions, dispute resolution mechanisms in online commerce, and the criminal liability of individuals who perpetrate online fraud. Existing scholarship has also devoted considerable attention to cybersecurity and personal data protection as legal mechanisms for protecting users of digital marketplaces. However, these studies generally focus on the liability of individual perpetrators or the protection of consumers as end users, while giving limited attention to the legal position of digital platforms that control and manage marketplace ecosystems. In particular, scholarly discussion remains insufficient regarding the extent to which digital platforms may bear legal responsibility for economic crimes committed by third parties through the infrastructure, services, and commercial mechanisms that they provide. This gap becomes increasingly significant as digital platforms exercise substantial control over transactions, seller access, payment mechanisms, data processing, and marketplace governance. Therefore, further legal analysis is necessary to determine the scope, basis, and limits of digital platform liability for third party economic crimes from a business law perspective.

This study contributes to the existing literature by developing a legal responsibility framework that reconceptualizes digital platforms beyond their traditional role as providers of electronic infrastructure, recognizing them instead as legal subjects entrusted with proactive legal obligations to prevent economic crimes within the business ecosystems they govern. The study constructs a comprehensive model of platform liability based on the principles of due diligence, corporate governance, digital risk management, and consumer protection as normative foundations for reforming Indonesian business law while undertaking a comparative analysis with the regulatory framework of Singapore. This research is expected to contribute to the theoretical development of corporate liability within the digital economy and to provide normative recommendations for establishing a more adaptive legal framework capable of responding effectively to the evolving challenges posed by platform based economic crime.

[18] Maslihati Nur Hidayati and Suartini Suartini, 'Implementation Of Online Dispute Resolution And Marketplace Liability Based On The Principle Of Intermediary Liability', *International Journal Multidisciplinary Science*, 3.3 (2024), 01–13 https://doi.org/10.56127/IJML.V3I3.1618

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Methodology

This study employs normative legal research with a descriptive analytical design to examine the legal liability of digital platforms for economic crimes within Indonesia's marketplace ecosystem. Normative legal research conceptualizes law as a body of legal norms governing the relationships among digital platform operators, business actors, consumers, and the state in the implementation of electronic commerce. Study adopts statutory, conceptual, and comparative approaches by examining Law Number 1 of 2024 concerning the Second Amendment to the Law on Electronic Information and Transactions, Law Number 27 of 2022 concerning Personal Data Protection, Government Regulation Number 71 of 2019 concerning the Operation of Electronic Systems and Transactions, Minister of Trade Regulation Number 31 of 2023 concerning Trading Through Electronic Systems, as well as Singapore's Online Criminal Harms Act 2023 and Payment Services Act 2019 as comparative legal frameworks.[19] Research data are collected through library research involving primary, secondary, and tertiary legal materials, which are analyzed qualitatively using descriptive and critical methods.[20] Analysis identifies normative gaps concerning due diligence, corporate liability, and the duty of digital platforms to exercise active oversight while comparing platform liability frameworks in Indonesia and Singapore. Based on this analysis, this study seeks to develop a reconstructed model of digital platform liability founded upon the principles of active legal responsibility, platform governance, and risk based regulation in order to strengthen legal certainty, enhance consumer protection, and improve the prevention of economic crime within digital marketplaces.

Results and Discussion

Economic Crime within the Digital Marketplace Ecosystem and the Legal Status of Digital Platforms

Digital transformation has fundamentally reshaped Indonesia's commercial landscape by shifting conventional trading practices toward platform-based commerce through digital marketplaces that connect multiple stakeholders within an integrated electronic ecosystem. Marketplaces no longer merely provide virtual spaces where sellers and buyers interact, instead, they integrate digital payment services, logistics, data storage, advertising systems, cloud computing, and artificial intelligence (AI) to manage commercial transactions and user behavior.[21] This

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[19] Elva Elva and others, 'Why Do the EU and Singapore Protect E-Commerce Consumers Better Than Indonesia?', *Jurnal Kajian Pembaruan Hukum*, 5.2 (2025), 237–76 https://doi.org/10.19184/JKPH.V5I2.53695

[20] Dudi Badruzaman Dudi Badruzaman, 'Legal Review of Consumer Protection in E-Commerce Transactions in Indonesia', *Equality : Journal of Law and Justice*, 2.1 (2025), 89–102 https://doi.org/10.69836/equality-jlj.v2i1.271

[21] Arief Fahmi Lubis, Sekolah Tinggi, and Hukum Militer, 'Online Platform Intermediary Liability under the Electronic Information and Transactions (ITE) Law, Freedom of

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transformation has established digital marketplaces as essential components of Indonesia's digital economy, exerting substantial influence on trade, investment, and consumer protection.[22]

Rapid expansion of digital marketplaces has coincided with significant growth in Indonesia's digital commerce.[23] According to the Ministry of Trade, Indonesia's digital trade transactions reached approximately IDR 533 trillion in 2023, demonstrating that electronic commerce has become one of the principal drivers of national economic growth. To strengthen digital trade governance, the government enacted Minister of Trade Regulation Number 31 of 2023 concerning Business Licensing, Advertising, Guidance, and Supervision of Business Actors in Trading Through Electronic Systems. This regulation seeks to establish a healthier, fairer, and more secure digital trading ecosystem while ensuring greater protection for both businesses and consumers.[24]

Current legal framework provides a relatively comprehensive normative basis for electronic commerce. Article 1(24) of Government Regulation Number 71 of 2019 concerning the Operation of Electronic Systems and Transactions defines an Electronic System Operator as any individual, public authority, business entity, or community organization that independently or jointly provides, manages, and operates electronic systems for users. Minister of Trade Regulation Number 31 of 2023 further defines Trading Through Electronic Systems (Perdagangan Melalui Sistem Elektronik/PMSE) as commercial activities conducted through a series of electronic devices and procedures.[25] Beyond regulating legal relationships between business actors and consumers, these regulations impose obligations upon platform operators to supervise commercial activities, promote regulatory

Expression (FoE) Safeguards in Indonesia', *The Easta Journal Law and Human Rights* , 4.02 (2026), 226–34 https://doi.org/10.58812/ESLHR.V4I02.923

[22] Elitsa R. Banalieva and Charles Dhanaraj, 'Internalization Theory for the Digital Economy', *Journal of International Business Studies*, 50.8 (2019), 1372–87 https://doi.org/10.1057/S41267-019-00243-7

[23] Indah Meisyana Suci and Andriyanto Adhi Nugroho, 'Legal Responsibility of Marketplaces in Distributing IQIYI Digital Services and Consumer Protection in Indonesia', *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam*, 7.2 (2025), 325–40 https://doi.org/10.37680/ALMANHAJ.V7I2.8658

[24] Diana Bociga, Nicholas Lord, and Elisa Bellotti, 'Challenges and Enabling Conditions in the Governance of Economic Crime: Insights from the UK's National Economic Crime Centre', *Journal of Economic Criminology*, 12 (2026), 100228 https://doi.org/10.1016/J.JECONC.2026.100228

[25] Adeyemi Adebayo and Barry Ackers, 'Managing Trade-Offs Between Environmental, Social, Governance and Financial Sustainability in State-Owned Enterprises: Insights from an Emerging Market', *Australian Accounting Review*, 34.1 (2024), 55–73 https://doi.org/10.1111/AUAR.12415

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compliance, and ensure that electronic commerce operates consistently with the principles of legal certainty, consumer protection, and fair competition.[26]

Despite contributing substantially to national economic growth, digital marketplaces have simultaneously facilitated the proliferation of economic crime.[27] From a business law perspective, economic crime encompasses unlawful conduct undertaken to obtain financial benefits through the abuse of commercial activities, trade transactions, or financial systems, thereby causing harm to individuals, business entities, or the national economy.[28] In contrast to conventional crimes, digital economic crimes employ information technology as their principal instrument and therefore exhibit distinctive characteristics, including cross border operations, anonymity, large scale execution, involvement of multiple actors, and resistance to detection through conventional supervisory mechanisms[29]. These characteristics transform digital economic crime into not only a matter of criminal law but also a significant issue of business law because it directly implicates corporate governance, consumer protection, risk management, and regulatory compliance by digital platform operators.[30]

Growing number of digital fraud cases illustrates this emerging challenge. Indonesia Anti Scam Centre (IASC) reported that, from the commencement of its operations until mid-2025, it had received more than 135,000 reports of fraudulent financial transactions involving estimated public losses of approximately IDR 2.6 trillion, while more than 219,000 bank accounts were identified as facilitating fraudulent activities. Subsequent reports indicate that the number of complaints increased to approximately 225,000, more than 71,000 accounts were successfully frozen, and preventive interventions avoided estimated public losses of approximately IDR 4.6 trillion. These figures demonstrate that digital ecosystems, including online marketplaces, have become increasingly vulnerable to economic crime.

Forms of economic crime within digital marketplaces continue to evolve in both complexity and sophistication. Online fraud remains the most prevalent

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[26] Shrabastee Banerjee and others, 'Digital Platforms 2.0: Emerging Topics, Opportunities, and Challenges', *International Journal of Research in Marketing*, 43.2 (2026), 600–618 https://doi.org/10.1016/J.IJRESMAR.2026.03.003

[27] Maximilian Stallkamp and Andreas P.J. Schotter, 'Platforms without Borders? The International Strategies of Digital Platform Firms', *Global Strategy Journal*, 11.1 (2021), 58–80 https://doi.org/10.1002/gsj.1336

[28] Yuxin Zhang and Ran Liu, 'Digital Platform Economy, Financing Constraints, and Labor Market Economic Development', *Finance Research Letters*, 85 (2025), 108122 https://doi.org/10.1016/J.FRL.2025.108122

[29] Carla Bonina and others, 'Digital Platforms for Development: Foundations and Research Agenda', *Information Systems Journal*, 31.6 (2021), 869–902 https://doi.org/10.1111/isj.12326

[30] Binglei Duan and others, 'Digital Credit Information Sharing and Trade Credit Provision: Evidence from Digital Social Credit Platforms in China', *Pacific-Basin Finance Journal*, 97 (2026), 103113 https://doi.org/10.1016/J.PACFIN.2026.103113

offense, encompassing fictitious online stores, payment manipulation, and the delivery of products that differ materially from their advertised descriptions.[31] Marketplace platforms may also facilitate money laundering through fictitious trading schemes designed to conceal the illicit origins of criminal proceeds.[32] Other frequently identified offenses include the use of false identities during merchant registration, large scale creation of fictitious seller accounts, review manipulation through automated bot accounts, trading in prohibited or non-compliant goods, unauthorized exploitation of consumers' personal data for commercial or criminal purposes, and the use of mule accounts to temporarily receive illicit funds before transferring them to other financial accounts.[33]

Indonesian positive law addresses these forms of misconduct through several statutory instruments.[34] Law Number 1 of 2024 concerning the Second Amendment to the Law on Electronic Information and Transactions requires Electronic System Operators to maintain electronic systems that are reliable, secure, and accountable. Article 16 of Law Number 27 of 2022 concerning Personal Data Protection further obliges Personal Data Controllers to protect personal data under their control by implementing appropriate technical and organizational safeguards. Articles 3 and 4 of Government Regulation Number 71 of 2019 require Electronic System Operators to ensure the reliability, security, and accountability of the electronic systems under their management. Collectively, these provisions demonstrate that digital platforms bear responsibilities extending beyond the provision of technological infrastructure to include safeguarding transaction security and protecting users' legitimate interests.[35]

Evolution of digital marketplaces has fundamentally altered their legal status within the digital economy. Rather than functioning solely as digital intermediaries, marketplace operators now exercise platform governance by

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[31] Qiongrui (Missy) Yao, La Kami T. Baker, and Franz T. Lohrke, 'Building and Sustaining Trust in Remote Work by Platform-Dependent Entrepreneurs on Digital Labor Platforms: Toward an Integrative Framework', *Journal of Business Research*, 149.4 (2022), 327–39 https://doi.org/10.1016/J.JBUSRES.2022.05.046

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[33] Chen Zhang and others, 'Digital Platforms, Internal Digitalization, and Internationalization of SMES', *Long Range Planning*, 58.6 (2025), 102588 https://doi.org/10.1016/J.LRP.2025.102588

[34] Volker Brühl, 'Big Tech, the Platform Economy and the European Digital Markets', *Intereconomics*, 58.5 (2023), 274–82 https://doi.org/10.2478/ie-2023-0056

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controlling multiple aspects of electronic commerce.[36] Through Know Your Customer (KYC) procedures, Know Your Merchant (KYM) verification, escrow based payment mechanisms, artificial intelligence, algorithmic monitoring, and behavioral transaction analytics, marketplaces possess the technological capacity to detect, control, and prevent various forms of economic crime, including online fraud, money laundering, identity fraud, illegal trade, review manipulation, and misuse of personal data.[37] Marketplaces should no longer be regarded merely as transactional intermediaries but as legal subjects performing strategic functions in maintaining the security and integrity of digital commerce.[38]

Existing Indonesian legislation has not adequately responded to this functional transformation. Article 15(1) and Article 15(2) of Law Number 1 of 2024 merely require Electronic System Operators to maintain reliable, secure, and accountable electronic systems while assuming responsibility for system operations.[39] These provisions remain general in nature and fail to define either the scope or the standards of platform liability when electronic systems facilitate economic crime.[40] Existing legislation further fails to establish objective legal standards for determining negligence, defining the scope of the duty of care, and specifying due diligence obligations that may serve as the legal basis for imposing liability upon marketplace operators.[41]

Comparable limitations also appear in Government Regulation Number 71 of 2019, particularly Articles 3, 39, and 40, which primarily emphasize system reliability, information security, and technological risk management. Current regulatory framework does not require marketplaces to implement economic crime risk management measures such as continuous transaction monitoring, enhanced Know Your Merchant verification procedures, technology based fraud detection systems, or mandatory reporting of

[36] Petter Gottschalk and Christopher Hamerton, 'Corporation Conformity and Compliance', *Corporate Compliance*, 2022, 15–36 https://doi.org/10.1007/978-3-031-16123-0_2
[37] Alan Doig, 'Fraud: From National Strategies to Practice on the Ground—a Regional Case Study', *Public Money and Management*, 38.2 (2018), 147–56 https://doi.org/10.1080/09540962.2018.1407164
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[40] Peterson Ozili, 'Digital Markets: Formative Components, Regulation, Challenges and Insights from the European Union Digital Markets Act', *Digital Policy, Regulation and Governance*, 27.6 (2025), 687–702 https://doi.org/10.1108/DPRG-10-2024-0244
[41] Yiyun Ge and others, 'The Impact of Crime Threats on Firms' Digital Transformation', *The Quarterly Review of Economics and Finance*, 2026, 102183 https://doi.org/10.1016/J.QREF.2026.102183

suspicious activities associated with fraud, money laundering, or other forms of economic crime.[42] Similarly, Minister of Trade Regulation Number 31 of 2023 primarily regulates business licensing and electronic commerce governance without expressly imposing active legal obligations upon platform operators to supervise commercial activities capable of facilitating economic crime.

Current regulatory framework therefore reveals a significant normative gap between the extensive control exercised by marketplace operators and the limited scope of legal liability established under Indonesian law.[43] Technological capabilities available to marketplace operators enable them to prevent numerous forms of economic crime before financial losses occur.[44] As digital platforms develop greater capacity to identify, monitor, and manage transactional risks, their corresponding legal obligations should expand proportionately in accordance with the principles of duty of care and due diligence.[45] These circumstances justify reconstructing Article 15 of Law Number 1 of 2024 together with Articles 3, 39, and 40 of Government Regulation Number 71 of 2019 by expanding the legal obligations of Electronic System Operators beyond ensuring system security toward imposing active legal responsibility for preventing economic crime. Such legislative reform should also strengthen Minister of Trade Regulation Number 31 of 2023 by introducing explicit obligations concerning due diligence, Know Your Merchant (KYM) procedures, risk based monitoring, technology driven fraud detection systems, and mandatory reporting of suspicious transactions.[46] Under this reconstructed framework, marketplaces would no longer function merely as providers of electronic infrastructure but would instead assume the role of digital ecosystem governors bearing proportionate legal responsibility for economic crimes arising within the platforms under their management.

Legal Liability of Digital Platforms under Indonesian Business Law

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[42] Boni Siregar, Lesson Sihotang, and Roida Nababan, 'Legal Responsibility of Digital Platform Companies for Protecting Shareholder Losses in The Era', *Journal of Law and Social Politics*, 3.2 (2025), 72–83 https://doi.org/10.59261/JLSP.V3I2.64
[43] Putri Gemala Sari and others, 'Legal Liability of Start-Up Entrepreneurs Toward Consumers in Electronic Transactions', *Daengku: Journal of Humanities and Social Sciences Innovation*, 5.5 (2025), 670–93 https://doi.org/10.35877/454RI.DAENGKU4426
[44] Kyle J. McKibbin and Mahsa Shabani, 'Building a Better Mobile App Marketplace: A Legal and Governance Toolkit for App Mediated Genomics Research', *Computer Law & Security Review*, 46 (2022), 105707 https://doi.org/10.1016/J.CLSR.2022.105707
[45] Wang Can, 'Mobile Technology in the Digital Transformation Strategy of Industrial Enterprises', *Lecture Notes in Information Systems and Organisation*, 61 LNISO (2023), 389–403 https://doi.org/10.1007/978-3-031-30351-7_29
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Digital platforms operating electronic commerce have created increasingly complex legal relationships involving platform operators, business actors, consumers, payment service providers, and logistics providers.[47] Such complexity requires legal liability to be assessed beyond the contractual relationship between sellers and buyers. Instead, liability must be examined through the broader legal framework governing electronic system operations, consumer protection, personal data protection, and corporate responsibility in commercial activities.[48] Determining the legal liability of digital platforms for economic crime requires an integrated interpretation of the applicable statutory framework rather than reliance upon a single regulatory regime.

Primary legal foundation governing digital platform liability is established under Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 on Electronic Information and Transactions. Article 15(1) requires every Electronic System Operator (ESO) to maintain electronic systems that are reliable, secure, and accountable, while Article 15(2) expressly provides that ESOs are responsible for the operation of the electronic systems under their management. These provisions demonstrate that platform operators bear responsibilities extending beyond the provision of digital infrastructure to ensuring that electronic systems operate securely and do not cause harm to users.[49] Government Regulation Number 71 of 2019 reinforces these obligations, particularly through Article 3, which requires ESOs to guarantee the reliability and security of electronic systems, and Articles 39 and 40, which require the implementation of security measures and risk management systems. These provisions remain primarily focused on technical system security and fail to establish clear legal standards defining platform liability when users exploit platform infrastructure to commit economic crime.[50]

Business law further associates platform liability with the protection of consumers who rely upon electronic commerce services.[51] Law Number 8 of

[47] Nicholas Lord and Michael Levi, 'Economic Crime, Economic Criminology, and Serious Crimes for Economic Gain: On the Conceptual and Disciplinary (Dis)Order of the Object of Study', *Journal of Economic Criminology*, 1.6 (2023), 655–70 https://doi.org/10.1016/J.JECONC.2023.100014
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[49] Zain Anwar Ali and others, 'Multiple Knowledge Depiction of Digital Twin-Driven Circular Economy: Concepts, Integrated Advanced Technologies, Triple Bottom Line of Smart Construction, and Exploratory Case Studies', *Journal of Engineering Research*, 14.1 (2026), 836–57 https://doi.org/10.1016/J.JER.2025.08.018
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[51] Shatakshi Bourai, Rahul Arora, and Neetu Yadav, 'Evaluating Strategies to Persist for Digital Platform Firms in a Post-Digitalization Era: An Empirical Evidence from Indian Platform

1999 concerning Consumer Protection grants consumers the right to security, safety, and legal certainty in the use of goods and services while imposing upon business actors the obligation to conduct commercial activities in good faith. Law Number 27 of 2022 concerning Personal Data Protection further requires every Personal Data Controller to implement appropriate technical and organizational measures to ensure the protection of personal data under its control. These obligations are particularly significant for marketplace operators because many forms of digital economic crime originate from identity misuse, personal data breaches, and unauthorized exploitation of personal information to facilitate fraudulent transactions.[52]

Legal relationship between marketplaces and their users also falls within the scope of Indonesian private law.[53] Article 1365 of the Indonesian Civil Code provides that any unlawful act causing damage to another person gives rise to an obligation to compensate the injured party. Article 1366 extends liability to losses resulting from negligence, while Article 1367 recognizes liability arising from the acts of persons under another's supervision. Within the marketplace context, these provisions create the possibility of imposing civil liability upon platform operators where negligence in implementing supervisory mechanisms, identity verification procedures, or transaction security systems directly contributes to users' financial losses.[54] Establishing a causal relationship between platform negligence and consumer loss remains legally challenging because Indonesian legislation has yet to define normative standards governing the level of supervision that marketplaces must exercise.

Administrative liability also constitutes an important component of the legal framework governing digital platforms.[55] Government Regulation Number 71 of 2019 authorizes the government to impose administrative sanctions upon Electronic System Operators that fail to comply with statutory obligations governing electronic system operations. Similarly,

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[53] Eugénie Coche, Ans Kolk, and Václav Ocelík, 'Unravelling Cross-Country Regulatory Intricacies of Data Governance: The Relevance of Legal Insights for Digitalization and International Business', *Journal of International Business Policy*, 7.1 (2024), 112–27 https://doi.org/10.1057/s42214-023-00172-1

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Minister of Trade Regulation Number 31 of 2023 authorizes regulatory supervision, administrative enforcement, and sanctions against Electronic Commerce Operators that violate applicable regulatory requirements. However, the current regulatory framework primarily emphasizes administrative compliance, including licensing obligations, commercial governance, and consumer protection, without explicitly linking platform negligence in preventing economic crime to proportionate forms of administrative responsibility.[56]

Corporate criminal liability also becomes relevant when economic crimes are committed through, or facilitated by, corporate negligence. Contemporary Indonesian criminal law recognizes corporations as legal entities capable of bearing criminal responsibility when statutory requirements are met.[57] The existing legal framework does not provide clear criteria for determining when platform negligence constitutes a sufficient contribution to an economic crime to warrant corporate criminal liability. Furthermore, anti-money laundering regulations administered through the Indonesian Financial Transaction Reports and Analysis Center (PPATK) primarily impose reporting obligations on financial service providers and designated reporting entities. Marketplace operators have not yet been expressly designated as entities legally required to detect or report suspicious transactions, notwithstanding their practical access to transactional data capable of identifying potentially unlawful financial activities.[58]

These legal instruments demonstrate that digital platform liability in Indonesia remains fragmented across multiple sectoral regulatory regimes.[59] Individual statutes and regulations establish specific obligations within their respective regulatory domains but fail to create an integrated legal framework governing platform liability for economic crime occurring within marketplace ecosystems. Indonesian law does not establish mandatory due diligence standards for marketplace operators, impose explicit obligations to conduct active monitoring of high-risk transactions, define safe harbour provisions limiting liability where platforms have exercised appropriate supervision, or specify corporate liability standards determining when

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marketplaces should bear legal responsibility for failing to prevent economic crime.[60]

Business law perspective suggests that existing regulatory framework has not yet fully incorporated the principles of corporate criminal liability, duty of care, due diligence, good corporate governance, and risk based regulation.[61] Collectively, these principles recognize corporations not merely as entities bearing responsibility after harm has occurred (reactive responsibility) but also as legal subjects obligated to prevent foreseeable harm through effective internal control systems, risk management, and continuous oversight (preventive responsibility).[62] Accordingly, greater technological capacity to monitor and control commercial activities should correspond with greater legal responsibility to prevent the misuse of electronic systems as instruments of economic crime.

Digital Platform Liability for Economic Crimes: Lessons from Singaporean Law

Singapore is selected as the comparative jurisdiction because it represents one of Southeast Asia's most advanced digital economies and has developed a more progressive legal framework governing digital platform liability. In addition to sharing economic characteristics comparable to those of Indonesia, Singapore has shifted its regulatory paradigm from treating digital platforms merely as intermediaries to embracing platform accountability, a concept that imposes affirmative legal obligations upon platform operators to prevent the misuse of digital systems.[63] This regulatory approach provides an appropriate benchmark for comparison because the principal issue identified in this study is the absence of explicit legal obligations requiring marketplace operators in Indonesia to take active measures to prevent economic crime.[64]

Legal regulation of digital platform liability in Singapore is not confined to a single statute but is instead established through a complementary

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[62] Ratna Juita, Dedi I. Inan, and Budi Santoso, 'Digital Market Adoption by Underserved MSMEs in Developing Countries: Mediation and Moderation by Self-Efficacy and Trust', *International Journal of Information Management Data Insights*, 6.1 (2026), 100384 https://doi.org/10.1016/J.JJIMEI.2025.100384

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[64] Augusto Santos, Regina Cazzamatta, and Carlo José Napolitano, 'Holding Platforms Accountable in the Fight against Misinformation: A Cross-National Analysis of State-Established Content Moderation Regulations', *International Communication Gazette*, 87.8 (2025), 729–50 https://doi.org/10.1177/17480485251348550;PAGE:STRING:ARTICLE/CHAPTER

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framework of interconnected legislation. One of the most significant instruments is the Online Criminal Harms Act 2023, which empowers the government to direct digital platform operators to implement preventive measures against online activities involving criminal conduct.[65] Under this legislation, digital platforms no longer function as passive intermediaries but are legally required to undertake affirmative actions, including removing unlawful content, restricting access to designated accounts, disabling services used to facilitate criminal activities, and cooperating with law enforcement authorities. These obligations reflect Singapore's adoption of the principle of preventive responsibility, under which legal liability arises through proactive risk mitigation before actual harm occurs.[66]

Payment Services Act 2019 further strengthens this regulatory framework by requiring digital payment service providers to implement comprehensive risk management measures, customer identity verification (Know Your Customer/KYC), transaction monitoring, and suspicious transaction reporting as integral components of Singapore's anti money laundering and counter terrorism financing regime.[67] This framework recognizes digital economic activities as part of the broader financial system and therefore subjects them to a risk based regulatory approach. In practice, marketplace platforms that integrate digital wallets or electronic payment services must align their internal risk management systems with these statutory requirements, thereby reducing opportunities for transactional abuse at an early stage.

Platform accountability is further reinforced through the Computer Misuse Act, which criminalizes unauthorized access to computer systems and other forms of computer related misconduct.[68] This legislation is complemented by the Technology Risk Management Guidelines issued by the Monetary Authority of Singapore, which require digital service providers to implement robust cybersecurity governance, internal control mechanisms, information technology audits, and threat based risk management systems. Singapore's legal framework conceptualizes platform responsibility not merely as

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[65] Santos, Cazzamatta, and Napolitano, 'Holding Platforms Accountable in the Fight against Misinformation: A Cross-National Analysis of State-Established Content Moderation Regulations'.

[66] Althaf Marsoof and Indranath Gupta, 'Shielding Internet Intermediaries from Copyright Liability—A Comparative Discourse on Safe Harbours in Singapore and India', *The Journal of World Intellectual Property*, 22.3–4 (2019), 234–70 https://doi.org/10.1111/JWIP.12126

[67] Bona Jevon Tampubolon and Ridha Wahyuni, 'Protection of the Normative Rights of Platform Workers: A Comparative Study of Indonesia and Singapore', *Journal of Law, Politic and Humanities*, 6.4 (2026), 2979–89 https://doi.org/10.38035/JLPH.V6I4.3373

[68] Wenxi Zhang, Sharanya Shanmugam, and Jason Grant Allen, 'Comparing Smart City Data Protection Approaches: Digital Consent and the Accountability Framework in Singapore', *International Data Privacy Law*, 15.1 (2025), 48–66 https://doi.org/10.1093/IDPL/IPAF002

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liability arising after harm has occurred but as a continuing legal obligation to establish governance systems capable of preventing economic crime.[69]

Comparison with Indonesia demonstrates a clear divergence in regulatory philosophy. Article 15 of Law Number 1 of 2024 concerning the Second Amendment to the Law on Electronic Information and Transactions merely requires Electronic System Operators to maintain electronic systems that are reliable, secure, and accountable without establishing measurable standards for due diligence, active monitoring obligations, or liability thresholds where marketplace operators fail to prevent economic crime.[70] Similarly Articles 3, 39, and 40 of Government Regulation Number 71 of 2019 continue to emphasize electronic system security without specifically addressing economic crime risk management. Minister of Trade Regulation Number 31 of 2023 similarly focuses on licensing, regulatory supervision, and governance of electronic commerce while failing to impose explicit obligations upon marketplace operators to implement Know Your Merchant (KYM) procedures, monitor suspicious transactions, or deploy technology-based fraud detection systems.[71]

Table 1. Comparative Analysis of the Legal Liability Framework for Digital Platforms in Indonesia and Singapore

Aspect	Indonesia	Singapore
Platform Liability Paradigm	Marketplace operators continue to be regarded primarily as intermediaries responsible only for the operation of electronic systems pursuant to Article 15 of Law Number 1 of 2024 concerning the Second Amendment to the Law on Electronic Information and Transactions.	Digital platforms adopt the principle of platform accountability, under which platform operators bear affirmative legal obligations to prevent the misuse of digital services pursuant to the Online Criminal Harms Act 2023.
Due Diligence Standards	Existing legislation does not expressly require the implementation of Know Your Merchant (KYM) procedures, continuous transaction monitoring, or technology-based fraud detection mechanisms.	Digital platforms are legally required to implement customer verification procedures, transaction monitoring, and risk mitigation measures pursuant to the Payment Services Act 2019.
Corporate Liability	Indonesian legislation has not established clear legal parameters defining when marketplace operators may be held liable	Platform operators may incur legal liability where they fail to comply with statutory preventive

[69] Devany Anggriani, Della Nur Fahira, and Muhammad Luthfi Ismail, 'Corporate Responsibility in Unconsented Lending Practices: A Comparative Study of Indonesia, Singapore, and Australia', *Conference on Business, Social Sciences and Technology (CoNeScINTech)*, 5.1 (2025), 181–91 https://doi.org/10.37253/CONESCINTECH.V5I1.10580
[70] Chen Siyuan, Kaelynn Kok, and Lovein Sui, 'Singapore: An Exemplar for Future-Proofing Social Media Regulation in the Age of AI or an Anomaly?', *International Review of Law, Computers & Technology*, 2026 https://doi.org/10.1080/13600869.2026.2668345
[71] Anggara Hendra Setya Ali and others, 'Responsibilities of E-Commerce Platform Providers Against Copyright Infringement in Indonesia: Comparison with Singapore', *Proceedings of the Second International Conference on Public Policy, Social Computing and Development (ICOPOSDEV 2021)*, 642 (2022), 115–19 https://doi.org/10.2991/ASSEHR.K.220204.019

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	for negligence in preventing economic crime.	obligations imposed by the regulatory authorities.
Regulatory Model	Legal regulation remains fragmented across the Law on Electronic Information and Transactions, Government Regulation Number 71 of 2019 concerning the Operation of Electronic Systems and Transactions, the Personal Data Protection Law, and Minister of Trade Regulation Number 31 of 2023 concerning Trading Through Electronic Systems, and therefore has not yet established an integrated legal regime governing platform liability.	Regulatory framework adopts an integrated preventive regulatory approach that emphasizes the prevention of unlawful conduct before harm or financial loss occurs.

Source: Compiled by the Author

Comparative analysis of the Indonesian and Singaporean legal frameworks demonstrates that the principal distinction lies not in the number of applicable regulations but in the underlying paradigm governing digital platform liability. Singapore has adopted the concept of platform accountability, which imposes affirmative legal obligations upon platform operators to prevent the misuse of digital systems.[72] By contrast, Indonesian positive law continues to characterize marketplace operators primarily as intermediaries whose legal responsibilities are largely confined to maintaining electronic systems. Accordingly, legal reform in Indonesia should shift the prevailing liability paradigm from intermediary liability toward active legal responsibility, thereby requiring marketplace operators not only to ensure the reliability of electronic systems but also to undertake affirmative legal measures to prevent economic crime within the digital marketplace ecosystem.[73]

This paradigm shift should be accompanied by the incorporation of mandatory due diligence standards as an integral component of digital platform liability.[74] In contrast to Singapore, which requires customer verification, transaction monitoring, and risk mitigation under the Payment Services Act 2019, Indonesian legislation does not expressly require Know Your Merchant (KYM) procedures, continuous transaction monitoring, or technology driven fraud detection systems. Accordingly, Articles 39 and 40 of Government Regulation Number 71 of 2019 together with Minister of Trade

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[74] Jack Ng-Soon-Chye, 'Navigating Algorithmic Markets in Singapore: A Practitioner Reflection on the Backstage Realities of Algorithmic Path Dependence and Sustainable Online Retailing', *Journal of Tropical Futures*, 2026 https://doi.org/10.1177/27538931261446664

Regulation Number 31 of 2023 should be amended to incorporate mandatory due diligence obligations, merchant verification procedures, risk based transaction monitoring, and reporting mechanisms for transactions suspected of involving economic crime.

Legal reconstruction should also establish a clearer framework governing corporate liability. Indonesian positive law has yet to define objective legal standards determining when marketplace operators may be held liable for negligence in preventing economic crime.[75] Contrary to Singapore, where platform liability may arise from failure to comply with statutory preventive obligations imposed by regulators, Indonesian law continues to rely primarily upon general provisions governing the responsibilities of Electronic System Operators. Legislative reform should introduce measurable indicators of negligence as the legal basis for imposing administrative, civil, and criminal liability upon marketplace operators that fail to implement due diligence measures and supervisory mechanisms required under applicable legislation.[76]

Regulatory reform should further address the fragmented nature of Indonesia's existing legal framework governing digital platform liability. At present, relevant obligations remain dispersed across Law Number 1 of 2024 concerning Electronic Information and Transactions, Government Regulation Number 71 of 2019, Law Number 27 of 2022 concerning Personal Data Protection, and Minister of Trade Regulation Number 31 of 2023. As a result, these legal instruments have not yet established an integrated liability regime capable of addressing economic crime within digital marketplace ecosystems.[77] Drawing upon Singapore's preventive regulatory approach, Indonesia should harmonize these legislative instruments by incorporating the principles of due diligence, platform governance, risk-based regulation, and platform accountability. Such integration would establish greater legal certainty regarding the scope and limits of digital platform liability while simultaneously strengthening consumer protection and enhancing the effectiveness of economic crime prevention within digital marketplace ecosystems.

Conclusion

This study concludes that the legal framework governing digital platform liability within Indonesia's marketplace ecosystem has not kept pace with the increasing

[75] Philip L Frana and Philip L Frana, 'Assessing Smart Nation Singapore as an International Model for AI Responsibility', *International Journal on Responsibility*, 7.1 (2024), 2 https://doi.org/10.62365/2576-0955.1109
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complexity of digital economic crime. Although several regulatory instruments, including the Law on Electronic Information and Transactions, the Personal Data Protection Law, Government Regulation Number 71 of 2019, and Minister of Trade Regulation Number 31 of 2023, establish legal obligations for Electronic System Operators, these regulations remain fragmented and primarily emphasize system security. Consequently, they do not provide explicit standards governing due diligence, corporate liability, or active monitoring obligations for high-risk activities conducted through digital marketplaces. Comparative analysis with Singapore demonstrates that its legal framework has adopted the principle of platform accountability, which recognizes digital platforms as legal subjects bearing preventive obligations to mitigate system misuse through user verification, transaction monitoring, and risk management. Accordingly, Indonesia should reconstruct its legal framework by shifting the prevailing liability paradigm from intermediary liability to active legal responsibility through the integration of the principles of due diligence, platform governance, risk-based regulation, and corporate liability within its national business law framework. Such legal reform is expected to strengthen legal certainty, enhance consumer protection, improve the accountability of digital platforms, and foster a safer, more trustworthy, and more resilient electronic commerce ecosystem capable of responding effectively to the evolving challenges of digital economic crime.

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