

The Role of Legal Frameworks in Ensuring Certainty and Compliance in International Business Transactions

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Abstract

International trade is growing rapidly thanks to technological advancements, but challenges arise from differences in legal and cultural systems between countries. An understanding of the applicable laws in each country is essential to ensure smooth transactions and effective dispute resolution. Although free trade is increasingly accepted, barriers such as protectionism and tariffs are still significant challenges. Therefore, an understanding of international regulations is indispensable to reduce risks in global business. This study uses a qualitative approach with literature research methods or literature studies, which rely on literature as the main data source. The formulation of the problems raised in this study includes the role of international business law in ensuring legal certainty for interstate business actors, challenges faced related to differences in legal systems between countries, international business dispute resolution mechanisms, and the influence of international business law on cross-border digital trade regulations. The results show that the principle of freedom of contract in international trade needs to be balanced with fairness and compliance with national and international laws to protect the weaker parties. Challenge globalization, such as differences in legal systems and culture, culture, demands international cooperation. Besides that law Business play role crucial deep international organize digital trade, with a focus on harmonization Regulation, Personal Data Protection 3, and compliance with taxes and intellectual property rights to ensure fair and sustainable trade.

I. Introduction

International trade has become an integral part of the life of the ever-evolving global economy. In this context, the international community, consisting of independent countries and those involved in international relations, increasingly has access to a wider global market. The diversity in resources, needs, and technology between countries makes it easier for the international community to choose suitable trading partners. This not only encourages economic growth, but also creates wider business opportunities, where each country can leverage its strengths and resources to meet the increasingly complex needs of life (Rosalinda et al., 2025).

The rapid advancement of information and communication technologies has changed the way the international community interacts in the business context. Business transactions between countries, which were once limited by distance and time, can now be done more efficiently and quickly. Technology provides space for companies and individuals to establish business relationships without geographical restrictions, expand market opportunities, and speed up communication and negotiation processes. With this convenience, countries that may have been isolated can now connect more easily, creating an increasingly economically integrated world. The international community is also given greater access to conduct cross-border business transactions more smoothly (Nabilah et al., 2025).

While these conveniences are present, challenges remain, especially when it comes to differences in legal and cultural systems between countries. This diversity can cause difficulties in forging agreements that are acceptable to all parties. Each country has different legal regulations and procedures, which can affect the course of international business transactions. Therefore, an in-depth understanding of the applicable laws in their respective countries is essential to ensure that the business agreement can be executed properly and benefits both parties. Successful international business transactions depend heavily on understanding the applicable legal principles, both in terms of rights and obligations, as well as the resolution of disputes that may arise during the business process (Megawati et al., 2023).

International commercial law regulates commercial relations between countries and covers important aspects such as freedom of contract, protection of rights, and dispute resolution. It involves legal rules that are civil in nature and serve to encourage free trade and prevent illegal practices. The main sources of law include international treaties and relevant national laws, with the aim of creating stable and fair transactions at a global level (Syahrin, 2018).

Although technological advances and globalization have brought a lot of

convenience in conducting international business transactions, it is important for each party to keep in mind the existing legal aspects, so that the agreement is agreed that is created can be carried out smoothly and profitably. By understanding the diversity of legal systems between countries and applying the principle of prudence in doing business, potential risks can be minimized, and conducive business relationships can be established in the long term (Widowaty & Fitriyanti, 2017).

Business actors in international business contracts often face major challenges related to determining the laws that will be applied in the agreement. This becomes increasingly complex when the parties involved come from countries with different legal systems, such as civil law and common law, or different legal systems between Continental and Anglo-Saxon European countries. These differences in legal systems can cause difficulties in formulating the right legal clauses, as each country has a different approach when it comes to dispute resolution and contract enforcement. This is also often difficult for those who are unfamiliar with the laws of other countries, as they may be forced to submit to foreign laws that they are not familiar with before (Rusmini et al., 2022).

International business contracts, also often referred to as transnational business contracts or cross-border business contracts, deal with transactions involving parties from different countries. However, there is ambiguity in the use of the term "international" in such business transactions, which then raises the question of whether the legal acts committed in such transactions will be governed by international law. For this reason, it is important for researchers and legal practitioners to clarify the concept of legal protection that exists in international business transactions, especially in the era of free trade that is growing rapidly. In this context, understanding the application of international law in the settlement of contract disputes is very crucial, given the globalization of trade that is increasingly expanding the scope of contracts between countries (Megawati et al., 2023).

Law, as a regulation that regulates human behavior in society, aims to maintain order and justice and prevent chaos. The law provides certainty for the public, who are entitled to legal protection in every aspect of life, including in international business transactions. In this case, international civil law plays an important role, as it provides a legal basis for the parties involved in international business contracts to enforce their rights and obligations. International business itself refers to business activities that cross national borders, including trade in goods and services, as well as industries that thrive in sectors such as transportation, banking, tourism, and mass communication. This business involves various types of businesses, and trade between countries is an unavoidable necessity in fulfilling daily needs (Syahrin, 2018).

Free trade, which is a non-discriminatory policy towards imports or exports, has become an important part of the economy Global. An example is the North American Free Trade Agreement and the European Economic Area which allows open markets with minimal trade restrictions. Many countries are now members of multilateral trade organizations such as the World Trade Organization (WTO). However, despite the development of free trade policies, there are still barriers that can hinder the smooth running of international trade, such as protectionist policies, import tariffs, export subsidies, import quotas, or other non-tariff barriers that are implemented to protect domestic interests or natural resources. This obstacle is a challenge in international trade that must be considered by business actors.

The purpose of this research is to explain the role of international business law in ensuring legal certainty for interstate business actors, Explain what are the main challenges faced in the implementation of international business law, especially related to the differences in the legal system between countries, Explain the mechanism for resolving international business disputes under the framework of international business law, Explain what is the influence of international business law on digital trade regulation cross-country.

2. Research Method

The type of research used is literature research or literature study where researchers rely on various literature to obtain research data and use a qualitative approach because the data produced is in the form of words or descriptions. Literature research or literature research is research whose place of study is literature or literature (Rahmani, 2016). In this study, research was conducted using studies that are similar or related. Literature studies can be obtained from various sources, including journals, books, documentation, the internet and literature. The method of studying literature adalath is a series of activities related to the methods of collecting library data, reading and taking notes, and managing writing materials.

3. Results and Discussion

Conception of Foreign Workers (TKA) and fixed-term employment agreements (PKWT) in Indonesia

In international law, there are various provisions regulated in international conventions concerning business transactions between countries. Therefore, every international trade transaction must comply with the rules that have been set by the relevant countries or international institutions. Some of these provisions include taxes or export-import duties, types of goods that can be

traded, as well as various provisions regarding insurance, transaction methods, and other matters. The legal principles applicable in international business transactions are based on the legal principles of international contracts agreed upon by the parties concerned, as well as international trade conventions. These principles of international business law can be judged from sources of international contract law. In his book, Huala Adolf explains that there are seven forms of law that can be the source of law in international contracts, namely:

1. National law.
2. Contract documents.
3. International trade customs related to contracts.
4. General legal principles regarding contracts.
5. Court ruling.
6. Doctrine.
7. International agreements on contracts (Syahmin, 2006).

From these seven sources of law, it can be explained that although international business contracts are included in the realm of private law and prioritize the principle of freedom of contract and the principle of sovereignty, they must still comply with several other sources of international contract law. In general, there are two basic principles in international business contract law that are the basis for the formation of such contracts, namely:

1. Freedom of Contract Principle: International business contracts are structured based on the freedom of the parties involved to determine the content and achievements to be outlined in the contract. Although there is freedom in determining achievements, it is still necessary to pay attention to the sources of applicable international contract law.
2. Principle of Supremacy of National Law: In the study of private law, freedom of contract provides space for the choice of law. In contrast to domestic business contracts, in international business contracts, the parties usually first agree on the applicable national laws to govern their contracts. This principle of rule of law can also be applied to business contracts that do not specify legal options in their contracts, using the rules of international civil law (Simanjuntak et al., 2021).

Although the principle of freedom of contract is granted, it must still comply with

the general law principles contained in the sources of international contract law. For this reason, in the principle of freedom of contract, there are exceptions called mandatory rules that are coercive and limit freedom of contract. These mandatory rules can be seen in the general legal principles that apply in international and national business contracts. These legal principles aim to restrict the freedom to make contracts that are clearly prohibited by international law as well as the national law of the country in which the business is operated. In addition, this exclusion or limitation of the principle of freedom of contract also applies to the norms of decency that exist in each country of business actors (Hartono, 2015). International business transactions are part of the study of international civil law, which aims to determine whether the international business contract should be protected under national law or applicable foreign law. Globalization in the business world has brought complexity and diversity in transactions. This condition raises the need for legal certainty in every transaction. Therefore, freedom of contract is the main paradigm in contract law. Freedom of contract is seen as the application of the principle of free trade. Similar to trade liberalization, the doctrine of freedom of contract is based on the assumption that there is an equality of bargaining position between the parties involved in the transaction. However, in practice, the weaker party may be in a more vulnerable position to the party with greater bargaining power. Criticism of the doctrine of freedom of contract mentions a change in the paradigm of contract law, from initially prioritizing freedom of contract to more towards propriety. Today, freedom of contract no longer means unlimited freedom. The element of legal certainty in the freedom of contract must be balanced with the element of justice for the parties involved in the contract (Pertiwi, 2018).

In the era of globalization, international business transactions are increasingly complex. The large number of business actors and various countries involved creates diversity in applicable laws and customs. This makes legal certainty even more important. This legal certainty is necessary so that each party involved in international transactions knows and understands their rights and obligations, as well as how to resolve disputes that may arise (Nugroho, 2023).

Along with that, freedom of contract as a doctrine is often seen as a representation of the principle of free trade. However, as international business grew, criticism of this doctrine became more and more prominent. Some parties argue that freedom to contract can put the weaker side at a disadvantage, as the stronger party has a higher bargaining position. Therefore, there is a paradigm shift

towards fairness in international business contracts. Today, although the freedom of contract is still respected, contracts must be drafted with due regard to the principles of fairness and balance between the parties involved, in order to avoid exploitation or imbalance that is detrimental to one of the parties (Kasih & Pawestri, 2025).

In this case, propriety in contract law is an important issue. Propriety means that a contract must consider not only the freedom of contract, but also justice and protection for the weaker parties. Countries are now increasingly prioritizing the protection of workers' rights, consumer protection, and the environment in the drafting of regulations governing international business transactions, in order to create more sustainable and fair trade (Aziz et al., 2023).

Economic globalization has brought increasingly complex challenges in the realm of international business law. As the world becomes connected through advances in the economic, technological, and social sectors, the scope of trade between countries is expanding, increasing the complexity of cross-border transactions. Behind this progress, there are various major obstacles that must be faced, including differences in legal systems, cultures, languages, and political systems between countries that can hinder the smooth running of international trade (Rahayu et al., 2013).

Differences in legal systems between countries are one of the main challenges in the context of global trade. Each country has its own unique legal system, with regulations related to trade, commercial contracts, and protection for business actors varied. These differences often hinder the development of a consistent and harmonious legal framework for regulating international transactions. For example, a contract valid in a particular country may not have the same legal force in another country due to differences in the interpretation of contract law and the regulations applicable in each country (Ratna & Makka, 2018).

In addition, cultural differences between countries also affect business practices and trade law. Each culture has a different view of contracts, obligations, and rights, which in turn can lead to conflicts and misunderstandings in international transactions. Variations in the concept of time, negotiation methods, and communication styles that apply between cultures can also exacerbate difficulties in dispute resolution and contract negotiations (Kurniawan & Parameswary, 2014).

Another problem that is no less important is the difference in language. Although English has become a commonly used international language in global trade,

many international business transactions require the use of local languages or translations. Errors in translation or misunderstanding of the legal text in contracts or other documents may result in disputes that are detrimental to the parties involved in the transaction.

Another big challenge is the difference in political systems between countries. Each country has a different political and policy structure, which includes trade policies, business regulations, and foreign relations. These varied political systems often result in protectionist policies or restrictions that prevent foreign businesses from accessing markets. Sudden changes in political policies or government regulations can affect the stability and predictability of the business climate, which risks disrupting business actors. To be able to overcome these challenges, international trade law needs to constantly adapt and develop in accordance with the dynamics of economic globalization (Ngadino, 2014)

getting more complex. One of the important steps in dealing with legal differences between countries is to strengthen international cooperation, as well as formulate multilateral trade agreements that set globally acceptable trade standards.

To overcome cultural and language differences, international business people must improve their understanding of other cultures as well as improve their language competence. Regarding differences in the political system, governments and business people must maintain open communication and understand the policies and regulations that apply in the destination country. Building close relationships with local governments and continuously monitoring political and policy developments will go a long way in reducing risks and ensuring compliance with local regulations (Rindawan, 2013).

By overcoming these barriers, international trade law can serve as a solid foundation for the creation of fairer and more sustainable trade. The drafting of a stable and responsive legal framework will promote inclusive economic growth and improve global prosperity, as well as ensure certainty and fairness in every transaction that occurs in the international market.

There are various reasons that can be used by business people to resolve their trade disputes, including arbitration. One of the advantages of settlement through arbitration compared to the courts can be avoided the delays caused by procedural and administrative matters. This is in accordance with one of the principles that apply in the Arbitration Law, namely the Final and Binding

Principle, which is an arbitral award that is a final award and is directly binding on the parties. An arbitral award cannot be continued with other legal remedies, such as an appeal or cassation. This principle has in principle been agreed upon by the parties in their arbitration clauses or agreements. However, in the Arbitration Law, legal remedies are given to the parties, namely the cancellation of the arbitration award if they meet the conditions listed in Article 70 of the Arbitration Law. However, there are still many ways to resolve business disputes peacefully such as Negotiation, Fact Finding, Bank Services, Mediation, Conciliation (Suharyono & Hemanona, 2017).

Changes in international commercial law, triggered by the emergence of socialist states after social revolutions, have led to a shift in the principles of international law. This happened because of the existence of a new power that balanced the liberal state. Rapid economic growth in countries, including Indonesia, has also affected developed countries such as the United States, the European Union, and others. The trade sector plays a very important role in the development of the economy, both in domestic and international trade, towards increasingly competitive free trade. Along with that, many countries are deregulating alternately, which ultimately affects the implementation of the actions of international trade actors. In this context, international trade disputes often arise, as happened between Indonesia and the United States over the case of clove cigarettes, or between the United States and China regarding the sale of vehicles. Syahmin AK18 stated that with the rise of dispute resolution through the WTO's Dispute Settlement Body (DSB), the United States followed in the footsteps of Japan and the European Union in demanding decisions in accordance with applicable regulations after bilateral negotiations with Indonesia did not result in an agreement. These three major world economic powers sued Indonesia, which shows the importance of the issue (Adolf, 2005).

Disputes often arise when there is a conflict, for example due to a violation of a provision in the GATT that is detrimental to one of the parties. The GATT does not recognize the concept of reparations or confiscation because its focus is on trade arrangements to achieve harmonization between international regulations and national policies. To determine the source of the dispute, the GATT requires the existence of multification or impairment, as provided for in Article XXIII, which includes misunderstandings that cause harm to a particular country.

Trade policy as part of national development must take into account developments in other countries that affect the national economy. The success of

foreign trade is an important factor in the national development process. This reminds us that globalization or the free market, driven by the outcome of the Uruguay Round, is inevitable. Indonesia, for example, has ratified the results of the Uruguay Round in Marrakech, Morocco, through Law Number 7 of 1994. The establishment of the World Trade Organization (WTO) as the successor to the General Agreement on Tariffs and Trade (GATT) was also adjusted to the provisions of the agreement.

According to Adolf, p. (2005, p. 18), the principles of peaceful dispute resolution in international law include several important aspects, including:

1. *Good Faith Principle*: The parties involved in the dispute should act in good faith in the resolution process.
2. *Principle of Prohibition of Use of Force*: Disputes must be resolved without the use of violence, prioritizing a peaceful settlement.
3. *Principle of Freedom of Choice for Dispute Resolution*: The parties have the freedom to choose the appropriate way of resolving the dispute, be it through negotiation, mediation, or other means.
4. *Principle of Togetherness in Choosing the Law to Apply*: The parties must agree on the law to be used in resolving the dispute.
5. *Principle of Agreements of the Parties (Consensus)*: The resolution of disputes must be based on mutual agreement between the parties who are Dispute.
6. *Principle of Exhaustion of Local Remedies*: Before submitting a dispute to an international forum, the parties must first take advantage of all available settlement efforts at the domestic level.

Principles of International Law on Sovereignty, Independence, and Territorial Integrity: Dispute resolution must respect these principles, safeguarding the sovereignty and territorial integrity of the state. Ways to Resolve Disputes Peacefully International dispute resolution can be done through various means, such as:

1. Negotiation
2. Fact Finding
3. Bank Services
4. Mediation

5. Conciliation

6. Arbitrage (Nugroho, 2023).

The main purpose of the establishment of the United Nations is to maintain international peace, as stated in Article 1 of the UN Charter: *"To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace."*

The resolution of disputes that do not involve violence is affirmed in Article 2 paragraph (4) of the UN Charter, which requires member states to resolve disputes peacefully. In addition, Article 33 of the UN Charter provides for a variety of peaceful means of resolving disputes, including negotiation, mediation, arbitration, and international courts. The General Agreement on Tariffs and Trade (GATT) is a multilateral agreement signed in 1948 with the primary objective of promoting global economic growth and development.

The GATT aims to open up world trade by reducing tariff and non-tariff barriers. Some of the key components of the GATT as an international institution include:

1. GATT as an International Treaty: A treaty that defines the rules applicable to all participating countries, serving as a formal instrument that provides limits and guidelines.
2. GATT as a Decision-Making Forum: Member countries make decisions together to determine global trade policy.
3. GATT as a Dispute Settlement Forum: The GATT provides a forum for dispute settlement between member states, especially after the Negotiations Uruguay.
4. GATT as an International Organization: Over time, GATT evolved into an international organization recognized by the international community (Albar, 2019).

The Dispute Settlement System in the WTO, which replaced the GATT since 1 January 1995, has a more comprehensive dispute settlement system. The purpose of the WTO dispute settlement mechanism is to achieve a fair and positive solution for both parties to the dispute. The first procedure in dispute resolution is consultation between the disputing parties, where each member is obliged to

provide an answer within ten days of the request for consultation and enter a thirty-day consultation period. If the consultation fails, the dispute can be submitted to the WTO Director-General to offer good offices, consultation, or mediation. This dispute resolution system provides more protection to developing countries and is designed to be more rule-based, where each country can accept and feel comfortable with its WTO membership status. Overall, the dispute settlement system in the WTO is more structured and formal than the previous system in GATT, which allows for a clearer and fairer resolution of disputes between participating countries (Hasan & Azis, 2018; Mauna, 2015).

International business law has a significant influence on the regulation of cross-border digital trade. Along with the rapid development of information and communication technology, digital commerce is increasingly becoming an integral part of the global economy. However, such digital transactions and activities require a legal framework that governs various aspects, such as intellectual property rights, personal data protection, and dispute resolution involving parties from different countries (Gijoh, 2021; Tutojo, 2015).

Wijaya et al. (2017) Here are some of the key influences of international business law on the regulation of cross-border digital trade:

1. Harmonization of International Regulations

International commercial law often leads to efforts to harmonize regulations between countries to reduce legal inconsistencies that can hinder digital trade. Organizations such as the World Trade Organization (WTO), through the Trade-Related Aspects of Intellectual Property Rights (TRIPS), and the United Nations Commission on International Trade Law (UNCITRAL), develop guidelines for legally enforceable standards globally. It covers issues such as copyrights, trademarks, and electronic contracts, which help create uniformity in digital trade across countries.

2. Personal Data Protection and Cybersecurity

With the rise of digital transactions, the protection of personal data has become an important issue in international business law. Many countries have developed data protection laws that govern how personal data should be treated in cross-border transactions, such as the General Data Protection Regulation (GDPR) in the European Union. These regulations have an effect on how international companies manage consumer data and how they ensure that it is protected, even if it is sent or processed outside the country of origin.

3. International Treaties and Cooperation

Several countries engage in bilateral or multilateral agreements to facilitate cross-border digital trade. These agreements often include specific provisions on electronic transactions, intellectual property rights, and online dispute resolution. Examples are the Regional Comprehensive Economic Partnership (RCEP) and the Comprehensive and Progressive Agreement for TransPacific Partnership (CPTPP), which include articles that focus on digital trade and facilitate the online exchange of goods and services between countries.

4. International Dispute Resolution

Dispute resolution in cross-border digital trade often requires an international legal approach. In this regard, international commercial law offers a dispute resolution mechanism that is acceptable to the countries involved. Some international rules provide a forum that can be used to resolve disputes, either through international arbitration or international tribunals specializing in digital trade disputes.

5. Digital Services Trading and Market Access

In international trade agreements, there are provisions on market access for digital services. It allows companies from certain countries to provide digital services in other countries without tariff barriers or heavy technical restrictions. Thus, companies can expand their market reach globally and offer products or services across countries.

6. Digital Taxes and Rates

The imposition of taxes and tariffs on cross-border digital transactions is a major issue in international business law. Some countries seek to levy taxes on digital transactions involving entities that do not have a physical presence in the country. This sparked an international debate over how and where taxes should be imposed on digital transactions, as well as how to avoid tax avoidance in countries with low or no tax rates.

7. Digital-Based Trade of Goods and Services

Increased trade in digital-based goods and services (such as software, digital music, media content, and other products) is prompting countries to adopt clearer regulations regarding copyright and

distribution. International law plays a role in setting standards regarding copyright protection and cross-border distribution of digital products, to prevent

piracy or infringement of intellectual property rights.

8. Digital Platform Regulation

As part of international business arrangements, some countries establish regulations governing major digital platforms (such as Amazon, Google, and Facebook) to ensure they comply with legal standards governing online transactions, data, and user protection. It includes measures to address monopolies or abuse of market power in digital platforms that operate across countries.

The influence of international trade law on the regulation of cross-border digital trade creates a legal foundation that allows digital trade activities to take place safely, fairly, and transparently, taking into account the interests of countries involved in global trade.

4. Conclusion

In international business transactions, the principle of freedom of contract remains the basis, but must be balanced with the principles of fairness and compliance with applicable rules, both in national and international law. Although the parties have the freedom to determine the content of the contract, they must still abide by mandatory rules and consider fairness, to protect the weaker parties and prevent adverse imbalances. In addition, with the complexity of globalization, legal certainty has become very important, requiring the protection of workers' rights, consumers, and the environment in international trade to create a fair and sustainable system. Economic globalization presents complex challenges in international commercial law, especially related to the differences in legal systems, cultures, languages, and political systems between countries. Differences in legal systems can hinder the development of a consistent legal framework, while differences in culture, language, and ways of negotiating can add to difficulties in resolving disputes and international contracts. In addition, differences in political systems between countries often create protectionist policies that limit market access. To overcome these challenges, international cooperation, cultural understanding, language competence, and monitoring of local political policies and regulations are essential. Thus, responsive and stable international trade law can create fair, sustainable trade and enhance global prosperity. Changes in international commercial law, especially after the emergence of socialist states, led to a shift in the principles of international law by balancing the power of liberal countries. Rapid economic growth in

various countries, including Indonesia, makes the trade sector increasingly important in economic development and towards a free market. Deregulation carried out by many countries has triggered disputes, such as what happened between Indonesia and the United States regarding clove cigarettes. This dispute led to the WTO's dispute settlement system, which demanded adjustments to national trade policies, as Indonesia did after ratifying the results of the Uruguay Round in 1994.

International business law has an important role in regulating cross-border digital trade by creating a harmonious and fair legal framework. Through regulatory harmonization, personal data protection, international dispute resolution, and multilateral agreements, this law supports secure and transparent digital transactions. In addition, regulations regarding taxes, intellectual property rights, and digital platforms ensure global compliance, prevent abuse, and encourage seamless market expansion, thus enabling digital commerce to develop efficiently and sustainably.

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