



The Effectiveness of Law Enforcement Against Trademark Infringement in Online Commerce in Indonesia

Gia Anggiani^{1*}, Hani Sri Handayani², Dila Nurul Maghfira Arrahman³, Neng Yani Nurhayani⁴

¹⁻⁴ UIN Sunan Gunung Djati Bandung, Indonesia

email: giaanggiani177@gmail.com¹

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Abstract

This study examines the effectiveness of law enforcement against trademark infringement in online commerce in Indonesia through a normative juridical research approach. The analysis is based on statutory regulations, international intellectual property instruments, policy documents, and scholarly literature concerning trademark protection, electronic commerce, and digital governance. The findings indicate that Indonesia possesses a relatively comprehensive legal framework for trademark protection, supported by national legislation and international intellectual property standards. Nevertheless, the practical effectiveness of enforcement remains limited due to institutional coordination problems, difficulties in identifying online offenders, challenges associated with digital evidence, marketplace supervision limitations, and procedural barriers affecting criminal and civil remedies. The study identifies a persistent gap between normative legal objectives and enforcement realities within digital commercial environments. To address these challenges, the research proposes an integrated reform model emphasizing regulatory innovation, marketplace accountability, artificial intelligence based monitoring systems, alternative dispute resolution mechanisms, preventive legal protection, and enhanced stakeholder cooperation. The study argues that effective trademark protection in digital commerce requires the convergence of legal certainty, technological capability, and adaptive governance structures capable of responding to evolving patterns of online infringement.

Keywords : Trademark Protection, Online Commerce, Law Enforcement, Intellectual Property, Digital Governance.



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INTRODUCTION

The rapid expansion of digital commerce has fundamentally transformed contemporary market structures by enabling cross border transactions, accelerating brand visibility, and creating unprecedented opportunities for commercial actors to reach consumers through online platforms. While this transformation has generated substantial economic benefits, it has simultaneously intensified challenges related to the protection of intellectual property rights, particularly trademarks, within increasingly complex digital ecosystems. International organizations and national governments have expressed growing concern regarding the proliferation of counterfeit goods, unauthorized trademark use, and deceptive commercial practices facilitated by electronic marketplaces that operate beyond traditional territorial limitations. In emerging digital economies, the convergence of technological innovation and platform based commerce has created regulatory pressures requiring legal systems to adapt their enforcement mechanisms to address sophisticated forms of trademark infringement that evolve alongside technological developments. Within this context, Indonesia represents a significant case study because of its rapidly expanding electronic commerce sector and its ongoing efforts to strengthen intellectual property protection within a dynamic digital environment (Kementerian Perdagangan Republik Indonesia, 2020). The increasing integration of online transactions into everyday economic activities has consequently elevated the strategic importance of assessing whether existing legal enforcement mechanisms remain capable of safeguarding trademark rights against contemporary forms of infringement in digital marketplaces (Undang Undang Republik Indonesia Nomor 20 Tahun 2016 tentang Merek dan Indikasi Geografis).

Existing scholarship has provided valuable insights into the relationship between trademark protection and digital commerce, yet the literature reveals a multidimensional landscape characterized by varying analytical perspectives. Research has emphasized that trademark law functions not merely as a mechanism for protecting proprietary rights but also as an instrument for sustaining market trust, promoting fair competition, and encouraging innovation in digital business environments. Studies examining famous trademark protection have demonstrated that global counterfeiting networks increasingly exploit online platforms to bypass conventional monitoring systems, thereby challenging the effectiveness of domestic legal frameworks in developing countries (Yani et al., 2023). Other scholars have highlighted the significance of brand differentiation and marketplace innovation, arguing that legal certainty regarding trademark ownership contributes directly to sustainable digital economic development and competitive market structures (Sulastri & Nurhayani, 2026). Complementing these findings, investigations into digital intellectual property governance have underscored the necessity of integrating technological monitoring systems into enforcement strategies because traditional enforcement models frequently struggle to detect infringements occurring across multiple online platforms simultaneously (Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia, 2021). Collectively, these studies suggest that trademark protection in online commerce extends beyond doctrinal legal concerns and intersects with broader questions concerning technological governance, market integrity, and consumer protection.

Despite these contributions, the existing body of knowledge remains fragmented in several important respects. A substantial proportion of previous studies has concentrated on normative legal analysis without adequately evaluating the practical effectiveness of enforcement institutions responsible for addressing online trademark violations. Research concerning criminal sanctions for trademark counterfeiting has illustrated the existence of legal remedies and judicial responses, yet empirical discussions often remain confined to individual case assessments that provide limited insight into systemic enforcement performance (Sitorus & Mulyadi, 2025). Similarly, analyses focusing on legal protection mechanisms for micro and small enterprises have emphasized preventive dimensions of intellectual property compliance while devoting comparatively less attention to the institutional capacity of enforcement agencies operating within digital marketplaces (Widarsadhika et al., 2025). Scholarly discussions concerning regulatory reconstruction for trademark infringement victims have identified deficiencies in victim oriented protection frameworks, although they stop short of comprehensively examining how these deficiencies affect overall enforcement outcomes in online commercial settings (Wibowo et al., 2025). Such patterns reveal a persistent conceptual gap between the formal existence of legal norms and the practical realities of their implementation in digital commerce environments.

The persistence of this gap has generated significant scientific and practical concerns because ineffective enforcement undermines not only the rights of trademark owners but also consumer confidence and the legitimacy of electronic commerce itself. The challenge becomes increasingly acute as online transactions continue to expand in scale and complexity, creating opportunities for infringers to exploit anonymity, jurisdictional fragmentation, and technological asymmetries that complicate detection and prosecution. Recent developments in artificial intelligence based monitoring systems indicate the potential for more sophisticated infringement detection mechanisms, yet the integration of such technologies into legal enforcement frameworks remains uneven and insufficiently understood from a regulatory perspective (Umam et al., 2025). Simultaneously, the implementation of electronic transaction regulations continues to raise questions regarding the allocation of responsibility among platform operators, government agencies, and private rights holders in preventing trademark violations within digital marketplaces (Undang Undang Republik Indonesia Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik). These unresolved issues demonstrate that evaluating enforcement effectiveness is not merely an academic exercise but a necessary prerequisite for developing more responsive legal governance strategies in the digital economy.

This research positions itself within the broader interdisciplinary discourse connecting intellectual property law, digital governance, and regulatory effectiveness by moving beyond purely doctrinal examinations toward a more comprehensive assessment of enforcement performance in online commerce. Rather than treating trademark protection solely as a matter of legislative adequacy, the study examines the interaction between legal norms, institutional enforcement practices, technological challenges, and market realities that collectively shape enforcement outcomes. Such an approach

responds directly to deficiencies identified in previous scholarship by integrating discussions of regulatory substance, enforcement capacity, and digital commercial dynamics into a single analytical framework. Through this perspective, the study seeks to contribute to a more nuanced understanding of how legal protection mechanisms operate in practice and why persistent enforcement challenges continue to emerge despite the existence of relatively comprehensive trademark legislation.

This study aims to analyze the effectiveness of law enforcement against trademark infringement in online commerce in Indonesia by critically examining the relationship between legal regulation, enforcement mechanisms, and contemporary digital market practices. The research contributes theoretically by developing a more integrated framework for understanding enforcement effectiveness in the context of digital intellectual property protection. It contributes methodologically by employing a normative juridical approach that systematically evaluates statutory provisions, legal principles, and relevant doctrinal developments in order to generate a comprehensive assessment of contemporary trademark enforcement challenges and their implications for the future development of digital commerce regulation in Indonesia.

RESEARCH METHODS

This study employed a non empirical legal research design based on a normative juridical approach to examine the effectiveness of law enforcement against trademark infringement in online commerce in Indonesia. The research relied exclusively on secondary legal materials consisting of primary sources, including Law Number 20 of 2016 concerning Trademarks and Geographical Indications, Law Number 11 of 2008 concerning Electronic Information and Transactions, relevant international legal instruments such as the TRIPS Agreement, and policy documents issued by national and international institutions. Secondary sources included scholarly books, peer reviewed journal articles, legal commentaries, and reports addressing trademark protection, electronic commerce, intellectual property governance, and digital law enforcement. Source selection was conducted through relevance, authority, and contemporary significance criteria to ensure alignment with the research objectives. The analytical framework integrated statutory analysis, conceptual analysis, and comparative legal interpretation to evaluate the relationship between existing regulatory provisions and the practical challenges of trademark enforcement within digital commercial environments.

The analytical procedure was undertaken through systematic legal interpretation involving the identification, classification, and examination of legal norms governing trademark protection and electronic transactions, followed by a critical assessment of their adequacy in addressing contemporary forms of online trademark infringement. Data were analyzed qualitatively using descriptive analytical and prescriptive legal reasoning techniques to identify regulatory strengths, enforcement constraints, and potential avenues for legal reform. To ensure methodological rigor, the study applied source triangulation across legislation, academic literature, and institutional publications, while maintaining consistency through doctrinal verification and cross referencing of legal principles derived from national and international intellectual property frameworks. The reliability of the findings was strengthened through a coherent interpretation of legal norms and scholarly arguments, enabling a comprehensive evaluation of the effectiveness of trademark law enforcement in Indonesia's evolving digital commerce ecosystem.

RESULTS AND DISCUSSION

Normative Foundations of Trademark Protection and Legal Enforcement in Indonesian Online Commerce

The development of electronic commerce has transformed trademarks from conventional business identifiers into strategic digital assets that influence consumer trust, market differentiation, and commercial competitiveness. Within digital marketplaces, trademarks perform not only an economic function but also a communicative function that assists consumers in identifying the origin and quality of goods offered through online platforms. The growing economic significance of trademarks has increased the urgency of establishing effective legal protection mechanisms capable of responding to digital forms of infringement (World Intellectual Property Organization, 2021). This condition places trademark enforcement at the center of contemporary debates concerning intellectual property governance in electronic commerce.

The normative structure of trademark protection in Indonesia is principally governed by Law Number 20 of 2016 concerning Trademarks and Geographical Indications. The statute adopts a constitutive registration system under which exclusive rights arise after formal registration before the competent authority (Margono, 2010). Such a model reflects the principle of legal certainty because registered trademark owners obtain recognized legal standing to challenge unauthorized use. The same regulatory orientation is consistent with international intellectual property standards established under the TRIPS Agreement (World Trade Organization, 1994).

From a conceptual perspective, trademark protection is closely linked to theories of legal certainty, economic justice, and fair competition. Legal certainty requires the state to provide predictable mechanisms through which trademark owners can exercise and defend their exclusive rights against infringement (Dzikir, 2024). Economic justice requires legal institutions to prevent unfair appropriation of commercial reputation developed through investment and innovation. Fair competition principles similarly emphasize that market participants should compete through legitimate business strategies rather than through imitation of established trademarks (Saidin, 2015).

The legal framework governing online commerce further extends trademark protection through Law Number 11 of 2008 concerning Electronic Information and Transactions. This legislation recognizes the legal validity of electronic transactions and establishes responsibilities within digital environments where trademark infringements frequently occur. The interaction between trademark law and electronic transaction law demonstrates an evolving regulatory response to technological developments affecting commercial activities (Kementerian Perdagangan Republik Indonesia, 2020). Such integration illustrates the increasing convergence between intellectual property regulation and digital governance.

Academic literature consistently identifies trademark counterfeiting as one of the most persistent threats within online commercial ecosystems. Counterfeit products weaken consumer confidence while simultaneously diminishing the economic value associated with legitimate trademarks (Adawiah et al., 2026). The legal consequences extend beyond individual rights holders because widespread infringement distorts market efficiency and creates unfair competitive conditions. Similar concerns have been highlighted in studies emphasizing the relationship between trademark protection and consumer welfare (Hasan et al., 2025).

Table 1. Normative Framework Governing Trademark Protection in Indonesian Online Commerce

Legal Instrument	Regulatory Focus	Main Function in Trademark Protection	Relevance to Online Commerce
Law No. 20 of 2016	Trademarks and Geographical Indications	Establishes exclusive trademark rights and enforcement mechanisms	Provides substantive protection against infringement
Law No. 11 of 2008	Electronic Information and Transactions	Regulates electronic transactions and digital responsibility	Supports enforcement in digital environments
TRIPS Agreement 1994	International Intellectual Property Standards	Harmonizes minimum protection standards	Strengthens international legal compliance
WIPO Guidelines	Digital Intellectual Property Governance	Promotes adaptation of intellectual property protection to technology	Supports policy development for online markets

Source: Compiled and analyzed by the author based on World Trade Organization (1994), World Intellectual Property Organization (2021), Law Number 20 of 2016, and Law Number 11 of 2008.

The normative mapping presented in Table 1 indicates that trademark protection in Indonesia is supported by a multilayered legal framework operating at national and international levels. The coexistence of domestic legislation and international standards creates a relatively comprehensive legal foundation for addressing trademark violations in online environments. Legal protection is therefore

not constrained by the absence of regulatory instruments but by the practical effectiveness of their implementation. This finding corresponds with observations that contemporary trademark disputes increasingly involve questions of enforcement capacity rather than legislative insufficiency (Setiawan, 2025).

The doctrinal analysis further reveals that trademark rights are inseparable from broader objectives of consumer protection. Consumers frequently rely on trademarks as indicators of authenticity and expected product quality when conducting transactions through digital marketplaces. Misappropriation of trademarks creates informational asymmetry that impairs consumer decision making and increases the risk of economic harm (Hardyansah et al., 2023). This relationship explains why trademark infringement should be viewed as both an intellectual property issue and a consumer protection concern.

Several studies have argued that legal protection becomes effective only when enforcement institutions are capable of translating statutory norms into practical compliance mechanisms. Research examining trademark related disputes demonstrates that legal certainty depends upon the consistency of administrative, civil, and criminal enforcement processes (Mustomi et al., 2025). The existence of legal rights alone does not automatically prevent infringement in highly dynamic digital markets. Effective enforcement requires institutional coordination capable of addressing technologically mediated violations occurring across multiple commercial platforms.

The emergence of digital marketplace innovation has also altered the functional role of trademarks within commercial transactions. Trademarks increasingly operate as valuable instruments of digital branding that influence consumer engagement and platform visibility. The commercial importance of trademarks has consequently expanded alongside technological innovation and platform based business models (Sulastri & Nurhayani, 2026). Legal protection mechanisms must therefore evolve in parallel with changes occurring within digital economic structures.

Normative evaluation indicates that Indonesia possesses a sufficiently robust legal foundation to protect trademark rights within electronic commerce. Existing legislation reflects internationally recognized principles concerning exclusivity, legal certainty, consumer protection, and fair competition. The central challenge lies not in the absence of legal norms but in ensuring that those norms remain responsive to contemporary patterns of infringement emerging within digital marketplaces. This conclusion provides the analytical basis for examining the institutional effectiveness of trademark law enforcement in the subsequent discussion.

Institutional Challenges and Enforcement Gaps in Addressing Trademark Infringement in Digital Marketplaces

The normative assessment demonstrates that the effectiveness of trademark enforcement in Indonesian online commerce is constrained less by the absence of legal instruments than by weaknesses in implementation mechanisms. Legal norms provide avenues for civil and criminal action, yet practical enforcement outcomes frequently fall short of the protective objectives expected within digital commercial environments. This discrepancy reflects a persistent gap between regulatory expectations and institutional capacity to respond to rapidly evolving online infringement practices. Similar observations have been highlighted in studies emphasizing that enforcement performance depends heavily on operational readiness rather than formal legal availability (Frederik et al., 2025).

A significant enforcement challenge arises from the divergence between law in books and law in action. Formal legal remedies appear comprehensive when assessed doctrinally, yet enforcement institutions encounter substantial obstacles when translating normative rights into effective protection measures. The problem becomes more evident within electronic marketplaces where infringements can emerge, disappear, and reappear within short periods of time. Setiawan and Hartana (2026) argue that legal protection in electronic commerce frequently encounters implementation deficits because digital transactions develop faster than institutional adaptation mechanisms.

The analysis further reveals that investigative authorities face structural limitations when handling online trademark disputes. Enforcement agencies often require specialized technological expertise to identify infringement patterns, trace digital activities, and establish connections between marketplace accounts and responsible actors. Such requirements increase procedural complexity and prolong investigative processes. Research conducted by Putra et al. (2025) indicates that law

enforcement effectiveness is closely linked to institutional technological capability and the availability of specialized investigative resources.

Digital evidence introduces another layer of complexity within trademark enforcement proceedings. Screenshots, transaction records, electronic communications, and marketplace metadata require verification procedures capable of establishing authenticity and evidentiary reliability. Legal uncertainty frequently emerges when evidence is altered, deleted, or stored on servers controlled by third parties. Leonardo et al. (2025) note that evidentiary challenges remain among the most significant barriers affecting intellectual property enforcement in electronic commerce environments.

The persistence of anonymous sellers further weakens enforcement effectiveness. Digital platforms allow individuals to operate through temporary accounts, incomplete identities, or misleading business information, making offender identification increasingly difficult. Investigators may successfully detect infringing products while remaining unable to determine the actual party responsible for the violation. Similar concerns have been emphasized by Sitorus and Mulyadi (2025), who identify anonymity as a recurring obstacle in trademark related criminal proceedings.

Table 2. Major Enforcement Obstacles in Online Trademark Infringement Cases in Indonesia

Enforcement Issue	Legal Implication	Impact on Enforcement Effectiveness
Anonymous sellers	Difficult identification	Delayed prosecution
Cross border transactions	Jurisdictional complexity	Weak enforcement reach
Marketplace monitoring limitations	Delayed detection	Continued infringement
Digital evidence challenges	Evidentiary uncertainty	Low conviction efficiency
Institutional coordination gaps	Fragmented enforcement	Regulatory inconsistency

Source: Compiled from Frederik et al. (2025), Putra et al. (2025), Leonardo et al. (2025), and Sitorus and Mulyadi (2025).

The findings presented in Table 2 illustrate that enforcement obstacles are interconnected rather than isolated. Identification difficulties contribute to evidentiary weaknesses, while monitoring limitations reduce opportunities for early intervention. The cumulative effect of these barriers produces a regulatory environment in which legal responses frequently occur after substantial economic harm has already materialized. Frederik et al. (2025) associate this condition with declining enforcement responsiveness in digital commercial transactions.

Marketplace supervision constitutes another critical weakness within the enforcement framework. Electronic commerce platforms process large volumes of listings each day, creating significant challenges for preventive monitoring mechanisms. Although reporting systems are available, many infringements remain active until complaints are submitted by trademark owners. This reactive model creates enforcement delays that enable counterfeit products to circulate widely before removal actions occur (Masrur et al., 2025).

Cross border transactions create additional jurisdictional complications that weaken enforcement reach. Sellers located outside Indonesian territory can market products to domestic consumers through digital platforms without maintaining a physical presence within the country. Such circumstances complicate investigations, evidence collection, and sanction implementation. Mahmuctarom et al. (2024) observe that territorial enforcement models face increasing limitations when applied to transnational digital trade activities.

The protection of trademark holders and affected consumers remains uneven because remedial mechanisms often emphasize procedural compliance rather than substantive recovery. Victims may encounter lengthy complaint processes, uncertain litigation outcomes, and difficulties obtaining effective compensation for commercial losses. Questions concerning substantive justice become particularly important when infringement causes reputational damage that cannot be easily quantified. Jaya and Wagiman (2026) contend that enforcement effectiveness should be evaluated not only through punishment but also through the extent to which legal processes restore injured rights and commercial interests.

Institutional fragmentation further reduces enforcement efficiency. Trademark disputes frequently involve multiple actors, including investigative agencies, prosecutorial institutions, marketplace operators, administrative authorities, and private rights holders. Differences in priorities, procedures, and information sharing mechanisms can slow enforcement responses and create inconsistent outcomes across similar cases. Wibowo et al. (2025) and Sati et al. (2025) emphasize that stronger institutional coordination is necessary to produce coherent enforcement strategies capable of addressing contemporary trademark violations.

The analysis ultimately indicates that criminal and civil sanctions have not consistently generated a sufficient deterrent effect within digital marketplaces. Infringing actors often perceive enforcement risks as relatively low when compared with the potential economic benefits derived from counterfeit trade. Recurring infringement patterns suggest that punitive measures alone cannot adequately address structural weaknesses embedded within the enforcement ecosystem. Studies by Hasan et al. (2025) and Setiawan (2025) support the view that enforcement effectiveness depends on the integration of sanctions, institutional coordination, technological monitoring, and accessible remedies for trademark owners and consumers.

Regulatory Innovation and Digital Governance Models for Strengthening Trademark Enforcement in Online Commerce

The normative evaluation indicates that future trademark enforcement requires a transition from reactive legal intervention toward preventive digital governance. Contemporary online commerce operates through high volume transactions that exceed the capacity of conventional monitoring mechanisms. Regulatory innovation therefore becomes essential for maintaining the effectiveness of trademark protection within rapidly evolving digital ecosystems. Similar arguments have been advanced by Setiawan (2025), who emphasizes that sustainable intellectual property protection depends on adaptive legal policies capable of responding to technological transformation.

A central component of legal reform involves strengthening the responsibility of digital marketplace operators within trademark governance frameworks. Marketplace platforms occupy a strategic position because they control access to product listings, seller verification systems, and consumer reporting mechanisms. More proactive compliance obligations can encourage the early identification of potentially infringing commercial activities before substantial market harm occurs. Fitri et al. (2024) argue that platform participation should be viewed as an integral element of trademark protection rather than merely a supporting administrative function.

Technological governance also creates opportunities for integrating artificial intelligence into trademark enforcement systems. Artificial intelligence possesses the capacity to analyze product descriptions, logos, images, and commercial patterns at a scale that exceeds human monitoring capabilities. Automated identification mechanisms may significantly improve preventive supervision while reducing administrative burdens on enforcement institutions. Umam et al. (2025) highlight that artificial intelligence based monitoring represents one of the most promising developments within contemporary intellectual property governance.

The implementation of automated trademark detection systems can further strengthen preventive enforcement models. Such systems can compare registered trademarks against marketplace content and generate alerts when substantial similarities are detected. Early detection supports faster intervention and reduces the possibility of widespread counterfeit circulation across digital platforms. Sulastris and Nurhayani (2026) maintain that technological innovation should be integrated into trademark governance strategies to preserve market differentiation and commercial trust.

The importance of preventive governance is reflected in the strategic reforms summarized in Table 3. These measures illustrate how legal and technological instruments can operate in a complementary manner to improve trademark protection outcomes. The proposed framework prioritizes prevention, institutional efficiency, and digital responsiveness rather than relying exclusively on conventional litigation mechanisms. Similar policy directions have been recommended by the Organisation for Economic Co operation and Development (2019) and the Ministry of Law and Human Rights of Indonesia (2021).

Table 3. Proposed Legal and Technological Strategies for Enhancing Trademark Enforcement

Reform Strategy	Expected Function	Enforcement Contribution
AI monitoring systems	Early infringement detection	Faster enforcement
Marketplace compliance mechanisms	Preventive supervision	Reduced counterfeit circulation
ADR mechanisms	Efficient dispute resolution	Reduced litigation burden
MSME legal education	Increased legal awareness	Improved compliance
International cooperation	Cross border enforcement	Expanded legal reach

Source: Compiled from Umam et al. (2025), Ningsih and Karim (2025), Widarsadhika et al. (2025), OECD (2019), and Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia (2021).

Alternative dispute resolution represents another important component of enforcement modernization. Legal disputes involving trademark rights often require timely outcomes because prolonged conflicts may undermine commercial value and consumer confidence. Mediation and arbitration mechanisms can provide more flexible and efficient procedures while preserving legal certainty for rights holders. Ningsih and Karim (2025) observe that alternative dispute resolution possesses considerable potential for reducing procedural burdens associated with trademark disputes.

Preventive legal protection must also be directed toward micro and small enterprises that increasingly participate in electronic commerce. Many business actors recognize the economic importance of branding but possess limited understanding regarding trademark registration and legal compliance. Strengthening educational programs can improve awareness while reducing the risk of unintentional infringement within digital markets. Widarsadhika et al. (2025) and Rahmawati (2025) emphasize that legal literacy constitutes an essential foundation for strengthening intellectual property protection among emerging enterprises.

Institutional reform should additionally focus on harmonizing regulatory approaches across sectors associated with digital commerce governance. Intellectual property regulation, electronic transaction governance, consumer protection policy, and digital platform supervision should operate within an integrated framework. Regulatory consistency promotes legal predictability and facilitates more coherent implementation among public and private stakeholders. The Ministry of Law and Human Rights of Indonesia (2021) identifies regulatory integration as a strategic requirement for strengthening intellectual property governance in the digital era.

International cooperation remains an important dimension of future enforcement architecture. Digital trade increasingly connects commercial actors across multiple jurisdictions, making collaborative governance mechanisms more relevant within intellectual property protection strategies. Cooperation involving information exchange, enforcement coordination, and institutional networking can strengthen the capacity of national systems to protect trademark rights in globalized markets. The OECD (2019) and WIPO (2021) recognize international collaboration as a critical element in responding to contemporary counterfeit trade networks.

The findings support the development of a future governance model that combines legal reform, technological innovation, institutional coordination, marketplace accountability, and preventive education. Such a model reflects a shift from enforcement centered primarily on sanctions toward governance oriented toward risk prevention and regulatory resilience. Long term effectiveness depends on the interaction between adaptive legal institutions and digital technologies capable of addressing emerging commercial realities. Hapriyanto et al. (2024) and Setiawan (2025) suggest that sustainable trademark protection requires an integrated governance architecture that simultaneously promotes innovation, consumer trust, and legal certainty.

CONCLUSION

The effectiveness of law enforcement against trademark infringement in online commerce in Indonesia remains constrained by a significant disparity between normative legal protection and practical enforcement outcomes. The legal framework governing trademark rights has established a relatively comprehensive foundation for protecting trademark owners within digital commercial activities, supported by national legislation and international intellectual property standards. Despite this normative adequacy, enforcement effectiveness is weakened by institutional fragmentation,

limitations in digital evidence management, challenges in identifying online infringers, marketplace monitoring deficiencies, and procedural obstacles that reduce the deterrent capacity of existing criminal and civil sanctions. The analysis further demonstrates that sustainable improvement requires a transition from a predominantly reactive enforcement model toward an integrated governance framework that combines regulatory reform, technological innovation, preventive legal protection, and collaborative digital oversight. Strengthening marketplace accountability, expanding the use of artificial intelligence based monitoring systems, enhancing alternative dispute resolution mechanisms, increasing trademark awareness among business actors, and promoting international cooperation are essential strategies for improving enforcement performance. The study concludes that the future effectiveness of trademark law enforcement in Indonesia depends not only on the existence of legal norms but also on the institutional and technological capacity to operationalize those norms within an increasingly complex digital commerce environment.

REFERENCES

- Adawiah, C. R., Hsb, N. S., Susanti, R., & Fatahillah, I. A. (2026). Legal Analysis of Trademark Protection Against Product Counterfeiting in Indonesia. *Anthroposia: Journal of Social and Human Development*, 1(2), 46-52.
- Dzikir, N. (2024). The Legal Basis for Intellectual Property Protection: A Focus on Trademarks. *Verdict: Journal of Law Science*, 3(2), 94-101.
- Fitri, S., Askar, N. A., Loemnanu, A. H., & Devi, N. N. A. S. (2024). Legal Protection on the Brand Owners for Counterfeiting Brands Traded through Electronic Transactions on Online Marketplace Platforms (E-Commerce). *Daengku: Journal of Humanities and Social Sciences Innovation*, 4(3), 484-488.
- Frederik, W. A., Ringkuangan, D., & Tuwaidan, H. (2025). Evaluation of Law Enforcement on Consumer Protection in Online Sales and Purchase Agreements. *International Journal of Law, Environment, and Natural Resources*, 5(2), 203-216.
- Hapriyanto, A. R., Syamsiah, D., & Dewi, P. M. (2024). Legal Protection of Copyright and Trademark Rights In the Goods Business. *Journal Equity of Law and Governance*, 5(1), 106-112.
- Hardyansah, R., Khayru, R. K., Issalillah, F., & Mardikaningsih, R. (2023). Law Enforcement on Infringement of Trademark Rights in Clothing Products for Consumer Protection and Healthy Market Competition. *Journal of Social Science Studies*, 3(2), 95-100.
- Hasan, Y. S., Ela, S. R., Yulifwi, N., Musa, S., & Macmud, A. S. (2025). Trademark Counterfeiting: A Legal Review and Its Implications for Consumer Protection. *Indonesian Civil Law Review*, 1(2), 18-40.
- Jaya, Y., & Wagiman, W. (2026). Problems of Substantive Justice in Criminal Enforcement of Trademark Ownership Disputes. *Devotion: Journal of Research and Community Service*, 7(3), 334-341.
- Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia. (2021). *Perlindungan kekayaan intelektual di era digital*. Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia.
- Kementerian Perdagangan Republik Indonesia. (2020). *Perdagangan melalui sistem elektronik di Indonesia*. Kementerian Perdagangan Republik Indonesia.
- Leonardo, S., Sudirman, L., & Disemadi, H. S. (2025). Legal Certainty in the Enforcement of Copyright Infringement on E-Commerce Platforms in Indonesia. *Jurnal Restorative Justice*, 9(1), 39-57.
- Mahmuctarom, M., Irawan, D. H., & Pratama, I. B. A. (2024). Criminal regulation against counterfeiting of goods and trademarks in the industrial sector. *Research Horizon*, 4(5), 87-102.
- Margono, S. (2010). *Hukum merek di Indonesia*. Rineka Cipta.
- Masrur, D. R., Irawati, I., & Tigor, A. A. (2025). Complaints Regarding Trademark Crimes Against Trademark Holders and Consumer Protection. *Jurnal Pembangunan Hukum Indonesia*, 7(3), 492-513.
- Mustomi, O., Trisista, R. G. M., Haris, A., & Solehudin, R. H. (2025). Legal protection of intellectual property rights in the field of trademarks registered in Indonesia. *AMCA Journal of Community Development*, 5(1), 14-21.
- Ningsih, N. R., & Karim, M. (2025). The Effectiveness of Alternative Dispute Resolution in Trademark Protection in Indonesia: Challenges and Solutions. *Justice Voice*, 4(1), 1-12.

- Organisation for Economic Co-operation and Development. (2019). *Trends in trade in counterfeit and pirated goods*. OECD Publishing.
- Putra, I. P. D., Sihotang, E., & Suryana, K. D. (2025). Enforcement Of Law Against Criminal Acts Related To Trademarks By The Special Criminal Investigation Directorate Of The Bali Provincial Police. *Asian Journal of Social and Humanities*, 3(11), 1977-1985.
- Rahmawati, N. D. (2025). Justice in Trademark Protection for MSMEs: A Legal Evaluation of Barriers and Solutions in Intellectual Property Registration. *Fortiori Law Journal*, 5(01), 79-102.
- Saidin, O. K. (2015). *Aspek hukum hak kekayaan intelektual*. RajaGrafindo Persada.
- Sati, M., Medaline, O., & Nadirah, I. (2025). Legal Enforcement Against Violations of Trademark Rights That Are in Substantial with the Same Name by Business Actors. *Fox Justi: Jurnal Ilmu Hukum*, 15(03), 770-779.
- Setiawan, P. (2025). Ideal Legal Protection Policy for Well-Known Trademark to Support Investment Climate in Indonesia. *Global Legal Review*, 5(2), 176-197.
- Setiawan, P. A. H., & Hartana, H. (2026). Effectiveness Of Trademark Protection In Electronic Commerce In A Case Study Of Trademark Infringement In Indonesia. *Ilmu Hukum Prima (IHP)*, 9(1), 117-133.
- Sitorus, R. P., & Mulyadi, M. (2025). The Impact and Handling of Criminal Law on Trademark Counterfeiting in Medan City (Study of Medan District Court Decision No. 2152/Pid. Sus/2024/PN Mdn). *International Journal of Economic, Technology and Social Sciences (Injects)*, 6(1), 102-115.
- Sulastri, D., & Nurhayani, N. Y. (2026). Brand differentiation and digital marketplace innovation under trademark law: Insights from Indonesia's Law No. 20 of 2016. *Jurnal Investasi Islam*, 11(1), 300-314.
- Umam, K., Zakaria, A. S., & Wardhana, R. P. (2025). Artificial Intelligence in Monitoring Trademark and Domain Name Infringement in Intellectual Property Law in Indonesia. *Lex Journal: Kajian Hukum dan Keadilan*, 9(4), 618-634.
- Undang-Undang Republik Indonesia Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik.
- Undang-Undang Republik Indonesia Nomor 20 Tahun 2016 tentang Merek dan Indikasi Geografis.
- Wibowo, S., Susetyo, H., & Bustani, S. (2025). Reconstruction of Criminal Regulation Toward Victims of Trademark Infringement in Indonesia. *Asian Journal of Social and Humanities*, 4(1), 2246-2264.
- Widarsadhika, R., Michael, T., Sihasale, G. G., Mauliddiyah, A. T., & Rahma, A. A. N. (2025). Effectiveness of Legal Protection in Preventing Intellectual Property Infringement by Micro and Small Enterprises. *J-CEKI: Jurnal Cendekia Ilmiah*, 4(4), 2071-2079.
- World Intellectual Property Organization. (2021). *Intellectual property and e-commerce*. WIPO.
- World Trade Organization. (1994). *Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement)*. WTO.
- Yani, A., Darmawan, D., Hardyansah, R., Marsal, A. P., & Da Silva, E. B. (2023). Legal Protection of Famous Trademarks in Indonesia: Between National Regulation and Global Counterfeiting Challenges. *Journal of Social Science Studies*, 3(1), 115-120.