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Implementing the Digital Economy Enabling Environment Guide: A Case Study from Indonesia

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Implementing the Digital Economy Enabling Environment Guide: A Case Study from Indonesia

by Pingkan Audrine & Arumdriya Murwani





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**Implementing the Digital Economy Enabling Environment Guide:
A Case Study from Indonesia**

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BACKGROUND

The Center for Indonesian Policy Studies (CIPS) is an independent, non-profit, non-partisan think tank that advocates for practical policy reforms using evidence-based policy research and analysis. Our policy perspectives are based on the belief that civil, political, and economic freedom will allow Indonesians to achieve greater prosperity. Since it was established in 2015, CIPS has focused on three research areas: food security and agriculture, education, and community livelihood.

CIPS believes that Indonesian citizens must have the rights and capacity to own and manage their local resources if they are to support community development and prosperity. As almost all aspects of life become more digitized, the digital economy is an increasingly important policy issue for community livelihood, and therefore relevant for CIPS' third research area.

When governed by the right policies, growth in the digital economy has the potential to empower Indonesians to lead more prosperous and peaceful lives. In 2019, CIPS published its first paper on economic opportunities in the digital sphere, titled "[Chinese Investments in Indonesia's Fintech Sector: Their Interaction with Indonesia's Evolving Regulatory Governance](#)." This paper kickstarted CIPS' work to advocate for safer and more inclusive digital ecosystems in Indonesia. In promoting the expansion of CIPS' digital economy work, the Center for International Private Enterprise (CIPE) supported CIPS to implement a digital economy advocacy project that identifies reforms to strengthen Indonesia's digital economy regulatory environment.

In Indonesia, the digital economy has an enormous potential for growth. In 2019, the digital economy grew by 11% to reach USD 44 billion in 2020, and is now predicted to reach USD 124 billion by 2025 (Google, Temasek, & Bain & Company, 2020). Technology has made the sector easily accessible and allows players in the digital economy to reach new markets—fostering innovation and propelling inclusive economic growth for Indonesians. However, the rapid advancement of the digital economy also comes with new risks pertaining to user's data privacy and cybersecurity which should be addressed within the digital economy regulatory framework.

The regulatory framework governing the digital economy in Indonesia is still nascent, centering the Government as the central regulator in the digital economy and obligating private sectors to abide by a rigid regulatory framework. As a result, the rigidity might hamper the development of the dynamic sector. The timely publication of CIPE's "[Digital Economy Enabling Environment Guide: Key Areas of Dialogues for Business and Policymakers](#)" ("The Guide") provided CIPS with a tool to guide the process to research and advocacy in this area.

This case study discusses how CIPS leveraged The Guide to map Indonesia's digital economy environment and identify its recommendation for a co-regulatory approach that governs Indonesia's digital economy. This paper also examines the challenges, lessons learned, and impact of the research and advocacy work conducted through this project.

USING THE GUIDE

CIPE and New Markets Lab (NML) developed The Guide to facilitate dialogue in four key policy areas in the digital economy: (1) consumer protection, (2) data protection, (3) cybersecurity, (4) electronic transactions which includes electronic payments (e-payments) and electronic signatures (e-signature). These policy areas affect nearly every operational aspect of the digital economy. Developing policies that encourage protections in these areas is important to create a functioning digital environment.

CIPE collaborated with CIPS to use The Guide to support advocacy efforts that identify digital economy policy reforms in Indonesia. Initially, CIPS researchers carefully studied The Guide to form a better understanding of the digital economy regulatory landscape and formulate an effective local advocacy strategy that matches the needs of Indonesia's environment. In particular, CIPS referred to the "Advocacy Questions to Guide Strategy" section in The Guide (p.12), which consists of six guiding questions but CIPS decided to use four of them. It covers the question on what policy needs to be changed, who can make the changes, how much change should be made, and how can the case for change be made.

Mapping Indonesia's digital economy environment was crucial in enabling CIPS to design an effective advocacy strategy. To achieve this, CIPS used The Guide to determine which key policy areas we would like to focus on our research and influence for change through advocacy. CIPS decided to focus on four key areas: (1) consumer protection, (2) data protection, (3) cybersecurity, (4) electronic transactions which include electronic payments (e-payments). E-signature was not included in the analysis because it is still at early stages in Indonesia with only few start-ups. The "Checklist for Stakeholder Representation in the Policy Advocacy Process" (p.14) was used by CIPS researchers and the external relations team throughout the project. The checklist helped in executing the research and advocacy as it includes information on key processes needed: finding priority issues; conducting regulatory mapping; determining method of communication to reach the stakeholders; preparing communication materials; implementing the advocacy and evaluating the process.

The Guide suggested that the research and advocacy process begin with a survey on the most pressing digital economy issues. To do so, CIPS used the momentum of our annual Gala Dinner. The event attracted government and private sector attendees, including numerous key players in the digital economy such as Indonesia's E-Commerce Association; Indonesian tech companies valued at over USD 1 billion (also known as Indonesian unicorns) such as Gojek, Bukalapak, and Tokopedia; multinational companies like Google and Facebook; and the German development agency GIZ, which shares a similar concern on consumer protection for the digital economy sector. CIPS leveraged on the Gala Dinner as a momentum to assess the stakeholder representation in digital economy, to network, while also discovering new learning opportunities from various stakeholders in the sector.

The initial plan to conduct research complemented with focus group discussions (FGD) about Indonesia's digital economy regulatory environment and identify policy recommendations had to be amended due to limitations posed by the Covid-19 pandemic, which began in March 2020.

CIPS had to quickly rethink the overall process to conduct the research with the support of FGD. CIPS still wants to retain the element of collaboration between different players in the digital economy when researching and advocating for policy changes. Therefore, CIPS proceeded with online interviews and hosted an online conference called Digital Week (DigiWeek) 2020.

Focusing Research and Advocacy in Fostering Co-regulation

Advocacy is the act of promoting a particular cause or issue for the purpose of influencing decisions. Reid (2001), McLaverty (2011), and Gen & Wright (2012) identified the core components of policy advocacy: assessment of policy problems through research and policy identification, outreach programs that raise awareness and inform the public of policy issues, and suggesting solutions—which may take the form of policy design—to relevant government stakeholders or policymakers. In Indonesia, policy advocacy efforts to encourage a greater role for non-governmental actors in regulating the digital economy are important for this fast-growing sector.

This intention of involving private sector actors in the governance of digital economy is manifested in the co-regulation approach promoted by CIPS, which requires continuous, broad-based, multi-stakeholder input during policy formation and sharing responsibilities between government and non-governmental stakeholders in the implementation and evaluation process. As many studies suggested, co-regulation requires the government to work with other stakeholders in a mutual and adaptive process (Finck, 2017, p.18; Torfing et al., 2016, p. 8). Therefore, CIPS aimed to introduce and promote the concept of co-regulation in the digital economy's regulatory framework in Indonesia.

CIPS researchers conducted regulatory mapping to clearly understand the current legal framework governing the digital economy in Indonesia and the stakeholders involved. The regulatory mapping process involved five researchers to identify the policy changes that can be advocated. It was found that the Indonesian digital economy was regulated by at least 14 government entities and by over 60 different laws. The process also revealed that among the five policy areas suggested in The Guide, e-signatures are seldom used in Indonesia and draw less public interest as a policy issue. Therefore, CIPS decided to focus its research and advocacy on the following policy areas: consumer protection, data protection, cybersecurity, and e-payments.

The Guide provides a “Checklist for Stakeholder Representation in the Policy Advocacy Process” as well as a detailed legal analysis of each priority policy area to help users better understand their country's regulatory framework and digital ecosystem. CIPS implemented the checklist with several adjustments. The steps are illustrated in figure 1.

Figure 1.
Checklist for Stakeholder Representation in the Policy Advocacy Process



Source: Digital Economy Enabling Environment Guide: Key Areas of Dialogue for Business and Policymakers (Kulhmann et al., 2018) and presented by CIPS authors.

Initial research covered the laws and regulations in place, governmental institutions in charge, and an overview of the digital economy in Indonesia. Seventeen interviews—six with representatives of governmental bodies, eight with businesses and associations, and three with civil society organizations—examined developments in regulations and regulatory implementation. Stakeholder mapping also helped to apply information from these interviews in the research.

Going forward, CIPS organized a virtual conference with government officials, policymakers, tech companies, and international experts to discuss emerging topics in the digital economy. The event, [DigiWeek 2020: “Shaping the Digital Economy Through Public-Private Dialogue”](#) served as an avenue for a public-private dialogue, a crucial element in the co-regulation approach. DigiWeek 2020 was held on July 21–24 2020 and featured eight sessions, the first of which was opened by the Indonesian Minister of Industry. Many government policymakers participated, including officials from MOC, the Coordinating Ministry for Economic Affairs, the Ministry of Trade, Ministry of Industry, Indonesia’s Central Bank (*Bank Indonesia* or BI), the House of Representatives (*Dewan Perwakilan Rakyat* or DPR), the Ministry of Finance, Financial Services Authority (*Otoritas Jasa Keuangan* or OJK), and the National Cybersecurity and Cryptography Agency (*Badan Siber dan Sandi Negara* or BSSN). From the private technology sector, e-commerce and ride-sharing unicorns, such as Gojek and Tokopedia, and financial technology also participated both as speakers and attendees. Professionals from civil society organizations, foreign embassies, and development aid agencies were also included.

The four-day conference attracted over 1,400 participants who joined using both the Zoom platform and YouTube live-stream. The event generated 45 media mentions from news outlets, both from quoting from the discussion in the DigiWeek sessions and from CIPS press releases. The topics most frequently reported on were data protection and the taxation of digital transactions.

To capture the idea for the co-regulation paper, CIPS researchers were collecting notes from all the eight sessions of DigiWeek 2020. Each researcher is assigned to synthesize the point of discussion based on the following aspects: government's recent update in policy framework; challenges faced by industry players; and any pressing public concerns. It then became the additional data to complement desk research and interviews.

CIPS dedicated a research team with six researchers to conduct the study and formulated the paper. Researchers started by identifying key stakeholders and existing policies within this sector to ensure that the paper captures a comprehensive analysis of the existing legal and regulatory framework. As a result, CIPS identified four key areas of the digital economy based on The Guide: consumer & data protection, cybersecurity and e-transaction with particular focus in e-payments. The regulatory mapping became the foundation to create the research questions and design. When collecting the data, CIPS conducted desk research and interviews to confirm findings of the desk research. CIPS also hosted the DigiWeek virtual conference as a platform for relevant policymakers to meet and discuss the four policy areas identified at the mapping stage.

The research paper went through several refinements and peer review during its development. An internal review process was conducted through a series of iterative discussions involving all departments in CIPS, including the five members of the External Relations Department who play an enormous role in providing advocacy tools such as press releases, social media posts, and design for our publications. The External Relations Department was involved as to ensure that the paper will be able to communicate its key messages to the public.

CIPS captured the analysis and recommendations in the research paper, "[Co-regulating the Indonesian Digital Economy](#)" in January 2021. The paper identified that the existing regulatory framework cannot accommodate the growth of the digital economy. The paper also outlined several recommendations to propel growth in the digital economy sector: (1) to improve the legal basis of public-private dialogue, (2) to improve the regulatory sandbox mechanism, and (3) to establish monitoring and evaluation mechanisms involving the private sector. These recommendations were made based on the co-regulation approach.

Upon publishing this paper, CIPS shifted its efforts towards advocacy. During the launch of the paper, CIPS invited the Director of Application and Informatics Governance from MOCI and the Deputy Chairman of Indonesia E-Commerce Association. The advocacy process continued with direct meetings with the Ministry of Trade, Coordinating Ministry for Economic Affairs, National Cyber and Crypto Agency, and MOCI.

CIPS launched four policy briefs to strengthen the advocacy process of the co-regulation paper. These policy briefs were researched, written and advocated by aspiring policy researchers who joined [CIPS Emerging Policy Leaders Program \(EPLP\)](#), CIPS' policy research and analysis early-career training program. There were six trainees who joined the EPLP program in 2020. The trainees each were given the task to write the policy brief and to assist in the advocacy efforts.

The policy briefs produced by the trainees discussed the following topics: (1) user-generated content, (2) digital taxation, (3) cybersecurity and (4) data privacy. The policy recommendations outlined in the brief were based on the co-regulation principle, and supported the recommendations of the Co-regulation Paper. In the advocacy effort, CIPS approached stakeholders from the

government, industry associations, and students. The recommendations outlined in the policy briefs were generally well-received by the stakeholders. Students shared their experience and expressed concerns of their data privacy, security, and their freedom of expressions on the internet. While CIPS advocated in favor of the creation of an independent agency responsible for supervising and ensuring personal data protection. However, the Ministry of Communication and Informatics (MOCI) expressed a preference for maintaining ministerial control of data protection in order to avoid the creation of a new government agency.

Table 1.
Key Milestones in Implementing the Guide

Date	Milestone	Impact
January 2019	Publication of “Chinese Investments in Indonesia’s Fintech Sector: Their Interaction with Indonesia’s Evolving Regulatory Governance.”	Kick started CIPS’ involvement in the digital economy.
March 2020	The CIPS Gala Dinner	Gained new contacts from the digital economy industry. It helped the research process (interviews) and advocacy (during the DigiWeek 2020).
March 2020	Research Process for the “Co-Regulating the Indonesian Digital Economy” Policy Paper	Commenced for brainstorming & formulating research plan.
April 2020	Research Process for the “Co-Regulating the Indonesian Digital Economy” Policy Paper started the stakeholder mapping process	Gained insight on key stakeholders that can be invited to DigiWeek and for direct advocacy meetings (mostly from the government).
May – July 2020	Research Process for the “Co-Regulating the Indonesian Digital Economy” Policy Paper conducted interviews with relevant stakeholder	Engaged with 17 stakeholders, ranging from governments (6), private sectors & industry associations (8), and civil society organizations (3).
July 2020	Digital Week 2020	Introduced CIPS to new stakeholders in the digital economy, enriched CIPS’ understanding of various stakeholders’ perspectives, and opened up new opportunities for collaboration.
August – December 2020	Writing Process for the “Co-Regulating the Indonesian Digital Economy” Policy Paper	
September 2020	CIPS Emerging Policy Leaders Program (EPLP) program begin	The launch of four policy briefs about (1) user-generated content, (2) digital taxation, (3) cybersecurity and (4) data privacy.
December 2020 – May 2021	Advocacy Process for the “Co-regulating the Indonesian Digital Economy” Policy Paper	CIPS advocated the paper to five government stakeholders, which are: MOCI, Indonesia E-Commerce Association, Ministry of Trade, Coordinating Ministry for Economic Affairs, and National Cyber and Crypto Agency.
January 2021	CIPS publicly launched the Policy Paper titled “Co-regulating the Indonesian Digital Economy”	The digital version of the paper has received 1,198 downloads and views and 305 media mentions as of June 2021. 79 people joined the live discussion using the Zoom platform.
March 2021	Advocacy on the Personal Data Protection Bill and three other topics supported by other CIPS’ partners that support the idea of co-regulation in digital economy	Advocated the policy briefs directly to six governmental stakeholders: MOCI, Ministry of Trade, Ministry of Finance, Coordinating Ministry for Economic Affairs, National Cyber and Crypto Agency, and Siberkreasi.
May 2021	Campus outreach featuring students to discuss on digital economy issues based on CIPS research	Building youth’s awareness on the importance of co-regulation approach for regulating the digital economy in Indonesia.

CHALLENGES AND LESSONS LEARNED

CIPS faced several challenges when employing the advocacy checklist from The Guide. These included adapting to the local context, encountering difficulty approaching the relevant stakeholders, and adjusting to meet challenges posed by the pandemic. CIPS was also able to identify important lessons that may assist others using the guide.

Challenges

While The Guide specifies four important policy areas that support the digital economy, not all of these areas were relevant in the digital economy in Indonesia. Regulatory mapping revealed that The Guide's e-signature scheme was not an apparent priority for the Indonesian digital sector. To adjust to the local context for relevance, CIPS decided to focus on consumer protection, data protection, cybersecurity, and e-payment as the key priority areas to be researched and set aside The Guide's fifth area.

CIPS was able to leverage its reputation in other policy fields and so government stakeholders were open and responsive to CIPS' requests for advocacy meetings. However, because the digital economy was a new policy area for CIPS in 2020, many of the private sector contacts needed for stakeholder engagement were new. The lack of pre-existing relationships with CIPS and the lack of existing CIPS research in the digital economy made some private sector actors more reluctant to engage in the research and advocacy process in the beginning.

The collaborative and inclusive approach of co-regulation takes a longer time for the coordination both within government agencies and between the private and the public sectors. However, it can be mitigated by having a group discussion or conference, such as DigiWeek. The conference might help in overcoming coordination challenges by providing a meeting point for all stakeholders involved and reduce the cost of stakeholder coordination.

Scheduling meetings in the busy agendas of stakeholders is always a challenge, but the outbreak of the Covid-19 pandemic lengthened government agencies' response times. In response, CIPS allocated staff to make appointments and follow up with the relevant government stakeholders. These steps made regular follow ups possible and allowed CIPS to swiftly find substitutions in the case of any cancellations or dismissals.

As businesses shifted online in response to the pandemic, CIPS was among the first think tanks in Indonesia to organize webinars and virtual conferences. When in-person focus group discussions became impossible, CIPS, with the support of its partners, organized DigiWeek 2020.

Lessons Learned

Given the above challenges and the scope of the effort behind digital economy research and advocacy, this project engaged not only dedicated digital economy research team members, but the entire CIPS researchers. Ensuring that every team member was well informed was crucial to the advocacy efforts.

Think tanks that use The Guide need to demonstrate initiative and creativity, especially in adjusting their goal and local context when implementing The Guide. A thorough internal assessment of the content and recommendations is essential to adapt research and advocacy efforts to suit the local context. Think tanks must also allow for flexibility in their use of The Guide when inevitable challenges arise.

The Guide comprises a few checklists that can be adopted to the needs of each think tank. Since the digital economy sector in Indonesia is relatively new, using the checklist provided by The Guide in the early stage of running the research project becomes crucial to set the foundation for the following actions needed.

Regulating the internet and the digital economy in particular requires the involvement of many parties—a large reason to side with co-regulation as a favorable method of policy making. The digital sector is accessible to many different participants who must come together and address the rapid changes and challenges that evolve. Wider engagement will also prevent concentrating too much burden and responsibility on one institution, and engage multiple actors in organizing and bringing together the many stakeholders required for a co-regulation approach.

Since the legal framework of the digital economy regulates highly technical matters, think tanks also need technical expertise to support their research process.

Advocacy efforts through engagement events and direct meetings with key governmental stakeholders helped CIPS to assess the environment for regulatory reforms. Holding direct meetings improved understanding of “gain” and “pain” points of government stakeholders, as well as to assess and analyze the situation that research and advocacy efforts would address.

IMPACT

CIPS now has a strategic goal for its work on the digital economy: to include the co-regulation approach in the National Digital Economy Framework that is being prepared by the Coordinating Ministry for Economic Affairs as the guiding document for Indonesia's digital economic plan. Through the research and advocacy work extended while implementing The Guide, CIPS gained new contacts and opportunities to cooperate and to continue facilitating the public-private discourse on the digital economy.

Through its policy paper, [“Co-regulating the Digital Economy,”](#) CIPS became the first think tank to introduce the concept of co-regulation in the digital economy to the general public and media in Indonesia. Previously, a state-centric approach dominated Indonesia's regulatory framework, including in the digital economy. The idea of co-regulating the digital economy was received favorably by the media and the public. The paper was downloaded 1,198 times and mentioned by the media 305 times, including in top-tier media outlets, nationwide as of June 2021.

Before Indonesia's digital economy boom, co-regulation was only apparent in the conventional financial sector, particularly in the capital market. This has better prepared the financial sector to participate in co-regulation as the digital economy develops. Financial technology (fintech) set an early example for co-regulation in Indonesia, and “Co-Regulating the Digital Economy” suggested expansion of this successful co-regulation approach from fintech to other sectors in the digital economy.

Following the [paper launch event](#), the Ministry of Communications and Informatics (MOCI) began an ongoing internal assessment to consider implementing one of the tools in the co-regulation approach, the regulatory sandbox, in a start-up digital subsector in the healthcare industry known as health tech and e-commerce.

CIPS' advocacy for the creation of an independent agency responsible for supervising and ensuring personal data protection enriched both public discourse and the policymaking process. The CIPS [policy brief launch](#) persuaded Members of Parliament responsible for the bill to defend the need for an independent data protection body against MOCI pressure for ministerial control. This issue has not been resolved as the PDP bill is still being debated by the national parliament.

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