Legal Compliance for Cross-Border Supply Chain: Challenge and Measurements

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Abstract. Cross-border supply chains refer to moving goods, services, information, and capital across international borders to meet customer demand. Cross-border supply chains involve a network of activities and processes among various parties, including manufacturers, suppliers, distributors, retailers, and consumers in different countries. Cross-border supply chain management involves multiple risks and challenges, such as language barriers, cultural differences, regulatory requirements, and political instability. This research method is to make a legal analysis of the key provisions of relevant laws. Findings show that to overcome these challenges, companies need to have a well-designed supply chain strategy and use technologies, such as advanced analytics, blockchain, and artificial intelligence, to improve visibility, transparency, and collaboration among supply chain partners.

Keywords: Cross Border, Supply Chain, Legal Compliance.

1 Introduction

Cross-border supply chains are critical in connecting global markets and overcoming logistical and regulatory challenges between countries [1]. Logistics involves careful coordination in transporting goods, application of advanced technologies for efficiency, understanding of diverse regulatory compliance, and cooperation among stakeholders such as suppliers, logistics agents, and distributors [2]. In addition, risk management and adaptation to local market needs are key aspects. The effectiveness of these supply chains is vital for smooth trade between countries and strengthens global economic interconnections, facilitates the exchange of goods, and promotes cross-border economic growth [2]. Cross-border supply chains begin with procuring raw materials and components from different parts of the world. These materials are then transformed into finished products in one country before being shipped to various locations worldwide. The supply chain also involves multiple activities, including transportation, warehousing, customs, and trade compliance.

A key characteristic of cross-border supply chains is the "fragmentation of international production." [3]. These chains have multiple levels, are not necessarily linear, and exhibit horizontal, vertical, and spatial complexity that is static and dynamic. The interaction between these aspects results in production uncertainties, disruptions, and

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regulatory challenges. Horizontal complexity occurs when multiple parallel processes or products are involved in the same supply chain. In vertical complexity, different stages of production, from raw materials to finished products, are spread across other countries [4]. Spatial complexity arises from the wide geographical spread of supply chain activities, which often requires transporting products across national and continental boundaries. This complexity leads to different challenges; for example, uncertainty may arise from political or economic volatility in the countries involved, changes in raw material prices, or changes in market demand. Production disruptions may occur due to natural disasters, logistics disruptions, or labor issues. Regulatory challenges arise from complying with various standards and laws in different countries, which are often other and subject to change. An effective global supply chain must manage this complexity and uncertainty through flexible strategies, robust planning, and close collaboration between all supply chain partners. Collaboration requires good coordination, advanced information technology, and adapting quickly to changing conditions.

In 2015, Apple had 785 suppliers located in 31 countries worldwide, all of which contributed to the production of iPhones [4]. This supply reflects large companies supply chains' complexity and vast global scale. According to the Business and Human Rights Resource Center, in 2017, up to 94% of the worldwide workforce of the top 50 companies was hidden because responsibilities had been outsourced many times [4,5]. The challenges of ensuring compliance and corporate social responsibility across cross-border supply chains are highlighted. Monitoring working conditions, environmental standards, and other practices becomes difficult when production and services are outsourced to multiple suppliers in different countries. This results in difficulties in ensuring that the supply chain operates according to ethical and legal standards. The responsibilities of companies in managing their global supply chains involve more than just meeting production needs. They must also consider aspects of human rights, environmental compliance, and work ethics at every level of the supply chain. The demands are more significant efforts in supply chain transparency, monitoring, auditing, and closer collaboration with suppliers to ensure these standards are met throughout their production networks.

In ASEAN countries, ensuring legal compliance in cross-border supply chains demands an integrated and holistic approach due to variations in trade regulations, labor laws, and environmental standards in each country [6]. Companies should keep abreast of developments in regional economic cooperation and integration undertaken by ASEAN to simplify and harmonize trade procedures. The importance of transparency and tracking in the supply chain can be addressed using advanced technologies such as blockchain and IoT [6,7]. Close collaboration with local suppliers, regular audits, and training on legal compliance are also essential to ensure compliance. In addition, effective risk management, including anticipation of changes in regulations and political or economic conditions, is critical in maintaining legal compliance in the dynamic business environment in the ASEAN region. This approach helps companies minimize legal risks and build trust and a strong reputation in the global market. For ASEAN countries, border Supply chains play an important role in connecting agriculture with manufacturing and services, creating a broad agribusiness framework [8]. Often, production networks are influenced by distribution networks. For example, supermarkets have transformed agri-food supply chains in ASEAN. Supermarkets can quickly adopt new technologies, monitor food safety and traceability, and directly connect producers with consumer preferences and changing demand. Some supermarket chains also act as traders, wholesalers, and retailers for certain supply chains in agribusiness [9].

Complexities in global supply chains, especially those involving multinational companies, create opportunities for regulatory arbitrage, resulting in gaps in governance and regulation [10]. Regulatory arbitrage occurs when companies take advantage of differences between regulatory systems in different countries to reduce costs or avoid specific rules. As many multinational companies are registered and headquartered in one jurisdiction, most of their economic activities occur overseas, often in areas beyond their home jurisdiction's regulatory reach, and this situation becomes complex. In this context, economic activities such as the production, processing, and distribution of goods may be subject to different regulations depending on the location of the action.

2 Literature Review

The supply chain is the composition of parties that directly or indirectly fulfill customer needs [11]. It covers all the functions to satisfy customer needs, including product development, marketing, production operations, logistics, distribution, customer service, etc. A cross-border supply chain can be understood as organizing and realizing a supply chain between two or more countries. References to cross-border supply chains are not yet familiar. In economic globalization, more connections and studies are being made to global supply chains and logistics systems to support and promote the development of global supply chains.

In the current situation of increasing trade frictions and anti-globalization developments in some countries, the locality of supply chains and the selection of nearshore countries to organize supply chains will be strengthened [12]. Bilateral and multilateral trade may replace globalization as the mainstream, and the study of cross-border supply chains may become the focus of research on global economic development. With these increasing trends, there is a shift from highly integrated global models to more regionally or locally focused models in response to political, economic, and supply chain risks. This requires more in-depth research and understanding of cross-border supply chain dynamics, which differ from traditional global supply chains [13]. Given the dynamic and often unpredictable changes in the international trading environment, particular attention may be paid to how companies can build resilience and efficiency in their supply chains.

International trade in services through a cross-border supply Chain (CBS) is a method where services are provided from one country (supplier) to another country (consumer) without requiring the supplier to enter the territory of the consumer country physically [14]. This method emphasizes the cross-border aspect of international service provision. As Bernard Hoekman and Michel Kostecki explained, this method can generally only be applied to services that do not require direct physical interaction between suppliers and service users [15]. Examples of service activities that can be carried out through CBS include consulting services provided through electronic media, and various banking services carried out through electronic media, such as Internet banking and phone banking. Technological advancements, particularly in digital communications and the internet, have enabled a massive expansion of the CBS model. The model facilitates cross-border service transactions in an efficient and often real-time manner, eliminating the need for a physical presence of the service supplier in the consumer country. This trade in services through CBS has essential implications for the global economy, allowing companies and professionals in one country to serve markets in other nations with fewer barriers and lower costs than traditional trade models [16]. However, it also presents specific challenges, especially in regulation, tax compliance, and protection of consumer rights.

Cross-border supply chain management is complex as it involves complying with each country's different trade regulations, customs, and product standards [17]. The logistical challenges of coordinating transportation between countries are often complicated by differences in infrastructure and potential delays at borders. In addition, language and cultural barriers add difficulties in communication and business practices. Fluctuations in currency exchange rates and differences in financial and banking practices also bring financial risks. Volatile political and economic stability can affect supply chains, while cross-border technology integration is often challenging. Maintaining product quality and standards according to different requirements in each country and dealing with environmental regulations and sustainability standards are also part of the complexity. Finally, meeting diverse customer expectations in each market requires understanding and responding to varying preferences and demands. All these factors make cross-border supply chain management require a sophisticated and flexible approach that can adapt to the dynamic nature of international trade [18]. Collaboration in supply chains is critical, especially in a global setting, as it significantly improves operational efficiency and effectiveness. Worldwide, supply chains involve stakeholders from different countries with different needs and challenges. Collaboration enables a smooth flow of information, ensuring that all relevant parties have the necessary data to make the right decisions at the right time.

Through collaboration, companies can better coordinate production and distribution processes, reduce redundancies, and optimize the use of resources [19]. This leads to reduced lead times, increased delivery speeds, and reduced operational costs. For example, by sharing information about market demand, suppliers can adjust their production according to actual needs, which reduces waste and storage costs. In addition, collaboration in the supply chain supports innovation. By working together, companies can combine their expertise and resources to develop new solutions that are more effective and efficient. The collaboration could include the development of new technologies, better production processes, or more sophisticated distribution strategies.

Collaboration also strengthens the supply chain's resilience to disruptions, such as changing market conditions, natural disasters, or political disturbances [20]. By building strong, mutually beneficial relationships, companies can more quickly and effectively respond and adapt to changing situations. Therefore, supply chain collaboration improves efficiency and effectiveness and is essential for achieving success and resilience in global trade [21]. In global business, using e-documents (electronic documents) greatly supports effective collaboration in the supply chain. E-documents speed up the transaction process, reduce lead times, and increase efficiency by making it easier to create, send, and receive documents digitally. Transparency and tracking become more accessible, allowing all parties in the supply chain to access the same information in real-time, strengthening coordination. Reduced errors and costs are also essential benefits, along with reduced paper usage and fewer manual errors.

Regarding regulatory compliance, e-documents make adjusting to changes in international trade regulations more accessible and efficient [22]. Data security is also enhanced through encryption and data protection that ensures the safety of sensitive information. In addition, e-documents facilitate integration between various IT systems used by supply chain partners, supporting better data sharing and collaboration. Adopting e-documents in cross-border supply chains eases business processes, promotes data-driven decision-making, and enables rapid response to market dynamics or operational needs.

Advanced analytics help companies make more accurate predictions, optimize inventory, and identify potential risks faster. With its transparent and immutable nature, blockchain technology is beneficial for tracing product origins and ensuring regulatory compliance. Artificial intelligence can be used for process automation, more efficient data analysis, and faster decision-making. These technologies strengthen a company's internal operations and facilitate better collaboration with supply chain partners, enabling more effective information sharing and better coordination. With a supply chain strategy integrated with advanced technology, companies can improve their resilience, efficiency, and competitiveness in a dynamic global business environment.

3 Legal Compliance in Cross-Border Supply Chain

The definition of supply chain in legal terminology, especially in Indonesian Law, is that there are no regulations in the form of laws governing supply chains in Indonesia [23]. Legally, the supply chain can be interpreted as an upstream-to-downstream product process, including design. In 6 U.S. Code § 1171 International Railroad Security Program, the United States provides the following definition of supply chain [24]: "International supply chain The term "international supply chain" means the end-to-end process for shipping goods to or from the United States, beginning at the point of origin (including manufacturer, supplier, or vendor) through a point of distribution to the destination."

Although the United States provides a dichotomy between supply chain and international supply chain, by definition, the supply chain is an upstream-to-downstream process of a product that starts from the process of raw materials, manufacturing, distribution, supply, and up to the vendor that connects the distribution point and destination of an item.

Cross-border supply chains, characterized by their complexity, necessitate meticulous coordination across various legal, cultural, and logistical landscapes [25]. Companies must navigate diverse legal regulations, cultural and language differences, and intricate logistics, including customs and transportation challenges. Ensuring consistent quality control across international borders, adapting to fluctuating supply and demand, integrating advanced technologies, and managing risks are crucial. These chains demand strategic planning and resilience to handle disruptions, making their management a vital aspect of global business operations.

In modern supply chains, incorporating blockchain technology and smart contracts is transforming how transactions are managed. The supply chain's initial phase involves sourcing and preparing materials, followed by the 'freeze phase,' where goods are produced, but their ownership remains with the manufacturer. Integrating smart contracts, confirmed by a blockchain network, brings transparency and security to this process. These contracts, accessible publicly on the blockchain, employ an escrow method, ensuring that payments or assets are only released when specific conditions are met. This technological advancement streamlines the supply chain, enhancing efficiency and trust between the parties involved.

Global supply chains, also known as global value chains or global production chains, are well-established and widely used production arrangements in various industries, including manufacturing, energy, agri-food industries, and various financial and business services [26]. The United Nations Conference on Trade and Development (UNCTAD) states that global supply chains formed by transnational corporations are responsible for about 80% of global trade. In addition, the International Labor Organization (ILO) has estimated that more than 450 million people work in supply chain-related jobs.

The importance of these global supply chains is reflected in their broad scope and impact [27]. Transnational corporations significantly shape these supply chains, often spanning multiple countries and regions, enabling production efficiency, resource diversification, and access to global markets. These global supply chains are crucial to the companies that operate them and significantly impact the global economy, trade, and employment. As such, global supply chains' efficiency, sustainability, and resilience are key in influencing economic stability and social progress worldwide (Fig. 1).

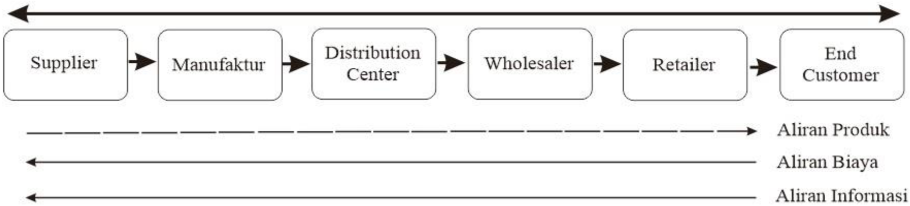

Fig. 1. Global supply chains.

Complexities in multinational business operations often create opportunities for regulatory arbitrage and result in gaps in governance and regulation [28]. While many multinationals are registered and headquartered in one particular jurisdiction, a significant portion of their economic activity occurs overseas, often in areas outside the regulatory reach of their home jurisdiction. This creates challenges in regulatory compliance, especially as the efforts of international or intergovernmental institutions with limited regulatory capacity may not fully cover such extraterritorial activities.

Moreover, these companies or suppliers often operate in developing countries, which may not have sufficient resources or structures for effective regulation. In many cases, host countries may overlook domestic law violations or be reluctant to pass human rights regulations, fearing companies will move their business elsewhere to avoid the regulatory burden [29]. This situation can result in weak governance, opening up opportunities for corruption and human rights abuses, adversely affecting sustainability—the risks to the companies involved and the communities and environments in the countries where they operate. There is, therefore, an urgent need for multinational companies to adopt responsible and sustainable business practices independent of the level of regulation imposed by host countries. This includes implementing their high ethical standards, conducting rigorous due diligence, and actively seeking to reduce the negative impacts of their operations.

Regulations focusing on supply chain management should require companies to ensure compliance with human rights and environmental standards [24]. These regulations require companies to design, implement, and monitor procedures to improve compliance throughout their supply chains. Companies must establish and enforce ethics policies, conduct regular audits, maintain transparency in reporting, and conduct risk assessments to mitigate potential violations. Such measures hold companies accountable for the impacts of their operations and reflect the growing global emphasis on ethical and sustainable business practices, responding to consumers' and investors' heightened awareness of their economic choices' social and environmental implications.

4 Challenge in Cross-Border Supply Chain for International Trade

Supply chains must build resiliency and risk mitigation to weather the storm, build resilience, and mitigate risks [30]. Several strategic steps are essential for businesses to implement. It is imperative to emphasize the need for supplier diversification. Depending on a single supplier or region can increase vulnerability to disruptions such as natural disasters, political disturbances, or logistical issues. By having multiple sources of supply, companies can significantly reduce these risks. In addition, increasing visibility and transparency in the supply chain is also critical. Using technologies like the Internet of Things (IoT), blockchain, and advanced data analytics can help businesses better understand and manage their supply chains, enabling faster identification and response to potential risks [30,31]. The ability to adapt quickly to changing demand and market conditions, for example, increasing or decreasing production or changing distribution routes can help companies remain efficient in varying situations. Correspondingly, the development of a comprehensive risk management plan is essential. This plan should include emergency and recovery planning scenarios to address potential disruptions [32]. It also involves a thorough understanding of vulnerable points in the supply chain and the development of strategies to manage those risks. Considerations for using local or regional production (nearshoring) are becoming increasingly relevant. Moving some or all production processes to locations closer to critical markets can reduce transit times and logistics costs and increase flexibility in meeting market demands [32,33]. In addition, close cooperation and collaboration with supply chain partners is essential. This includes real-time information sharing, joint planning, and collaboration in innovation. Through this close cooperation, companies can be more resilient in the face of disruptions and respond more quickly to market changes.

Cross-border supply chains, characterized by their complexity, necessitate meticulous coordination across various legal, cultural, and logistical landscapes [34]. Companies must navigate diverse legal regulations, cultural and language differences, and intricate logistics, including customs and transportation challenges. Ensuring consistent quality control across international borders, adapting to fluctuating supply and demand, integrating advanced technologies, and managing risks are crucial [25]. These chains demand strategic planning and resilience to handle disruptions, making their management a vital aspect of global business operations. In Cross-border trade, facing logistical challenges such as order tracking, determining responsibility for goods in transit, and meeting promised delivery timeframes becomes more complex [35]. This is due to diverse inter-carrier handovers and potential delays at borders, and to address these international logistics complexities, businesses generally have two main options: cross-border shipping or local fulfillment. Cross-border shipping involves sending goods from an international location and typically involves more paperwork than local shipping [6]. This method often demands a good understanding of international trade regulations, customs, and the documentation required to send goods across multiple jurisdictions. Utilizing cross-border strategies to access global markets offers the significant advantage of direct market entry and customer base expansion [36]. However, it poses challenges such as extended shipping durations and potential delays or complications at international borders, often due to stringent customs procedures. To mitigate these issues, companies frequently store inventory in regional warehouses within their target markets, allowing for quicker domestic shipping from these locations to customers. This approach necessitates efficient inventory management to balance supply with regional demand, ensuring optimal stock levels while avoiding excess that can tie up resources and escalate storage costs. The advantages of this method are that it helps reduce international complications by utilizing warehouses or distribution centers close to the customer.

Technology plays an essential role in simplifying logistical challenges in cross-border trade, mainly through the use of multi-carrier software platforms, also known as logistics control towers [37]. Such media can select the most suitable shipping partners, plan routes, prepare packages for export, and transfer exporters of record elements and responsibilities to third parties. Thus, companies can optimize the shipping process, utilize the most effective logistics partners, and reduce the administrative burden. In addition, the management of International Commercial Terms (Incoterms) can also be covered by this technology solution [38]. One important term is Delivered Duty Paid (DDP), where the seller is responsible for all costs and risks associated with delivering the goods to the final destination. Implementing DDP can help reduce customer basket abandonment because, with DDP, customers are not faced with unexpected additional costs when the goods arrive [39]. This improves cost clarity for customers and can increase their satisfaction and trust. Technology also makes it easier for businesses to navigate the complexity of customs regulations and procedures, ensure compliance with various international trade regulations, and simplify the document preparation process [40]. As such, companies can focus more on developing their sales and marketing strategies while leaving the logistics and compliance aspects to integrated technology solutions. Overall, combining advanced technology in cross-border supply chain management offers possibilities for greater efficiency, better transparency, and reduced risk, all critical factors in supporting successful international business expansion.

Accurate translation and efficient currency conversion are critical factors in cross-border trade, especially online checkout [41]. High basket abandonment rates are often caused by translation or manual currency conversion process inaccuracies. Consumers tend to lose trust or feel unsure if they face difficulties understanding product information or when prices are not displayed in their local currency in an easy-to-understand manner. Therefore, a successful cross-border commerce proposition requires a robust, localized checkout process. Price transparency and a detailed understanding of fully landed cost components are critical factors in creating a thriving cross-border trade proposition, especially in Delivered Duty Paid (DDP) pricing. This understanding covers all costs associated with the delivery of goods, including the product price, shipping, insurance, and all applicable taxes and duties. By having a clear picture of these costs, companies can provide transparent pricing information to customers, which will help reduce cost surprises at the end of the parcel journey. Technology providers specializing in this area can play an important role by offering customs goods classification services and tax and duty calculations based on product type and destination country [42].

Cross-border trade involves significant documentation that varies by market: customs declarations, manifests, product licenses, packaging requirements, export evidence, and invoices [43]. Specific product categories, such as alcohol, food, cosmetics, and electronics, are more heavily regulated than others, and their restriction/prohibition into specific markets needs to be checked before remaining legal documentation is completed. This situation emphasizes the importance of companies staying compliant with fast-changing regulations and avoiding political and public criticism. Companies need automated screening tools that are agile, well-coordinated and fully integrated across enterprise systems to remain compliant in this dynamic regulatory environment. This integration ensures that all aspects of business operations, from supply chains to financial transactions, comply with the latest regulations.

5 Conclusion

In a global economy, cross-border and international supply chain dynamics are changing significantly. Companies increasingly focus on risk mitigation, diversifying sources, and incorporating digital technologies to improve visibility and efficiency. Collaborative partnerships with suppliers, logistics providers, and customers are essential for effective supply chain management, while continuous adaptation and agility are critical to remaining competitive in this ever-evolving landscape.

Ensuring legal compliance helps companies avoid costly fines, legal disputes, and damage to their reputation. It requires a thorough understanding of and adherence to the diverse and complex legal frameworks of each country involved in the supply chain. This includes compliance with customs regulations, import/export controls, tax laws, environmental regulations, labor standards, and data protection laws. Legal compliance in cross-border supply chains is not just a regulatory necessity but a strategic imperative that can enhance a company's reliability, ethical standing, and competitiveness in the global market.

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