



Resolution of business disputes in e-commerce sale and purchase transactions grounded in the principle of justice

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Abstract

The rapid development of e-commerce transactions has generated increasingly complex civil legal relationships between business actors and consumers. From a normative legal perspective, such relationships are governed by various statutory regulations that guarantee consumers' rights to safety, comfort, and fair dispute resolution, while simultaneously obligating business actors to act in good faith and maintain transparency. However, in practice, dispute resolution mechanisms continue to face significant challenges, including limited access, high costs, and the dominance of digital platforms through the use of standard form contracts. This study employs a normative juridical method, utilizing statutory, conceptual, and comparative law approaches, supported by qualitative analysis of primary, secondary, and tertiary legal materials. This article proposes the strengthening of justice-based Online Dispute Resolution (ODR) as an ideal model for resolving e-commerce disputes. ODR is conceptualized not merely as a technological tool, but as a system that integrates procedural and substantive justice through the principles of accessibility, equality of arms, transparency, and efficiency, underpinned by state legitimacy, thereby offering a more adaptive framework compared to internal platform-based mechanisms and formalistic e-court litigation.

Keywords: Dispute resolution, e-commerce sale and purchase transactions, justice

Introduction

The development of electronic transactions is closely correlated with the increasing number of internet users, given that the implementation of electronic transactions fundamentally relies on the utilization of the internet network as its primary medium. According to a survey conducted by the *Asosiasi Penyelenggara Jasa Internet Indonesia (APJII)*, it is projected that by 2025 ^[13] the number of internet users in Indonesia will reach approximately 221.56 million people. This figure reflects an increase of 1.4% compared to the number of internet users in the previous year. The rapid increase in the number of internet users indicates that the internet has transformed into a strategic and effective medium for business actors to conduct promotional activities and offer products and/or services to prospective consumers, both within domestic and international markets.

The development of information and communication technology has given rise to new forms of transactions in trade and commercial activities, namely transactions conducted through electronic systems. e-commerce constitutes a contemporary business model conducted without physical interaction between business actors and consumers (non-face-to-face) and without requiring handwritten signatures (non-wet signature). In practice, e-commerce transactions rely on the use of electronic signatures, which possess legal validity and binding force, and are applied across various stages of the transaction process, ranging from ordering and verification to the delivery of goods and/or services.

In essence, e-commerce constitutes a form of sale and purchase agreement that shares similar characteristics with conventional sale and purchase transactions commonly conducted in society, albeit carried out through different means. In e-commerce transactions, the contractual process

is executed through electronic media, particularly via the internet network, thereby enabling the formation of mutual consent between the parties in an online environment. Despite differences in transactional mechanisms and media, the legal subjects involved in e-commerce transactions generally include producers or business actors, consumers, and electronic system operators. E-commerce operators are parties that provide online-based platforms or services as facilities for conducting transactions, commonly referred to in practice as online retail platform providers. In Indonesia, widely used e-commerce operators include Shopee, Tokopedia, Lazada, and Blibli, which function as intermediaries between business actors and consumers in carrying out sale and purchase transactions.

The development of sale and purchase transactions conducted through electronic systems e-commerce constitutes a logical consequence of digital transformation, which has fundamentally altered patterns of business interaction. From a normative perspective, the Indonesian legal system has, in principle, provided a regulatory framework governing electronic transactions as well as the resolution of disputes arising therefrom. Law Number 8 of 1999 on Consumer Protection (Consumer Protection Law) expressly positions consumers as legal subjects entitled to protection. Article 4 letters a, c, and e stipulate that consumers have the right to "comfort, security, and safety in the consumption of goods and/or services," the right to "accurate, clear, and honest information regarding the condition and guarantees of goods and/or services," and the right to "advocacy, protection, and proper mechanisms for the resolution of consumer protection disputes." Furthermore, Article 45 paragraph (1) of the Consumer Protection Law affirms that any consumer who suffers loss may bring a claim against a business actor either through an institution tasked with resolving disputes between

consumers and business actors or through the courts within the general court system, thereby demonstrating formal legal recognition of both litigation and non-litigation avenues for dispute resolution.

Law No. 11 of 2008 on Electronic Information and Transactions, as amended by Law No. 19 of 2016, provides legal legitimacy for electronic transactions. Article 5 paragraph (1) affirms that “Electronic Information and/or Electronic Documents and/or their printouts constitute valid legal evidence,” while Article 18 paragraph (1) stipulates that electronic contracts are binding upon the parties in the same manner as conventional agreements.

Further regulation is set forth in Government Regulation Number 80 of 2019 on Trade Through Electronic Systems, which in Article 72 paragraph (1) affirms the obligation of business actors engaged in Electronic System-Based Trade (*PMSE*) to provide effective mechanisms for handling complaints and resolving disputes. Article 73 further provides for dispute resolution through both judicial and non-judicial avenues. These provisions are reinforced by Minister of Trade Regulation No. 31 of 2023^[31] on the Licensing, Supervision, and Development of Electronic System-Based Trading (*PMSE*) Business Actors, including the obligation of marketplace platforms to facilitate the handling of consumer complaints. From a normative standpoint, the entirety of these regulations reflects the State’s commitment to ensuring legal certainty, justice, and protection for the parties involved in e-commerce transactions. Nevertheless, at the level of implementation, there remains room for further development, particularly in establishing justice-oriented dispute resolution mechanisms that are effective, expeditious, and adaptive to the distinctive characteristics of digital transactions.

At the level of empirical reality, the practice of business dispute resolution in e-commerce sale and purchase transactions demonstrates conditions that are not yet fully aligned with those legal ideals. The characteristics of e-commerce transactions—being rapid, high-volume, cross-regional, and even cross-border—are often not matched by adaptive dispute resolution mechanisms. Litigation through the general courts tends to be time-consuming, relatively costly, and disproportionate to the typically low value of losses incurred, thereby rendering it unattractive to consumers. On the other hand, the available non-litigation mechanisms have not entirely succeeded in delivering substantive justice, particularly where disputes are resolved through internal mechanisms of e-commerce platforms that are unilateral in nature and lack transparency.

The prevailing phenomenon indicates that although the Government has enacted statutes regulating consumer protection as well as legal provisions concerning the conduct of transactions through electronic trading systems, in practice there remain consumers who suffer losses after conducting transactions via e-commerce platforms. This condition indicates that consumer protection in e-commerce transactions constitutes an urgent issue that requires greater attention, as well as strengthened regulatory frameworks and more effective legal implementation.

The phenomenon of disputes arising from e-commerce sale and purchase transactions demonstrates that both litigation and non-litigation mechanisms have not been fully effective in guaranteeing the restoration of justice for consumers. In litigation practice, cases of breach of contract resulting from goods not conforming to their description are generally decided on the basis of the principles of freedom of contract,

the validity of electronic agreements, and consumer protection principles. However, judicial proceedings are often protracted and costly, making them disproportionate to the relatively small value of the losses incurred. Outside the court system, dispute resolution through the Consumer Dispute Settlement Agency (hereinafter referred to as CDSA) faces limitations in authority and obstacles in the enforcement of its decisions. Meanwhile, internal mechanisms provided by marketplace platforms are indeed swift and practical, but they tend to be administrative in nature, lack transparency, and do not fully ensure equality of arms and substantive justice for the parties concerned.

The disparity between the normative framework and empirical reality reveals the existence of structural issues within the model of business dispute resolution in e-commerce in Indonesia. The existing mechanisms tend to prioritize administrative efficiency and platform stability over the restoration of rights and the balanced protection of the parties’ interests. This condition has led to a decline in consumer trust and poses the risk of undermining the sustainability of the digital trade ecosystem.

Based on these conditions, there is a need for a business dispute resolution model in e-commerce sale and purchase transactions that is not only adaptive to technological developments, but also grounded in the value of justice as both a normative and operational principle. An ideal dispute resolution model must be capable of proportionally balancing the interests of business actors and consumers, providing effective access to justice, and ensuring transparency and accountability in the process.

Result and Discussion

Disputes constitute a universal phenomenon found in every society. To resolve a dispute, the parties involved may pursue various available courses of action. At present, there are several dispute resolution options available to the public, depending on the degree of interest involved and the fulfillment of their fundamental needs in perceiving the conflict or dispute itself. Conflicts or disputes may be resolved through various mechanisms, including litigation, non-litigation processes, and advocacy.

Within a legal society, there are at least two prevailing tendencies in dispute resolution, namely settlement through the courts and settlement outside the courts. Dispute resolution through the courts generally adopts the adversary system and relies on coercive authority to resolve disputes within society, resulting in a win-lose outcome. By contrast, dispute resolution outside the courts does not rely on coercion and is oriented toward achieving a win-win solution for the parties involved.

1. Existing Dispute Resolution Mechanisms

Consumer dispute resolution mechanisms currently in force may be pursued through internal dispute resolution and external dispute resolution, which may be outlined as follows:

a. Dispute Resolution Through Internal E-Commerce Platform Mechanisms (Internal Dispute Resolution)

The simplest measure that a consumer may take when encountering a dispute in an electronic commerce transaction is to adopt a technology-based approach. This may be done by utilizing the complaint channels provided by the electronic system operator or the business actor. Consumer dispute resolution through the use of technology

is commonly referred to as Online Dispute Resolution (ODR). Online Dispute Resolution (ODR) is a mechanism for resolving disputes through the use of electronic communication and other information and communication technologies. ODR serves as a means of dispute settlement that employs technology to facilitate the resolution of disputes between parties, including through negotiation, mediation, arbitration, or a combination thereof. Previous research findings demonstrate that legal protection for consumers in online marketplace transactions has not yet been effectively implemented. This is attributable to overlapping and inconsistent provisions within the Law Number 8 of 1999 on Consumer Protection, the Law Number 11 of 2008 on Electronic Information and Transactions, the Law Number 7 of 2014 on Trade, Government Regulation Number 71 of 2019 on the Implementation of Electronic Systems and Transactions, and Government Regulation Number 80 of 2019 on Trade Through Electronic Systems. The overlapping and inconsistent substance of these regulations necessitates harmonization to ensure more effective consumer protection.

b. External Dispute Resolution

1. Consumer Dispute Resolution Outside the Court Through the CDSA

In essence, Article 3 of the Law Number 8 of 1999 on Consumer Protection stipulates that the Consumer Protection Law has the following objectives: increasing the empowerment of consumers in voting, determining and demanding their rights, creating a consumer protection system that contains elements of legal certainty and open access to information, and fostering awareness of business actors regarding the importance of consumer protection. For the purpose of the Consumer Protection Law, several institutions were formed to achieve this goal. One of them is the establishment of the CDSA.

Pursuant to the mandate of the Law Number 8 of 1999 on Consumer Protection, the CDSA was established as a body authorized to handle and resolve consumer disputes between business actors and consumers outside the court system. In addition, CDSA was created to address consumer disputes that are relatively small in scale and simple in nature. The establishment of CDSA was grounded in the tendency of the public to avoid resolving disputes through the courts, particularly because consumers are often in a weaker position both socially and financially compared to business actors. With the formation of CDSA, it is expected that consumers will be able to more easily assert and defend their rights, while simultaneously encouraging business actors to conduct their business activities in a responsible manner.

Under the Law Number 8 of 1999 on Consumer Protection, the CDSA is vested with the authority to adjudicate and determine whether a consumer has suffered a loss, to notify business actors of decisions concerning violations of consumer protection provisions, and to impose administrative sanctions upon business actors who breach the provisions of the Consumer Protection Law. In handling consumer dispute resolution, the authority to appoint the panel of adjudicators responsible for examining and deciding the dispute rests with the Chairperson of CDSA.

Pursuant to Article 54 paragraph (3) of the Consumer Protection Law, decisions rendered by the CDSA are declared to be final and binding. However, the subsequent

provision, namely Article 56 paragraph (2), stipulates that the parties may file an objection before the District Court against a decision issued by CDSA. The substance of these two provisions gives rise to differing interpretations, particularly concerning the legal force and finality of CDSA decisions. The regulation concerning consumer dispute resolution is generally set forth in Article 45 of the Consumer Protection Law. Pursuant to Article 54 paragraph (3) of the Consumer Protection Law, decisions rendered by the CDSA are declared to be final and binding. However, the subsequent provision, namely Article 56 paragraph (2), stipulates that the parties may file an objection before the District Court against a decision issued by CDSA. The substance of these two provisions gives rise to differing interpretations, particularly concerning the legal force and finality of CDSA decisions. The regulation concerning consumer dispute resolution is generally set forth in Article 45 of the Consumer Protection Law, which provides that dispute resolution may be pursued either through litigation or non-litigation processes, voluntarily chosen by the disputing parties. Dispute resolution through non-litigation processes may be pursued through the CDSA, which is vested with the duties and authority to examine, handle, and resolve consumer disputes through mediation, conciliation, or arbitration. In addition to resolving disputes, CDSA is also authorized to impose administrative sanctions on business actors who violate certain statutory prohibitions. There exists, however, a normative inconsistency in that CDSA decisions are declared to be final and binding, yet parties remain entitled to file objections before the District Court, and such decisions cannot be executed directly without further judicial process.

In the context of its duties and authority, the CDSA possesses a relatively broad mandate. The context of the English legal system, the passage can be translated as follows: The CDSA is not only authorized to resolve consumer disputes through conciliation, mediation, and arbitration mechanisms, but also to provide consumer protection consultations, supervise the inclusion of standard clauses in contracts, receive and follow up on consumer complaints, and conduct research and investigations into suspected violations of consumer protection laws. Furthermore, CDSA has the authority to summon business actors, witnesses, and expert witnesses, assess evidence, determine the existence or absence of consumer losses, notify business actors of its decisions, and impose administrative sanctions. If criminal elements are identified, CDSA may also report the matter to law enforcement authorities.

The mechanism for resolving consumer disputes through CDSA is conducted in accordance with the procedures set out in the Ministry of Trade Regulation No. 17 of 2007. A consumer who has suffered material loss may file a claim, either in writing or orally, with the nearest CDSA. In principle, the claim is submitted by the aggrieved consumer themselves; however, under certain circumstances, it may be filed by an heir, an authorized representative, a parent or guardian, or a legal custodian, depending on the legal status of the consumer concerned. The claim must meet formal requirements, including evidence of material loss, the claimant's status as an end consumer, and a declaration that the dispute is not currently being, and has not previously been, examined by another CDSA or by a court.

The CDSA panel is required to render a decision no later than 21 days from the date the claim is received. The

decision may result in a settlement, dismissal of the claim, or approval of the claim. Decisions reached through conciliation and mediation are final and binding, whereas arbitration awards may still be subject to challenge in a court of law. These characteristics indicate that CDSA is a dispute resolution body that emphasizes the principles of speed, simplicity, and low cost, while still ensuring legal certainty and protection for consumers.

2. E-Commerce Dispute Resolution Through the Courts (Litigation)

This dispute resolution process involves all parties confronting each other in court to assert their rights. The final outcome of a dispute resolved through litigation is a judgment that constitutes a win lose solution.

Civil dispute resolution through litigation is based on the Civil Procedure Law (*HIR/RBg*), which regulates the procedures for filing, examining, and enforcing judgments to uphold substantive civil law. The process follows systematic stages: the preliminary stage (filing the claim in accordance with Articles 118 and 120 HIR, payment of court fees in advance, and case registration); the determination stage (mandatory mediation under Article 130 HIR as a prerequisite before the main examination, followed by pleadings, evidence presentation, closing arguments, and judgment); and the enforcement stage (execution of final and binding judgments under Articles 195–224 HIR/206–258 RBg). Normatively, this structure guarantees due process and legal certainty through a formal and enforceable adjudicative mechanism. However, in the context of e-commerce disputes characterized by low-value claims, parties dispersed across regions, and asymmetrical relationships, the litigation model becomes disproportionate due to lengthy procedures, relatively high costs, and jurisdictional barriers. The simplified claim procedure under Supreme Court Regulation No. 4 of 2019 is designed for efficiency, but its effectiveness is reduced by the requirement of identical domiciles for the parties, thereby limiting access to justice for consumers outside the business actor's primary location (generally concentrated on Java Island). Consequently, while litigation conceptually provides legal certainty and enforceability, functionally it is not fully adaptive to the fast-paced, large-scale, and cross-border nature of digital disputes, creating a gap between normative guarantees and actual access to justice.

The consumer dispute resolution mechanism in e-commerce reveals a fundamental mismatch between its normative design and the realities of the digital environment. Internal dispute resolution on platforms operates under unilateral policies without standards of independence or robust oversight, while CDSA and the courts still function under a semi-litigation model that requires physical presence, formal procedures, and costs and time that are disproportionate to the value of the claims. Access to justice is hindered by geographic factors, literacy levels, and institutional infrastructure that has not been fully digitized. The conventional orientation of these mechanisms undermines efficiency and diminishes the effectiveness of consumer protection. The legal imbalance between consumers and digital corporations creates a structural problem that permeates from the contractual stage to the enforcement of judgments. Standard clauses, unilateral forum selection, and dominance of legal resources place consumers in an inferior bargaining position, exacerbated by CDSA's limited enforcement powers and the complexity of cross-

jurisdictional enforcement. Electronic evidence still faces technical and institutional capacity barriers, whereas corporations maintain more established documentation systems. The legal framework's lack of adaptability to the cross-border nature of transactions results in protection that is more symbolic than substantive.

2. Comparison of Business Dispute Resolution in E-Commerce Sales Transactions with the European Union, China, and Singapore

2.1 European Union (EU)

The European Union views consumer access to justice as a prerequisite for the proper functioning of the internal market. In practice, consumers rarely resort to the courts for low-value disputes due to the costs, complexity, and imbalance of resources compared to business actors. Evaluations of various surveys and academic reports reveal that out-of-court dispute resolution mechanisms have not been utilized optimally, particularly in the online and cross-border context. The fragmentation of sectoral and territorial ADR schemes, low consumer and business literacy, and limited technological integration reveal a gap between the normative design and the practical effectiveness of consumer protection.

The European Union's policy transformation has shifted from a traditional legal conflict approach toward strengthening ADR and ODR as the primary framework for consumer redress. Instruments such as Directive 2013/11/EU on ADR and Regulation 524/2013^[6] on ODR establish a harmonized framework that requires quality, accessibility, independence, transparency, effectiveness, and procedural fairness. Member states are obliged to ensure the availability of competent ADR entities, designate competent authorities, and provide data-driven oversight and reporting. The principle of legality is maintained in the context of international contracts through reference to the applicable legal regime; however, the policy orientation clearly positions ADR/ODR as a strategic instrument to reduce barriers in the digital market.

The EU ODR platform is designed as a single entry point that facilitates the online submission, distribution, and management of disputes without the physical presence of the parties. The system provides electronic forms, case management, two-way communication, and multilingual support for both domestic and cross-border disputes. Registered ADR entities handle cases within a specified timeframe, ensuring the parties' rights to be heard, to receive information, and to withdraw in accordance with the principles of freedom and fairness. An institutional design that requires technological neutrality and oversight by competent authorities strengthens the legitimacy and accountability of the mechanism.

The ODR ecosystem in Europe has developed across disciplines, encompassing a spectrum of mechanisms ranging from assisted and automated negotiation, online mediation and conciliation, to electronic arbitration and decision-support services. Practices show varying levels of success, including platform-based models capable of handling millions of disputes efficiently while minimizing reliance on public enforcement. The main challenges remain building trust, technological interoperability, and maintaining consistent quality across member states. The EU's ADR and ODR architecture reflects a deliberate policy choice to place easily accessible justice at the foundation of digital market integration.

2.2 China

E-commerce in China has undergone massive expansion, structurally transforming the national economic landscape. Transaction values reach trillions of RMB, dominated by business-to-business schemes followed by business-to-consumer, supported by hundreds of millions of internet users representing half of the population. This surge in digital activity correlates with an increase in online shopping disputes, intellectual property infringements, and internet-based financial conflicts that burden the courts. Reliance on traditional litigation mechanisms highlights the imbalance between the speed of electronic transactions and the capacity of the conventional judicial system.

The need for an adaptive mechanism has driven the integration of Alternative Dispute Resolution with information technology in the form of Online Dispute Resolution. China's well-established arbitration legal framework, underpinned by the 1994 Arbitration Law and recognition of the New York Convention, provides a strong foundation for enforcing awards, both domestic and involving foreign elements. ODR has developed along two main tracks: judicial, through court-mediated platforms, and non-judicial, through online arbitration and mediation conducted by independent institutions or e-commerce platforms. This evolution reflects a paradigm shift from dispute resolution based on physical spaces to resolution supported by digital infrastructure.

Territorial jurisdiction issues have become a central concern in cross-border e-commerce disputes. Global access to websites creates the potential for submission to foreign jurisdiction, while party agreements often conflict with mandatory consumer protection norms. ODR mitigates these frictions by situating the process in a virtual space unconstrained by geographic boundaries and minimizing concerns about foreign court bias. Cost efficiency, procedural flexibility, and speed of resolution make ODR more aligned with the nature of low-value but high-frequency disputes.

The institutionalization of ODR in China is evident through the role of bodies such as CIETAC, which establish online arbitration centers and rules with strict procedures regarding the appointment of arbitrators, defense deadlines, and the use of electronic evidence and video conferencing. Online mediation has developed in parallel within the judicial system as well as through community mediation committees utilizing digital platforms. Major e-commerce platforms, such as Taobao, have built internal adjudication systems based on user communities to resolve disputes quickly and in a controlled manner. This multi-level architecture demonstrates a hybrid model between state authority and private mechanisms in managing digital economic conflicts.

2.3 Singapura

Singapore represents a consumer dispute resolution model firmly rooted in the common law tradition, employing a pragmatic and structured approach. A comparison with Indonesia reveals a fundamental difference in legal system foundations, where common law relies on precedent and judicial practice, while civil law emphasizes codification and normative certainty. Singapore's judicial institutional design is organized according to the value of disputes and the type of case, creating a clear division of jurisdiction between the State Courts and the Supreme Court. This architecture reflects an orientation toward institutional efficiency and certainty of competence.

The Consumers Association of Singapore (CASE) functions as a non-litigation instrument, placing education and mediation at the core of consumer protection. Its authority is limited to low-value claims submitted by end consumers, without enforcement powers over the outcome of agreements. CASE's role is primarily facilitative, through negotiation, conciliation, and mediation, rather than adjudicative in the sense of issuing binding decisions unilaterally. This limitation underscores that its effectiveness depends heavily on the good faith of the parties involved.

The Small Claims Tribunal (SCT) serves as the backbone for resolving low-value consumer disputes through procedures that are quick, informal, and low-cost. The process begins with mandatory consultation within a short timeframe, followed by mediation, and concludes with adjudication by a referee if settlement fails. The resulting decision is binding and can be enforced through the lower court system, with appeal rights limited to issues of law and jurisdiction. A proportional fee structure and the prohibition of legal representation reinforce the simple and accessible nature of this mechanism.

Singapore's judicial model exhibits an adversarial framework combined with an informal approach in small claims disputes. Judges or referees play an active role in facilitating settlements without relinquishing their authority to issue decisions based on reasonableness and fairness. Closed hearings and flexible evidentiary procedures demonstrate an adaptation to efficiency needs over rigid procedural formalities. This system underscores the dominance of common law logic, which places effectiveness and judicial practice at the core of law enforcement.

The Ideal Concept of Dispute Resolution Based on the Principle of Justice

1. Justice as the Basis for the Legitimacy of Consumer Legal Protection

Justice occupies a fundamental position as both the moral and rational foundation for the establishment of a consumer legal protection regime. The consumer protection paradigm cannot be separated from the philosophical assumption that economic transactions inherently involve potential imbalances of information, power, and control. These imbalances create a risk of inherent unfairness in the business-consumer relationship, thereby generating the need for legally grounded interventions that are just and equitable.

The normativity of justice positions the law as a corrective instrument designed to rebalance exploitative contractual relationships. The use of Aristotle's corrective justice concept is relevant in illustrating that business actors must not profit from consumer ignorance or positional weakness. Justice is not understood abstractly, but as a concrete principle that demands the restoration of consumer rights when harm occurs as a result of the business actor's conduct.

The legitimacy of consumer legal protection is grounded epistemically in the idea that every citizen has the right to security, benefit, and safety in the consumption of goods or services. These rights do not arise naturally but are shaped and institutionalized through legal policy that prioritizes distributive justice. Distributive justice requires the proportional allocation of risk and responsibility, rather than focusing solely on market efficiency.

The application of the principle of justice as a basis for legitimacy is reflected in regulations requiring business actors to provide accurate, clear, and honest information. This obligation represents a manifestation of the principle of fairness equitable transactions can only be realized when consumers have the capacity to make informed decisions. The absence of such information not only reduces the quality of transactions but also creates an imbalance that violates the moral foundation of justice.

The legal framework for consumer protection is designed to prevent business actors from dominating and imposing transaction terms that are detrimental to consumers. The principle of justice corrects the potential abuse of bargaining power by restricting the use of standard clauses that nullify consumer rights. Such restrictions constitute a form of state intervention aimed at transforming an imbalanced market relationship into a balanced contractual relationship.

The analysis of justice in consumer protection positions the state as a guardian ensuring that structural exploitation does not occur. The role of the state is not merely regulatory but also serves as an ethical control mechanism over economic processes. Justice provides the justification for the state to impose restrictions on business actors, even when the market claims it is capable of regulating contractual relationships naturally.

Consumers are regarded as parties in need of protection not due to personal weakness, but because the market structure places them in a position of constant informational disadvantage. Justice requires the state to close this gap by creating a legal system that facilitates access to information, accountability, and transparency of business actors. This concept affirms that consumer protection is a structural necessity, not a matter of legal charity.

The legal legitimacy of consumer protection is further strengthened when linked to the principle of corrective justice in law enforcement. Remedies, compensation, or administrative sanctions are not merely punitive but serve as corrective measures to restore consumers to their position prior to the harm. This corrective mechanism reflects a conception of justice that is both remedial and preventive.

Strengthening the principle of justice in consumer protection also creates more substantive legal certainty. Certainty is measured not merely by the existence of rules, but by the extent to which those rules achieve a balance between the interests of business actors and consumers. Law that is unjust will lack social legitimacy, even if it remains formally binding.

Justice ultimately becomes the *raison d'être* of the entire consumer protection legal regime because it ensures that economic activities not only achieve efficiency but also safeguard the dignity of consumers as rights-bearing subjects. Fulfilling the public's sense of justice serves as a key indicator of the success of consumer protection. Positioning justice as the basis of legitimacy provides a clear normative direction, asserting that economic law must favor the achievement of harmony between entrepreneurial freedom and the protection of vulnerable parties.

2. Strengthening Consumer Dispute Resolution Using an Online Approach (Online Dispute Resolution)

Strengthening the role of online dispute resolution in e-commerce should be understood as a structural necessity arising from the inability of traditional ADR mechanisms to address the characteristics of digital transactions. Conventional dispute resolution often fails to provide

solutions that are quick, affordable, and technologically relevant because it requires physical meetings, lengthy administrative procedures, and relatively high costs; these conditions further hinder access for consumers, who occupy the weaker position in the digital value chain. An online dispute resolution design oriented toward substantive justice requires a shift in focus from merely achieving speedy dispute resolution to restoring fundamental rights, allocating responsibility fairly, and implementing systemic remedies that prevent repeat violations. The application of online dispute resolution should not only shorten resolution times but also ensure that the outcomes genuinely restore the legal position of the aggrieved party, taking into account the technological context, transaction risk patterns, and non-material impacts such as loss of trust.

The design of the rules governing online dispute resolution must accommodate the principles of transparency in digital evidence and a rational evaluation mechanism for both material and non-material claims. Relevant electronic evidence generally includes transaction histories, system logs, records of communication between the parties, and metadata that can reveal patterns underlying the cause of the loss.

Under Supreme Court Regulation No. 4 of 2019 concerning the Procedures for Resolving Small Claims, court proceedings can generally be conducted through the filing of a small claim, which must meet specific criteria. The process involves multiple mechanisms and stages, including registration, examination, determination, evidence presentation, and judgment, with a maximum duration of twenty-five days from the first hearing.

The online approach in consumer dispute resolution is crucial to emphasize and reiterate, as disputes in the digital era, including e-commerce, require a process that is simple, quick, highly affordable, and easily accessible to all consumers. In contrast, current court proceedings still reveal that many consumer dispute resolution processes lack the flexibility and accessibility that online or digital hearings can provide.

In online or virtual hearings, there is no need to be physically present for the dispute proceedings, allowing the consumer to choose the location or jurisdiction from which to participate. This approach reduces the costs required to resolve the consumer dispute and simplifies the process of filing a claim, as the claimant no longer needs to wait in line at the court in person.

The Supreme Court has implemented an online system known as the e-Court system. This system provides facilities that simplify the processes of filing, payment, and summoning both parties to a dispute online through electronic means. The system represents an innovation that has been considered successful in enabling various parties to resolve disputes or cases in court in a more convenient manner.

According to data from the Supreme Court registry, the number of cases filed through the e-Court system in 2019 was 47,244, while in 2020 ^[15], 186,987 cases were filed via the e-Court service. This represents an increase of nearly threefold, or 295.79%, over the two years. The implementation of this application system accelerates work processes that previously relied on manual correspondence or administration, as now tasks can be managed simply by accessing the application.

Based on these data, the researcher can analyze that the figures indicate good accessibility through the online

system, which can encourage consumers to obtain their entitled rights, such as compensation, in the process of resolving consumer disputes. This is supported by proper preparation and adequate facilities provided by the courts in handling consumer disputes in Indonesia. In relation to e-commerce disputes, Government Regulation No. 80 of 2019 on Trade Through Electronic Systems stipulates that disputes can be resolved electronically.

Online or electronically based consumer dispute resolution has not yet been clearly and comprehensively regulated within out-of-court dispute resolution mechanisms. Although the application of the electronic court system (e-Court) is permitted in litigation processes, such regulations do not specifically extend to consumer dispute resolution pursued through non-litigation mechanisms. As a result, the CDSA and other alternative dispute resolution institutions lack an adequate legal basis to conduct online dispute resolution processes. This situation requires consumers to still undergo conciliation, mediation, or arbitration in person, creating obstacles in terms of accessibility, time efficiency, and costs, particularly for low-value disputes or cases involving parties from different regions.

This situation is regrettable, considering that many countries have already developed online consumer dispute resolution mechanisms, known as ODR. The initial implementation of ODR was intended to anticipate the increase in cross-border trade transactions, which is significantly accompanied by a rise in the number of disputes arising from commercial activities. In this context, the ODR system is inherently relevant and has the potential to be adapted to strengthen alternative dispute resolution mechanisms, including disputes arising from e-commerce in Indonesia.

The implementation of ODR has several advantages as well as limitations. Its main advantage lies in ease of access and process efficiency, as the mechanism is not constrained by physical location or time, incurs relatively lower costs, and allows disputes to be resolved more quickly compared to conventional dispute resolution mechanisms. These characteristics make ODR particularly suitable for handling consumer disputes, which are generally low-value but require certainty and rapid resolution. However, ODR's limitation lies in the enforcement and execution of settlement outcomes, particularly regarding the parties' compliance and commitment after the dispute resolution process concludes. This issue demonstrates that the success of ODR depends not only on the system's design but also on a legal framework that ensures the binding force and effective implementation of dispute resolution outcomes.

Online consumer dispute resolution through the ODR mechanism offers various benefits in handling e-commerce disputes. Its primary advantage lies in time and cost efficiency, making it easier for parties to access the dispute resolution process. The use of internet facilities in ODR also increases the parties' confidence in participating in the resolution process compared to face-to-face mechanisms, given the psychological and non-legal factors that often affect conventional court proceedings. This indicates that ODR functions not only as a technical tool for dispute resolution but also as an instrument capable of minimizing psychological and structural barriers, thereby potentially enhancing the effectiveness of consumer dispute resolution in Indonesia.

Based on the discussion above, the researcher is of the view that Consumer Protection Law is no longer fully adequate to accommodate the needs of consumer dispute resolution in

the digital era. Therefore, a revision of this regulation is necessary to more specifically govern the characteristics and advantages of consumer dispute resolution mechanisms related to technology-based trade activities in Indonesia. The update of this legal framework is expected to provide a dispute resolution mechanism that is more precise, effective, and harmonious, particularly in accommodating online or digital consumer dispute resolution.

In addition to regulatory updates, it is also necessary for all stakeholders to adopt comprehensive legal policies to ensure the realization of more effective legal protection for consumers in utilizing developments in digital technology. Government and non-government institutions need to play an active role in promoting and raising awareness of online-based complaint systems. Meanwhile, the role of the CDSA needs to be strengthened in handling disputes between consumers and business actors. On the other hand, business actors are required to establish internal complaint-handling mechanisms that are transparent, easily accessible, and responsive in order to reduce the number of disputes escalating to formal proceedings. Consumers also need to be provided with adequate education regarding the procedures for resolving e-commerce disputes, including the process of filing complaints through to their resolution. The integrated implementation of these measures is expected to provide more effective legal protection for consumers in Indonesia's digital era.

3. Digital Business Dispute Resolution Model Based on Online Dispute Resolution (ODR) with the Formulation of Justice Values as the Conceptual Foundation in Indonesia

The current model of e-commerce dispute resolution in Indonesia reveals a fundamental mismatch between the existing resolution mechanisms and the characteristics of digital transactions, which are fast-paced, cross-border, and data-driven. Traditional ADR mechanisms, particularly mediation, arbitration, and litigation, remain the primary reference, but their effectiveness is limited as they are not designed to handle the complexities of electronic transactions.

Consumers and business actors face structural obstacles such as limited access, relatively high costs, slow processes, and a lack of clarity regarding jurisdiction when disputes involve cross-platform or cross-border entities. Imbalances in bargaining power become a latent issue, particularly when dispute resolution is conducted through internal platform mechanisms that are generally unilateral, opaque, and do not provide a balanced deliberative space. The prevailing dispute resolution structure ultimately emphasizes administrative aspects rather than delivering substantive justice remedies.

The formulation of an ideal concept for e-commerce dispute resolution needs to emerge as a corrective measure to address these conditions by emphasizing the value of justice as both a normative and operational foundation. Justice is not positioned merely as a legal ideal, but as a conceptual basis that governs how a dispute should be handled procedurally, how responsibilities should be allocated proportionally among the parties, and how losses should be remedied through corrective mechanisms. This approach positions the dispute resolution process as a forum for restoring an equal legal relationship, rather than merely serving as an administrative complaint channel aimed at mitigating consumer dissatisfaction.

The mismatch between conventional dispute resolution mechanisms and the characteristics of e-commerce transactions highlights the urgent need to reconstruct a dispute resolution model that is more adaptive, inclusive, and justice-oriented. E-commerce dispute resolution can no longer be placed within rigid, high-cost procedural frameworks; instead, it must be designed as a mechanism that ensures equal access to justice for both consumers and business actors. Emphasizing the value of justice as a normative and operational foundation requires that each stage of dispute resolution provides procedural clarity, balanced bargaining positions, process transparency, and proportionate restitution of losses.

An ideal dispute resolution model must go beyond merely administrative functions and transform into a corrective instrument that restores the legal relationship between the parties within the digital ecosystem. The construction of an ideal e-commerce dispute resolution model finds its relevance in justice-based ODR mechanisms. ODR enables the integration of digital technology with procedural and substantive justice principles through processes that are fast, efficient, cost-effective, and accessible across regions and jurisdictions. Its online-based characteristics provide a dispute resolution forum that is more transparent, accountable, and responsive to the parties' needs, without compromising consumer rights or legal certainty for business actors. Positioning ODR as the model for e-commerce dispute resolution not only meets the demands of digital transaction efficiency but also strengthens public trust by placing justice at the core of dispute resolution in the digital economy era.

E-Commerce Dispute Resolution Model Through the ODR Mechanism Justice-based ODR is designed as a response to the fast-paced, cross-border, and data-driven nature of digital transactions, while also ensuring balanced protection of the rights of all parties. ODR enables the integration of digital technology with procedural and substantive justice principles through processes that are simple, fast, efficient, and cost-effective, without undermining the guarantees of due process of law. Within this framework, justice is understood not only as the final outcome of a decision but also as reflected in equal access, process transparency, active participation of the parties, and mechanisms for proportionate restitution of losses. Justice-based ODR is positioned as an independent, autonomous, and accountable forum for dispute resolution, with a primary focus on restoring legal relationships and trust within the e-commerce ecosystem.

The justice-based character of ODR demonstrates a fundamental difference from online dispute resolution mechanisms that are internal to e-commerce platforms. Internal platform dispute resolution is generally designed as part of customer service, which is unilateral, opaque, and lacks procedural standards. Consumers' positions are often unbalanced because the platform acts simultaneously as facilitator, evaluator, and decision-maker, creating a potential conflict of interest. Justice-based ODR, in contrast, clearly separates the dispute resolution function from the platform's business interests, provides an equal deliberative space, and ensures the independence of mediators or arbitrators. The main advantage of this model lies in procedural certainty, transparency of the mechanism, and protection of the parties' rights, which do not rely solely on the platform's internal policies

A significant difference is also evident when compared to dispute resolution through the electronic litigation (e-court) system currently in operation in Indonesia. The e-court mechanism, as regulated under Supreme Court Regulation No. 1 of 2019 and its amendments, essentially digitizes conventional court procedures rather than reconstructing a dispute resolution model fully adaptive to digital transactions. The e-court process remains bound by civil procedure formalities, territorial jurisdiction, fixed trial schedules, and case costs that are relatively disproportionate to the typically small and high-volume nature of e-commerce disputes. Justice-based ODR offers greater flexibility with simplified procedures, clear resolution timelines, and a problem-solving approach that is more responsive to the needs of the parties.

The advantage of justice-based ODR also lies in its ability to address disputes across regions and jurisdictions without being constrained by geographical boundaries, in line with the global nature of e-commerce. This model can be integrated with consumer protection principles as stipulated in Law No. 8 of 1999 on Consumer Protection, Law No. 11 of 2008 on Electronic Information and Transactions and its amendments, as well as Law No. 27 of 2022^[49] on Personal Data Protection. Such integration ensures that dispute resolution is not only focused on efficiency but also on safeguarding consumer rights, ensuring business accountability, and providing legal certainty in the digital space.

The ODR mechanism is increasingly recognized as a strategic tool to strengthen public trust in digital transactions, particularly in the e-commerce sector. The growing use of ODR is closely related to the need for efficiency and reliability in resolving online disputes. Similarly, ODR offers a faster dispute resolution pathway without compromising the principles of justice. One of the main objectives of ODR is to provide a more economical mechanism, highlighting the reduction in transportation and administrative costs compared to conventional mechanisms. The affirmation of justice as a conceptual foundation requires a dispute resolution instrument capable of translating normative principles into practices that are effective and adaptive to the characteristics of digital transactions. In this context, the need for a dispute resolution mechanism that is not only technically efficient but also substantively fair becomes increasingly relevant. Technology-based dispute resolution models are seen as able to bridge the demands of procedural fairness, proportional allocation of responsibility, and rational restitution of losses in the fast-paced, cross-border e-commerce environment. Such mechanisms find their relevance in the development and implementation of ODR as a tool aligned with the dynamics of digital business and the pursuit of justice.

Nonetheless, the optimal use of ODR is highly dependent on the existence of a regulatory framework that provides legal certainty. It emphasizes the urgency of more specific regulations so that ODR can function as an integral part of the digital dispute resolution system. This is relevant considering that formal litigation channels are often inefficient for low-value disputes, as highlighted in comparisons of ODR practices between Indonesia and the United States. Therefore, ODR is considered capable of providing more inclusive access to justice for the public.

The asynchronous and non-face-to-face nature of digital transactions demands an adaptive dispute resolution model.

Traditional ADR procedures need to be adjusted to the digital context to remain relevant and responsive. The principle of justice also serves as a core foundation in the design of ODR, emphasizing the importance of equal treatment for the parties and proportional compensation mechanisms. Information technology functions as the primary facilitator to ensure effective communication without direct face-to-face interaction.

For optimal functioning, ODR requires robust technological infrastructure and regulatory support. Rivaldo Ivanda and Shelvi Rusdiana emphasize the importance of a secure and easily accessible system so that the outcomes of dispute resolution can be trusted. The implementation of ODR itself can take the form of online mediation, online arbitration, automated negotiation, or digital-based consumer complaint centers. Syahna notes that the use of video conferencing, email, chatbots, and AI can enhance the flexibility of the process.

The effectiveness of ODR is also determined by four fundamental components: the willingness of the parties, the guidance of a competent mediator, the adaptation of ADR rules to the digital domain, and the utilization of software that supports online document exchange and communication. Nurpadila and Marpaung. These four aspects serve as the foundation of modern ODR. The relevance of ODR grows alongside the increasing scale of e-commerce transactions; however, it is noted that Indonesian regulations have not yet specifically addressed technical aspects such as the enforcement of decisions and ICT security. Some experts, such as Aziz and Hidayah, propose the drafting of specific ODR regulations covering institutional aspects, data protection, and mechanisms for the enforcement of decisions. Rohaini also emphasizes that regulatory clarity is a primary requirement to encourage ODR adoption, especially with the development of technologies such as AI. Empirical studies indicate the urgency of a responsive ODR system, as noted by Widiyanti in cases of online cosmetic fraud that require prompt handling of consumer complaints.

In the national context, the existing legislative framework actually provides an initial foundation. Minister of Trade Regulation No. 31 of 2023^[31] governs the licensing and supervision of electronic system trade operators (*PMSE*), including the regulation of marketplace and social commerce business models. However, this regulation does not explicitly address ODR, leaving a legal gap. Hakim states that comprehensive ODR regulations are necessary so that this mechanism can be effectively operationalized within the *PMSE* ecosystem.

Other legal instruments, such as Law No. 8 of 1999 on Consumer Protection and Law No. 11 of 2008 on Electronic Information and Transactions, provide a legal basis for dispute resolution and the recognition of electronic evidence. Sitompul observes that these two laws support the development of ODR, although their implementation has not been fully optimized. In practice, the majority of e-commerce disputes are still resolved through CDSA mediation or conventional arbitration. Tanaya considers that although ODR is mentioned in the Government Regulation on Electronic System-Based Trade, its implementation has not been optimal due to the absence of specific regulations.

A juridical analysis indicates that the lack of a clear legal framework for ODR constitutes the main obstacle to its wider adoption. Aziz and Hidayah emphasize the need for regulations governing the use of information technology in

online dispute resolution, including mechanisms for enforcing decisions.

Rohaini research also highlights the importance of regulatory reform to accommodate the potential use of AI in ODR. At the same time, Maulidina warns that without clear ODR regulations, consumer protection in digital transactions remains in a vulnerable position. Overall, although Indonesia already has a legal foundation through Ministry of Trade Regulation No. 31 of 2023^[31], the Electronic Information and Transactions Law No. 11 of 2008 (ITE Law), and the Consumer Protection Law No. 8 of 1999, the existing regulatory framework does not fully address the need for a digital dispute resolution mechanism that is fast, secure, and efficient. Recent studies indicate that specific ODR regulations are highly necessary to ensure that this mechanism can contribute optimally to consumer protection and the effective resolution of disputes in the e-commerce era.

Recommendations for the government or the state from a legal regulatory perspective emphasize the urgency of establishing a specific regulatory framework for justice-based ODR as part of the reform of digital economic law. The normative foundation has in fact already been provided through Minister of Trade Regulation Number 31 of 2023^[31], Law Number 8 of 1999 concerning Consumer Protection, and Law Number 11 of 2008 concerning Electronic Information and Transactions, which recognize electronic transactions and digital evidence. A regulatory gap arises because these instruments do not explicitly address the concept, principles, institutional framework, and procedures of ODR as an independent and justice-based dispute resolution mechanism. This situation creates legal uncertainty for both consumers and business actors and hinders the optimal implementation of ODR within the Electronic System-Based Trade ecosystem. The state needs to formulate specific regulations that clarify the definition of ODR, the principles of procedural and substantive justice, standards for the independence of organizers, and the relationship of ODR with other dispute resolution mechanisms to prevent overlaps in authority.

Strengthening ODR regulations also needs to be directed toward operational aspects and law enforcement to ensure that this mechanism is truly effective and credible. Regulations concerning the legal force and enforceability of ODR decisions, recognition of cross-jurisdictional dispute resolution outcomes, personal data protection, and the use of advanced technologies including artificial intelligence must be clearly and measurably formulated. This regulatory reform aligns with academic perspectives emphasizing that without a firm legal framework, ODR risks being reduced to a weak administrative mechanism that fails to provide optimal protection for consumers. The presence of justice-based ODR-specific regulations would provide legal certainty, enhance public trust in digital dispute resolution, and position the state actively in guaranteeing effective, secure, and proportionate access to justice in the e-commerce era.

International practice demonstrates that ODR can be designed comprehensively and justice-oriented if supported by clear regulations and strong institutional frameworks. The European Union, through EU Regulation No. 524/2013 on Consumer ODR, has established an integrated ODR platform that is independent, transparent, and cross-border among member states, providing uniform procedural standards and public oversight. China has developed ODR

through the integration of Internet Courts and digital platforms, enabling rapid resolution of e-commerce disputes with the support of information technology and artificial intelligence, while remaining within the state's legal framework. Singapore implements ODR as part of its modern alternative dispute resolution system, supported by the Singapore Mediation Centre and the Singapore International Arbitration Centre, emphasizing efficiency, neutrality, and the enforceability of dispute resolution outcomes. These models demonstrate that the success of ODR is not determined solely by technology, but by the state's willingness to establish specific regulations that ensure independence, legal certainty, and the protection of the parties' rights.

The success of the European Union, China, and Singapore in implementing ODR demonstrates that effective digital dispute resolution can only be achieved when the state actively participates through clear, comprehensive, and justice-oriented legal regulation. These practices underscore that ODR cannot be allowed to develop sporadically or be left entirely to internal platform mechanisms; rather, it must be positioned as part of the national legal system that guarantees independence, transparency, balanced positions of the parties, and certainty in the enforcement of decisions. Lessons drawn from these international models provide normative legitimacy for Indonesia to promptly formulate justice-based ODR regulations in response to the cross-border, data-driven, and high-speed nature of e-commerce transactions.

This emphasis also concludes the discussion by highlighting that strengthening ODR is not merely a policy choice, but an urgent legal necessity for consumer protection and the development of a fair digital trade ecosystem. The adoption of an integrated, independent, and legally recognized ODR model would position Indonesia alongside international best practices, while simultaneously enhancing public trust in the e-commerce dispute resolution system. This policy direction serves as a crucial foundation for national legal reform, enabling it to address digital challenges in a progressive, adaptive, and justice-oriented manner.

The concept of e-commerce sales dispute resolution based on the value of justice is analyzed through the Theory of Justice as its primary philosophical foundation. The Theory of Justice positions the law not merely as a set of procedural rules, but as an instrument to achieve balance, fairness, and the proportional restoration of rights. In the context of e-commerce disputes, justice should not be understood merely as procedural certainty; it must also encompass substantive justice that takes into account the bargaining positions of the parties, the value of losses, and access to dispute resolution mechanisms.

Dispute resolution through litigation or internal platform mechanisms tends not to fully reflect the principles of justice. Formal litigation is costly, slow, and disproportionate for low-value disputes, while internal platform mechanisms are often unilateral and lack accountability. From the perspective of Justice Theory, this situation creates structural injustice for consumers. Therefore, the concept of justice-based ODR proposed in this dissertation is positioned as a corrective model that integrates procedural and substantive justice, ensuring equal access, process transparency, and proportional restoration of losses.

Conclusion

The concept of resolving e-commerce purchase disputes based on the principle of justice proposed in this dissertation is through the strengthening of a justice-based ODR mechanism. ODR is not positioned merely as a technological tool but as a dispute resolution system that integrates procedural justice and substantive justice. This model emphasizes the principles of accessibility, equality of the parties, process transparency, time and cost efficiency, as well as oversight and legal legitimacy provided by the state. Justice-based ODR is distinguished from internal platform ODR mechanisms, which tend to be unilateral and limited, and from e-court litigation, which remains formalistic and less adaptive to disputes that are low-value and mass in nature. Accordingly, justice-based ODR represents a more optimal concept because it can bridge legal certainty, consumer protection, and the practical needs of the digital business world, while also reflecting the objectives of law as a means to achieve justice, utility, and legal certainty within the e-commerce ecosystem.

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