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From Courtroom to Self-Decision: ADR as Mechanism for E-Commerce Consumer Protection in Nigeria and Indonesia

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Abstract

The expansion of digital commerce has transformed consumer transactions while generating new challenges for the protection and enforcement of consumer rights in online marketplaces. Conventional court litigation is often ill-suited to resolving e-commerce disputes due to its cost, procedural complexity, and limited accessibility, particularly for low-value consumer claims. This study examines the legal frameworks governing ADR as a mechanism for advancing consumer protection and improving access to justice in Nigeria and Indonesia. Employing a normative doctrinal legal research method with a qualitative approach, the study analyzes legislation, regulations, judicial

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decisions, policy documents, international legal instruments, and relevant literature. It evaluates how both jurisdictions incorporate ADR into their consumer protection regimes and assesses the extent to which their legal and institutional frameworks facilitate the resolution of e-commerce disputes. It demonstrates that Indonesia has established a more integrated legal framework by combining consumer protection, electronic transactions, and ADR legislation within a coordinated regulatory structure. By contrast, Nigeria provides statutory recognition for ADR through its consumer protection legislation, but the legal and institutional framework for resolving online consumer disputes remains comparatively fragmented. The study argues that ADR serves not only as a dispute resolution mechanism but also as an important instrument of consumer legal protection by enhancing access to justice, reducing procedural barriers, and strengthening consumer confidence in the digital economy. It concludes by recommending legal harmonization, stronger institutional coordination, and policy reforms to reinforce consumer protection and expand the role of ADR as an accessible legal service in the evolving digital marketplace.

Keywords

Consumer-Protection; Alternative Dispute Resolution;E-Commerce; Access to Justice; Nigeria and Indonesia

A. Introduction

The significant expansion of e-commerce has transformed the way consumers and businesses conduct transactions across geographical boundaries. In Indonesia, e-commerce platforms such as Shopee and Tokopedia have become important channels for consumer transactions, while platforms such as Jumia and Konga have played a significant role in the Nigerian digital marketplace.

Although the growth of e-commerce has increased access to goods and services and facilitated cross-border transactions, it has also generated a range of consumer disputes involving delayed delivery, defective or unsuitable products, payment problems, refunds,

contractual obligations, and fraud[1]. These disputes raise important questions concerning the availability of accessible and appropriate mechanisms through which consumers can obtain redress in an increasingly digital commercial environment. Traditionally, consumers have relied on courts to resolve such disputes. However, conventional litigation is frequently associated with procedural complexity, delay, high costs, and geographical and institutional barriers to access to justice[2].

Also, as an antidote to such deterrents, there has been an increasing focus on the use of Alternative Dispute Resolution (ADR) processes, including the use of mediation, arbitration, and negotiation as alternatives. These processes are designed to promote collaboration, flexibility, and cost-effectiveness while maintaining the strictest levels of confidentiality and protecting commercial relations[3].

The development of digital technologies has subsequently encouraged the transformation of ADR into Online Dispute Resolution (ODR). ODR should not be understood merely as the physical relocation of conventional ADR procedures to an online environment; rather, it incorporates digital communication, electronic case management, automated processes, and other technological tools into dispute resolution[4].

Its relevance is particularly apparent in e-commerce, where the parties, transactions, evidence, and contractual relationships may

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1 Anis Rifai, "The Settlement Of Electronic Commerce Transactions Through Online Dispute Resolution Mediation (Odr) In Indonesia," *Activa Yuris: Jurnal Hukum* 2, No. 1 (2022): 1–10, Https://Doi.Org/10.25273/Ay.V2i1.10983.

2 Bl ;, T M Ahmed, And S O Odobo, "Achieving Effective Conflict Resolution Through Alternative Dispute Resolution (Adr) Mechanisms In Nigeria," *Journal Of Guidance And Counselling Studies (Jgcs)* 9, No. 1 (2025).

3 Sabela Gayo, "The Use Of Mediation As An Alternative Dispute Resolution In The Settlement Of Investment Disputes," *International Asia Of Law And Money Laundering (Iaml)* 3, No. 1 (2024): 1–9, Https://Doi.Org/10.59712/Iaml.V3i1.76.

4 S Sharma, "Artificial Intelligence And Online Dispute Resolution In Consumer Tribunals," *Acr Journal*, 2025, Https://Acr-Journal.Com/Article/Artificial-Intelligence-And-Online-Dispute-Resolution-In-Consumer-Tribunals-1559/.

themselves exist primarily in digital form. ODR therefore has the potential to provide mechanisms for resolving low-value, high-volume, and cross-border consumer disputes without requiring consumers to rely exclusively on conventional litigation[5]. Despite the growing literature on ADR and ODR, an important research gap remains. Existing studies have examined ODR from different perspectives, including its technological development, general applicability to e-commerce disputes, risk-based models, and potential contribution to access to justice[6].

However, the literature remains comparatively fragmented concerning the legal and institutional framework required to support ODR specifically as a consumer-protection mechanism in e-commerce, particularly in developing jurisdictions. More importantly, there is limited comparative legal analysis examining how consumer protection legislation, electronic transaction laws, ADR legislation, institutional mandates, and emerging digital dispute-resolution mechanisms interact to provide a coherent framework for consumer redress in Indonesia and Nigeria.

The existing literature therefore does not sufficiently establish whether the relevant legal frameworks provide clear legal recognition, institutional authority, procedural safeguards, and enforceability for ODR-based consumer dispute resolution. This study addresses this gap through a comparative normative analysis of Indonesia and Nigeria.

The research gap is particularly significant because e-commerce consumer protection cannot be assessed solely by the existence of general consumer protection legislation. A functional legal framework for ODR also requires legal recognition of electronic communications

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5 Amaresh Patel Et Al., "Online Dispute Resolution Mechanism As An Effective Tool For Resolving Cross-Border Consumer Disputes In The Era Of E-Commerce," *International Journal Of Law And Management*, 2025, Https://Doi.Org/10.1108/Ijlma-07-2024-0245.

6 Soleh Hasan Wahid, "Formulation Of A Risk-Based Online Dispute Resolution Model For E-Commerce In Indonesia: Legal Framework And Its Application," *International Journal Of Arts And Humanities Studies* 3, No. 2 (2023): 09–23, Https://Doi.Org/10.32996/Ijahs.2023.3.2.2.

and agreements, clear institutional authority to administer or supervise dispute-resolution mechanisms, procedural safeguards for consumers, and mechanisms through which outcomes can be recognized and enforced. The interaction between these legal components is therefore central to determining whether a jurisdiction possesses a sufficiently coherent framework for ODR-based consumer redress.

The problem is especially relevant in Nigeria and Indonesia because both jurisdictions have experienced substantial growth in digital commerce while developing legal and institutional responses to consumer protection and dispute resolution. In Nigeria, the Federal Competition and Consumer Protection Act 2018 (FCCPA) provides an important statutory foundation for consumer protection, while regulatory institutions, including the Central Bank of Nigeria (CBN), have developed mechanisms relevant to consumer complaints and redress in regulated sectors[7].

Nevertheless, existing literature identifies continuing legal and institutional challenges concerning the development and implementation of ODR in Nigeria, including questions relating to legal recognition, institutional coordination, accessibility, and the integration of technology into existing dispute-resolution structures[8]. These challenges indicate the need to examine whether the existing legal framework provides a sufficiently coherent foundation for ODR-based consumer redress rather than merely establishing general consumer protection rights.

Indonesia similarly possesses several legal instruments relevant to e-commerce consumer protection and dispute resolution. These include Law No. 8 of 1999 on Consumer Protection, Law No. 11 of 2008 on Electronic Information and Transactions, as amended, Government Regulation No. 80 of 2019 on Trade Through Electronic Systems, and Law No. 30 of 1999 on Arbitration and Alternative Dispute

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7 Ega Anjani Et Al., "Reforming Online Dispute Resolution (Odr) Regulationsin Growing E-Commerce For" 9, No. January (2025): 69–80, Https://Doi.Org/10.25041/Cepalo.V9no1.3335.

8 Soleh Hasan Wahid, "Formulation Of A Risk-Based Online Dispute Resolution Model For E-Commerce In Indonesia: Legal Framework And Its Application," 2023.

Resolution. In addition, Law No. 21 of 2011 concerning the Financial Services Authority (Otoritas Jasa Keuangan or OJK) provides an institutional framework for consumer protection and dispute resolution within the financial services sector [9].

Although these instruments collectively provide important elements of a legal framework for digital commerce and consumer protection, the existence of multiple legal instruments does not necessarily establish a comprehensive ODR framework. Questions remain concerning the coordination of institutions, the relationship between consumer protection and ADR mechanisms, the recognition of technology-enabled dispute-resolution procedures, and the procedural and enforcement safeguards available to consumers.[10].

The relevance of these national challenges can also be understood within broader international developments concerning digital consumer protection and access to justice. International organizations such as the Organization for Economic Co-operation and Development (OECD) and the United Nations Conference on Trade and Development (UNCTAD) have emphasized the importance of consumer protection, fair digital markets, accessible redress mechanisms, and regulatory approaches capable of responding to the cross-border nature of e-commerce [11].

These international principles provide an important normative reference point for examining national legal frameworks. However,

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9 Nanda Dwi Rizkia Et Al., "Journal Equity Of Law And Governance Use Of Online Dispute Resolution In Realizing Restorative Justice In E-Commerce Disputes" 4, No. 1 (2022): 108–18, Https://Www.Ejournal.Warmadewa.Ac.Id/Index.Php/Elg.

10 "Federal-Competition-And-Consumer-Protection-Act-2018," N.D.

11 Mohammed Haruna Et Al., "Central Bank Of Nigeria Banks And Other Financial Institutions (Bofi) Act Amended Inside This Edition: Cacovid Provides N100bn To Rebuild Burnt Police Stations Emeeele P-Aads Gets New Guidelines Covid-19: Financial Sector Leads The Recovery Process-Mpc Cut Service Costs, Cbn Urges Banks Diaspora Remittances: Cbn Issues Amendments To Procedures Farmers Receive N3.6bn Under Acgsf New Guidelines On Operations Of Domiciliary Accounts Cbn Update Editorial Crew Editor-In-Chief Cbn Social Media," N.D.

international standards do not automatically resolve the institutional and legal challenges faced by individual jurisdictions. Their relevance to Nigeria and Indonesia must therefore be assessed in relation to each country's domestic consumer protection legislation, electronic transaction laws, ADR framework, institutional arrangements, and enforcement mechanisms [12].

Similarly, Indonesia has established a comprehensive legal framework for e-commerce consumer protection through Law No. 8 of 1999 on Consumer Protection, Law No. 11 of 2008 on Electronic Information and Transactions, as amended, Government Regulation No. 80 of 2019 on Trade Through Electronic Systems, and Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution.

In addition, Law No. 21 of 2011 on the Financial Services Authority (Otoritas Jasa Keuangan OJK) provides mechanisms for consumer protection and the resolution of disputes within the financial services sector. Despite this comprehensive regulatory framework, challenges remain, including limited institutional coordination, inconsistent enforcement, and inadequate digital literacy, which continue to affect the effective implementation of consumer protection measures and the use of information and communication technologies in dispute resolution [13]. The growing use of alternative dispute resolution mechanisms reflects the need for accessible and technology-equipped justice delivery[14].

This research focuses on the challenge of trust and the promotion of consumer protection in the digital economy, as emphasized by international institutions such as the Organization for Economic

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12 Mujib Akanni Jimoh, "Advancing Online Dispute Resolution In Nigeria: Current Opportunities, Legal Challenges And The Ways Forward," *Journal Of Sustainable Development Law And Policy (The)* 11, No. 2 (2021): 407–31, Https://Doi.Org/10.4314/Jsdlp.V11i2.6.

13 "Law Of The Republic Of Indonesia Number 21 Year 2011 Concerning Financial Services Authority With The Approval Of: House Of Representatives Of The Republic Of Indonesia And President Of The Republic Of Indonesia Has Decreed," N.D.

14 Rifai, "The Settlement Of Electronic Commerce Transactions Through Online Dispute Resolution Mediation (Odr) In Indonesia."

Co-operation and Development (OECD, 2023) and the United Nations Conference on Trade and Development (UNCTAD, 2024)[15].

These institutions emphasize the need for standardized regulations that promote equal justice and fair play practices for consumers and businesses. As supported by past research, the success and viability of an alternative dispute resolution (ADR) approach require the presence of effective design, trained professionals, and consciousness-building programs that integrate the traditional concept of justice and the new reality of the digital world [16]. Against this background, this study asks three principal questions:

First, how are ADR mechanisms legally and institutionally regulated as mechanisms for consumer protection in e-commerce in Nigeria and Indonesia**?**

Second, how do the legal frameworks of the two jurisdictions compare in terms of legal recognition, enforceability, and procedural safeguards for ADR-based consumer dispute resolution?

Third, what legal and institutional reforms are necessary to strengthen ADR-based consumer protection in Nigeria and Indonesia, particularly considering comparative lessons from more developed regulatory approaches. The study adopts a normative doctrinal and qualitative comparative legal approach.

The contribution of this study lies in developing a comparative legal framework for assessing ADR as a component of e-commerce consumer protection. Rather than treating ODR simply as an alternative technological method of dispute settlement, the study examines the legal conditions necessary for ODR to operate within a consumer-protection system.

Therefore, consider whether the interaction between consumer protection law, electronic transaction legislation, ADR legislation,

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15 Organisation For Economic Co-Operation And Development (Oecd), "Online Dispute Resolution Framework," 2024, Https://Www.Oecd.Org/Content/Dam/Oecd/En/Publications/Reports/2024/10/Oecd-Online-Dispute-Resolution-Framework_E88b6c6a/325e6edc-En.Pdf.

16 Dwi Rizkia Et Al., "Journal Equity Of Law And Governance Use Of Online Dispute Resolution In Realizing Restorative Justice In E-Commerce Disputes."

institutional mandates, and digital platform governance produces a sufficiently coherent framework for consumer redress. The comparison between Nigeria and Indonesia is intended not merely to identify similarities and differences, but to identify legal and institutional gaps and formulate reforms capable of strengthening the legal foundations of ADR in both jurisdictions.

This study adopts a normative legal research method with a qualitative comparative approach. It examines primary legal materials, including legislation and relevant regulatory and institutional instruments on consumer protection, electronic transactions, ADR, and ODR in Nigeria and Indonesia. Secondary sources, including scholarly literature and relevant OECD and UNCTAD materials, are used to interpret and contextualize the legal framework. Materials were selected based on their relevance to consumer protection, e-commerce, dispute resolution, and institutional authority.

The legal materials were analyzed through statutory, conceptual, and comparative analysis. Nigeria and Indonesia were compared using criteria: legal recognition, institutional authority, procedural safeguards, enforceability, accessibility and legal certainty, and regulatory coherence. ADR were assessed normatively by examining whether the applicable frameworks provide recognized avenues for consumer redress, adequate procedural protection, competent institutional oversight, and enforceable outcomes.

B. Consumer Protection Mechanisms

Consumer protection in the digital economy has also proven to be an important area of study because of the susceptibility of online consumers to various scams and deception, unlike offline customers. The online platform is more vulnerable to several scams due to the lack of physical contact, the anonymity of online traders, and the complexity of global transactions[17].

Despite that, online consumers still trust online representation to the extent that it is vulnerable to fraud and deception. Classic problems

[17] Bl ;, Ahmed, And Odobo, "Achieving Effective Conflict Resolution Through Alternative Dispute Resolution (Adr) Mechanisms In Nigeria."

faced by online consumers include privacy breaches, product deception, delivery scams, and unreasonable contractual terms, most commonly in "user agreements" that restrict consumer liability and jurisdiction[18].

These agreements normally render the consumer powerless due to the globality of online businesses, which span borders, rendering consumers uncertain about which laws to apply and how to pursue their rights[19]. In 2024, the Indonesian National Police (Bareskrim Polri) identified a large-scale cross-border fraud operation led by Nigerian nationals and Indonesians operating a Business Email Compromise (BEC) scam, which resulted in a loss of Rp 32 billion. Although several scammers were arrested locally, not all members of the scam syndicate were within Indonesian legal control.

I. Challenges of Consumer Protection in Nigeria and Indonesia

The expansion of e-commerce in Nigeria and Indonesia has increased consumer exposure to disputes involving non-delivery, defective or misrepresented goods, payment failures, unauthorized transactions, and refusal of refunds. These disputes become more difficult when transactions are cross-border. For example, a consumer in Nigeria purchasing from an Indonesian seller may face difficulties in determining the applicable law, jurisdiction, and procedure for obtaining a remedy if the goods are not delivered or are materially different from the description.

The same problem may arise for an Indonesian consumer dealing with a Nigerian seller. Cross-border disputes may therefore create enforcement and jurisdictional barriers that make conventional

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[18] Amila N.K.K. Gamage And Suresh Kumar, "Review Of Alternative Dispute Resolution Methods In Construction Projects," *Saudi Journal Of Engineering And Technology* 9, No. 02 (February 13, 2024): 75–87, Https://Doi.Org/10.36348/Sjet.2024.V09i02.007.

[19] United Nations Commission On International Trade Law, "Model Law On International Commercial Arbitration (2006 Revision)," 2006.

litigation disproportionate to the value of many consumer claims [20]. E-commerce disputes may also arise from click-wrap and browse-wrap agreements, where consumers accept standardized terms electronically and may have limited opportunity to negotiate their content. [21]. Disputes may consequently concern not only whether a transaction has been breached, but also the interpretation and fairness of contractual terms [22].

For low-value consumer claims, litigation may be particularly burdensome because of procedural requirements, costs, delay, and the need for parties to participate in proceedings in a particular jurisdiction [23]. ADR can address some of these limitations by providing more flexible procedures through negotiation, mediation, and arbitration. In an e-commerce context, these mechanisms can be conducted through digital communication, reducing the need for physical attendance and allowing disputes concerning payment, delivery, refunds, or defective products to be addressed remotely.

ODR extends this function by integrating technology into the initiation, communication, management, and resolution of disputes, making it particularly suitable for geographically dispersed parties and high-volume, low-value consumer claims [24]. Thus, the relevance of ADR/ODR lies not simply in replacing litigation, but in providing a legally recognized and accessible avenue for consumer redress where

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20 Dwi Rizkia Et Al., "Journal Equity Of Law And Governance Use Of Online Dispute Resolution In Realizing Restorative Justice In E-Commerce Disputes."

21 Pound Yale And New Haven, "Justice According To Law , By Roscoe" 12, No. 3 (1952).

22 Nailul Huda, Dyah Ayu, And Rani Septyarini, "Digital Economy Outlook 2025," *Research*, No. October (2025): 1–97, Https://Www.Bbvaresearch.Com/Wp-Content/Uploads/2015/10/Digital_Economy_Outlook_Oct15.Pdf.

23 Mokhinur Bakhramovna, "Odr(Online Dispute Resolution) System As A Modern Conflict Resolution: Necessity And Significance," *European Multidisciplinary Journal Of Modern Science* 4, No. March (2022): 443–52, Https://Emjms.Academicjournal.Io/Index.Php/.

24 Mohammad Ghozali And Budi Ispriyarso, "Online Arbitration In E-Commerce Dispute Resolution During The Pandemic Covid-19," *Jurnal Daulat Hukum* 4, No. 3 (2021): 157, Https://Doi.Org/10.30659/Jdh.V4i3.16266.

conventional litigation may be disproportionate to the dispute [25]. ADR provides flexible, non-adversarial approaches to resolution such as mediation, arbitration, negotiation, and expert determination, which prioritize cooperation, efficiency, and cost-savings [26].

Equally, ODR utilizes information technology to implement the above processes online, which allows users to resolve any form of dispute instantly and communicate with each other remotely[27]. This approach is also based on restorative justice principles, which prioritize justice, dialogue, and efficiency. Legislation covering various fields strengthens the institutionalization of ADR and ODR.

In Nigeria, Section 17 of the Federal Competition and Consumer Protection Act, 2018 empowers the Federal Competition and Consumer Protection Commission (FCCPC) to promote and facilitate the resolution of consumer disputes through Alternative Dispute Resolution (ADR) mechanisms. This statutory mandate reflects the Commission's role in encouraging accessible, efficient, and non-adversarial means of resolving consumer disputes while enhancing consumer protection within the marketplace[28]. In essence, the act recognizes the importance of fair business conduct and access to justice and remedies offline and online.

Similarly, in Indonesia, Articles 4-29 of Law No. 21 of 2011 on the Financial Services Authority (Otoritas Jasa Keuangan-OJK) establish the Authority's mandate to regulate and supervise the financial

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25 Oluwayomi Ikubanni Oluwaseye And Adekunle Saheed Abiola, "Impact Of Technology On Alternative Dispute Resolution In Nigeria And The Birth And Challenges Of Online Dispute Resolution," *Global Journal Of Politics And Law Research* 10, No. 4 (2022): 1–13, Https://Doi.Org/10.37745/Gjplr.2013/Vo10.N4pp113.

26 Bhupinder Singh, "Unleashing Alternative Dispute Resolution (Adr) In Resolving Complex Legal-Technical Issues Arising In Cyberspace Lensing E-Commerce And Intellectual Property: Proliferation Of E-Commerce Digital Economy," *Revista Brasileira De Alternative Dispute Resolution* 5, No. 10 (July 1, 2023): 81–105, Https://Doi.Org/10.52028/Rbadr.V5i10.Art04.Ind.

27 Patel Et Al., "Online Dispute Resolution Mechanism As An Effective Tool For Resolving Cross-Border Consumer Disputes In The Era Of E-Commerce."

28 "Federal-Competition-And-Consumer-Protection-Act-2018."

services sector, including the protection of consumers. Within the context of digital financial services, these provisions provide the institutional basis for safeguarding consumer rights and facilitating the resolution of disputes arising from online financial transactions[29].

These legal measures reflect an increasing trend towards recognizing the importance of securing consumer protection under digital trade, the same way it is secured under the conventional economy. Financial reform initiatives, including changes under the Banks and Other Financial Institutions Act (BOFIA), support balance and transparency under the principles of electronic transactions.[30]. Equally, it is important that the government and the commercial sector work together to enable the enforcement of decisions reached via online arbitration and mediation[31].

According to Gamage and Kumar (2024), not only is it true that the legal status of ADR has a bearing on the efficiency of such methods, but it is also important to factor in accessibility, speed, and the level of trust and confidence displayed by participants[32]. Thus, for sustainable consumer protection, policymakers must design dispute resolution systems that integrate technology with justice, ensuring equitable remedies for consumers in both domestic and cross-border contexts [33].

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29 "Law Of The Republic Of Indonesia Number 21 Year 2011 Concerning Financial Services Authority With The Approval Of: House Of Representatives Of The Republic Of Indonesia And President Of The Republic Of Indonesia Has Decreed."

30 Haruna Et Al., "Central Bank Of Nigeria Banks And Other Financial Institutions (Bofi) Act Amended Inside This Edition: Cacovid Provides N100bn To Rebuild Burnt Police Stations Emeeele P-Aads Gets New Guidelines Covid-19: Financial Sector Leads The Recovery Process-Mpc Cut Service Costs, Cbn Urges Banks Diaspora Remittances: Cbn Issues Amendments To Procedures Farmers Receive N3.6bn Under Acgsf New Guidelines On Operations Of Domiciliary Accounts Cbn Update Editorial Crew Editor-In-Chief Cbn Social Media."

31 Kwara Central, "Sen. Saliu, Mustapha (Kwara Central) { }" 2023 (2023).

32 Gamage And Kumar, "Review Of Alternative Dispute Resolution Methods In Construction Projects."

33 E. P. Ermakova, "Evolution And Sources Of Legal Regulation Of Odr In The Usa," *Вестник Пермского Университета. Юридические Науки*, No. 4 (62) (2023), Https://Doi.Org/10.17072/1995-4190-2023-62-689-705.

Accordingly, the principal challenge is not merely the existence of consumer disputes, but whether the legal framework provides a clear, accessible, and enforceable mechanism for resolving them across digital and jurisdictional boundaries. ADR and ODR can reduce the procedural and geographical burdens associated with litigation, but their consumer-protection value ultimately depends on adequate legal recognition, institutional authority, procedural fairness, and enforceability of outcomes. Strengthening these elements is therefore essential to developing a coherent framework for e-commerce consumer redress in Nigeria and Indonesia.

II. Concept and Principles of E-Commerce Consumer Protection

Consumer protection in e-commerce refers to the legal and institutional measures designed to protect consumers from unfair commercial practices and ensure access to reliable information, secure transactions, appropriate remedies, and accessible dispute resolution. Unlike conventional commerce, e-commerce raises additional concerns relating to digital contracting, information asymmetry, data protection, electronic payments, platform responsibility, and cross-border transactions. Consumer protection therefore seeks to balance the interests of consumers with those of businesses while maintaining confidence in the digital marketplace

International standards, particularly the United Nations Guidelines for Consumer Protection, emphasize fair business practices, transparent information, effective remedies, and access to dispute resolution. UNCITRAL instruments and work on electronic commerce and dispute resolution similarly provide an international legal context for addressing disputes arising from digital transactions. However, these instruments generally operate as normative guidance rather than automatically applicable domestic law. Their relevance to Nigeria and Indonesia therefore depends on how corresponding

principles are incorporated into domestic consumer protection, electronic-commerce, and dispute-resolution frameworks [34].

The principal principles of e-commerce consumer protection are transparency, fairness, accountability, accessibility, and access to justice. Transparency requires adequate disclosure of prices, product information, contractual terms, delivery conditions, and relevant risks. Fairness requires protection against unreasonable contractual terms and unfair commercial practices. Accountability requires traders and relevant platforms to assume legal responsibility for their obligations. Accessibility requires affordable and practically available redress mechanisms, while access to justice requires consumers to have a realistic opportunity to obtain timely and impartial remedies [35].

In Nigeria and Indonesia, these principles are reflected in consumer protection and electronic-commerce regulation, but their legal realization is not without limitations. Consumer rights may be formally recognized while remaining difficult to enforce where transactions involve foreign sellers, digital platforms, unclear jurisdiction, or fragmented institutional responsibilities. This creates a distinction between formal legal protection and the practical availability of legal redress. For low-value e-commerce disputes, conventional litigation may also be disproportionate to the value of the claim because of cost, delay, procedural complexity, and geographical barriers.

ADR and ODR are therefore significant not merely as alternatives to litigation but as mechanisms capable of operationalizing consumer-protection principles. Negotiation and mediation can provide flexible and less formal avenues for resolving disputes concerning delivery, refunds, defective goods, payment, or misleading representations, while arbitration may provide a more structured process where a binding determination is required.

ODR further adapts these mechanisms to the digital environment by enabling dispute initiation, communication, document exchange,

[34] (Oyaka, 2024)
[35] (Dzuhriyan, 2024)

negotiation, mediation, and, where legally permitted, adjudication or arbitration through online systems [36].

The consumer-protection value, however, depends on legal recognition, procedural safeguards, institutional oversight, and enforceability of outcomes.

A further challenge is the tension between consumer protection and legitimate business interests. Excessive regulatory burdens may increase compliance costs and discourage digital entrepreneurship, while weak regulation may leave consumers exposed to unfair terms, fraud, and ineffective remedies.

The Rapid technological developments, including automated contracting, platform-based transactions, artificial intelligence, and new digital payment systems, further complicate regulation because legal frameworks may develop more slowly than the technologies they govern.

Accordingly, the central issue for Nigeria and Indonesia is not simply whether consumer-protection principles are formally recognized, but whether their legal and institutional frameworks translate those principles into accessible, fair, accountable, and enforceable mechanisms for consumer redress. This provides the basis for examining the specific consumer-protection and ADR/ODR frameworks of the two jurisdictions in the following sections.

III. Legal Framework for E-Commerce Consumer Protection in Indonesia

Indonesia's e-commerce consumer-protection framework is based on several complementary but institutionally dispersed legal instruments. Law No. 8 of 1999 on Consumer Protection (UUPK) establishes fundamental consumer rights, including rights to safety, accurate information, freedom of choice, compensation, and access to legal remedies. It also imposes obligations on business actors to provide truthful information, act in good faith, and compensate consumers for losses.

[36] (Lin & Liu, 2025)

Although enacted before the rapid expansion of digital commerce, the UUPK remains the principal general framework for consumer protection and provides the legal basis for addressing consumer disputes arising from electronic transactions[37] .

The digital dimension is reinforced by Law No. 11 of 2008 on Electronic Information and Transactions (ITE Law), as amended, which gives legal recognition to electronic information, electronic documents, and electronic contracts. This recognition is important for e-commerce because it establishes the legal basis for transactions and evidence conducted electronically. Nevertheless, the ITE Law primarily establishes the legal validity of electronic transactions rather than providing a comprehensive consumer-specific dispute-resolution framework. Consequently, consumer protection in digital transactions depends on its interaction with the UUPK and other sector-specific regulations [38].

Further regulation is provided by Government Regulation No. 80 of 2019 on Trade Through Electronic Systems (PP No. 80/2019). The Regulation addresses matters more directly associated with electronic commerce, including business registration, information disclosure, electronic contracts, consumer complaints, data protection, and post-transaction obligations.

Its significance, therefore, lies in translating general consumer-protection principles into obligations applicable to electronic commerce. However, the existence of these obligations does not by itself eliminate enforcement difficulties, particularly where transactions involve foreign sellers, digital platforms, or overlapping institutional responsibilities [39].

Consumer protection in financial technology and digital financial transactions is additionally subject to Law No. 21 of 2011 on the Financial Services Authority (OJK) and related regulations. OJK has regulatory and supervisory responsibilities over financial service providers and consumer protection within the financial sector. This

37 (Dzuhriyan, 2024)
38 (Cortés & Naish, 2022)
39 (Patel Et Al., 2025)

creates an important sector-specific avenue for digital consumer redress, but it also illustrates the fragmentation of institutional responsibility.

Depending on the nature of the dispute, a consumer may need to deal with a business operator, BPSK, OJK, or the courts, while disputes involving electronic transactions may also raise issues governed by the ITE Law and PP No. 80/2019.

Dispute resolution is supported by Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution, which provides a legal basis for arbitration and consensual mechanisms such as mediation, negotiation, and conciliation. In addition, the Consumer Dispute Settlement Agency (Badan Penyelesaian Sengketa Konsumen BPSK) provides a non-court forum for certain consumer disputes through mediation, arbitration, and conciliation.

BPSK is therefore significant from an access-to-justice perspective because it provides an alternative to ordinary litigation. However, its role in e-commerce must be considered alongside jurisdictional, institutional, and procedural questions, particularly where disputes involve online platforms or cross-border sellers [40].

The principal weakness of the Indonesian framework is consequently not the absence of consumer-protection legislation, but its fragmentation across different legal instruments and institutions. The UUPK establishes general consumer rights; the ITE Law validates electronic transactions; PP No. 80/2019 regulates electronic commerce; OJK exercises sector-specific authority over financial services; BPSK provides a consumer dispute-resolution forum; and courts retain their general adjudicatory jurisdiction.

While these mechanisms are complementary, their overlapping functions may create uncertainty concerning the appropriate forum, applicable procedures, institutional competence, and enforcement of outcomes, particularly in digitally mediated and cross-border disputes.

[40] (Beuc (The European Consumer Organisation), 2022)

IV. Legal Framework for E-Commerce Consumer Protection in Nigeria

Nigeria's e-commerce consumer-protection framework is principally based on the Federal Competition and Consumer Protection Act (FCCPA) 2018, supported by the Arbitration and Mediation Act (AMA) 2023 and sector-specific digital regulations. The FCCPA establishes consumer rights relating to safety, information, fair treatment, and remedies against unfair commercial practices. Importantly, section 17 empowers the Federal Competition and Consumer Protection Commission (FCCPC) to promote and facilitate the resolution of consumer disputes through ADR, providing a statutory foundation for non-court redress [41].

The AMA 2023 provides a modern legal framework for arbitration and mediation and strengthens the recognition and enforceability of ADR outcomes. However, it is not specifically designed for online consumer disputes. Consequently, while existing legislation permits ADR in appropriate circumstances, Nigeria lacks a comprehensive and integrated framework specifically regulating ODR for domestic and cross-border e-commerce consumer disputes [42].

A further challenge concerns institutional and regulatory fragmentation. The FCCPC has federal responsibility for consumer protection, while sector-specific regulators and state authorities may exercise overlapping or complementary powers. This can create uncertainty regarding institutional competence, applicable procedures, and the appropriate forum for consumer redress.

The relationship between federal consumer-protection regulation and state-level laws and institutions also requires greater clarity, particularly where consumer disputes involve local businesses or state regulatory structures. The framework also faces normative concerns relating to institutional capacity, consumer awareness, accessibility, and enforcement. These issues may limit the ability of existing legal rights and ADR mechanisms to provide a clear and accessible pathway for digital consumer redress. However, as this study is normative rather

41 (Oyaka, 2024)
42 (Oyaka, 2024)

than empirical, it does not measure consumer awareness, FCCPC performance, or dispute-resolution rates [43].

Accordingly, the principal reform needed is not simply the enactment of another consumer-protection statute, but the development of a coherent ODR framework that clarifies institutional jurisdiction, establishes accessible online procedures, protects consumers through appropriate procedural safeguards, and provides clear rules for the recognition and enforcement of online settlements and arbitral outcomes, including in cross-border disputes. Nigeria's existing FCCPA and AMA provide important legal foundations, but further regulatory coordination and ODR-specific rules are necessary to strengthen their normative capacity to support effective e-commerce consumer redress. [44]

V. ADR as a Legal Mechanism for E-Commerce Consumer Protection: A Comparative Analysis of Nigeria and Indonesia

Both Nigeria and Indonesia recognize ADR as a mechanism for consumer redress, but their frameworks differ in structure and institutional integration. A comparison based on legal recognition, institutional framework, accessibility, enforceability, and cross-border capacity reveals important differences:

Table1: A Comparative analysis

Criterion	Indonesia	Nigeria
Legal recognition	UUPK, ITE Law, PP No. 80/2019 and Law No. 30/1999 collectively support consumer protection, electronic transactions, and ADR.	FCCPA 2018 and AMA 2023 provide the principal legal basis for consumer protection and ADR.

[43] (Federal Republic Of Nigeria, 2023)

[44] (Oyaka, 2024)

Institutional framework	BPSK provides a specialized consumer-dispute forum, complemented by OJK for financial-sector disputes and the courts.	FCCPC facilitates consumer redress, while ADR institutions and courts operate within the broader legal framework.
Accessibility	BPSK provides a non-court avenue, although integration with digital and cross-border procedures remains limited.	FCCPC and ADR mechanisms provide alternatives to litigation, but a dedicated ODR structure is not yet clearly established.
Enforceability	Arbitration and ADR outcomes have a statutory basis, although enforcement may depend on the applicable procedure and forum.	AMA 2023 strengthens the legal framework for enforceable arbitration and mediated settlements, but it is not e-commerce specific.
Cross-border capacity	Domestic mechanisms provide a foundation but require stronger coordination for disputes involving foreign traders and platforms.	Similar gaps exist, particularly concerning jurisdiction, applicable law, and enforcement of outcomes against foreign parties.

Source: Analyzed by author, 2026.

The comparison indicates that Indonesia has greater institutional integration, particularly through BPSK and the linkage between consumer protection, electronic commerce, and ADR regulation. Nigeria has a strong general consumer-protection and ADR framework, but its mechanisms remain more institutionally dispersed and lack a dedicated ODR framework. Thus, neither jurisdiction fully resolves the challenges of cross-border digital disputes. [45]

[45] (Bl ; Et Al., 2025)

Despite these differences, both jurisdictions recognize ADR as an important legal mechanism for promoting consumer protection. Mediation, arbitration, and conciliation provide consumers and business operators with opportunities to resolve disputes through consensual procedures that are generally less formal than court litigation.

VI. Mediation as a Legal Mechanism for E-Commerce Dispute Resolution

Mediation is a consensual ADR mechanism in which a neutral third party assists disputing parties in reaching a voluntary settlement. Its flexibility makes it suitable for e-commerce disputes involving non-delivery, defective goods, refunds, payment failures, and contractual disagreements[46]

In Indonesia, Article 6(3) of Law No. 30 of 1999 provides a legal basis for mediation, while BPSK and OJK provide institutional avenues for consumer and financial-sector disputes[47].

However, these mechanisms are not yet fully integrated into a dedicated ODR system, particularly for cross-border e-commerce disputes. In Nigeria, section 17 of the FCCPA 2018 supports consumer ADR, while the Arbitration and Mediation Act 2023 provides the general legal framework for mediation[48]. These are necessary to safeguard consumers during online transactions, while also giving a fair deal to the vendors.

In relation to banking-related online transaction disputes, customers could face the issue of unauthorized transactions, among others. Mediation at the Indonesian Financial Services Authority (OJK)

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[46] Joseph P. Barrett Jerome T. Barrett, "A History Of Alternative Dispute Resolution The Story Of A Political, Cultural, And Social Movement Published In Affiliation With The Association For Conflict Resolution," 2004, 9.

[47] Ghozali And Ispriyarso, "Online Arbitration In E-Commerce Dispute Resolution During The Pandemic Covid-19."

[48] Soleh Hasan Wahid, "Formulation Of A Risk-Based Online Dispute Resolution Model For E-Commerce In Indonesia: Legal Framework And Its Application," 2023.

has proven to be easy and cost-efficient for resolving consumer and bank disputes. Nevertheless, to increase public confidence in alternative methods of dispute resolution, under the Law of the Republic of Indonesia No. 21 of 2011 regarding the Financial Services Authority, it is a mandate of the Financial Services Authority to improve supervision, transparency, and independence. [49]

The Lagos Multi-Door Courthouse (LMDC) provides a useful institutional model that could be adapted to e-commerce through online filing, virtual mediation, electronic document exchange, and digitally enforceable settlements. ODR could make mediation more accessible across geographical boundaries, but its adoption presents challenges relating to digital literacy, technology infrastructure, trust, data security, and procedural fairness. These concerns require simple and secure platforms, consumer assistance, transparent procedures, and adequate institutional oversight.

Comparatively, Indonesia has a more consumer-specific institutional structure through BPSK and OJK, while Nigeria relies primarily on the FCCPC and general ADR institutions. Both jurisdictions therefore require stronger ODR integration, institutional coordination, cross-border procedures, and enforceability of mediated settlements.

Thus, mediation can strengthen e-commerce consumer protection where it is accessible, impartial, procedurally fair, institutionally supported, and legally enforceable. ODR should consequently function as a digital extension of these safeguards rather than merely a technological replacement for traditional mediation.

VII. Arbitration as a Legal Mechanism for E-Commerce Consumer Dispute Resolution

Arbitration provides a more formal ADR mechanism in which a neutral tribunal determines a dispute and issues a binding award. For e-commerce, its procedural flexibility, confidentiality, and potential cross-border enforceability can provide an alternative to court litigation,

[49] Gayo, "The Use Of Mediation As An Alternative Dispute Resolution In The Settlement Of Investment Disputes."

particularly where disputes involve parties in different jurisdictions.[50]

In Indonesia, arbitration is principally governed by Law No. 30 of 1999, supported by the ITE Law and electronic-commerce regulations recognizing electronic transactions, contracts, and evidence[51]. Arbitration therefore provides a legal basis for resolving certain online commercial disputes. However, consumer access may be constrained by costs, contractual arbitration clauses, unequal bargaining power, and limited consumer knowledge, particularly where standard-form online contracts require consumers to accept predetermined terms. For financial-sector disputes, OJK mechanisms provide an additional avenue for consumer redress, although their scope is sector-specific.[52]

The Association of Indonesian Internet Service Providers (APJII, 2024) reported that the number of Indonesians using the internet reached 221.56 million (approximating 79.5 percent of the total population), evidencing the immense potential of e-commerce alongside the increase in cyber disputes among consumers. In managing such phenomena, the role of OJK is essential, as proven by the Law of the Republic of Indonesia No. 21 of 2011, facilitating balanced financial regulation, integrated control, and numerous other consumer protections.[53]

Such risk-based online arbitration systems could improve legal certainty and prevent delays in enforcement. In line with UNCTAD (2023), it is argued that to keep consumers' confidence, adequate and technology-driven models of alternative dispute resolution (ADR) are

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50 Soleh Hasan Wahid, "Formulation Of A Risk-Based Online Dispute Resolution Model For E-Commerce In Indonesia: Legal Framework And Its Application," 2023.

51 Muhammad Bilal, Waqas Rafiq, And Uzair Junaid, "Necessity Of Online Dispute Resolution (Odr) In Family Matters And Legal Implementation Of Online Court System," *Pakistan Journal Of Humanities And Social Sciences* 11, No. 2 (2023): 2540–51, Https://Doi.Org/10.52131/Pjhss.2023.1102.0553.

52 Private Law, "Citation :" 2 (2024): 15–32.

53 Imam Haryanto And Muthia Sakti, "Implementation Of Online Dispute Resolution (Odr) In Indonesia ' S E - Commerce Disputes (Comparative Study With Usa)," No. September 2021 (2024): 1–12.

essential and should be enforceable. [54]

In Nigeria, arbitration is governed principally by the Arbitration and Mediation Act 2023, which modernizes the legal framework and supports the recognition and enforcement of arbitral awards. Arbitration can address e-commerce disputes by providing a flexible and potentially cross-border mechanism outside ordinary litigation. Nevertheless, arbitration costs, power imbalances, digital literacy, and enforcement procedures may make it less accessible for low-value consumer claims[55]. The Nigerian Arbitration and Conciliation Act (2004) empower courts to stay proceedings when arbitration agreements exist, reaffirming party autonomy and enforceability.[56]

Judicial decisions such as *Stabilini Visinoni Ltd v. Mallinson & Partners Ltd* (2014) 12 NWLR confirm the arbitration's binding nature and its capacity to deliver finality and confidentiality. Historically plagued by judicial delays, Nigeria's justice system embraced ADR to improve efficiency and public confidence.[57]

The enforceability of arbitration outcomes is therefore central to consumer protection. An arbitration mechanism has limited value where consumers cannot afford to use it or where awards are difficult to recognize or enforce. Consumer arbitration should consequently include safeguards against unfair arbitration clauses, high costs, and procedural inequality, while preserving the binding nature of valid awards.

Comparatively, both jurisdictions possess a legal foundation for arbitration, but neither provides a fully developed consumer-specific

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54 Financial Architecture, *Trade Development*, 2023.

55 Bl ;, Ahmed, And Odobo, "Achieving Effective Conflict Resolution Through Alternative Dispute Resolution (Adr) Mechanisms In Nigeria."

56 "Arbitration And Conciliation Act Chapter 18 Laws Of The Federation Of Nigeria 2004 Arrangement Of Sections Part I Arbitration Arbitration Agreement," N.D.

57 The Federal Government Of Nigeria, "Federal Republic Of Nigeria Official Gazette," *Federal Government Of Nigeria, Lagos* 109, No. 175 (2022), Https://Static1.Squarespace.Com/Static/63438980e505485cb3299aad/T/63f39b465a87b9639c5ff2f5/1676909382894/National±Mental±Health±Act±2021.Pdf.

ODR arbitration framework. The principal reform need is to integrate arbitration with secure online procedures, transparent consumer safeguards, affordable processes, and clear rules for recognition and enforcement, particularly in cross-border disputes. ODR can facilitate this integration through online filing, hearings, evidence submission, and communication, but technology should not replace legal and procedural safeguards.[58]

The global ADR sector has also developed further, due to legal education, public-private partnerships, and technology. Like the blockchain arbitration system can protect consumer information, identify the consumer, and secure immutable records regarding proceedings, which are important to establish trust on online arbitration platforms.[59]

VIII. Comparative Analysis of Consumer Protection Frameworks in Nigeria and Indonesia

The comparative analysis shows that Nigeria and Indonesia both possess legal foundations for consumer protection and ADR in e-commerce, but neither has fully integrated ODR into a comprehensive consumer dispute-resolution framework. The principal differences concern institutional integration, legal recognition of online procedures, accessibility, and enforceability.

Table2: Comparative Analysis

[58] J U Ly, "National Digital Economy And E Governance," 2024.

[59] Mnotho Thamsanqa Ngcobo, "Artificial Intelligence And Blockchain Technologies In Online Dispute Resolution: A Solution To Consumer Disputes In South Africa?," *Potchefstroom Electronic Law Journal* 27, No. 27 (2024), Https://Doi.Org/10.17159/1727-3781/2024/V27i0a14648.

Criterion	Indonesia	Nigeria
Legal framework	UUPK 1999, ITE Law 2008 (as amended), PP No. 80/2019, and Law No. 30/1999 provide interconnected foundations for consumer protection, e-transactions, and ODR	FCCPA 2018 and Arbitration and Mediation Act 2023 provide the principal foundations for consumer protection and ADR.
Institutional framework	BPSK, OJK, and courts provide sectoral and general avenues for consumer redress, but coordination remains necessary.	FCCPC, ADR institutions, and courts provide dispute-resolution avenues, but institutional coordination and a dedicated ODR structure remain limited.
Accessibility	BPSK and other non-court mechanisms provide alternatives to litigation, but their integration with digital and cross-border disputes requires strengthening.	ADR provides alternatives to litigation, but affordability, digital infrastructure, and access to online procedures remain concerns.
Enforceability	Arbitration and other ADR mechanisms have statutory foundations, although the relationship between online procedures and enforceable outcomes requires clearer integration.	The AMA 2023 strengthens the legal basis for arbitration and mediation, but consumer-specific online enforcement mechanisms remain underdeveloped.
ODR readiness	Existing electronic transactions and ADR laws provide a stronger foundation for integrating ODR, but no comprehensive	ODR remains less institutionally developed, requiring clearer legal recognition, procedures, and coordination among relevant institutions.

Criterion	Indonesia	Nigeria
	consumer-specific framework exists.	ODR

Source: Analyzed by author, 2026.

Comparatively, Indonesia can strengthen coordination between BPSK, OJK, courts, and e-commerce platforms and develop clearer rules for cross-border ODR, while Nigeria can build on the FCCPC and AMA 2023 by establishing a coordinated consumer ODR framework with clear online procedures and enforcement mechanisms. For both jurisdictions, the principal best practices are clear legal recognition, institutional coordination, accessible procedures, consumer safeguards, and enforceable online outcomes.[60]

Accordingly, the comparative analysis demonstrates that ODR should not replace the existing consumer protection and ADR framework. Rather, it should integrate and digitally extend those mechanisms, while preserving the legal safeguards necessary to ensure accessible, fair, and enforceable consumer redress. [61].

IX. Comparative Analysis of the Transition from Traditional ADR to ODR in Nigeria and Indonesia.

The transition from traditional ADR to ODR in Nigeria and Indonesia reflects a broader transformation in the way consumer disputes are conceptualized and resolved within the digital economy. Although both jurisdictions recognize ADR and have developed legal frameworks that can accommodate aspects of electronic dispute

[60] Gayo, "The Use Of Mediation As An Alternative Dispute Resolution In The Settlement Of Investment Disputes."

[61] Oluwayomi Ikubanni Oluwaseye And Adekunle Saheed Abiola, "Impact Of Technology On Alternative Dispute Resolution In Nigeria And The Birth And Challenges Of Online Dispute Resolution," *Global Journal Of Politics And Law Research* 10, No. 4 (2022), Https://Doi.Org/10.37745/Gjplr.2013/Vo10.N4pp113.

resolution, the two systems differ in the degree to which their legal and institutional structures have been adapted to the characteristics of e-commerce.[62]

In both Nigeria and Indonesia, the development of e-commerce has increased the importance of mechanisms capable of resolving disputes without requiring consumers to resort to conventional litigation. E-commerce disputes are frequently characterized by relatively low monetary values, geographical distance between consumers and businesses, electronic evidence, platform-based transactions and, in some cases, cross-border relationships. These characteristics reduce the suitability of conventional court proceedings for some consumer disputes because the costs, time and procedural requirements of litigation may be disproportionate to the value of the claim. ODR responds to these characteristics by transferring negotiation, mediation, complaint management and, where legally permissible, arbitration into digital environments.[63]

The gravity of incorporating technology such as ODR into the legal sector is driven by the rampant increase in e-commerce and increased connectivity to worldwide e-commerce markets[64]. This is especially true considering the number of internet users[65]. This is evident and reflects the growing demand for online platforms to have the ability to resolve e-commerce disputes amicably and instantly, ensuring restorative justice in digital commerce.[66]

In Indonesia, although an overriding law has not yet been established to regulate ODR specifically, several laws implicitly support

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62 Ngcobo, "Artificial Intelligence And Blockchain Technologies In Online Dispute Resolution : A Solution To Consumer Disputes In South Africa ? 1 Introduction."

63 Patel Et Al., "Online Dispute Resolution Mechanism As An Effective Tool For Resolving Cross-Border Consumer Disputes In The Era Of E-Commerce."

64 Pablo Cortés And Victoria Naish, "Consumer Odr In Cross-Border E-Commerce: Legal Design Challenges," *Journal Of European Consumer And Market Law* 11, No. 2 (2022): 65–78.

65 Haryanto And Sakti, "Implementation Of Online Dispute Resolution (Odr) In Indonesia ' S E - Commerce Disputes (Comparative Study With Usa)."

66 Amicus Curiae, "S -R Odr C ' E -C M : A E A ' T P C Odr" 6, No. 2 (2025): 358–403.

it, such as the Electronic Information and Transactions Law (Law No. 19 of 2016), the Consumer Protection Law (Law No. 8 of 1999), and associated government regulations ("Law of the Republic of Indonesia Number 21 Year 2011").[67]

Similarly, the Nigerian legal system has actively developed to include the Federal Competition and Consumer Protection Act (2018), the Electronic Commerce Act (Central, 2023), the National Digital Economy and E-Governance Act; and the Investment and Securities Act, all of these acknowledge digital asset transactions, which is a basis for supporting the enforcement of ODR.[68]

Nevertheless, it has been observed that although such regulations are being implemented, challenges continue to arise concerning digital literacy, enforcement of laws, and infrastructure capacity.[69] Still, ODR systems are a fundamental component facilitating increased consumer trust, increased cross-border trade, and greater harmony between justice and the realities of the digital economy. [70]

However, the comparison reveals an important distinction between legal accommodation of ODR and legal recognition of ODR as a coherent consumer-redress mechanism.

In Indonesia, several legal instruments provide the foundation on which ODR may operate, including the Consumer Protection Law, the Electronic Information and Transactions framework, regulations governing electronic commerce, and the legislation governing arbitration and alternative dispute resolution.

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67 Dewi Sulistianingsih Et Al., "Online Dispute Resolution: Does The System Actually Enhance The Mediation Framework?," *Cogent Social Sciences* 9, No. 1 (2023), Https://Doi.Org/10.1080/23311886.2023.2206348.

68 Ly, "National Digital Economy And E Governance."

69 Soleh Hasan Wahid, "Formulation Of A Risk-Based Online Dispute Resolution Model For E-Commerce In Indonesia: Legal Framework And Its Application," *International Journal Of Arts And Humanities Studies* 3, No. 2 (April 13, 2023): 09–23, Https://Doi.Org/10.32996/Ijahs.2023.3.2.2.

70 Rusli Subrata, "Mechanisms Of Alternative Dispute Resolution In Conflict And Dispute Resolution In Indonesia," *Litigasi* 24, No. 1 (April 30, 2023): 151–64, Https://Doi.Org/10.23969/Litigasi.V24i1.7198.

Nigeria presents a comparable situation. The Federal Competition and Consumer Protection Act 2018 provides an important statutory basis for consumer protection and dispute resolution, while the Arbitration and Mediation Act 2023 modernizes the country's general ADR framework. In addition, the increasing use of electronic complaint mechanisms demonstrates institutional movement towards digital consumer redress, as evidenced by the Federal Competition and Consumer Protection Commission's online complaint system.

The comparison, therefore, suggests that Nigeria's principal strength lies in developing an institutional digital complaint infrastructure alongside its broader consumer and ADR legislation. In contrast, Indonesia's strength lies in a relatively extensive body of legislation governing consumer protection, electronic transactions, and ADR. At the same time, both jurisdictions face a similar structural problem: the relevant legal rules are distributed across different legislative and institutional instruments, rather than being integrated into a comprehensive consumer ODR framework. The difference is significant from a consumer protection perspective. A fragmented framework may allow individual components of ODR to function while leaving uncertainty about their relationships.

X. Comparison through the Characteristics of Consumers and the Digital Environment

The societal and technological characteristics of consumers provide a further basis for comparing the two jurisdictions. The suitability of ODR depends in part on whether consumers have reasonable access to the technology required to initiate and participate in digital proceedings. Consequently, the transition from traditional ADR to ODR cannot be separated from questions of digital inclusion.

Indonesia has experienced substantial expansion in internet connectivity and digital commerce. This provides a favorable environment for the development of online consumer dispute resolution. However, relatively high internet penetration does not mean universal access.

Nigeria presents a similar but more pronounced challenge. Internet connectivity has expanded considerably, but significant differences remain between urban and rural communities and among consumers with different levels of digital literacy and technological resources. Consequently, an exclusively digital consumer ADR mechanism could unintentionally exclude consumers who are most vulnerable to barriers in accessing formal justice.

Differences in geographical location, technological resources, and digital literacy may still affect a consumer's ability to use an exclusively online dispute-resolution mechanism. Indonesia's geographical structure is particularly relevant because its population is distributed across a large archipelago. ODR can reduce the geographical barriers associated with attending courts or ADR institutions in person, but only where consumers have adequate access to digital infrastructure.

XI. Comparative Analysis of Institutional Roles

The institutional structure of consumer dispute resolution also differentiates the practical development of ODR in Nigeria and Indonesia.

In Nigeria, the FCCPC occupies a central position within the consumer-protection framework and has developed electronic complaint-handling mechanisms. This provides an institutional entry point for digitizing and managing consumer complaints. However, the existence of multiple sector regulators and ADR institutions creates the possibility of overlapping jurisdiction or uncertainty concerning the appropriate forum.

Indonesia similarly operates through several institutions and mechanisms for consumer disputes, including the Badan Penyelesaian Sengketa Konsumen (BPSK), relevant regulatory bodies, and private ADR institutions. The existence of these institutions provides multiple avenues for consumer redress but may also create fragmentation when disputes arise from digital transactions involving platforms, payment providers, sellers, and other intermediaries.

The comparison demonstrates that the principal institutional

challenge is therefore not simply the absence of institutions. Rather, it is coordination among institutions. An ODR system for e-commerce requires a clear mechanism for determining where a complaint should go and for transferring it electronically when the initial institution does not possess jurisdiction.

XII. Comparative Analysis of Procedural Safeguards

The transition from traditional ADR to ODR also changes the nature of procedural safeguards. Traditional mediation and arbitration normally provide established procedures concerning notice, participation, evidence, and decision-making.

When these processes are transferred to digital environments, additional issues arise concerning authentication, electronic evidence, cybersecurity, privacy, platform neutrality and the reliability of electronic communications. The Nigerian and Indonesian frameworks therefore need to be assessed not merely according to whether electronic communication is legally recognized but according to whether consumers participating in online dispute resolution receive adequate procedural protection. Three safeguards are particularly important:

First, notice and participation must be guaranteed. Consumers should receive clear notification of complaints, mediation sessions, settlement proposals, and decisions. Digital procedures should not permit a consumer's claim to be rejected merely because the consumer is unfamiliar with a technically complex platform.

Second, impartiality and independence are essential where platforms themselves administer dispute-resolution procedures. An e-commerce platform may have commercial interests in maintaining relationships with sellers and consumers. Therefore, platform-based ADR should operate subject to minimum standards of neutrality and transparency.

Third, electronic outcomes must possess legal certainty. Consumers should know whether an electronically concluded settlement is binding, whether it can be enforced, and what options exist where a party refuses to comply. Without such certainty, ODR risks becoming merely a mechanism for communication rather than a

genuine mechanism of legal redress.

XIII. Over all Comparative Finding

The comparison between Nigeria and Indonesia demonstrates that the transition from traditional ADR to ODR is not simply a technological development. It represents a transformation in the legal architecture through which consumers obtain remedies in digital commerce. Both jurisdictions possess important elements necessary for ODR.

The principal comparative finding is therefore that Nigeria and Indonesia are at a transitional stage between conventional ADR and a more comprehensive ODR-based consumer-redress model. Their legal systems have created several building blocks for digital dispute resolution, but these components require greater coordination, clearer legal recognition, and stronger procedural and enforcement safeguards. The difference between the two jurisdictions is primarily one of institutional and regulatory emphasis.

Nigeria's development demonstrates the importance of establishing accessible digital complaint infrastructure within the consumer-protection institution. Indonesia demonstrates the importance of integrating consumer protection, electronic transactions, and ADR within a broader regulatory framework. Neither approach alone is sufficient.

Indonesia can benefit from further institutional coordination and a clearer ODR-specific regulatory structure. Nigeria can benefit from stronger integration between its digital complaint infrastructure and the broader ADR and enforcement framework.

The comparison consequently supports a hybrid and integrated model of consumer ODR. Such a model should preserve traditional ADR as an available avenue while using digital technology to make negotiation, mediation, complaint handling, and appropriate forms of arbitration more accessible. It should also provide non-digital and assisted-digital alternatives for consumers who cannot effectively participate online.

C. Recommendations:

I. Mainstreaming ADR through Stronger Institutional Recognition and Enforcement

The comparative analysis demonstrates that both Nigeria and Indonesia possess established ADR mechanisms, but ADR remains insufficiently integrated into the wider consumer justice system. The existence of ADR institutions does not, by itself, guarantee that consumers will use them or that their outcomes will be effectively implemented. Institutional fragmentation, uncertainty concerning the appropriate forum, and the continuing dependence on conventional judicial mechanisms can reduce the practical value of ADR for low-value e-commerce disputes.

Accordingly, judicial and governmental institutions in both countries should formally recognize ADR as an integral component of the justice-delivery system rather than merely as an alternative to litigation. This requires stronger institutional coordination between courts, consumer-protection authorities, ADR institutions, regulators, and e-commerce platforms.

II. Develop Specific Legal Rules to Accommodate ODR in the Digital Era

The comparative analysis reveals that neither Nigeria nor Indonesia can rely exclusively on traditional ADR legislation to address all the legal issues generated by digitally conducted consumer disputes. Although existing legislation provides important foundations for electronic transactions, consumer protection, and ADR, the interaction between these frameworks does not yet provide sufficient clarity concerning the complete ODR process.

The two countries should therefore develop specific legal and regulatory provisions for consumer ODR, either through dedicated ODR legislation or through amendments and implementing regulations that clearly integrate ODR into existing consumer-protection and ADR frameworks. Such rules should be

addressed, at minimum:

a. The legal recognition of electronically initiated ADR proceedings;
b. Electronic notices and communications;
c. Authentication and verification of parties;
d. Admissibility and preservation of electronic evidence;
e. Electronic mediation and negotiation;
f. Legally binding electronic settlements;
g. Recognition and enforcement of ODR outcomes;
h. Procedural safeguards for consumers;
i. Data protection and confidentiality;
j. Platform-based dispute resolution;
k. Review and escalation mechanisms; and
l. Cross-border consumer disputes.

For Nigeria and Indonesia, therefore, the objective should be to move from a fragmented legal accommodation of digital dispute resolution toward a coherent consumer ODR framework.

III. Invest in Secure, Accessible, and Consumer-Friendly ODR Platforms

The analysis also demonstrates that the transition from traditional ADR to ODR cannot succeed merely by transferring existing ADR procedures onto the internet. The characteristics of e-commerce consumers require platforms that are affordable, simple to use, secure, and capable of accommodating consumers with different levels of technological ability.

Accordingly, Nigeria and Indonesia should support the development of secure and user-friendly ODR platforms operated or supervised by competent public institutions, accredited ADR providers, or appropriately regulated private platforms. Such platforms should be provided:

a. Simple complaint registration;
b. Mobile-compatible access;

c. Clear instructions in plain language;
d. Secure document and evidence submission;
e. Reliable authentication;
f. Protection of personal and transaction data;
g. Transparent case tracking;
h. Electronic communication between parties;
i. Online mediation facilities;
j. Accessible records of settlements and decisions; and
k. Clear information about enforcement and further remedies.

This recommendation is particularly important because the comparative analysis identified digital literacy, unequal technological access, geographical distance, and the low monetary value of many consumer disputes as factors affecting the suitability of ODR.

IV. Strengthen Digital and Cross-Border Dispute-Resolution Skills among Practitioners

The comparative analysis further demonstrates that the enforceability of a legal framework depends upon the capacity of the institutions and professionals responsible for implementing it. The movement from traditional ADR to ODR changes not only the location of dispute resolution but also the skills required by mediators, arbitrators, lawyers, judges, consumer-protection officials and other practitioners.

Accordingly, Nigeria and Indonesia should develop continuous professional training in:

a. ODR procedures and technologies;
b. Electronic evidence;
c. Cybersecurity and data protection;
d. Digital authentication;
e. Online mediation and negotiation;
f. Platform-based dispute resolution;
g. Cross-border e-commerce disputes;
h. Applicable consumer-protection law;
i. International ADR standards; and

j. Enforcement of electronic settlements and awards.

This recommendation follows from the finding that the legal recognition of digital dispute resolution is insufficient if practitioners do not possess the capacity to apply the relevant rules and technology.

V. Strengthen Consumer Education and Awareness of ADR and ODR

Comparative analysis also indicates that the existence of legal rights and dispute-resolution mechanisms does not necessarily mean that consumers can effectively exercise those rights. Consumers may be uncertain about where to complain, which institution has jurisdiction, what evidence is required, whether ADR is binding, and how an unresolved complaint can be escalated.

Both Nigeria and Indonesia should therefore strengthen consumer education concerning ADR and ODR. Consumer education programs should explain in simple and accessible language.

VI. Develop a Coordinated and Integrated Consumer ADR–ODR Framework

The five recommendations above should ultimately be implemented as parts of an integrated framework rather than as isolated reforms.

The comparative analysis shows that the principal challenge in both Nigeria and Indonesia is not the complete absence of consumer-protection or ADR legislation. Rather, the challenge is the fragmentation of legal rules, institutions and procedures across consumer protection, electronic transactions, ADR, e-commerce regulation and platform governance. Accordingly, both jurisdictions should develop a coordinated consumer ADR–ODR framework connecting:

Consumer → e-commerce platform/seller → ADR/ODR provider → consumer-protection authority → specialized tribunal/court → enforcement mechanism.

Such a framework would provide consumers with a clear pathway from the initiation of a complaint to the final enforcement of an outcome.

For Nigeria, the development of such a framework could build upon the existing institutional role of the FCCPC and its digital complaint-handling infrastructure while improving coordination with sector regulators, ADR providers and courts.

For Indonesia, it could build upon the existing consumer-protection and ADR institutions while strengthening their integration with e-commerce regulation and digital dispute-resolution mechanisms.

VII. Overall Recommendation

The comparative findings demonstrate that the future of consumer dispute resolution in Nigeria and Indonesia should not be understood as a choice between traditional litigation and technology-based ODR. Rather, the appropriate approach is a complementary and integrated model in which ADR and ODR operate alongside the formal justice system. The recommended framework should be based on five interrelated principles: **legal certainty, institutional coordination, accessibility, procedural fairness, and enforceability**.

Legal certainty is required to establish the status of electronic proceedings and outcomes; institutional coordination is necessary to prevent consumers from becoming lost among competing forums; accessibility is necessary to accommodate differences in digital literacy, geography and economic capacity; procedural fairness is required to protect consumers from unequal bargaining power and platform bias; and enforceability is necessary to transform an ADR outcome into an actual remedy.

Accordingly, Nigeria and Indonesia should not merely expand the availability of ADR or introduce more digital platforms. They should develop consumer-centered ADR–ODR systems capable of translating existing consumer rights into accessible and enforceable remedies in the digital marketplace. Such reforms would allow ADR and ODR to move

beyond their traditional role as alternatives to court proceedings and become properly integrated components of contemporary consumer justice.

D. Conclusion

This study demonstrated that ADR is an important legal mechanism for consumer protection and access to justice in e-commerce, particularly where conventional litigation may be unsuitable for low-value, geographically dispersed, or cross-border disputes. However, the existence of ADR legislation alone does not establish an adequate consumer redress framework. Its normative capacity depends on legal recognition, accessibility, procedural fairness, institutional authority, and enforceability. The comparative analysis reveals that Indonesia has a relatively more developed consumer-specific institutional structure, particularly through BPSK and OJK, supported by legislation governing consumer protection, electronic transactions, and ADR. Nigeria, by contrast, has strengthened its general consumer and ADR framework through the FCCPA 2018 and the Arbitration and Mediation Act 2023, but remains more institutionally fragmented and lacks a comprehensive consumer-specific ODR framework. Thus, both jurisdictions possess significant legal foundations, but neither has fully integrated consumer protection, electronic transactions, ADR, and ODR into a coherent system for digital and cross-border consumer redress.

The transition from ADR to ODR provides an opportunity to overcome geographical and procedural barriers by enabling online filing, communication, mediation, arbitration, document exchange, and settlement. Nevertheless, ODR should complement rather than replace non-digital dispute-resolution avenues, particularly because access to technology, digital literacy, affordability, data security, and procedural fairness remain relevant legal and policy considerations. The legitimacy of ODR therefore depends not simply on technological availability but on the legal recognition and enforceability of procedures and outcomes. The principal policy implication is that Nigeria and Indonesia should

develop an integrated and hybrid ADR–ODR framework based on five principles: legal certainty, accessibility, institutional coordination, procedural fairness, and enforceability. Indonesia should strengthen coordination among BPSK, OJK, courts, and relevant digital platforms, while Nigeria should build on the FCCPC and AMA 2023 to establish clearer consumer-specific ODR procedures and institutional coordination. Both jurisdictions should also develop clearer rules for electronic settlements, online arbitration and mediation, consumer safeguards, and cross-border enforcement.

The article contributes to legal scholarship by providing a comparative normative framework for assessing when existing consumer-protection, electronic-transaction, ADR, and institutional rules collectively provide an adequate foundation for ODR-based consumer redress. Rather than treating ODR merely as a technological innovation, the study demonstrates that its legitimacy and usefulness as a consumer-protection mechanism depend on its integration within a coherent legal and institutional framework. Future research may complement this normative analysis through empirical studies of consumer experiences, accessibility, awareness, satisfaction, and use of ADR/ODR, as well as comparative studies involving other developing economies. Such research could further examine whether the proposed legal safeguards and institutional models translate into meaningful access to justice in practice.

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During the preparation of this manuscript, the author used **(OpenAI GPT-5.5)** to assist with language refinement, improving readability, enhancing academic writing, and organizing the structure of the manuscript. All AI-generated outputs were critically reviewed, verified, revised, and integrated by the author to ensure their accuracy, consistency, and scholarly integrity. The author maintains full responsibility and accountability for the content, legal analysis, interpretations, and conclusions presented in this manuscript. The AI tool was used solely as a writing support tool and was not involved in generating original research findings, conducting legal analysis, interpreting legal authorities, or making independent scholarly judgments. AI is not credited with authorship.

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