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Consumer ODR Governance Model for Enforceable Redress in Indonesia's Digital Trade Framework

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Abstract

The growth of digital transactions has increased consumer disputes and created the need for fast, affordable, accountable, and enforceable redress mechanisms. This article examines the regulatory gaps in consumer online dispute resolution within Indonesia's digital trade framework and makes enforceable procedural standards for consumer redress. This study employs doctrinal legal research using statutory, conceptual, and limited comparative approaches to Indonesian regulations and selected international references, including UNCITRAL, OECD, and EU ADR/ODR instruments. The findings show that existing Indonesian regulations have not yet provided enforceable procedural standards for consumer ODR. This gap arises because the relevant norms remain fragmented across the Consumer Protection Law, Trade Through Electronic Systems regulation, Electronic Information and Transactions regime, Electronic Systems and Transactions regulation, Arbitration and Alternative Dispute Resolution Law, and Personal Data Protection Law. Although these legal regimes provide general bases for consumer dispute resolution, electronic documents, electronic systems, alternative dispute resolution, and personal data processing, they do not specifically regulate authority screening, identity and transaction verification, electronic evidence governance, neutral facilitation, outcome documentation, data protection safeguards within ODR proceedings, and post-settlement compliance. The contribution of this article lies not in proposing a new theory of ODR, but in developing a normative-operational reconstruction of consumer ODR through minimum enforceable procedural standards. Through this reconstruction, consumer ODR is positioned not merely as a digital complaint channel, but as an integrated, traceable, and accountable consumer redress mechanism within Indonesia's digital trade regulatory framework.

A. INTRODUCTION

The development of digital platform-based trade transactions has generated consumer-business relationships that are increasingly intense, fast, and often occur without physical meetings. Consumer disputes tend to arise from recurring problems, such as mismatches of goods or services, delays in fulfilling achievements, unilateral cancelation, and unclear refunds. Such a pattern of disputes demands a resolution channel that is easily accessible, cost-proportionate, and capable of providing timely recovery, especially when the value of the loss is relatively small but the cumulative impact is significant for consumers.

The urgency of this issue can be observed from recent consumer complaint data. In the first semester of 2024, the Ministry of Trade recorded 1,935 consumer service reports, consisting of complaints, inquiries, and information requests. Of these reports, consumer services related to trade through electronic systems or e-commerce constituted the highest proportion, reaching 1,725 services or 89% of total consumer services. BPKN also recorded that from January to July 30, 2024 it received 381 consumer complaints, with total consumer losses of approximately IDR 202.6 billion, with Trade Through Electronic Systems (PMSE) being the most complained-about sector. Throughout 2024, BPKN received 1,733 consumer complaints with potential losses of approximately IDR 424 billion, while the recovered losses amounted to approximately IDR 44.8 billion. These data indicate that digital consumer disputes are not merely a prospective regulatory issue but, a concrete consumer protection problem that requires a structured, enforceable, and traceable redress mechanism.

Consumer protection does not stop at the formulation of rights and obligations, but depends on the availability of accessible and effective remedy mechanisms. In the Indonesian consumer protection law literature, the effectiveness of protection is measured by the system's ability to provide tangible remedies, clear procedures, and certainty for parties when a breach occurs.[1] This orientation places dispute resolution as part of an operational

[1] Muhammad Faiz Aziz and Muhamamd Arif Hidayah, "Perlunya Pengaturan Khusus Online Dispute Resolution (ODR) di Indonesia untuk Fasilitasi Penyelesaian Sengketa E-Commerce," *Jurnal Rechtsvinding: Media Pembinaan Hukum Nasional* 9, No. 2 (2020): 275–294, https://doi.org/10.33331/rechtsvinding.v9i2.449, p. 275.

protection design, not simply a complement to substantive norms.

Outside the court channels, consumer dispute resolution has long been directed through non-litigation forums that are quick and simple. The study on consumer dispute resolution shows that the non-litigation mechanism still faces institutional issues, process quality, and consistency of implementation, including aspects of the parties' acceptance of the settlement results.[2] These challenges become more complex when disputes are born from digital transactions that require electronic document management, identity verification, and traceable process control.

In the digital context, *online dispute resolution* in this article is understood not merely as the use of information technology in alternative dispute resolution, but as a structured consumer redress mechanism conducted through an electronic system. This mechanism covers claim submission, authority screening, identity and transaction verification, electronic evidence exchange, online negotiation or mediation, outcome documentation, and compliance follow-up. This definition is necessary because Indonesia has recognized the possibility of electronic dispute resolution in digital trade but, has not yet established enforceable procedural standards for Consumer ODR. Therefore, the issue addressed in this article is not simply whether ODR is needed, but how consumer ODR should be normatively structured so that it functions as an accessible, traceable, fair, and accountable dispute resolution mechanism.

Theoretically, ODR can be positioned within the framework of digital access to justice because it connects procedural accessibility, proportional costs, timely remedies, and fairness in technology-mediated dispute resolution. Cappelletti and Garth explain that access to justice is not limited to formal access to courts, but also concerns the ability of legal

2 Arif Rahman, "Penyelesaian Sengketa Konsumen Melalui Badan Penyelesaian Sengketa Konsumen (BPSK) Kota Serang," *Ajudikasi : Jurnal Ilmu Hukum* 2, No. 1 (2018): 21–42, https://doi.org/10.30656/ajudikasi.v2i1.573, p. 25.

mechanisms to provide effective, affordable, and practical remedies for those whose rights are violated. In consumer disputes arising from digital transactions, this perspective is relevant because consumers often face low-value claims, information asymmetry, and unequal bargaining power.[3] The use of technology in dispute settlement does not automatically produce justice when the procedure does not guarantee proper notice, equal opportunity to be heard, impartial facilitation, confidentiality, data security, and accountability of the process. Therefore, the theoretical foundation of consumer ODR must combine access to justice, due process, procedural fairness, consumer protection, and electronic system governance.

Indonesia's legal framework has provided a common basis for consumer dispute resolution through the Consumer Protection Law that recognizes the role of the Consumer Dispute Resolution Agency while, directing out-of-court dispute resolution as part of protection.[4] On the digital trade side, the Trade Law introduces trade through the electronic system as part of the trade regime. The Government Regulation on trade through electronic systems opens up the space for dispute resolution through the courts or other mechanisms and states that dispute resolution can be held electronically (*online dispute resolution*) in accordance with the provisions of laws and regulations, namely Law of the Republic of Indonesia Number 7 of 2014 concerning Trade, 2014[5]; Government Regulation of the Republic of Indonesia Number 80 of 2019 concerning Trade Through Electronic Systems, 2019.[6] This

[3] Bryant Garth and Mauro Cappelletti, "Access to Justice: The Newest Wave in the Worldwide Movement to Make Rights Effective," *27 Buffalo Law Review 181 (1978)*, 1 Januari 1978, https://www.repository.law.indiana.edu/facpub/1142, p. 185.

[4] Undang-Undang Republik Indonesia Nomor 8 Tahun 1999 tentang Perlindungan Konsumen (1999), https://gatrik.esdm.go.id/assets/uploads/download_index/files/e39ab-uu-nomor-8-tahun-1999.pdf, accessed July 8, 2025.

[5] Undang-Undang Republik Indonesia Nomor 7 Tahun 2014 tentang Perdagangan, Lembaran Negara Republik Indonesia Tahun 2014 Nomor 45, Tambahan Lembaran Negara Republik Indonesia Nomor 5512, Pasal 65 ayat (1).

[6] Peraturan Pemerintah Republik Indonesia Nomor 80 Tahun 2019 tentang Perdagangan Melalui Sistem Elektronik, Lembaran Negara Republik Indonesia Tahun 2019 Nomor 222, Tambahan Lembaran Negara Republik Indonesia Nomor 6420, Pasal 72 ayat (1) dan ayat (2).

norm provides a starting foothold, but it still requires structuring the mechanism to work as a consistent procedure for consumer disputes.

The implementation of *online dispute resolution* cannot be separated from the certainty regarding electronic documents and evidence. The Information and Electronic Transaction Regime, which has undergone a second amendment through Law Number 1 of 2024, affirms the general framework of electronic information and transactions that are relevant for the proof, communication, and legitimacy of legal actions based on electronic systems (Law of the Republic of Indonesia Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions, 2024). At the implementation level, the Government Regulation on the Implementation of Electronic Systems and Transactions provides a reference for the governance of electronic systems and electronic transactions that affect the reliability of processes, recording, and *audit trails* required in the resolution of platform-based disputes (Government Regulation of the Republic of Indonesia Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions, 2019).

The normative need for *online dispute resolution* can be read through the gap between *das sollen* and *das sein*. Ideally, digital-based consumer dispute resolution is expected to meet the principles of fast, simple, low cost, still fair, and able to provide certainty for consumers and business actors. In practice, an unoperational regulatory framework and an unstructured mechanism have the potential to give rise to procedural inconsistency, unclear role of institutions, and uncertainty in follow-up on settlement results. This condition places the structuring of mechanisms as an important need so that *online dispute resolution* is not only a conceptual option, but also a path of recovery that works in practice.

International scholarship also shows that ODR has developed from a technological innovation into a regulatory and procedural issue. Cortés examines the development of ODR for low-value consumer disputes arising from e-commerce transactions in the

European Union and emphasizes the need for a regulatory model and accreditation of ODR providers. Mania discusses ODR as a future-oriented dispute resolution model by explaining online mediation, electronic arbitration, and the regulatory development of consumer ODR. Sung, through the study of Internet Courts in China, shows that online justice mechanisms may improve access to justice, but also face serious challenges related to electronic evidence, data security, and institutional trust. These studies are important because they place ODR within the broader framework of access to justice, procedural legitimacy, and digital governance. However, their discussions are mainly situated in European or Chinese regulatory contexts and do not specifically construct an integrated mechanism for Indonesia's fragmented consumer protection framework.

The gap between the normative expectation of accessible consumer redress and the practical condition of digital consumer disputes can be observed from recent consumer complaint data. In the first semester of 2024, the Ministry of Trade recorded 1,935 consumer service reports, consisting of complaints, inquiries, and information requests. Of these reports, consumer services related to trade through electronic systems or e-commerce constituted the highest proportion, reaching 1,725 services or 89 percent of total consumer services. BPKN also recorded that from January to July 30, 2024 it received 381 consumer complaints with total consumer losses of approximately IDR 202.6 billion, with Trade Through Electronic Systems (PMSE) being the most complained-about sector. Throughout 2024, BPKN received 1,733 consumer complaints with potential losses of approximately IDR 424 billion, while the recovered losses amounted to approximately IDR 44.8 billion. These data indicate that digital consumer disputes are not merely a prospective regulatory issue, but a concrete consumer protection problem that requires a structured, enforceable, and traceable redress mechanism.

Previous research in Indonesia has provided an important foundation for discussing the need for online dispute resolution arrangements. Aziz and Hidayah emphasized the urgency of special ODR regulation for e-commerce disputes and identified the accompanying legal and institutional issues.[7] Barkatullah reviewed the juridical challenges of online arbitration in e-commerce transactions, particularly in relation to agreements, procedures, and legal consequences.[8] PSHK mapped digitalization and consumer access to justice through ODR and highlighted regulatory and institutional barriers in expanding consumer dispute resolution.[9] However, these studies have not systematically formulated minimum procedural standards for Consumer ODR, nor have they integrated PMSE governance, BPSK institutional roles, electronic evidence management, personal data protection, and post-settlement compliance into a single normative-operational framework. Therefore, this article differs from previous studies by shifting the discussion from the mere urgency of ODR regulation to the formulation of enforceable procedural standards for Consumer ODR in Indonesia.

A critical reading of the existing regulatory framework and scholarly discourse reveals three main weaknesses in the development of consumer ODR in Indonesia. First, ODR is often treated merely as an extension of complaint handling rather than as a complete consumer dispute resolution mechanism with enforceable minimum procedural guarantees. Second, the relevant legal regimes remain dispersed across consumer protection law, trade through electronic systems, electronic transaction law, alternative dispute resolution, and personal data protection, without a clear operational bridge among them. Third, the follow-up and compliance of ODR outcomes remain uncertain, particularly when business actors do not voluntarily implement settlement agreements,

7 Muhammad Faiz Aziz and Muhamamd Arif Hidayah, *op. cit.*, p. 281.

8 Abdul Halim Barkatullah, "Penerapan Arbitrase Online Dalam Penyelesaian Sengketa Transaksi E-Commerce," *Jurnal Hukum IUS QUIA IUSTUM* 17, No. 3 (2010): 363–382, https://doi.org/10.20885/iustum.vol17.iss3.art2, p. 368.

9 "Digitalisasi dan Akses Konsumen terhadap Keadilan di Indonesia: Online Dispute Resolution," *pshk.or.id*, August 19, 2021, https://pshk.or.id/publikasi/riset/digitalisasi-dan-akses-konsumen-terhadap-keadilan-consumer-access-to-justice-di-indonesia-online-dispute-resolution-odr/, accessed July 8, 2025.

recommendations, or other outcomes produced through the mechanism. These weaknesses explain why the legal recognition of electronic dispute resolution is insufficient to ensure effective consumer redress in digital transactions.

The contribution of this article does not lie in proposing a new theoretical model of ODR, but in formulating enforceable minimum procedural standards for Consumer ODR within Indonesia's fragmented regulatory framework. Previous studies have emphasized the urgency of ODR regulation, online arbitration, or digital access to justice, yet they have not translated those discussions into concrete procedural requirements that connect consumer protection law, PMSE governance, electronic evidence, personal data protection, institutional accountability, and compliance follow-up. This article therefore reconstructs Consumer ODR regulation by proposing a normative-operational framework that specifies minimum standards for authority screening, identity and transaction verification, electronic evidence exchange, neutral facilitation, outcome documentation, data protection safeguards, and post-settlement compliance. Through this formulation, ODR is positioned not merely as a digital complaint channel, but as an enforceable consumer redress mechanism that can be integrated into Indonesia's digital trade regulatory framework.

Based on this gap, this article focuses on mapping consumer dispute resolution mechanisms through ODR, identifying normative, institutional, technical, and compliance barriers that affect its effectiveness, and formulating regulatory reconstruction through mechanism structuring. The reconstruction proposed in this article connects consumer protection principles, electronic evidence governance, electronic system reliability, personal data protection, institutional accountability, and compliance pathways in a coherent procedural framework. Through this approach, ODR is expected to serve as a more accessible, predictable, and accountable alternative dispute resolution mechanism for consumer disputes in Indonesia. more accessible, predictable, and accountable alternative dispute resolution mechanism for consumer disputes in Indonesia.

B. RESEARCH METHOD

This article employs doctrinal legal research with a prescriptive-analytical character to formulate a normative reconstruction of consumer online dispute resolution (Consumer ODR) within Indonesia's digital trade framework.[10] The research applies statutory, conceptual, and limited comparative approaches. The statutory approach examines Indonesian regulations concerning consumer protection, electronic commerce, electronic information and transactions, alternative dispute resolution, and personal data protection. The conceptual approach clarifies the principles of ODR, consumer redress, due process, access to justice, procedural fairness, and electronic system governance.[11] The limited comparative approach examines the UNCITRAL Technical Notes on ODR, the OECD Recommendation on Consumer Protection in E-Commerce, the EU ADR Directive, and the EU ODR Regulation as benchmarks for identifying relevant minimum procedural standards. Primary, secondary, and tertiary legal materials were collected through library research and document analysis. The legal materials were analyzed qualitatively using systematic and teleological interpretation, norm synchronization, comparative gap analysis, and prescriptive legal reasoning to identify regulatory gaps and formulate minimum standards for Consumer ODR in Indonesia.

C. RESEARCH RESULTS AND DISCUSSION

1. Consumer Dispute Resolution Mechanism through Online dispute resolution

The central issue in Consumer Online dispute resolution in Indonesia is not the absence of legal recognition of electronic dispute resolution, but the absence of enforceable procedural standards that can transform such recognition into an operational

[10] Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi* (Jakarta, Indonesia: Prenada Media, 2017), p. 21.

[11] Jonaedi Efendi and Johnny Ibrahim, *Metode Penelitian Hukum: Normatif dan Empiris* (Jakarta, Indonesia: Prenada Media, 2018), p. 112.

consumer redress mechanism. Indonesian law has provided several normative entry points through consumer protection, trade through electronic systems, electronic information and transactions, alternative dispute resolution, and personal data protection. However, these norms remain fragmented and do not yet provide a clear procedural bridge for receiving consumer claims, screening institutional authority, verifying identity and transactions, managing electronic evidence, ensuring neutral facilitation, protecting personal data, documenting outcomes, and monitoring post-settlement compliance.

At the statutory level, each stage of Consumer ODR must be examined through the relationship between general legal recognition and operational procedural standards. The consumer Protection Law provides the basis for consumer remedies and non-litigation dispute resolution through BPSK, while the PMSE regulation recognizes the possibility of electronic dispute resolution in digital trade. The electronic transaction framework provides the legal basis for electronic information, electronic documents, and electronic system reliability, whereas the Personal Data Protection Law governs the processing of identity data, transaction data, communication records, and other personal data used in the ODR process. However, these legal bases do not yet form a complete procedural framework for consumer ODR. The analysis of each ODR stage therefore requires identifying whether Indonesian law already regulates the stage, to what extent the regulation provides procedural guidance, and which regulatory gaps remain to be reconstructed.

From a consumer protection perspective, Consumer ODR should function as a bridge between substantive consumer rights and practical recovery procedures. Consumer rights will not be effectively protected when consumers do not have a clear, accessible, and traceable mechanism to submit claims, exchange evidence, participate in online settlement processes, and obtain follow-up on settlement outcomes. Therefore, the mechanism discussed in this section is not merely a sequence of technical stages, but a regulatory structure that requires minimum procedural guarantees, including access to the mechanism, transparency of procedure, equal opportunity to be heard, neutrality of the facilitator, integrity of electronic evidence, protection of personal data, and compliance monitoring.

The initial stage of the *ODR* mechanism starts from *the dispute intake*, namely the registration of claims or complaints by consumers on the channels provided by the organizer, both in the form of complaint features on *trading platforms* and dispute resolution forums organized by certain institutions. In this phase, the system collects the identities of the parties, a summary of events, transaction objects, the value of losses, and recovery requests. Functionally, *the intake* determines the measurability of the case, the completeness of the information, and the scope of the dispute so that it can be further processed. Studies in Indonesia emphasize that *ODR* requires more specific arrangements so that it does not stop at the complaint channel, but develops into a structured and accountable dispute resolution process.[12]

The next stage includes verification and authority screening, which includes identity validation, proof of transaction checks, and determination of whether disputes are eligible for processing through *ODRs*.[13] Filtering is necessary because consumer disputes vary from simple to more complex scrutiny, so proportionate sorting of forums and procedures is necessary. At this stage, the information regime and electronic documents are important to ensure that transaction documents, digital communications, or proof of payment can be placed as valid and relevant evidence in accordance with the provisions of the electronic system

[12] Riyadus Solikhin, "Perkembangan Dan Urgensi Penerapan Online Dispute Resolution (ODR) Dalam Penyelesaian Sengketa Perdagangan Elektronik Di Indonesia," *Padjadjaran Law Review* 11, No. 1 (2023): 65–79, https://doi.org/10.56895/plr.v11i1.1235, p. 68.

[13] Komang Salsa Dila Widiantari, "Upaya Penyelesaian Sistem Online Dispute Resolution (ODR) Dalam Kasus Penipuan Penjualan Kosmetik Melalui Media E-Commerce Di Indonesia," *Politika Progresif : Jurnal Hukum, Politik Dan Humaniora* 2, No. 2 (2025): 78–89, https://doi.org/10.62383/progres.v2i2.1634, p. 81.

regulated in Law of the Republic of Indonesia Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions, 2024; Government Regulation of the Republic of Indonesia Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions, 2019.[14] Verification also processes the personal data of the parties, so the principle of personal data protection needs to be present from the beginning, especially in the basic aspects of processing, access restrictions, security, and accountability of data processing regulated in the Law of the Republic of Indonesia Number 27 of 2022 concerning the Protection of Personal Data, 2022.[15]

After the dispute is accepted, the mechanism moves to the phase of exchanging information and strengthening the *case file (case file building*). The parties upload documents, provide responses, submit additional evidence, and respond to the other party's evidence. In digital consumer disputes, evidence that often appears includes proof of payment, conversation history, proof of delivery and receipt, refund policy, and documentation of the condition of goods or services. This phase requires electronic evidence governance that ensures document integrity and traceability of changes through *trail audits* so that the process can be reviewed if procedural objections arise. At this point, *due process standards* in the digital environment—proper notifications, opportunities to express opinions, facilitator neutrality, and process integrity—are prerequisites for the quality of completion.[16]

The settlement facilitation phase is the core of the *ODR process* which generally starts from system-assisted

14 Astri Aprilianti, "Efektivitas Dan Implementasi Undang-Undang Informasi Dan Transaksi Elektronik Sebagai Hukum Siber Di Indonesia: Tantangan Dan Solusi," *Begawan Abioso* 15, No. 1 (2024): 41–50, https://doi.org/10.37893/abioso.v15i1.1002, p. 45.

15 Putu Wida Gunawan, "Kesadaran Keamanan Data Pribadi: Perbandingan Implementasi UU PDP Dan GDPR," *Jurnal Teknik Informatika UNIKA Santo Thomas*, 23 May 2025, 254–58, p. 255.

16 Rina Elsa Rizkiana, "The future of online dispute resolution: building a framework for e-commerce dispute resolution in Indonesia," *The Lawpreneurship Journal* 1, No. 2 (2021): 114–138, https://doi.org/10.21632/tlj.1.2.114-138, p. 117.

negotiations, then continues to online mediation if an agreement has not been reached. Negotiations can be facilitated through offer features, settlement scheme forms, or structured communication channels. Online mediation puts third parties neutral in order to facilitate dialogue, clarify positions, and encourage acceptable agreements between the parties. In the framework *of Alternative Dispute Resolution*, voluntariness, neutrality, and a balance of opportunities for the parties to express their opinions are elements that determine the quality of the process, especially when disputes involve information inequality such as in the relationship between consumers and business actors.[17]

In certain designs, *ODRs* may provide determinative channels such as *limited online adjudication* or online arbitration, as long as there is a basis for authority and/or agreement between the parties. The discussion of online arbitration shows that the legitimacy of the outcome depends heavily on the clarity of the agreement, the procedure, and the consequences of the award, so the minimum procedure needs to be clearly designed so that the results can be acted upon. In the context of trade through electronic systems, the regulatory direction also recognizes the space for dispute resolution that can be held electronically (*online dispute resolution*) in the PMSE ecosystem, so that procedural and institutional structuring is crucial to ensure that this mechanism works as a consumer dispute recovery channel.

Table 1. Regulatory Gaps and Reconstruction Needs in Consumer ODR Mechanism in Indonesia

Aspect	Existing Legal Recognition	Regulatory Gap	Author's Analytical Finding	Reconstruction Need	Aspect
Claim intake	Consumer complaints and	No uniform standard for	Consumer ODR may function	Standardized claim	Claim intake

[17] Bambang Sutiyoso, "Penyelesaian sengketa bisnis melalui online dispute resolution dan pemberlakuannya di Indonesia," *Jurnal Mimbar Hukum* 20, No. 2 (2008): 229–250, https://doi.org/10.22146/jmh.16298, p. 236.

	non-litigation dispute resolution are recognized under consumer protection law and PMSE regulation	online claim submission, case registration, notification, and classification of consumer disputes	only as a complaint channel when intake standards are not regulated	submission, case number, dispute classification, notification of procedure, and information on available remedies	
Authority screening	BPSK and alternative dispute resolution mechanisms are recognized in consumer protection law	No clear allocation of authority between BPSK, PMSE providers, independent ODR providers, and other dispute resolution forums	Forum uncertainty may weaken procedural certainty and delay consumer redress	Authority screening based on dispute type, transaction evidence, claim value, party identity, and institutional mandate	Authority screening
Electronic evidence governanc e	Electronic information and electronic documents are legally recognized under electronic transaction law	No ODR-specific standard for evidence authenticatio n, audit trail, case file management, and document integrity	Recognition of electronic evidence is insufficient without procedural rules for evidence management in ODR	Authentication standards, audit trail, document retention, controlled access, and electronic case file management	Electronic evidence governance
Neutral facilitation	Mediation and other non-litigation mechanisms are recognized in alternative dispute resolution practice	No specific rule on neutrality, independenc e, and conflict of interest in platform-based consumer ODR	Platform-based dispute handling may create conflict-of-interest risks when the provider also controls the transaction ecosystem	Neutral facilitator standards, conflict-of-interest rules, competence requirements, and independent supervision	Neutral facilitation

Personal data protection	Personal data protection is regulated under a separate legal regime	Data protection safeguards are not integrated into the ODR procedure	Consumer ODR processes identity data, transaction data, and evidence, but lacks specific privacy-by-design standards	Consent, access limitation, data minimization, retention policy, security safeguards, and incident response mechanism	Personal data protection
Outcome documentation	Settlement agreements or dispute resolution outcomes may arise from non-litigation mechanisms	No standard format for ODR outcome documents, reasons, obligations, and implementation deadlines	ODR outcomes may lack clarity when the form and legal consequences are not standardized	Standardized outcome document containing case summary, parties' obligations, implementation deadline, and follow-up route	Outcome documentation
Compliance follow-up	Business actors are generally required to comply with consumer protection obligations	No clear mechanism when business actors do not voluntarily implement ODR outcomes	Consumer redress may stop at settlement documents without an enforceable follow-up mechanism	Compliance monitoring, refund or replacement mechanism, escalation route, and business actor compliance reporting	Compliance follow-up

Source: Data Processed by Author, 2025.

The table shows that Indonesian law has already provided several legal entry points for each stage of Consumer ODR, but these entry points remain general and fragmented. The PMSE framework recognizes the possibility of electronic dispute resolution, yet it does not establish operational standards for claim intake, authority screening, verification, evidence exchange, neutral facilitation, outcome documentation, and compliance follow-up. The electronic transaction framework supports the validity of electronic information and documents, but it does not specifically regulate how electronic evidence should be managed in an ODR case file. The Personal Data Protection

Law provides general obligations for personal data processing, but it has not been translated into ODR-specific safeguards. Therefore, the legal gap in Consumer ODR is not the absence of regulation altogether, but the absence of specific procedural norms that connect these legal regimes into a coherent, enforceable, and traceable consumer redress mechanism.[18]

The structured *ODR* mechanism emphasizes that electronic system-based consumer dispute resolution requires a series of interconnected stages from *intake* to follow-up, while assuming normative, institutional, and technical prerequisites for process guarantees to be maintained.[19] When one of these prerequisites is weak, a mechanism that should be fast and accessible has the potential to result in procedural uncertainty, output inconsistency, or barriers to the implementation of results. These vulnerability points are what place the identification of inhibiting factors as an important step before the formulation of regulatory reconstruction, so that the discussion in the next subchapter is directed at normative-regulatory, institutional, technical-operational, and compliance barriers of business actors that affect the effectiveness of *ODR*.

2. Factors Inhibiting Consumer Dispute Resolution through *Online Dispute Resolution*

The barriers to Consumer Online dispute resolution in Indonesia should be read not merely as technical problems, but as dominant regulatory and operational obstacles that directly affect consumer redress in digital transactions. Recent consumer complaint data show that disputes related to electronic commerce and trade through electronic systems constitute a concrete consumer protection issue. This indicates that the need for Consumer ODR is not only normative, but also practical, because consumers require a mechanism that is accessible, traceable, and capable of

[18] Dewi Wijayanti and Efrida Ratnawati Gultom, "Pembaharuan Hukum Perlindungan Konsumen Mengenai Penyelesaian Sengketa Konsumen Di Era Digital," *UNES Law Review* 5, No. 2 (2022): 474–487, https://doi.org/10.31933/unesrev.v5i2.334, p. 479.

[19] Ethan Katsh and Janet Rifkin, *Online dispute resolution: Resolving Conflicts in Cyberspace* (New Jersey, United State: Wiley, 2001), p. 152.

producing enforceable remedies. In this regard, the dominant barriers can be identified from the points where consumer recovery is most likely to fail, namely the absence of uniform procedural standards, uncertainty in electronic evidence governance, weak integration of personal data protection into the dispute process, unclear institutional responsibility, and the absence of a compliance follow-up mechanism.[20]

Normative-regulatory barriers appear to be the spread of arrangements related to digital consumer disputes in multiple legal regimes, without a minimum standard of procedure that specifically governs *the ODR process* for consumer disputes. This dispersion gives birth to differences in practices at the stages of verification, evidence exchange, forum determination, and the form of results produced. In *Alternative Dispute Resolution*, the agreement of the parties and the design of the procedure are the foundation of the process, but in consumer disputes the agreement often arises in an unbalanced relationship, so a minimum procedural standard is required to maintain an equal opportunity for the parties to proceed.[21]

More specifically, the normative barrier can be traced from the limited connection among several statutory provisions. The Consumer Protection Law provides the basis for consumer dispute settlement through court and non-court mechanisms, including the role of BPSK in resolving consumer disputes. However, these provisions were designed for consumer dispute resolution in general and do not specifically regulate electronic claim intake, online authority screening, electronic case file management, or post-settlement compliance in platform-based transactions. The PMSE regulation recognizes that disputes in electronic trade may be resolved through courts or other dispute resolution mechanisms, including electronic dispute resolution. However, this recognition remains general because it does not determine the

[20] Nasution, *Hukum Perlindungan Konsumen : Suatu Pengantar*, Cet. 1 (Jakarta: Diadit Media, 2014), p. 158.

[21] Takdir Rahmadi, *Mediasi: Penyelesaian Sengketa Melalui Pendekatan Mufakat* (Depok, Indonesia: Rajawali Pers, 2010), p. 175.

procedural standards, institutional allocation, evidence management, or compliance mechanism for Consumer ODR. As a result, there is a normative gap between the recognition of electronic dispute resolution and the operational requirements needed to make it enforceable.

The disharmony also appears in the relationship between consumer protection norms, electronic transaction norms, and personal data protection norms. The electronic transaction framework recognizes electronic information and electronic documents and requires electronic systems to be reliable and accountable. Nevertheless, these provisions do not specifically regulate how electronic evidence should be submitted, authenticated, stored, accessed, or challenged within a Consumer ODR process. Similarly, the Personal Data Protection Law regulates personal data processing, the rights of data subjects, the duties of controllers and processors, sanctions, and enforcement mechanisms. However, it does not specifically translate those obligations into ODR procedural safeguards, such as consent for dispute data processing, data minimization, access limitation, retention of case files, confidentiality of mediation records, and incident response in the dispute resolution process. Therefore, the normative problem is not merely that the regulations are dispersed, but that the relevant provisions have not been integrated into a specific Consumer ODR procedure.

Other normative barriers arise in the aspects of electronic proof and the integrity of transaction documents. Digital consumer disputes rely on evidence in the form of communication history, proof of payment, proof of delivery, and system records which are all in electronic form. Problems that often arise are the authentication of evidence, the possibility of data changes, and the need to maintain the integrity of *the audit trail* so that evidence can be accounted for when procedural objections arise. The legal discourse on electronic proof in Indonesia emphasizes the need to ensure the authenticity and integrity of information or electronic documents through adequate identification and authentication mechanisms, including the use of services that can ensure the validity of evidence (*e-identification* and *e-authentication*).[22]

The aspect of personal data protection adds a layer of obstacles that are both normative and operational. The *ODR process* requires identity processing, transaction data, communication data, and evidence that can contain sensitive data. Challenges arise on the basis of data processing, internal access restrictions, case data retention, and the security of evidence storage and transmission. In Indonesia's personal data protection study, the need to update the framework and strengthen governance is emphasized to ensure that data processing takes place legally, proportionately, and accountably, including in digital services that process large amounts of data.[23] When *ODR* design does not place data protection as an inherent part of the procedure, the risk of data leakage and decreased user trust increases, affecting consumer participation in the resolution mechanism.

Institutional barriers relate to the question of who organizes *ODRs*, how their mandates are, how competency standards and third-party neutrality are maintained, and how oversight is carried out. Consumer disputes involve the need for quick recovery as well as a guarantee of fair process, so *ODR organizers* need a clear accountability framework. On the mediation mechanism, the literature shows the importance of the position of the mediator as a neutral party who does not decide, with procedures that provide equal communication space and maintain confidentiality.[24] If *ODR* is placed on *a platform* that also has business interests, the issue of independence, conflicts of interest, and supervisory standards becomes sharper, especially in handling disputes involving large business actors.

[22] Ramiyanto Ramiyanto, "Bukti Elektronik Sebagai Alat Bukti Yang Sah Dalam Hukum Acara Pidana," *Jurnal Hukum Dan Peradilan* 6, No. 3 (2017): 463–484, https://doi.org/10.25216/jhp.6.3.2017.463-484, p. 472.

[23] Khairani Alawiyah Matondang et al., "Etika Bisnis Dalam Perlindungan Data Pribadi Konsumen Di Era Bisnis Digital: Dalam Studi Literatur," *Jurnal Publikasi Sistem Informasi Dan Manajemen Bisnis* 4, No. 3 (2025): 551–565, https://doi.org/10.55606/jupsim.v4i3.5508, p. 558.

[24] Nurnaningsih Amriani, *Mediasi Alternatif Penyelesaian Sengketa Perdata Di Pengadilan*, Cet. 1 (Jakarta: RajaGrafindo Persada, 2011), p. 65.

Technical-operational barriers arise from variations in the readiness of the electronic systems used, including cybersecurity, service reliability, and the system's ability to record processes consistently. Challenges also arise in the authentication of user identities, the maintenance of document integrity, and the interoperability of transaction data between systems. On the user side, digital literacy and device access also determine whether consumers can file complaints, upload evidence, and participate in online mediation effectively. These kinds of technical barriers often result in process inefficiencies, not because of the substance of the dispute, but because of the inequality of ability to access and manage electronic evidence in the system.

Compliance and *enforcement* barriers appear at the post-settlement stage, especially when *ODR results* in the form of certain agreements or determinative outputs require voluntary implementation from business actors. In consumer disputes, compliance does not always follow the achievement of results, because business actors can delay, ignore, or delay implementation without significant consequences. The civil judgment enforcement literature shows that enforcement issues are often a weak point of rights protection when enforcement mechanisms or follow-up routes are not designed effectively.[25] This condition is relevant for *ODR* because a fast digital mechanism still requires a clear enforcement bridge so that consumer recovery does not stop at the settlement document.

The normative barriers to Consumer ODR in Indonesia can be seen more clearly from three regulatory problems. First, there is a gap between general recognition and operational regulation. The Consumer Protection Law recognizes non-litigation consumer dispute resolution, and the PMSE regulation opens the possibility of electronic dispute resolution, but neither provides detailed procedural

[25] Johan Wahyudi, "Dokumen Elektronik Sebagai Alat Bukti Pada Pembuktian Di Pengadilan," *PERSPEKTIF: Kajian Masalah Hukum Dan Pembangunan* 17, No. 2 (2012): 118–126, https://doi.org/10.30742/perspektif.v17i2.101, p. 122.

standards for online claim intake, authority screening, electronic evidence exchange, neutral facilitation, outcome documentation, and compliance follow-up. Second, there is disharmony between the consumer protection regime and the electronic transaction regime. Consumer protection law focuses on remedies and institutional settlement through BPSK, while electronic transaction law focuses on the validity of electronic information, electronic documents, and electronic systems. These regimes are relevant to Consumer ODR, but they are not integrated into a single procedural framework. Third, the personal data protection regime has not been specifically connected to the ODR process, even though ODR necessarily processes identity data, transaction data, communication records, and electronic evidence. As a result, Consumer ODR lacks specific rules on data access, retention, confidentiality, audit trail, and incident response during dispute resolution.

This disharmony shows that the main normative barrier is not merely the dispersion of regulation, but the absence of specific norms that translate consumer protection, PMSE governance, electronic evidence, personal data protection, and alternative dispute resolution into enforceable Consumer ODR procedures. The existing legal framework provides several normative entry points, but it does not yet determine which institution has primary authority, how platform-based dispute handling should be supervised, how electronic evidence should be authenticated, how neutral facilitators should be appointed, and how settlement outcomes should be enforced when business actors do not voluntarily comply. Therefore, the reconstruction of Consumer ODR regulation must be directed toward the formulation of specific procedural norms that bridge these fragmented regimes into an integrated, traceable, and accountable consumer redress mechanism.

The foregoing analysis shows that the normative barriers to Consumer ODR arise from the absence of specific procedural norms that connect consumer protection, PMSE governance, electronic transaction law, alternative dispute resolution, and personal data protection into one enforceable mechanism. The problem is not merely regulatory dispersion, but the lack of a clear legal bridge among these regimes. Consumer protection law provides the basis for remedies and BPSK, PMSE regulation recognizes electronic dispute resolution, electronic transaction law validates electronic documents, and personal data protection law regulates data processing obligations. However, none of these regimes specifically determines how Consumer ODR should receive claims, screen authority, authenticate electronic evidence, protect dispute-related personal data, appoint neutral facilitators, document outcomes, and ensure post-settlement compliance. This gap confirms that the reconstruction of Consumer ODR regulation must be directed toward the formulation of specific procedural norms rather than the repetition of general principles.

3. Reconstructing Consumer ODR Regulation through Enforceable Procedural Standards

The reconstruction of *the Online dispute resolution* (*ODR*) arrangement is directed at structuring a mechanism that places consumer dispute resolution as a measurable, traceable, and certainty of follow-up. The starting point lies in strengthening the relationship between consumer protection norms, electronic system governance, the validity of electronic evidence, and the protection of personal data in a series of procedures that can be carried out consistently by the organizers. At the international reference level, *ODR* is positioned as a simple, fast, flexible, and secure mechanism, with key principles such as impartiality, independence, efficiency, effectiveness, *due process*, fairness, accountability, and transparency that need to be present in the design of the system.[26]

The reconstruction proposed in this article is not intended to repeat general governance principles, but to translate those principles into enforceable procedural norms. Therefore, the regulatory reconstruction of Consumer ODR should contain at least six

[26] United Nations Commission on International Trade Law, *Technical Notes on Online Dispute Resolution* (Vienna: United Nations, 2017), p. 5.

normative directions: the obligation of PMSE organizers to provide or connect consumers to ODR mechanisms, the strengthening of BPSK authority to conduct electronic consumer dispute resolution, accreditation and supervision standards for independent ODR providers and neutral facilitators, electronic evidence governance, personal data protection safeguards, and post-settlement compliance mechanisms. These directions are necessary to ensure that ODR is not merely a digital complaint channel, but an integrated consumer redress mechanism with clear authority, traceable procedures, and enforceable outcomes.

At the principle level, Consumer ODR must be based on accessibility, procedural fairness, impartiality, transparency, accountability, data security, and consumer redress. These principles should not stand as abstract statements, but must be reflected in operational requirements, including clear notice, equal opportunity to be heard, neutral facilitation, transparent timeframes, audit trail, confidentiality, and accountable follow-up. In this sense, principles function as the normative foundation for the formulation of specific procedural standards that bind PMSE organizers, BPSK, ODR providers, neutral facilitators, and business actors.[27]

Structuring at the procedural level demands a more operational standard of stages. The *intake stage* needs to be accompanied by a uniform application format, classification of dispute types, and advance notification of the process stages, duration, costs, and possible forms of output. The verification stage needs to have clear standards for identity authentication and transaction verification, including arrangements on minimum proof and treatment of additional evidence. The document exchange stage needs to require case management-based case file management that records uploads, changes, and document access through *trail audits* to maintain process integrity.

[27] Organisation for Economic Co-operation and Development, *OECD Recommendation of the Council on Consumer Protection in E-Commerce*, nos. 978-92-64-25525–8 (OECD Publishing, 2016), https://doi.org/10.1787/9789264255258-en, p. 7.

In the context of electronic evidence, the need for authentication and identity verification can be strengthened through the use of recognized authentication methods, including the use of electronic signatures that function as verification and authentication of the identity of signers and maintain the integrity of electronic information.[28]

The settlement stage in *ODR* ideally follows a settlement ladder that prioritizes direct settlement, then settlement through a neutral third party. The international policy reference places the handling of internal complaints and *ADR* as mechanisms that need to be in place for disputes to be resolved without unnecessary cost and procedural burdens. In procedural design, system-assisted negotiation can be used to encourage quick resolution of minor value disputes through the bidding feature and the drafting of a recovery scheme. When negotiations do not result in an agreement, online mediation by a neutral third party becomes the next stage, with arrangements for neutrality, confidentiality, and process logging. In domestic practice and studies, approaches that combine *ODR feature innovations* such as *double blind bidding* and the use of *artificial intelligence* can be considered as an efficiency support instrument, with governance prerequisites that maintain process objectivity.[29]

The determinative stage may be placed as a last resort in certain types of disputes, with strict prerequisites regarding authority, consent of the parties, and minimum procedural standards. At this stage, the output needs to have a clear format, containing a summary of the dispute, the basis for the assessment, and the measurable obligations of the parties. Internal objection spaces may be provided to a certain extent, especially to ensure procedural correction in the event *of notice failure*, non-compliance with the

[28] Ranti Fauza Mayana and Tisni Santika, "Legalitas Tanda Tangan Elektronik: Posibilitas Dan Tantangan Notary Digitalization Di Indonesia," *ACTA DIURNAL Jurnal Ilmu Hukum Kenotariatan* 4, No. 2 (2021): 244–262, https://doi.org/10.23920/acta.v4i2.517, p. 251.

[29] Tanaya Tanaya, "Penerapan Online Dispute Resolution pada Badan Penyelesaian Sengketa Konsumen dalam Menyelesaikan Sengketa Perdagangan Elektronik," *Jurnal Al Azhar Indonesia Seri Ilmu Sosial* 4, No. 2 (2023): 102–108, https://doi.org/10.36722/jaiss.v4i2.2091, p. 104.

deadline, or administrative defects in the management of evidence. The final stage of the arrangement needs to contain a standard *case closure* that closes the process with a result document in the form of *a settlement agreement* or decision, accompanied by implementation provisions and a deadline for fulfilling achievements.

Structuring at the institutional level requires the sorting of roles and patterns of relationships between actors. A relevant option in the Indonesian context is a hybrid model that places existing consumer dispute forums as institutional anchors, accompanied by the implementation *of ODR* through integrated units or services based on electronic systems, with accreditation space for independent *ODR* providers for certain stages. The study of the application of *ODR* in consumer dispute resolution emphasizes that conceptual recognition of *ODR* is not sufficient without a comprehensive arrangement that explains the institutional design, procedures, and steps to design the system. From a governance perspective, operator accreditation and neutral third-party competency standards can be linked to aggregate performance monitoring and reporting mechanisms so that accountability can be measured.

The aspect of personal data protection strengthens the need for institutional supervision. The *ODR process* requires controlling data processing, restricting access, setting retention, and handling security incident mechanisms. The need for independent oversight of the protection of personal data is also positioned as an important component to ensure data processing compliance in digital services, especially in the supervisory and enforcement functions.[30] ODR structuring can place data protection requirements as part of the operator's accreditation standards, including *risk assessment obligations*, retention policies, and incident notification obligations.

The *enforcement* and compliance aspects need to be read as part of the

[30] Azza Fitrahul Faizah et al., "Penguatan Pelindungan Data Pribadi Melalui Otoritas Pengawas Di Indonesia Berdasarkan Perbandingan Hukum Hong Kong Dan Singapura," *Hakim: Jurnal Ilmu Hukum Dan Sosial* 1, No. 3 (2023): 1–27, https://doi.org/10.51903/hakim.v1i3.1222, p. 15.

mechanism design, not an additional stage after the process is completed. Structuring can be geared towards integration with *the platform* and payments ecosystem to ensure that redressals can be practically executed on small-value disputes, for example through *escrow* mechanisms, temporary freezing of funds, or structured refunds as resolved. Comparative practice shows a tendency to establish *a single point of entry* for online consumer disputes and links the resolution process with dispute resolution entities that meet certain standards. In the Indonesian context, strengthening compliance can be combined with instruments for fostering and supervising PMSE business actors, by placing compliance with settlement results as an indicator of business risk and compliance.

To avoid treating reconstruction as a mere policy recommendation, the proposed framework should be translated into normative formulations that may be inserted into or delegated under the PMSE regulatory framework and consumer protection dispute resolution mechanism. At the regulatory level, the reconstruction may be formulated through several clauses. First, PMSE organizers shall provide or connect consumers to a Consumer ODR mechanism that includes claim intake, identity and transaction verification, electronic evidence exchange, neutral facilitation, outcome documentation, personal data protection, and compliance follow-up. Second, BPSK may be expressly authorized to conduct consumer dispute resolution electronically through a system that ensures party authentication, confidentiality, document integrity, equal opportunity to be heard, and traceable recording of proceedings. Third, Consumer ODR providers and neutral facilitators shall be subject to accreditation, neutrality, competence, conflict-of-interest prevention, electronic system reliability, and performance reporting requirements. Fourth, electronic evidence submitted in Consumer ODR shall be managed through an electronic case file system that guarantees authentication, audit trail, document integrity, controlled access, retention, and confidentiality. Fifth, Consumer ODR shall apply privacy by design by integrating consent, data minimization, access limitation, retention rules, security safeguards, and incident response into each stage of the procedure. Sixth, business actors and PMSE organizers shall implement Consumer ODR outcomes within a specified period and submit proof of compliance, while non-compliance may be escalated to the competent supervisory authority.

Table 2. Proposed Normative Reconstruction of Consumer ODR Regulation in Indonesia

Regulatory Object	Existing Problem	Proposed Norm	Institutional Implication
PMSE organizers	ODR is not yet regulated as a mandatory consumer redress mechanism	PMSE organizers shall provide or connect consumers to an electronic dispute resolution mechanism that meets minimum standards of accessibility, identity and transaction verification, electronic evidence management, neutral facilitation, data protection, outcome documentation, and compliance follow-up	PMSE organizers become responsible for ensuring access to structured consumer redress
BPSK authority	BPSK is not expressly structured as an electronic consumer dispute resolution institution	BPSK may conduct consumer dispute resolution electronically through a system that guarantees party authentication, document integrity, confidentiality, equal opportunity to be heard, and traceable recording of the process	BPSK becomes the institutional anchor for public Consumer ODR
ODR providers and	There are no clear standards on	Consumer ODR providers and neutral facilitators shall meet standards of	Independent ODR providers may operate under

neutral facilitators	independence, neutrality, competence, and supervision	independence, impartiality, competence, confidentiality, electronic system reliability, personal data protection, and performance reporting	accreditation and supervision
Electronic evidence	Electronic evidence is recognized generally, but ODR-specific management is absent	Electronic evidence submitted in Consumer ODR shall be managed through an electronic case file system that ensures authentication, document integrity, audit trail, controlled access, retention, and confidentiality	Evidence governance becomes part of procedural due process
Personal data protection	Data protection is not integrated into ODR procedures	Consumer ODR shall apply privacy by design, access limitation, data minimization, retention policy, security safeguards, and incident response mechanisms	Data protection becomes a mandatory element of ODR provider compliance

Source: Data processed by Author, 2025.

The table shows that the reconstruction of Consumer ODR regulation should be directed toward the formulation of enforceable procedural standards rather than the repetition of general governance principles. Each proposed norm addresses a specific regulatory gap in Indonesia's digital trade and consumer protection framework. The obligation of PMSE organizers ensures that consumers have access to a structured redress mechanism. The strengthening of BPSK authority provides a public institutional anchor for electronic consumer dispute resolution. Accreditation standards for ODR providers and neutral facilitators are needed to maintain independence, competence, and accountability. Electronic evidence governance and personal data protection safeguards ensure that the process remains traceable, secure, and procedurally fair. Finally, compliance follow-up mechanisms are necessary to prevent

ODR outcomes from stopping at settlement documents and to ensure that consumer recovery can be practically implemented. Therefore, the proposed reconstruction positions Consumer ODR as an integrated redress mechanism with clear authority, reliable procedure, protected data, and enforceable outcomes.

To further clarify that the proposed reconstruction is not merely a policy recommendation, the general framework above needs to be translated into more concrete legal-normative formulations. The following table identifies the existing legal gaps in the current Indonesian regulatory framework and formulates proposed normative reconstruction that may be integrated into PMSE regulation, consumer protection dispute resolution mechanisms, BPSK authority, ODR provider standards, electronic evidence governance, personal data protection safeguards, and compliance follow-up mechanisms.

Table 3. Existing Legal Gap and Proposed Normative Reconstruction of Consumer ODR Regulation in Indonesia

Regulatory Issue	Existing Legal Gap	Proposed Normative Reconstruction	Institutional Implication
PMSE-based Consumer ODR obligation	PMSE regulation recognizes electronic dispute resolution, but does not clearly require PMSE organizers to provide or connect consumers to a structured ODR mechanism	PMSE organizers shall provide or connect consumers to a Consumer ODR mechanism that meets minimum standards of claim intake, identity and transaction verification, electronic evidence exchange, neutral facilitation, outcome documentation, personal data protection, and compliance follow-up	PMSE organizers become legally responsible for ensuring access to structured consumer redress

BPSK electronic authority	BPSK is recognized as a consumer dispute resolution body, but its authority to conduct electronic consumer dispute resolution is not expressly structured	BPSK may conduct consumer dispute resolution electronically through a system that ensures party authentication, confidentiality, document integrity, equal opportunity to be heard, and traceable recording of proceedings	BPSK becomes the public institutional anchor for Consumer ODR
ODR provider and neutral facilitator standards	There are no specific rules on accreditation, neutrality, independence, competence, and supervision of Consumer ODR providers and neutral facilitators	Consumer ODR providers and neutral facilitators shall meet accreditation standards concerning independence, impartiality, competence, confidentiality, conflict-of-interest prevention, electronic system reliability, personal data protection, and performance reporting	Independent ODR providers may operate under accreditation and supervision by the competent authority
Electronic evidence governance	Electronic evidence is legally recognized in general, but there is no ODR-specific standard for evidence submission, authentication, storage, access, and audit trail	Electronic evidence submitted in Consumer ODR shall be managed through an electronic case file system that ensures authentication, document integrity, audit trail, controlled access, retention, and confidentiality	Evidence governance becomes part of procedural due process in Consumer ODR
Personal data protection safeguards	Personal data protection is regulated generally, but it is not specifically integrated into Consumer ODR procedures	Consumer ODR shall apply privacy by design, including consent, data minimization, access limitation, retention policy, confidentiality, security safeguards, and incident response mechanisms	Data protection becomes a mandatory compliance requirement for ODR providers and PMSE organizers

Outcome documentation	ODR outcomes are not supported by a standard document format that clearly states the obligations of the parties and the legal consequences of the settlement	Consumer ODR outcomes shall be documented in a standardized format containing case summary, legal basis, settlement terms, obligations of parties, implementation period, and follow-up route	ODR outcomes become clearer, measurable, and easier to monitor
Compliance follow-up	There is no clear mechanism when business actors do not voluntarily implement ODR outcomes	Business actors and PMSE organizers shall implement Consumer ODR outcomes within a specified period and submit proof of compliance; failure to comply may be escalated to the competent supervisory authority	Consumer redress does not stop at settlement documents and can be followed up through supervisory mechanisms

Source: Data Processed by Author, 2025.

The table clarifies the relationship between the regulatory deficiencies and the proposed legal solutions. The reconstruction is directed not only at improving procedural governance, but also at formulating specific normative content that can be integrated into Indonesia's PMSE and consumer protection framework. The proposed norms concerning PMSE obligations, BPSK electronic authority, ODR provider accreditation, electronic evidence governance, personal data protection, outcome documentation, and compliance follow-up demonstrate that Consumer ODR requires a clear legal basis, defined institutional authority, and enforceable procedural obligations. Therefore, the reconstruction proposed in this article can be characterized as legal reconstruction rather than a general policy recommendation.

D. CONCLUSION

This article concludes that the central problem of Consumer ODR in Indonesia does not lie in the absence of legal recognition of electronic dispute resolution, but in the absence of enforceable procedural standards that can transform such recognition into an effective consumer redress mechanism. The theoretical synthesis of this study shows that Consumer ODR must be understood as an instrument of digital access to justice that combines consumer protection, due process, procedural fairness, electronic evidence governance, personal data protection, and compliance assurance. The novel contribution of this article lies in formulating a normative-operational reconstruction of Consumer ODR through minimum procedural standards, including authority screening, identity and transaction verification, electronic evidence management, neutral facilitation, outcome documentation, data protection safeguards, and post-settlement compliance. This reconstruction positions ODR not merely as a digital complaint channel, but as an integrated and enforceable consumer redress mechanism within Indonesia's digital trade framework. More specifically, the Consumer ODR mechanism operates through integrated stages of claim intake, authority screening, identity and transaction verification, electronic evidence exchange, online negotiation or mediation, outcome documentation, and compliance follow-up. The barriers that hinder its implementation arise from fragmented legal norms, unclear institutional authority, the absence of ODR-specific electronic evidence standards, weak integration of personal data protection, and the lack of enforceable post-settlement compliance mechanisms. Therefore, legislators should provide a clearer statutory basis for Consumer ODR and delegate technical regulation to the competent authority; the Ministry of Trade should establish minimum procedural standards for PMSE-based consumer dispute resolution; BPSK should be strengthened as a public institutional anchor capable of conducting electronic consumer dispute resolution; and PMSE organizers should be required to provide or connect consumers to accountable ODR mechanisms and to ensure the implementation of settlement outcomes through measurable compliance follow-up.

REFERENCES

Amriani, Nurnaningsih. *Mediasi Alternatif Penyelesaian Sengketa Perdata Di Pengadilan*. Cet. 1. Jakarta: RajaGrafindo Persada, 2011.

Aprilianti, Astri. "Efektivitas Dan Implementasi Undang-Undang Informasi Dan Transaksi Elektronik Sebagai Hukum Siber Di Indonesia: Tantangan Dan Solusi." *Begawan Abioso* 15, No. 1 (2024): 41–50. https://doi.org/10.37893/abioso.v15i1.1002.

Aziz, Muhammad Faiz, and Muhammad Arif Hidayah. "Perlunya Pengaturan Khusus Online Dispute Resolution (ODR) di Indonesia untuk Fasilitasi Penyelesaian Sengketa E-Commerce." *Jurnal Rechtsvinding: Media Pembinaan Hukum Nasional* 9, No. 2 (2020): 275–294. https://doi.org/10.33331/rechtsvinding.v9i2.449.

Barkatullah, Abdul Halim. "Penerapan Arbitrase Online Dalam Penyelesaian Sengketa Transaksi E-Commerce." *Jurnal Hukum IUS QUIA IUSTUM* 17, No. 3 (2010): 363–382. https://doi.org/10.20885/iustum.vol17.iss3.art2.

"Digitalisasi dan Akses Konsumen terhadap Keadilan di Indonesia: Online Dispute Resolution," *pshk.or.id*, August 19, 2021, https://pshk.or.id/publikasi/riset/digitalisasi-dan-akses-konsumen-terhadap-keadilan-consumer-access-to-justice-di-indonesia-online-dispute-resolution-odr/, accessed July 8, 2025.

Efendi, Jonaedi, and Johnny Ibrahim. *Metode Penelitian Hukum: Normatif dan Empiris*. Jakarta, Indonesia: Prenada Media, 2018.

Faizah, Azza Fitrahul, Sinta Dewi Rosadi, Garry Gumelar Pratama, and Ananda Fersa Dharmawan. "Penguatan Pelindungan Data Pribadi Melalui Otoritas Pengawas Di Indonesia Berdasarkan Perbandingan Hukum Hong Kong Dan Singapura." *Hakim: Jurnal Ilmu Hukum Dan Sosial* 1, No. 3 (2023): 1–27. https://doi.org/10.51903/hakim.v1i3.1222.

Garth, Bryant, and Mauro Cappelletti. "Access to Justice: The Newest Wave in the Worldwide Movement to Make Rights Effective." *Buffalo Law Review* 27 (1978): 181–292. https://www.repository.law.indiana.edu/facpub/1142.

Gunawan, Putu Wida. "Kesadaran Keamanan Data Pribadi: Perbandingan Implementasi UU PDP Dan GDPR." *Jurnal Teknik Informatika UNIKA Santo Thomas*, May 23, 2025: 254–258.

Katsh, Ethan, and Janet Rifkin. *Online Dispute Resolution: Resolving Conflicts in Cyberspace*. New Jersey, United States: Wiley, 2001.

Marzuki, Mahmud. *Penelitian Hukum: Edisi Revisi*. Jakarta, Indonesia: Prenada Media, 2017.

Matondang, Khairani Alawiyah, Tia Handani, Annisa Handayani, and Fidia Wati. "Etika Bisnis Dalam Perlindungan Data Pribadi Konsumen Di Era Bisnis Digital: Dalam Studi Literatur." *Jurnal Publikasi Sistem Informasi Dan Manajemen Bisnis* 4, No. 3 (2025): 551–565. https://doi.org/10.55606/jupsim.v4i3.5508.

Mayana, Ranti Fauza, and Tisni Santika. "Legalitas Tanda Tangan Elektronik: Posibilitas Dan Tantangan Notary Digitalization Di Indonesia." *ACTA DIURNAL Jurnal Ilmu Hukum Kenotariatan* 4, No. 2 (2021): 244–262. https://doi.org/10.23920/acta.v4i2.517.

Nasution. *Hukum Perlindungan Konsumen: Suatu Pengantar*. Cet. 1. Jakarta: Diadit Media, 2014.

Organisation for Economic Co-operation and Development. *OECD Recommendation of the Council on Consumer Protection in E-Commerce*. Paris: OECD Publishing, 2016. https://doi.org/10.1787/9789264255258-en.

Peraturan Pemerintah Republik Indonesia Nomor 80 Tahun 2019 tentang Perdagangan Melalui Sistem Elektronik. Lembaran Negara Republik Indonesia Tahun 2019 Nomor 222. Tambahan Lembaran Negara Republik Indonesia Nomor 6420.

Rahmadi, Takdir. *Mediasi: Penyelesaian Sengketa Melalui Pendekatan Mufakat*. Depok, Indonesia: Rajawali Pers, 2010.

Rahman, Arif. "Penyelesaian Sengketa Konsumen Melalui Badan Penyelesaian Sengketa Konsumen (BPSK) Kota Serang." *Ajudikasi: Jurnal Ilmu Hukum* 2, No. 1 (2018): 21–42. https://doi.org/10.30656/ajudikasi.v2i1.573.

Ramiyanto, Ramiyanto. "Bukti Elektronik Sebagai Alat Bukti Yang Sah Dalam Hukum Acara Pidana." *Jurnal Hukum Dan Peradilan* 6, No. 3 (2017): 463–484. https://doi.org/10.25216/jhp.6.3.2017.463-484.

Rizkiana, Rina Elsa. "The future of online dispute resolution: building a framework for e-commerce dispute resolution in Indonesia." *The Lawpreneurship Journal* 1, No. 2 (2021): 114–138. https://doi.org/10.21632/tlj.1.2.114-138.

Solikhin, Riyadus. "Perkembangan Dan Urgensi Penerapan Online Dispute Resolution (ODR) Dalam Penyelesaian Sengketa Perdagangan Elektronik Di Indonesia." *Padjadjaran Law Review* 11, No. 1 (2023): 65–79. https://doi.org/10.56895/plr.v11i1.1235.

Sutiyoso, Bambang. "Penyelesaian sengketa bisnis melalui online dispute resolution dan pemberlakuannya di Indonesia." *Jurnal Mimbar Hukum* 20, No. 2 (2008): 229–250. https://doi.org/10.22146/jmh.16298.

Tanaya, Tanaya. "Penerapan Online Dispute Resolution pada Badan Penyelesaian Sengketa Konsumen dalam Menyelesaikan Sengketa Perdagangan Elektronik." *Jurnal Al Azhar Indonesia Seri Ilmu Sosial* 4, No. 2 (2023): 102–108. https://doi.org/10.36722/jaiss.v4i2.2091.

Undang-Undang Republik Indonesia Nomor 7 Tahun 2014 tentang Perdagangan. Lembaran Negara Republik Indonesia Tahun 2014 Nomor 45. Tambahan Lembaran Negara Republik Indonesia Nomor 5512.

Undang-Undang Republik Indonesia Nomor 8 Tahun 1999 tentang Perlindungan Konsumen (1999), https://gatrik.esdm.go.id/assets/uploads/download_index/files/e39ab-uu-nomor-8-tahun-1999.pdf, accessed July 8, 2025.

United Nations Commission on International Trade Law. *Technical Notes on Online Dispute Resolution*. Vienna: United Nations, 2017.

Wahyudi, Johan. "Dokumen Elektronik Sebagai Alat Bukti Pada Pembuktian Di Pengadilan." *PERSPEKTIF: Kajian Masalah Hukum Dan Pembangunan* 17, No. 2 (2012): 118–126. https://doi.org/10.30742/perspektif.v17i2.101.

Widiantari, Komang Salsa Dila. "Upaya Penyelesaian Sistem Online Dispute Resolution (ODR) Dalam Kasus Penipuan Penjualan Kosmetik Melalui Media E-Commerce Di Indonesia." *Politika Progresif: Jurnal Hukum, Politik Dan Humaniora* 2, No. 2 (2025): 78–89. https://doi.org/10.62383/progres.v2i2.1634.

Wijayanti, Dewi, and Efrida Ratnawati Gultom. "Pembaharuan Hukum Perlindungan Konsumen Mengenai Penyelesaian Sengketa Konsumen Di Era Digital." *UNES Law Review* 5, No. 2 (2022): 474–487. https://doi.org/10.31933/unesrev.v5i2.334.