| RESEARCH ARTICLE

Formulation of a Risk-Based Online Dispute Resolution Model for E-Commerce in Indonesia: Legal Framework and its Application

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| ABSTRACT

E-commerce growth in Indonesia has resulted in increased consumer disputes. This study aims to establish a regulatory framework for Online Dispute Resolution (ODR) in Indonesia using a normative legal research methodology. Secondary data from various sources, including ODR mechanisms from Shopee, Tokopedia, Bukalapak, and Indonesian regulations, were analyzed descriptively and comparatively. ODR offers benefits such as ease of use, cost-effectiveness, and avoidance of legal procedures but faces challenges like consumer awareness, standardization, and regulation. Ideal ODR models for Indonesia include E-Negotiation and E-Mediation, using AI mediators. Complex or high-risk disputes may require E-Mediation with professional mediators and Arbitration with neutral third parties. Implementing ODR models in e-commerce can benefit businesses and consumers by efficiently resolving disputes, but the appropriate model depends on the dispute's risk and complexity. Collaboration between authorities and stakeholders is crucial for ensuring ODR effectiveness in e-commerce dispute resolution and developing a suitable legal framework in Indonesia.

1. Introduction

E-commerce in Indonesia has grown rapidly in recent years; by 2023, e-commerce transactions are predicted to reach IDR 700 trillion (Fitriani, 2023; KOMINFO, 2023; I. N. Sari, 2023). However, this growth has led to an increase in disputes between consumers and e-commerce companies, with an estimated 3% to 5% of all online transactions ending in disputes (Admin_bisnis, 2021; aptika.kominfo.co.id, 2017; Masyitah, 2017).

The main factors contributing to low consumer confidence are a lack of trust in the digital economy (Moreira, 2019), ow levels of digital and financial literacy (Sunarso, 2022), and a lack of public services provided through digital technology (The World Bank, 2021). In addition, consumer trust in digital services is also compromised due to bad experiences with these services (Microsoft Asia News Center, 2019). With regard to online disputes, there are several drawbacks to conflict resolution in e-commerce. One is that conflicts can lead to morale problems, employee departures, and decreased productivity and efficiency, all of which can lead to decreased sales and profits (Webb, 2002). Another drawback is that online communication can be impersonal, causing greater distance between the parties involved and the mediator (Chron Contributor, 2021). In addition, managing conflict in an online environment can be challenging due to inappropriate language in meetings and caustic comments in emails (Johns, 2017).

The Indonesian government has taken steps to address these challenges by implementing new regulations, such as requiring e-commerce operators to register with the Ministry of Trade and have local representatives and offices in Indonesia (Endahayu et al., 2019; Michael Carl & Rahimi, 2020). These regulations also require operators to provide clear and easy-to-use dispute resolution

mechanisms for consumers (Endahayu et al., 2019). In addition, Indonesia has ratified the Beijing Agreement on Online Dispute Resolution and is a signatory to the ASEAN Framework Agreement on E-Commerce, both of which aim to provide a framework for the development of an online dispute resolution system (Michael Carl & Rahimi, 2020).

In this regard, e-commerce laws and regulations exist to protect consumers from unethical business practices, fraud, cheating and other unauthorized activities that compromise their finances and personal privacy. However, there are still barriers to legal protection for buyers and sellers in e-commerce (Fontinelle, 2022). The consequences of the lack of legal protection for buyers and sellers in e-commerce include possible obstacles such as false identity, fraud, cheating, and other unauthorized activities that jeopardize consumers' personal finances and privacy (Chawla & Kumar, 2022). In addition, buyers and sellers should be aware of the legal considerations when buying or selling an e-commerce business (Yusuf, 2019).

The lack of legal protection for buyers and sellers in e-commerce, especially in online dispute resolution (ODR), is a problem that needs attention. This can lead to various problems, such as sellers having the intention to use fake identities and counterfeit products (Rule, 2019). To address this, consumer protection challenges in e-commerce have been considered, such as providing information by businesses and legal protection in e-commerce transactions (Akhtar et al., 2022).

ODR is becoming an increasingly popular research topic in Asia, but it is still in its infancy and faces many challenges, such as lack of consumer awareness, lack of standardization and regulation (Dwyer et al., 2018; Kruk et al., 2018; Miller, 2006; Raghu & Consulting, 2007). One article reports on an expert meeting that aims to discuss and present current initiatives, challenges and recommendations for developing national ODR (Raghu & Consulting, 2007; Rockwell, 2022). Another article discusses the ASEAN Guidelines on Online Dispute Resolution (ODR) and recommends wider consultations involving government entities and other relevant stakeholders to precede and accompany the development of a national ODR system (Ahn, 2019, 2019; Chen et al., 2017; Heuvel, 1997; Usanti et al., 2020). In addition, there are articles highlighting successful initiatives in online dispute resolution in Asia due to the development of e-commerce (de Vries, 2006; Kesuma & Triputra, 2020; Yun et al., 2011).

Key challenges in the development of national ODR systems in Southeast Asia include determining adequate governance, coverage, and administration of national ODR systems. In addition, it is necessary to address the current landscape of ODR systems and explore future areas of development in ODR after a brief exploration of the key challenges. An in-depth analysis is needed to address and present current initiatives, challenges, and recommendations for developing national online dispute resolution (ODR).

The purpose of this research is to identify an ODR regulatory framework that can be implemented and applied in Indonesia. In addition to the need for the development of clear regulations and legal frameworks, the research also highlights the importance of legal protection for consumers involved in online transactions, as well as transparency and accountability in online transactions. Although the concept of ODR is still evolving in Indonesia and is currently covered by scattered provisions in several regulatory frameworks, it is imperative for customers to understand the underlying mechanism so that they can use this new method quickly and efficiently to resolve disputes that may be experienced in digital transactions.

2. Methods
The rapid growth of e-commerce in Indonesia has led to an increase in disputes between consumers and e-commerce companies. The lack of effective dispute resolution mechanisms has contributed to the lack of trust among Indonesian consumers regarding online transactions and fintech. Therefore, this research will focus on the development of an ODR regulatory framework in Indonesia to resolve e-commerce disputes.

This research is normative law (Christiani, 2016). The data used in this research is secondary data (M. Y. A. R. Sari et al., 2021), namely information from reports and documents related to ODR regulations in Indonesia. The sources of information used in this research are ODR mechanisms from Shopee, Tokopedia, Bukalapak, documents related to ODR regulations in Indonesia, and scientific articles that discuss the applicability of ODR in resolving e-commerce disputes.

The research process began by collecting data from the sources of information mentioned above. Then, the data was analyzed and compared to identify the ODR regulatory framework in Indonesia. The data analysis technique used is descriptive and comparative analysis. The data that has been collected was analyzed using descriptive and comparative analysis. The results of the analysis were used to identify the regulatory framework of ODR in Indonesia and highlight the importance of legal protection for consumers involved in online transactions, as well as transparency and accountability in online transactions. In addition, the results of this research also discussed specific challenges and opportunities specifically in Indonesia and how ODR can be used to handle certain disputes in the Indonesian region.

3. Review Literature
3.1 Legal Framework
A legal framework refers to the set of laws, regulations, and rules that apply in a country, as well as the collection of domestic or international laws that provide structure for the relationship between individuals and the state (Battista & Uva, 2023; Rosadi, 2018; Zandesh et al., 2019). The main components of a legal framework consist of important documents such as constitutions, laws, regulations, and contracts. In addition, a legal framework is a specific set of rules, ideas, or beliefs that are used to solve problems or make decisions regarding actions to be taken. The legal framework is an important foundation for creating legal order and maintaining justice for society.

Legal frameworks play an important role in ensuring that a business is protected, does not operate illegally, and does not lose profits if there are changes in the team (Turner, 2021; Ziakis et al., 2022). The legal framework gives statistical data collectors a clear mandate to collect, process and disseminate data so that relevant information is available to policymakers (UN Statistics Wiki, n.d.). The legal framework includes a country's constitution, laws, policies, regulations and contracts (Natural Resource Governance Institute, 2015). Appropriate legal and institutional frameworks are essential for realizing the right to social security (Social Protection and Human Rights, 2013).

To create a legal framework, the identification system must be built on trust and accountability between government agencies, individuals, and international organizations (The World Bank, n.d.). The economic prosperity of a developing country requires a legal infrastructure that is at least modest, focusing on the protection of property and contract rights (Posner, 1998). Documents within the legal framework include a country's constitution and laws made by the executive arm of government to make laws practical (Natural Resource Governance Institute, 2015).

3.2 Online Dispute Resolution
In this digital era, alternative dispute resolution is no longer limited to conventional mediation and arbitration. The presence of technology and the internet allows the use of Online Dispute Resolution (ODR) to resolve disputes online without having to meet face-to-face with the other party (Zheng, 2016).

ODR is an online dispute resolution process through internet technology and digital communication. ODR allows parties involved in a dispute to communicate and negotiate through a secure and trusted online platform without having to meet in person (University of Missouri, 2020).

The book "Online Dispute Resolution" written by Professors Ethan Katsh and Janet Rifkin, is considered a pioneering work in the field of ODR (Ethan Katsh, 2001). The authors divide the early development of ODR into three stages, each characterized by different trends and developments in the use of ODR.

The first generation ODR system only used technology as a tool to assist humans in resolving disputes that arose online. AI and technological capabilities were still limited, so the technology did not have a major role in the 1996 dispute resolution process (Ethan Katsh, 2001). The first stage, according to Katsh and Rifkin, lasted until around 1995 and was characterized by the use of ODR in certain contexts. This stage was characterized by the use of ODR in specialized fields, such as in artificial intelligence research, as evidenced by the first use of the term "online dispute resolution" at the National Conference on Artificial Intelligence Research (NCAIR) in Washington, DC in 1996 (Ethan Katsh, 2001).

The second generation ODR system added more technology and AI capabilities to assist humans in the dispute resolution process. AI started to have an active role in collecting and analyzing information to assist the dispute resolution process. The second stage, which coincided with the growth of the Internet, especially as a medium for trade, was characterized by the increased use of ODR in various trade contexts (Ethan Katsh, 2001). This stage marked a significant change in the use of ODR, as the internet became increasingly affordable and widely used for trade purposes.

The last generation of ODR systems added more advanced AI capabilities and introduced new methodologies for dispute resolution, such as automated dispute resolution. AI has a major role in the dispute resolution process, and humans only play a supervisory role. The third stage, which began around the 2000s, was characterized by the emergence of a growing interest in ODR among trading entities (Katsh, 2004). This stage saw a significant increase in the use of ODR by companies and other trade organizations as they sought to leverage the many advantages of ODR, including cost-effectiveness, speed, and convenience (Ethan Katsh, 2001; Katsh, 2004; Zheng, 2016).

ODR can refer only to dispute resolution originating from the internet, or it can also include disputes that do not originate from the Internet (sometimes in combination with online disputes) (Katsh & Wing, 2006; Rule, 2017; Verma et al., 2018). ODR can refer to hybrid systems, which combine humans and AI, or fully automated systems that rely on AI. ODR can refer to first, second, or even third generation ODR systems (Katsh & Wing, 2006; Rule, 2017; Verma et al., 2018).

ODR can be differentiated based on the type of dispute to be resolved (e.g. online or off-line, small value lawsuits versus distribution of assets after a relationship breakdown, interstate versus domestic) and can also be differentiated based on the type of technology and dispute resolution method (Katsh & Wing, 2006; Rule, 2017; Verma et al., 2018).

3.3 A Risk Approach to Online Dispute Resolution

Online dispute resolution (ODR) is a set of dispute resolution processes that utilize the increasing availability and development of Internet technology (Department of Justice Canada, 2022). ODR has several advantages, including convenience, accessibility, and cost-effectiveness (Goodman, 2003). ODR is not only a tool that helps e-commerce, but it is also a natural evolution of the trend of using technology to resolve disputes (Ebner & Zeleznikow, 2016). The benefits of ODR include increased efficiency and cost-effectiveness compared to traditional dispute resolution methods (Heuvel, 1997). However, there are also some risks associated with ODR. One perceived disadvantage is that ODR can be impersonal, which causes distance between the parties and the mediator (Goodman, 2003; Witwer et al., 2021).

Other risks associated with ODR are issues of trust, fairness and security. Parties may not trust the online process or feel it is fair. In addition, there are concerns about data privacy and security, technical issues such as connectivity problems or system failures that may disrupt the process (Rule, 2020).

One approach to risk management in ODR is to identify the strengths and weaknesses of the system (Keller & Poferl, 2000; Rule, 2020; Stražišar, 2018). This can help in developing strategies to mitigate risks. For example, one of the weaknesses of ODR is that it may not be suitable for all types of disputes. Therefore, it is important to identify which types of disputes are best suited for ODR and which ones require traditional dispute resolution methods (Ebner & Zeleznikow, 2016).

Another approach to risk management in ODR is to ensure fairness, trust and safety in the process (Ebner & Zeleznikow, 2016). Fairness can be achieved by incorporating negotiation support processes and tools into the system (Ebner & Zeleznikow, 2016). Trust can be built by ensuring that the system is transparent and impartial. Security can be ensured by implementing measures such as encryption and authentication protocols.

In conclusion, risk management in online dispute resolution involves identifying the strengths and weaknesses of the system, ensuring fairness, trust, and security in the process, and addressing barriers to access and adoption. By adopting these approaches, stakeholders can mitigate the risks associated with ODR while reaping its benefits.

3.4 ODR Regulations for E-Commerce in Indonesia

Although there is no comprehensive legal framework for ODR, some regulations already provide for this. For example, Law No. 30 of 1990 on Arbitration and Alternative Dispute Resolution ("Arbitration Law") allows the use of electronic media (such as telex, telegram, fax, email or other forms of communication) during the conduct of arbitration proceedings. Even the Indonesian National Arbitration Board (BANI) itself has implemented digital transformation as an alternative to the conventional arbitration process.

In addition, Law No. 8 of 1999 on Consumer Protection ("Consumer Protection Law") allows for the settlement of consumer-related disputes through non-litigation or out-of-court means, as long as such means are agreed to by the parties concerned. Likewise, Law No. 11 of 2008 on Electronic Information and Transactions ("ITE Law") also allows parties to determine their own dispute resolution mechanism. Although the law does not directly mention ODR, the provisions contained therein may serve as a basis for disputing parties to choose ODR as their preferred resolution process.

ODR is directly regulated in Government Regulation No. 80 of 2019 on Electronic Commerce ("Regulation 80/2019"), which allows e-commerce dispute resolution through electronic platforms (ODR) organized by lawyers/mediators, accredited online arbitration bodies, and authorized government agencies.

1. Law No. 19 of 2016 on the Amendment to Law No. 11 of 2008 on Electronic Information and Transactions;
2. Government Regulation No. 71 of 2019 on the Implementation of Electronic Systems and Transactions;
3. Government Regulation No. 80 of 2019 concerning Trading Through Electronic Systems;
4. Ministry of Communication and Informatics Regulation No. 5 of 2020 on the Scope of Private Electronic System Operator;
5. Ministry of Communication and Informatics Regulation No. 20 of 2016 on the Protection of Personal Data in Electronic Systems;
6. Ministry of Trade Regulation No. 50 of 2020 on Provisions for Business License, Advertisement, Calculation, and Supervision of Trade Business Recipients in Trading Through Electronic Systems;
7. Law No. 8 of 1999 on Consumer Protection.

4. Result

Online Dispute Resolution (ODR) has several benefits, including convenience, cost-effectiveness, and accessibility. The challenges of implementing ODR in e-commerce include the coverage, low awareness, and quality of ADR and ODR schemes for national and cross-border e-commerce transactions (Zheng, 2020). In addition, there may be concerns about the impartiality and neutrality of ODR providers, as well as the security and privacy of information exchanged during the process (Schmitz, 2016). Another challenge is building trust in the ODR system to expand and equalize the redress system in e-commerce transactions (Schmitz, 2016). However, ODR can be key for businesses as an estimated 3-5% of e-commerce transactions end in disputes (University of Missouri, 2020). ODR is a neutral process that provides quick decisions to both buyers and sellers (University of Missouri, 2020). In a legal setting, ODR can provide convenience and accessibility to users, especially for those living in remote areas (Rule, 2019).

4.1 Shopee Conflict Resolution Mechanisms

Shopee, as a leading e-commerce platform in Southeast Asia and Taiwan, faces various challenges in conflict resolution, mainly due to the impersonal nature of online transactions. To address these issues and improve customer satisfaction, Shopee has implemented several strategies:

Table 1 Shopee's Conflict Resolution Strategies

Service and System	Description
Comprehensive Dispute Resolution Center (Shopee, n.d.-b, 2021)	Shopee provides a dedicated Dispute Resolution Center within its platform, which allows buyers and sellers to easily report issues, upload evidence, and communicate directly. This approach simplifies the resolution process and creates a more personal touch, as users can see the progress of their claims.
Chat and Messaging Features (Shopee, 2019, 2022c)	Shopee encourages communication between buyers and sellers through its in-app chat and messaging features. This allows the parties to discuss potential issues and resolve conflicts directly, fostering a more personal relationship and facilitating faster resolutions.
Customer Support and Escalation (Shopee, 2022a)	If conflicts cannot be resolved through direct communication, Shopee offers customer support to mediate disputes. Users can contact the Shopee support team through various channels, such as email, live chat, or phone. This human element adds a personal touch to the resolution process.
Education of Sellers and Buyers (Shopee, 2020)	Shopee invests in educating its users on best practices, guidelines, and tips for resolving conflicts. This proactive approach helps prevent disputes and empowers users to handle issues in a more personalized and informed manner.
Feedback and Assessment System	Shopee's feedback and rating system allows buyers to rate sellers and vice versa, encouraging users to maintain positive relationships and address issues that arise. This public display of reputation incentivizes users to act responsibly and resolve conflicts amicably.
Policy Enforcement	Shopee enforces strict policies against scammers and other forms of misconduct. By taking a firm stance against these issues, Shopee is creating a safer and more private environment for its users.

By implementing the strategies in Table 1, Shopee managed to overcome the impersonal nature of online transactions and provide a more satisfactory experience for buyers and sellers in conflict resolution.

Shopee has a dispute resolution process to handle disputes between buyers and sellers (Shopee, n.d.-a, n.d.-b, 2020). When either party files a dispute, Shopee will investigate the case and determine a fair settlement within 3 to 5 business days (Shopee, 2022b). If the product does not meet the return criteria, the seller or Shopee Warehouse team can file a dispute (Shopee, 2022b). The buyer will receive a refund once Shopee approves the request (Shopee, 2022b).

Shopee also has a Dispute Resolution Center (DRC) that gives buyers and sellers a platform to negotiate the refund amount (Shopee, 2020). Sellers can accept or modify counter-offers from buyers through this platform (Shopee, 2022b). If a seller disagrees with a buyer, they can file a dispute with Shopee after discussing it with the buyer (Shopee, 2022b). Sellers can negotiate with buyers or dispute decisions made by Shopee (Shopee, 2022b).
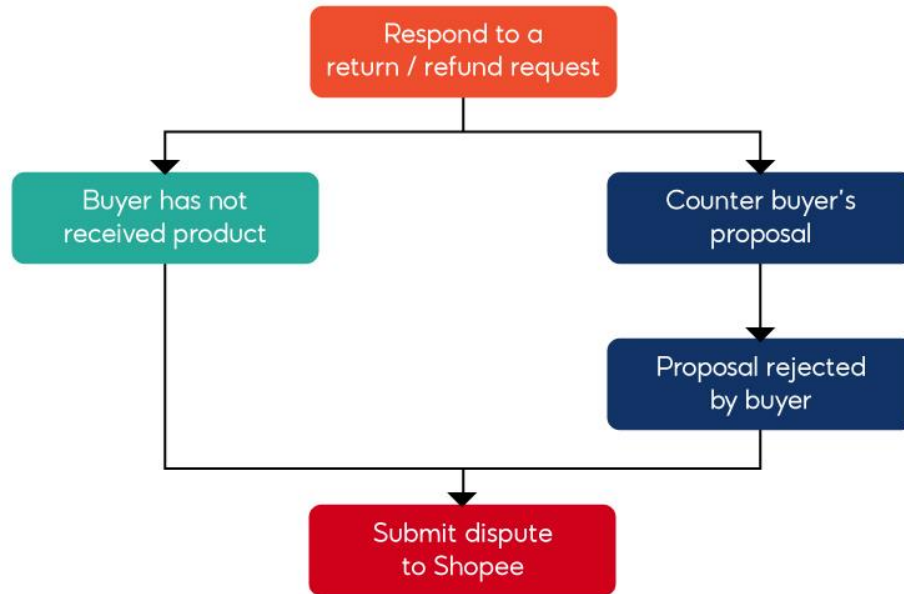
Figure 1 Conflict Resolution Mechanisms in Shopee

As can be understood in the mechanism in Figure 1, Shopee provides guidance for returns and refunds for sellers on its website. Sellers can discuss return/refund requests with buyers and request assistance from Shopee if necessary (Shopee, 2022b). They can also upload images in the in-app chat window to discuss refund proposals with buyers (Shopee, 2022b).

4.2 Bukalapak Conflict Resolution Mechanisms

Bukalapak is an e-commerce platform that provides Seller Center, an integrated platform that contains various features to assist sellers in managing their sales activities at Bukalapak (Bukalapak, 2019). If there is a complaint or return from the buyer, the seller can respond by entering the discussion area of the complained transaction (Bukalapak, n.d.-a). The seller can then provide a response to the complaint and try to resolve the issue with the buyer. If there is a cancellation request from the buyer, the seller can click "Respond" on the transaction notification or Sales Transaction List page, then click "Continue Processing Order" to decline the cancellation. The seller must enter the reason for the rejection and click "Submit". The cancellation request will be rejected, and the transaction status will become "Processed" "Diproses"(Bukalapak, n.d.-b).

Bukalapak has a refund policy which states that they will refund the buyer if the seller does not confirm the delivery of the item within 2x24 hours for regular shipping or 2x24 hours for express shipping after the transaction status changes to paid (Bukalapak, n.d.-a). If a buyer wishes to complain about an item, they can do so by clicking on the transaction icon on the Bukalapak homepage and selecting "complain" for the transaction in question. Buyers will then be directed to a page where they can select the reason for their complaint and proceed with filing it (Bukalapak, n.d.-b).

If Bukalapak refunds the transaction, the refunded amount will be credited to the buyer's Bukalapak balance (previously known as BukaDompet) and can be withdrawn to their bank account. It is important to note that Bukalapak only refunds to bank accounts registered in Indonesia (Bukalapak, n.d.-a).

4.3 Tokopedia Conflict Resolution Mechanisms

Tokopedia has a resolution center to handle conflicts between buyers and sellers (Tokopedia Care, n.d.-a). Sellers can respond to buyer complaints by selecting "Choose solution" if the complaint details and proposed solution are acceptable. If the complaint

or proposed solution is not acceptable, the seller can select "Reject submission" (Tokopedia Care, n.d.-a). Tokopedia also has a penalty system for transaction violations, including penalties for transaction manipulation (Tokopedia Care, n.d.-b).

The Resolution Center helps buyers and sellers to resolve issues that may arise during online transactions on the platform (Tokopedia Care, n.d.-a). The Resolution Center allows buyers and sellers to discuss issues directly and seek solutions together based on the evidence provided (Tokopedia Care, n.d.-a). As a seller, you can access complaints received from buyers in the "Order Complained" menu in your Toko account. From there, you can log in to the Resolution Center to discuss with the buyer how to resolve their issue (Tokopedia Care, n.d.-a).

However, there have been some complaints from buyers that Tokopedia supports fraudulent sellers (Briyandewo, 2020; Quitasha, 2021). In one case, a buyer complained that they could not find a solution between them and the seller, but Tokopedia did not help them (Quitasha, 2021). In another case, a seller complained that Tokopedia's cancellation feature allowed buyers to cancel orders without consequences, which hurt their business (Briyandewo, 2020).

It is important to note that some users complained about Tokopedia's SOP (Standard Operating Procedure) being slow and not very helpful. For example, one user complained that when they filed a complaint on Tokopedia, the system only offered one solution - returning the item to the seller within two working days. However, in this case, returning the item would be very expensive for them as they would have to ship it back to Jayapura (Randi, 2020).

4.4. Types and Categories of E-Commerce Disputes

According to recent data, there has been a surge in eCommerce disputes and chargebacks. Around a quarter of eCommerce, shoppers disputed at least one invoice in the past 12 months (Pymnts, 2022b). Additionally, 39% of eCommerce shoppers surveyed reported that they dispute more transactions now than before March 2020 (Pymnts, 2022a). This increase in disputes can be due to various reasons, such as fraud, delivery issues, or product quality issues.

In terms of fraud, e-commerce losses due to online payment fraud are estimated to reach US$41 billion globally by 2022 (Coppola, 2021). This highlights the importance of implementing effective fraud prevention measures to protect merchants and consumers. Delivery issues and product quality issues can also lead to disputes. Merchants should ensure that they have clear policies regarding delivery times and returns/exchanges and provide accurate product descriptions and images.

To reduce the risk of disputes and chargebacks, merchants can take several steps, such as implementing fraud prevention tools, providing excellent customer service, offering easy returns/exchanges, and clearly communicating policies regarding delivery times and refunds (Pymnts, 2022b). By taking these steps, merchants can reduce the likelihood of disputes while increasing customer satisfaction.

5. Discussion

ODR, on e-commerce platforms such as Shopee, Bukalapak, and Tokopedia, has various advantages, including ease of use, faster and cheaper dispute resolution, and no need for legal procedures. ODR also enables virtual dispute handling and provides information on the origin of products.

5.1 Risk-Based Online Dispute Resolution Model, E-Commerce Best Practices in Indonesia

In the context of e-commerce platforms in Indonesia, digital footprints can be very useful in case of disputes between buyers and sellers. E-commerce sites use digital footprints to analyze customer behavior and preferences, helping them improve their services. Lawyers can use digital footprints as evidence in legal disputes related to e-commerce.

Shopee has procedures in place to prevent fraudulent buyers from making purchases with invalid addresses. Shopee also provides guidelines on how to effectively handle customer complaints, such as clearly outlining the actions taken to address complaints and informing customers of the process. Customers can contact Shopee's customer service for any issues they have.

Tokopedia uses a graph database to identify potential risks, such as fraud, on its platform. Tokopedia also uses AI technology to predict demand and provide information that can help sellers stock products in high-demand locations. Tokopedia connects customers and sellers through live video with Cloud CDN, supports business decisions with smart analytics on BigQuery, and improves shopping.

Table 2 Conflict-based Risk Mitigation in E-Commerce

Type of Conflict	Risk Mitigation	Criteria/Description
Return/refund conflicts	Valid evidence	1. For receiptless cases, the buyer is not required to provide any documents. 2. E-Commerce will check with the seller and logistics partner to investigate the matter. 3. If the seller can provide valid proof of delivery or the goods are still in transit, the return/refund request will be rejected. 4. If the item is lost in transit, the buyer will get a refund. 5. In scenarios where E-Commerce has made a decision and refunded the buyer, the seller can file a dispute by providing valid evidence. If the evidence is valid, E-Commerce will compensate the seller.
Conflict of goods delivery	Refunds and Return Policy	Buyers can apply for a refund or return if they experience any problems with their order. It is recommended that buyers contact E-Commerce customer service for assistance with any issues they may face with their shipment.
Customer service conflicts	Chat service with bot and live agent.	1. The Customer Service Hotline is available from Monday to Sunday (including Public Holidays), from 08.00 to 18.00. 2. Live agents are available from Monday to Sunday (including Public Holidays), 8 am to 10 pm. 3. If you are a premium user, you can contact our live agents by going to My tab > Chat with E-Commerce > select Chat with Live Agents.
Product information disclosure failure conflicts (defects and damages)	Product registration guide	1. To avoid disputes between buyers and sellers in E-Commerce, it is recommended that sellers disclose all relevant information about their products. Sellers should also ensure that their products are of high quality and meet the expectations of their customers. 2. Buyers should read the product description carefully before making a purchase and communicate with the seller if they have any questions or concerns. In the event of a dispute, both parties should try to resolve it amicably through communication.

Online Dispute Resolution (ODR) is the process of resolving disputes that arise from e-commerce transactions. ODR is essential for building trust in e-commerce, especially in cross-border transactions (Schmitz, 2016). The main objective of ODR is to provide an accessible, efficient and low-cost means for consumers to obtain redress online (Heuvel, 1997). There are several ODR models that can be used to resolve different types of conflicts, namely auto-negotiation, online mediation, and software-based electronic courts (Akhtar et al., 2022; Pon Staff, 2021), such as SquareTrade, which offers a way for customers at eBay, Onvia, and other companies to resolve issues using proprietary software that allows parties to log on to a neutral Web site and resolve their differences (Daniel W. Uhlfelder, 2001).

One model of ODR is automated negotiation and E-mediation. Online negotiation platforms allow plaintiffs and defendants to provide the highest and lowest values they are willing to accept, which can help resolve disputes in e-commerce (Akhtar et al., 2022). E-negotiation is a form of ODR that can be fully automated with computer-triggered information gathering and decision-making based on input from the disputants without interaction from a third party. Like traditional mediation, e-mediation is a voluntary process to resolve disputes with the help of a neutral third party. In e-mediation, the role of technology is often considered as a "fourth party" in the process and is used to varying degrees (Pon Staff, 2021). Another model of ODR is arbitration. Arbitration involves a neutral third party making a binding decision on behalf of the parties involved in the dispute. Arbitration can be voluntary or mandatory, depending on the agreement between the parties involved (Heuvel, 1997).

Measuring risk in an ODR (Online Dispute Resolution) system involves identifying and evaluating risks and their impact and selecting appropriate security measures to deal with those risks (G. Stoneburner et al., 2002; Roberts, 2022). The effectiveness of various aspects of ODR systems can be compared to traditional litigation using a performance measurement framework (Okudan & Çevikbaş, 2022). Operational risk management systems can also be used to estimate operational costs and risks (Basel Committee, 2011). It is important to determine the risk appetite and tolerance level of the organization when managing risk (Meet Hirani, 2021). Referring to some of the models above, for an ideal model in e-commerce online dispute resolution in Indonesia, the pattern that can be applied is as follows:

Table 3 Risk-based online dispute resolution model

Model ODR	Risk Level	Advantages	Disadvantages
E-Negotiation, Third Party facilitated by AI	Low	Efficiency and speed in dispute resolution	Not suitable for complex or high-risk transactions
		The objectivity of AI	Possible errors in decision making and lack of humanity AI
		Relatively low cost	Unable to handle all types of disputes
E-Mediation, Mediator is an AI	Low to Mid-range	Efficiency and speed in dispute resolution	Not suitable for complex or high-risk transactions
		The objectivity of AI	Possible errors in decision making and lack of humanity AI
		Relatively low cost	Unable to handle all types of disputes
E-Mediation, Mediator is a Human Professional	Medium to High	Professional expertise and experience in resolving disputes	Relatively expensive
		Ability to handle complex or high-risk disputes	Not always available in sufficient numbers (limited case handling)
		Can provide fairer and more sustainable solutions	Sometimes takes longer to resolve disputes
Artbitase or Dispute Resolution by a third party outside the Platform	Medium to High	Objectivity and humanism (neutral third party)	Relatively expensive
		Ability to handle complex or high-risk disputes	Cannot resolve many disputes at once

	Can provide fairer and more sustainable solutions	Takes longer to resolve disputes

As Shown in Table 3, the first model is E-Negotiation, where the third party acting as a mediator is an AI. This model is suitable for low-risk dispute resolution, as it is efficient and fast in resolving disputes. In addition, the use of AI also provides better objectivity and humanizing benefits. However, this model is not suitable for complex or high-risk transactions due to the possibility of AI decision-making errors.

The second model is E-Mediation, where the mediator is also an AI. This model is suitable for low to medium risk dispute resolution, with the advantage of greater objectivity and humanism. In addition, the use of AI also provides efficiency and speed advantages in resolving disputes. However, this model is also not suitable for complex or high-risk transactions due to the possibility of AI decision-making errors.

Nonetheless, the use of AI-facilitated ODR models has the advantage of being relatively low cost and can help improve efficiency in resolving disputes in e-commerce. However, it should be noted that not all types of disputes can be handled by the ODR model, and there is still a possibility of AI decision-making errors. Therefore, the selection of an appropriate ODR model should be carefully considered depending on the level of risk and complexity of the dispute.

Some ODR models, such as E-Mediation with a professional mediator and Artbitase with a neutral third party, can help handle complex or high-risk disputes. This is because the mediator or third party has expertise and experience in resolving complex or high-risk disputes. In addition, the solutions resulting from this ODR model can also provide justice and sustainability for all parties involved in the dispute.

However, there are some weaknesses that need to be considered in applying the ODR model to e-commerce. One of the weaknesses that can occur is the error in decision making by the AI who becomes the mediator. Furthermore, not all types of disputes can be handled by the ODR model, so there is a possibility that some disputes must be resolved through conventional legal channels.

Nonetheless, the application of the ODR model in e-commerce can provide significant benefits for businesses and consumers in resolving disputes efficiently, objectively, and economically. Therefore, it is important to consider the advantages and disadvantages of each ODR model before choosing the most suitable model for resolving disputes in e-commerce.

5.2 Legal Framework for Dispute Resolution in E-Commerce in Indonesia

ODR has gained momentum over time, especially in international e-commerce. For example, the European Union has adopted the Directive on Alternative Dispute Resolution for Consumer Disputes and the Regulation on Online Dispute Resolution (Schmitz, 2016). The OECD has also developed guidelines on ODR for cross-border e-commerce through its Working Group III on Online Dispute Resolution (Akhtar et al., 2022). Many companies, such as eBay and PayPal, have instituted their own ODR systems to handle consumer complaints and have essentially created "virtual courts" to resolve e-commerce disputes (Akhtar et al., 2022).

Based on Wirawan et al. (2022), the legal landscape supporting Online Dispute Resolution (ODR) in Indonesia is a mix of various laws and regulations. The main frameworks that support ODR include Law No. 11 of the Year 2008 on Electronic Information and Transactions (ITE Law) is one of the legal frameworks that support ODR in Indonesia. The ITE Law recognizes electronic documents as evidence in court proceedings, including those related to ODR, Government Regulation on Trading Through Electronic Systems (PP 80, 2019), and other specific laws such as Law No. 8 of 1999 on Consumer Protection (UUPK), Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution (UUAPSK), and Law No. 7 of 2014 (Trade Law). Some of the institutions involved in ODR are the Consumer Dispute Resolution Agency (BPSK), the National Consumer Protection Agency (BPKN), the Non-Governmental Consumer Protection Agency (LPKSM), the Ministry of Trade, and the Financial Services Sector Alternative Dispute Resolution Agency (LAPS SJK).

Despite the existence of these legal frameworks and institutions, improvements and harmonization are still needed. To improve the ODR system in Indonesia, several recommendations from Wirawan et al. (2022) research is proposed:

1. Harmonize the provisions of the Consumer Protection and Consumer Dispute Resolution Law with national laws and sectoral regulations to clarify institutional mandates, roles, and responsibilities and define terminology and concepts. This will ensure a more coherent and effective legal framework for ODR.
2. Enhance cooperation among authorities in building a complete national consumer ODR platform. A collaborative approach will ensure that all stakeholders work together to create a comprehensive and efficient system.

3. Design an ODR platform with two stages and modules tailored to the authorities' mandates: a main module for B2C direct negotiation for complaint handling (overseen by BPKN) and a second module dedicated to mediation (by BPSK). This will ensure that disputes are handled at the appropriate level and resolved efficiently.
4. Create a national policy to support ODR activities, including measures aimed at developing, implementing, and enhancing the upcoming national consumer ODR for inclusion in the ASEAN ODR Network. This will ensure that Indonesia's ODR system is aligned with regional standards and best practices.
5. Enable various consumer stakeholders to participate and monitor the national ODR platform. This requires a modular system, which allows for the implementation of various stages through pilot projects. This approach will ensure transparency and accountability in the ODR process.
6. Develop and harmonize policies that encourage business participation in the upcoming national consumer ODR and fair competition among businesses to better assist consumers. This will create incentives for businesses to engage in ODR and improve their consumer services.
7. Use legal instruments to facilitate the implementation of national consumer policies for ODR. This includes capacity building and awareness-raising activities such as public education, financial literacy, and financial inclusion related to the use of the new national consumer ODR. This will ensure that consumers and businesses are aware and ready to use the ODR system.
8. Conduct research to identify the causes of Supreme Court decisions that overturn BPSK decisions so that consumer protection laws and policies can be better implemented. This will help identify and address shortcomings in the current legal framework and improve the overall effectiveness of ODR in Indonesia.

Based on the previous recommendations on the legal framework for ODR in Indonesia. To ensure effective, efficient, fast dispute resolution and a clear guarantee of justice; The following model is in accordance with the criteria for dispute resolution in e-commerce in Indonesia.

Table 4 Online Dispute Resolution Models and Classification of Legal Frameworks

ODR Model	Relevant Legal Framework	Description
E-Negotiation, Third Party facilitated by AI	1. Law No. 11/2008 on Electronic Information and Transactions (UU ITE) 2. Government Regulation No. 80/2019 on Trading Through Electronic Systems (PP E-Commerce).	E-Negotiation is suitable for low-risk and non-complex disputes, where the AI acts as a mediator. The ITE Law and E-Commerce Regulation provide the legal basis to support the application of this model by recognizing electronic documents as evidence in court and regulating e-commerce transactions.
E-Mediation, Mediator is an AI	1. Law No. 11/2008 on Electronic Information and Transactions (UU ITE) 2. Government Regulation Number 80 of 2019 concerning Trading Through Electronic Systems (PP E-Commerce) 3. Law Number 30 of 1999 on Arbitration and Alternative Dispute Resolution (ADR Law) 4.	E-Mediation is suitable for low to medium risk disputes. In addition to the ITE Law and E-Commerce Regulation, the ADR Law is also relevant in supporting the implementation of this model, as it regulates alternative dispute resolution mechanisms, including mediation.
E-Mediation, Mediator is a Human Professional	1. Law Number 30 1999 on Arbitration and Alternative Dispute Resolution (ADR Law) 2. Law Number 8 1999 on Consumer Protection (PK Law)	E-Mediation with professional mediators can handle more complex or high-risk disputes. The ADR Law and PK Law provide the legal basis to support this model by regulating alternative dispute resolution mechanisms and protecting consumer rights.

Artbitase or Dispute Resolution by a third party outside the Platform	Law Number 30 1999 on Arbitration and Alternative Dispute Resolution (ADR Law)	The Arbitration model with a neutral third party is also suitable for complex or high-risk disputes. The AADR Law is the legal basis that supports this model by regulating the arbitration mechanism in dispute resolution.

In developing a legal framework that supports ODR in Indonesia, some steps that can be taken include harmonization of consumer protection and consumer dispute resolution provisions, increased cooperation between authorities, national policy making to support ODR, and development of ODR platforms that suit the needs and interests of various parties.

It is important to note that the above classification of legal frameworks is not mutually exclusive but emphasizes certain laws or regulations according to the level of risk and complexity of the dispute at hand. In practice, often several laws and regulations are interrelated and complementary in the application of the e-commerce online dispute resolution model in Indonesia.

To ensure the effective application of ODR in e-commerce dispute resolution, authorities and stakeholders need to work together in identifying and addressing various challenges that may arise, such as AI decision-making errors, relatively high costs, and limitations of the ODR model in handling certain types of disputes.

For example, in dealing with high-risk or complex disputes, the emphasis may be more on the AADR Law and PK Law that regulate alternative dispute resolution mechanisms and protect consumer rights. Meanwhile, for low-risk disputes, the emphasis may be more on the ITE Law and E-Commerce Regulation that regulate e-commerce transactions and recognize electronic documents as evidence in court.

In developing and implementing ODR, stakeholders also need to ensure that the choice of an appropriate dispute resolution model is carefully considered, taking into account the advantages and disadvantages of each model, as well as the level of risk and complexity of the dispute at hand. Thus, an appropriate legal framework can be effectively applied to support e-commerce dispute resolution in Indonesia.

6. Conclusion

This article focuses on the risk-based online dispute resolution model in E-Commerce in Indonesia. There are various advantages of ODR on e-commerce platforms, such as ease of use, faster and cheaper dispute resolution, and no need for legal procedures. Some ODR models that can be used to resolve various types of conflicts are auto-negotiation, online mediation, and software-based electronic courts.

In the Indonesian context, the ideal models for online e-commerce dispute resolution are E-Negotiation and E-Mediation, where the mediator is also an AI. However, for complex or high-risk dispute resolution, some ODR models, such as E-Mediation with professional mediators and Arbitration with neutral third parties, can help handle such disputes.

The application of ODR models in e-commerce can provide significant benefits for businesses and consumers in resolving disputes efficiently, objectively, and economically. However, it should be noted that not all types of disputes can be handled by the ODR model, and there is still a possibility of errors in AI decision-making. Therefore, the selection of an appropriate ODR model should be carefully considered depending on the level of risk and complexity of the dispute.

To ensure the effective application of ODR in e-commerce dispute resolution, authorities and stakeholders need to work together in identifying and addressing various challenges that may arise, such as errors in AI decision-making, relatively high costs, and limitations of ODR models in handling certain types of disputes. Therefore, an appropriate legal framework can be effectively implemented to support e-commerce dispute resolution in Indonesia.

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