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# E-Consumer Protection : Online Dispute Resolution Based on Restorative Justice

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**ABSTRACT**

**Purpose:** The shift of consumer transactions to digital platforms is not only changing the form of commerce but also the structure of consumer disputes. Online Dispute Resolution is often seen as an appropriate mechanism for responding to these changes because it can reduce geographical barriers, procedural costs, and dependence on physical meetings. However, these advantages do not by themselves ensure a fair dispute resolution process. This article examines the conditions that must be met so that Online Dispute Resolution based on restorative justice at the Consumer Dispute Resolution Agency can provide substantive consumer protection and not simply move conventional mediation to the digital space.

**Research Design and Methodology:** This research uses normative legal research methods with a statutory and conceptual approach, supported by a review of the literature on consumer protection, online dispute resolution, procedural justice, restorative justice, and digital accessibility.

**Findings and Discussion**: The analysis shows a fundamental problem: consumers and business actors do not enter the digital dispute resolution process with equal economic resources, information, technological capabilities, or bargaining power. Control of transaction data and digital architecture by marketplaces can add another layer of inequality to the process. On that basis, this article offers a Restorative-Corrective Online Dispute Resolution Model, namely a digital mediation design that is directed at correcting, not reproducing, inequality between the parties. The model relies on institutional independence, balanced stakeholder representation, meaningful consent, consumer assistance, procedural transparency, mediator accountability, data protection, digital accessibility, and effective review mechanisms.

**Implications:** Online Dispute Resolution based on restorative justice can only strengthen consumer protection if the institutional design is able to reconcile technological efficiency with procedural justice and substantive justice. The original abstract specifically emphasizes resource inequality, bargaining power, data control, and the Corrective Restorative Online Dispute Resolution Model offer.

## Introduction

Digital commerce has changed how consumers buy goods and services, communicate with sellers, make payments, store transaction records, and seek recovery when transactions do not go as they should. Indonesian consumers are increasingly interacting with business actors through digital interfaces rather than physical trading spaces. The convenience, speed, and ability of online platforms to connect parties across geographical boundaries have also driven this development.[1] At the same time, the increase in online transactions has given rise to various disputes regarding goods that do not

[1] Syarifudin Yahya and Catur Sugiyanto, "Indonesian Demand for Online Shopping: Revisited," *Journal of Indonesian Economy and Business* 35, no. 3 (2020): 188–203; Putu Eka Trisna Dewi, "The Balancing Innovation and Regulation: Legal Protections for Consumers in Indonesia's Rapidly Expanding E-Commerce Sector," *Journal of Master of Law Udayana* 13, no. 1 (2024): 44–56.

match orders, delivery delays, refund failures, misleading information, service failures, and other forms of transactional disputes.[2]

From a legal perspective, this development matters not only because of the increase in online transactions. This transformation also changes the architecture of the consumer relationship itself. Conventional consumer transactions are generally understood as a relatively easily identifiable relationship between consumers and business actors. Platform-based trading makes those relationships more complex. In a single transaction, consumers, sellers, *marketplace* managers, payment service providers, logistics service providers, and the digital infrastructure that produces and stores information and evidence can be involved. At the same time, *the marketplace* can provide a trading interface, define contractual terms, record transaction history, facilitate payments, manage complaint mechanisms, and even determine certain procedural options available to its users. Therefore, consumer disputes in digital markets cannot always be simplified into ordinary disputes between buyers and sellers.

Historically, the development of consumer dispute resolution mechanisms has closely followed efforts to overcome the limitations of conventional judicial processes. Litigation produces judgments with legal force, but time, cost, procedural complexity, and geographic distance can make the process disproportionate for consumer disputes of relatively little economic value. Alternative dispute resolution is evolving, in part, in response to these limitations. In Indonesia's consumer protection system, the Consumer Dispute Resolution Agency (BPSK) plays an important role as a forum designed to resolve consumer disputes outside the usual litigation mechanisms. However, several studies on BPSK still show institutional challenges, including issues of accessibility, resources, and legal consistency.[3]

Online Dispute Resolution (ODR) is the next stage of this development. Digital technology allows negotiations and mediation to take place without requiring the parties to be in the same physical space. Video conferencing, online communication tools, electronic document submission, and other digital communication mechanisms can reduce travel costs and allow parties in different regions to follow the same dispute resolution process. The literature on ODR therefore often links digital dispute resolution to increased accessibility and procedural efficiency.[4] However, other research has shown that the online dispute resolution process also raises issues of procedural fairness and access to effective justice.[5]

This distinction has an important meaning. Accessibility is not synonymous with equality, just as the availability of technology is not synonymous with justice. Eliminating the obligation to be physically present can remove one barrier, but it does not necessarily remove the other. Consumers with limited internet access, low digital literacy, inadequate devices, limited understanding of contract terms, or insufficient knowledge of rights recovery mechanisms are not in the same procedural position as companies supported by professionals, transaction databases, standardized contractual documentation, and legal expertise. Larson's study of ODR accessibility, for example, shows why digital dispute resolution designs must account for users with different levels of ability to use technology.[6]

Such inequities can become more complex when digital platforms are simultaneously involved in disputed transactions and the infrastructure used to process complaints. Information related to disputes such as transaction history, messages, payment records, account information, and other digital evidence may be generated or stored in systems under the control of commercial entities. Therefore, questions about who controls the dispute resolution architecture, who determines the

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[2] Zilu Wang, "The Generation and Resolution of Disputes in Online Shopping Contracts," *Journal of Economics and Law* 1, no. 3 (2024): 175–181.
[3] N.G.N. Renti Maharaini Kerti, "The Existence and Challenges of Consumer Dispute Settlement Agency in Indonesia in Globalization Era," *Indonesian Journal of Multidisciplinary Science* 3, no. 3 (2023): 233–238; M. Sunandar Yuwono dan Ade Saptomo, "Legal Efforts in Handling Consumer Disputes at the Consumer Dispute Settlement Body (BPSK) in Indonesia," *Asian Journal of Social and Humanities* 3, no. 3 (2024): 602–612.
[4] Tripti Bhushan, "The Impact of Digital Technologies on Alternative Dispute Resolution," *Revista Brasileira de Alternative Dispute Resolution* 5, no. 10 (2023): 329–352; Maria José Schmidt-Kessen, "Online Dispute Resolution," dalam *Redressing Fundamental Rights Violations by the EU* (Cambridge University Press, 2024), 245–268.
[5] Avital Mentovich, J.J. Prescott, dan Orna Rabinovich-Einy, "Legitimacy and Online Proceedings: Procedural Justice, Access to Justice, and the Role of Income," Law & Society Review 57, no. 2 (2023): 189–213.
[6] David Allen Larson, "ODR Accessibility for Persons with Disabilities: We Must Do Better," *SSRN Electronic Journal* (2020).

procedural rules, who has access to relevant data, and how decision-making neutrality is guaranteed are part of the consumer protection issue itself. ODR must thus be understood as an institutional order, not merely a communication technology.

This problem also shows the limitations of assumptions regarding technological neutrality. Technology does not enter into the dispute resolution process independently of institutional choices. Certain actors design digital systems, which operate on established procedures, collect specific types of data, and allocate different forms of access and authority to users. Wing and colleagues describe ODR technology as a "*fourth party*," suggesting that the technology's architecture can influence the course of the dispute resolution process.[7] The relevant question is thus no longer whether technology needs to be used, but what kind of legal and institutional protection should govern its use. Similar qualifications apply when restorative justice is used in online consumer mediation. The restorative approach emphasizes participation, responsibility, dialogue, and recovery rather than solely determining the winners and losers through adversarial processes. The literature suggests that restorative justice can be applied outside conventional criminal justice, including in corporate disputes.[8]

However, settlement through an agreement cannot be automatically equated with recovery. Agreements between parties with vastly different bargaining power can end disputes without addressing the underlying inequalities. Consumers who receive inadequate compensation because alternative dispute resolution is considered difficult, expensive, poorly understood, or practically inaccessible have formally given consent. However, the quality of such consent still requires legal testing. Recovery in consumer disputes must therefore be interpreted more broadly. Recovery can include recovering economic losses, restoring access to information, guaranteeing meaningful participation, protecting control over personal data, rebuilding trust in processes, and enabling consumers to make informed decisions.

Maintaining sustainable commercial relationships under certain circumstances can be a goal, but it is not appropriate to make it the main target of any consumer dispute. Many e-commerce relationships are incidental and only happen once. In such a situation, what must be restored is often the consumer's right, not the commercial relationship between the parties. Previous research has provided an important basis for understanding the problem. The study on BPSK has examined the institutional position and its procedures in resolving consumer disputes,[9] Other research groups discussed ODR, digital mediation, accessibility, *marketplace* responsibility, and consumer protection.[10] The question is whether ODR really strengthens the mediation framework, while the online process is about procedural justice, access to justice, and socio-economic conditions.[11] Studies on artificial intelligence, data protection, and ethical design in online dispute resolution systems are also beginning to develop.[12]

However, the meeting between these issues has not yet been adequately developed in the context of BPSK in Indonesia. Much of the discussion is still centered on the practical benefits of digitalization in the form of speed, lower costs, geographic reach, and flexibility. These considerations matter, but they raise a more fundamental question: under what institutional conditions can digital mediation correct, rather than reproduce, the unbalanced position of consumers in e-commerce transactions? This article answers this problem by rejecting the notion that ODR is in itself fair just because it is

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[7] Leah Wing et al., "Designing Ethical Online Dispute Resolution Systems: The Rise of the Fourth Party," *Negotiation Journal* 37, no. 1 (2021): 49-64.

[8] Lastuti Abubakar et al., "Restorative Justice in Corporate Dispute Resolution as Business Actor in Indonesia," *Journal of Indonesian Legal Studies* 9, no. 1 (2024): 187–216; Theo Gavrielides, "Alternative Dispute Resolution through Restorative Justice: An Integrated Approach," dalam *Comparative Dispute Resolution* (Edward Elgar Publishing, 2020), 394–404

[9] Kajian mengenai BPSK antara lain dilakukan oleh Anik Tri Haryani, Sarjiyati, dan Yuni Purwati; Bernadeth Gisela Lema Udjan dan Ariyanto Hermawan; serta Maryanto, Hanim, dan Fitri sebagaimana digunakan dalam pemetaan studi terdahulu pada naskah.

[10] Maslihati Nur Hidayati dan Suartini, "Implementation of Online Dispute Resolution and Marketplace Liability Based on The Principle of Intermediary Liability," International Journal Multidisciplinary Science 3, no. 3 (2024): 1–13.

[11] Dewi Sulistianingsih et al., "Online Dispute Resolution: Does the System Actually Enhance the Mediation Framework?," *Cogent Social Sciences* 9, no. 1 (2023): 1–14; Mentovich, Prescott, dan Rabinovich-Einy, "Legitimacy and Online Proceedings."

[12] Hibah Alessa, "The Role of Artificial Intelligence in Online Dispute Resolution: A Brief and Critical Overview," *Information & Communications Technology Law* 31, no. 3 (2022): 319–342; Leah Wing et al., "Designing Ethical Online Dispute Resolution Systems."

carried out online, cheaply, or practically. Rather, justice results from an institutional design built through specific legal protections.

This analysis addresses two questions. First, under what kind of legal and institutional conditions can ODR produce substantive justice, and not just formal equality, in e-commerce consumer disputes? Second, how should the restorative justice-based ODR in BPSK be reconstructed in order to be able to respond to inequality between consumers, business actors, marketplaces, and dispute resolution institutions? This article develops the *Corrective Restorative ODR Model*. The model differs from approaches that simply move face-to-face mediation online. The main premise is that digital dispute resolution gains legitimacy when its institutional design actively addresses inequalities in bargaining power, information, technological capabilities, and control of dispute data. A framework related to digitalization is a means of implementing dispute resolution, not a measure of justice itself.

## Research Design and Methodology

This research is a normative legal research directed to examine the institutional conditions necessary for online mediation to provide meaningful protection for consumers in e-commerce disputes. ODR is not placed solely as a technological innovation, but as part of the legal and institutional relationship that connects consumers, business actors, *marketplaces*, mediators, and BPSK. The research uses two main approaches. First, a *statutory approach* to examine the Indonesian legal framework that regulates consumer protection, alternative dispute resolution, electronic transactions, electronic commerce, and the authority of BPSK. Relevant legal frameworks include Law No. 8 of 1999 concerning Consumer Protection, Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, laws and regulations on electronic information and transactions, Law No. 7 of 2014 concerning Trade, Government Regulation No. 71 of 2019 concerning the Implementation of Electronic Systems and Transactions, and Government Regulation No. 80 of 2019 concerning Trade Through the Electronic System. The regulatory framework provides a normative basis for dispute resolution using electronic means. However, Indonesian law has not established a procedure that specifically and comprehensively regulates ODR at BPSK.[13]

Second, a *conceptual approach* is used to examine restorative justice, procedural justice, access to justice, inequality of bargaining power, digital accessibility, mediator independence, platform governance, and data protection. The concepts are not used to form abstract standards separate from positive law, but rather to assess whether the applicable legal framework has adequately responded to the specific vulnerabilities that arise in digital consumer transactions. The research legal material consists of primary legal materials, especially laws, regulations, and regulatory instruments, as well as secondary legal materials in the form of peer-reviewed journal articles, scientific books, and academic studies on consumer dispute resolution and ODR. Secondary legal materials are read critically. The literature highlighting the benefits of ODR is compared with research that discusses procedural justice, digital accessibility, privacy, technological bias, mediator independence, and the institutional influence of online platforms. This method avoids assuming that technological efficiency proves legal justice.

The analysis followed three stages. The first stage identifies BPSK's normative position and the legal basis for resolving consumer disputes electronically. The second stage assesses the main forms of inequality that can affect participation in online mediation, including differences in access to information, digital capabilities, economic resources, bargaining power, and control over transaction data. The third stage reconstructs the institutional requirements of restorative justice-based ODR by integrating consumer protection and procedural justice guarantees. The model offered in this study is therefore normative, not empirical. The article does not intend to measure the actual success rate of the ODR process at BPSK or the subjective satisfaction level of consumers who have participated in the process. Such claims require empirical data that are beyond the scope of this study. The analysis

[13] Made Yussyta Wulandani dan Ni Nengah Adiyaryani, "Mediasi Online Sebagai Alternatif Penyelesaian Sengketa Dalam Menangani Kasus E-Commerce Business," *Jurnal Kertha Semaya* 12, no. 5 (2024): 987–997; I Made Gending Ganesha Made, Hirsanuddin, dan Putri Raodah, "Resolution of Consumer Disputes through Online Dispute Resolution (ODR)," *Commerce Law* 3, no. 2 (2023): 436–448.

focuses on the legal and institutional requirements that must be met for an ODR mechanism to be considered fair, inclusive, and restorative. This methodological boundary matters because the fairness of an institutional design should not be declared an empirical fact if the research does not empirically measure its implementation.

## Findings and Discussion

### 3.1. From Conventional Consumer Dispute Resolution to Digital Justice

Understanding the development *of Online Dispute Resolution* (ODR) requires starting from the institutional goal of resolving consumer disputes. Consumer protection law does not merely provide a forum where two parties who are formally considered equal can express their respective demands and interests. Consumer protection laws exist because consumers are often in a weaker position than business actors, especially in terms of control of information, the ability to negotiate contracts, the availability of economic resources, and the capacity to pursue legal remedies. Digital commerce does not erase that distinction. In certain circumstances, digitalization actually changes the form of inequality.

BPSK was established as an alternative forum for resolving consumer disputes outside the ordinary judicial process. Such institutions matter because consumers often face practical difficulties when the value of individual losses is relatively incommensurate with the time, cost, and resources required to go through the litigation process. Various studies have identified BPSK as an important part of Indonesia's consumer protection system, although issues remain regarding institutional capacity, legal consistency, and accessibility.[14]

Therefore, the problem that arises due to the development of e-commerce is no longer whether the BPSK function is still needed, but how the function should be carried out when transactions, evidence, communication, and even the parties to disputes are increasingly in the digital environment. ODR answers the real problem. Consumers no longer need to come to the BPSK office to resolve disputes that, from the start of online transactions, can revive geographical and economic barriers that alternative dispute resolution is meant to minimize.

Digital communication allows documents to be delivered electronically, while parties can communicate via video conferencing or text-based communication means. These characteristics can reduce transaction costs and expand the geographic reach of the dispute resolution process. Therefore, the literature on ODR associates online mechanisms with greater flexibility and the potential for increased access to dispute resolution.[15] These advantages remain important, but the legal consequences need to be considered carefully. A shorter procedure is not in itself a fairer procedure. Lower costs also do not automatically put the parties in an equal position. Similarly, the ability to follow the process remotely has not proven that each participant has a balanced capacity to understand and influence the dispute resolution process. Such distinctions are particularly relevant in consumer disputes because formal equivalence can mask real differences in the resources and capabilities of the parties.

The transition from physical mediation to ODR is thus not just a change in communication media. In face-to-face processes, institutional design can be seen in the examination room, the presence of mediators, the opportunity to speak, access to documents, and the order in which parties present arguments. In digital processes, most of these choices are actually moved into the technology architecture. Authentication procedures, interface design, document upload facilities, notification systems, deadlines, communication channels, and access rights are all part of the dispute resolution procedure itself. Technology therefore helps determine the distribution of procedural opportunities. The concept of Wing and colleagues placing technology as a "*fourth party*" in ODR is relevant to explain

[14] M. Sunandar Yuwono dan Ade Saptomo, "Legal Efforts in Handling Consumer Disputes at the Consumer Dispute Settlement Body (BPSK) in Indonesia," *Asian Journal of Social and Humanities* 3, no. 3 (2024): 602–612; N.G.N. Renti Maharaini Kerti, "The Existence and Challenges of Consumer Dispute Settlement Agency in Indonesia in Globalization Era," *Indonesian Journal of Multidisciplinary Science* 3, no. 3 (2023): 233–238.

[15] Dewi Sulistianingsih et al., "Online Dispute Resolution: Does the System Actually Enhance the Mediation Framework?," *Cogent Social Sciences* 9, no. 1 (2023): 1–14.

this state of affairs because it shows that digital infrastructure can affect how parties communicate and resolve disputes.[16]

Digital space is not an empty space where conventional mediation simply moves. Architecture and how it works can shape the processes that take place within it. This understanding changes the measures used to evaluate ODR. The right comparison is not solely between physical presence and virtual presence. A more relevant question is whether digital procedures give each party a meaningful opportunity to understand the dispute, submit evidence, obtain information, receive assistance, consider settlement offers without undue pressure, and challenge procedural irregularities. Efficiency still has value, but it should be one element of institutional quality, not the primary measure of justice.

### 3.2. Power Inequality and the Limits of Technology Neutrality

The fundamental weakness of an overly efficiency-centered understanding of ODR is its tendency to start the analysis from the assumption that technology is neutral. When both parties gain access to the same digital procedures, formal equality seems to have been realized. Consumer disputes show that this assumption is not always tenable. Access to the same procedure can go hand in hand with a noticeable difference in the ability of the parties to utilize the procedure. There are at least four forms of inequality that need to be considered, namely *informational asymmetry*, *bargaining-power asymmetry*, technological *asymmetry*, and platform *asymmetry*. These four forms of inequality do not always stand alone and can arise simultaneously in a single dispute.

#### a. Information Inequality

Information inequality arises because business actors generally have broader knowledge about products, internal procedures, contractual requirements, and the transaction systems they use. In e-commerce disputes, relevant information can include electronic transaction history, payment information, communication through the platform, or technical records that are not always under the control of both parties. Providing the same electronic form to consumers and business actors to submit claims does not automatically remove the difference.

#### b. Imbalance of Bargaining Power

Inequality of bargaining power gives birth to different but interrelated problems. Consumer disputes often concern value that is significant enough for individual consumers, but relatively small for large corporations. The two parties may therefore face different incentives when determining whether to proceed with a dispute. Consumers may be willing to accept a less favorable settlement because the time, uncertainty, technical complexity, or psychological burden of pursuing a dispute is perceived to outweigh the disputed value. The resulting deal may appear formally voluntary, but it still reflects considerable structural pressures.[17,18] Such distinctions are essential in restorative justice. The fact that the parties have not been able to reach an agreement does not prove that the settlement process has restored consumer rights. A deal can end the case without resulting in a substantive recovery. Therefore, the quality *of consent* must be part of the legal assessment of ODR based on restorative justice.

#### c. Technological Inequality

Technological inequality adds to the dimension of the problem. Participation in digital mediation requires more than just the presence of an internet connection. Effective participation can be influenced by connection stability, device quality, ability to use digital documents, skill in operating

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[16] Leah Wing et al., "Designing Ethical Online Dispute Resolution Systems: The Rise of the Fourth Party," *Negotiation Journal* 37, no. 1 (2021): 49-64.
[17] Widi, Fataya, Abdul Qahar, and Aan Aswari. "Legal protection against personal data in online loan transactions." *Golden Ratio of Law and Social Policy Review* 1.1 (2021): 17-26.
[18] Aswari, Aan, et al. "Consumer Protection: The Phenomenon of Consideration Services for Purchase of Goods." *JCH (Jurnal Cendekia Hukum)* 10.1 (2024): 14–26.

video conferencing devices, understanding of electronic evidence, and the ability to communicate effectively through screens. Research on ODR accessibility warns of the dangers of building a digital dispute resolution system based on the assumption of a "standard user," even though the technological condition of each user can differ substantially.[19] This also answers one of the main objections to the formulation of the previous manuscript. The assumption that the loss of physical distance automatically makes ODR inclusive must be qualified. Differences in digital literacy, internet costs, access to devices, marketplace dominance, and consumers' ability to understand digital requirements can still produce inequality. The ODR model that can be accounted for must therefore distinguish between formal access and effective participation.

**d. Platform Inequality**

The fourth form, which is platform inequality, is very important in e-commerce disputes. *Marketplaces* can have great control over the digital architecture where transactions take place. If the same commercial ecosystem also provides internal dispute resolution mechanisms, some institutional problems become inevitable. Who determines the procedural rules? Who keeps proof of transactions? Who controls access to relevant data? Can consumers or business actors obtain the entire transaction record to be used before BPSK or the court? How is a conflict of interest handled if the *marketplace* has a commercial interest to maintain transaction volume or reduce dispute resolution costs? This does not mean that the marketplace-based dispute resolution mechanism is by itself invalid. The problem is that platform neutrality cannot be taken for granted. Hidayati and Suartini's study on ODR and *marketplace* responsibility is relevant because it shows that the position of digital intermediaries is part of the legal structure of dispute resolution itself.[20]

**e. Artificial Intelligence and Algorithmic Neutrality**

Another problem arises when automated systems or artificial intelligence (*AI*) are incorporated into the ODR mechanism. The notion that AI can reduce human bias and generate objective recommendations needs to be placed more critically. AI can be used to help with case classification, document organization, scheduling, translation, tracing relevant information, or identifying dispute patterns. However, this does not mean that automatic recommendations are always neutral. Alessa's study on the use of AI in ODR shows the need for critical oversight of the functions assigned to automated systems.[21]

The output of the algorithm is shaped by the design of the system, the information it inputs, the choice of classification, and the underlying institutional objectives. Automatically generated settlement recommendations can appear mathematically neutral, even though they contain assumptions that are not visible to consumers. On that basis, AI in restorative consumer mediation should carry out *an assistive function*, not a determinative function. If an automated tool materially affects a proposed settlement, parties should be informed of its use and still have access to meaningful human review.

The broader implication is that technological neutrality cannot be used as the normative foundation of ODR. Digital technology can reduce one form of inequality but at the same time produce or magnify another. Therefore, the legal task of consumer protection is not to reject technology, but to regulate the distribution of power born from the use of this technology.

### 3.3. Restorative Justice Goes Beyond Deal: Revisiting the Meaning of Consumer Recovery

The use of restorative justice in consumer disputes requires conceptual prudence. Restorative justice develops from the idea that legal responses should pay attention to loss, responsibility,

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[19] David Allen Larson, "ODR Accessibility for Persons with Disabilities: We Must Do Better," *SSRN Electronic Journal* (2020).
[20] Maslihati Nur Hidayati dan Suartini, "Implementation of Online Dispute Resolution and Marketplace Liability Based on The Principle of Intermediary Liability," *International Journal Multidisciplinary Science* 3, no. 3 (2024): 1–13.
[21] Hibah Alessa, "The Role of Artificial Intelligence in Online Dispute Resolution: A Brief and Critical Overview," *Information & Communications Technology Law* 31, no. 3 (2022): 319–342.

participation, and recovery, rather than solely to the formal determination of winners and losers. Its broader application in corporate and commercial disputes suggests that restorative principles can be used beyond their better-known context. Abubakar and colleagues have examined restorative justice in corporate dispute resolution, while Gavrielides has linked restorative justice to alternative dispute resolution more generally.[22]

The problem arises when recovery is equated with achieving an agreement. Mediation does place a consensus-based settlement as one of its core values, but the outcome of negotiations is not automatically restorative just because both parties ultimately agree to it. The conditions that give birth to the agreement still have legal relevance.

This problem is increasingly evident in consumer transactions. Consumers and business actors can differ considerably in legal knowledge, resources, information, and the ability to endure protracted disputes. For a company that handles hundreds or thousands of transactions, an individual complaint may only be seen as part of routine risk management. For consumers, the same dispute can represent significant financial losses. If ODR is just a quick mechanism that encourages consumers to accept a small refund or a voucher, the case can indeed be closed procedurally, but it does not necessarily result in meaningful recovery.

Recovery should be linked to losses borne by consumers from transactions. Depending on the nature of the dispute, recovery may be in the form of compensation, reimbursement, correction of erroneous information, performance of contractual obligations, restoration of access to the account, protection or correction of personal data, acknowledgment of improper conduct, or other forms of recovery comparable to consumer losses. Restorative ODR must meet at least three main requirements.

The first is *meaningful participation*. Consumers must be able to understand the nature of the process and communicate their position effectively. Participation cannot be categorized as meaningful if procedural language is difficult to understand, relevant information is not provided, or technological barriers prevent consumers from communicating effectively.

Second, informed and *uncoerced consent*. Consent to participate in mediation and consent to the outcome of mediation are two related but distinct things. Willingness to participate in mediation cannot be viewed as prior consent to accept a particular offer. The parties must have sufficient time and information to evaluate each proposal. Consumers also need to be aware of the legal consequences of an agreement and the options available if mediation does not result in a settlement.

The third is *proportionate restoration*. Restorative justice should not be a rhetorical reason to reduce the rights of consumers provided by laws and regulations.

Mediation does open up the possibility of a more flexible settlement, but flexibility cannot be used to legitimize outcomes born of serious procedural inconsistencies. This understanding also changes the meaning of the term "*win-win solution*" that is often attached to mediation. A settlement does not become restorative just because formally neither party is declared defeated.

According to consumer protection, the more important thing is whether the settlement actually responds to the losses incurred and whether the process that results in the settlement respects the legal capacity as well as the autonomy of the consumer. Similar considerations apply to the mediator's neutrality. Neutrality should not be interpreted as indifference to bargaining-power inequality. A mediator who identically treats materially unbalanced parties can maintain formal symmetry while allowing substantive inequality to control the negotiation process.

The mediator must still be impartial to the outcome to be chosen by the parties. However, procedural management can include the necessary actions to ensure that each party has a real and meaningful opportunity to participate. This does not mean that the mediator turns into an advocate for one of the parties. Instead, the mediator must be able to recognize circumstances that can undermine the authenticity of the agreement, such as difficulty understanding documents, inequality of access to evidence, intimidation, inability to communicate effectively, or pressure to reach a

[22] Lastuti Abubakar et al., "Restorative Justice in Corporate Dispute Resolution as Business Actor in Indonesia," *Journal of Indonesian Legal Studies* 9, no. 1 (2024): 187–216; Theo Gavrielides, "Alternative Dispute Resolution through Restorative Justice: An Integrated Approach," dalam *Comparative Dispute Resolution* (Edward Elgar Publishing, 2020), 394–404.

premature settlement. In this framework, procedural justice is a condition for the legitimacy of restorative justice.

**3.4. BPSK Reconstruction through the Restorative-Corrective ODR Model**

Previous analysis shows that the implementation of ODR in BPSK is not enough to simply transform conventional mediation into video conferencing, electronic forms, or digital conversation-based negotiations. These changes do improve communication media, but they do not necessarily change the distribution of procedural power underlying disputes. A more accountable approach requires a set of institutional protections directed at inequities that can affect digital consumer dispute resolution.

This article offers a *Corrective Restorative ODR Model*. The term "corrective" is used because the system offered is expected to be able to respond to inequities that existed before the mediation process began and that may continue during the process. The purpose of this model is not to guarantee that every dispute must end in an outcome that benefits consumers. Consumer protection does not mean determining from the outset who should win. What is needed is an institutional condition that ensures that differences in information, resources, technological competence, and bargaining positions do not eliminate the opportunity for either party to participate meaningfully.

The model offered rests on nine interrelated safeguards, namely institutional independence, balanced representation, easy access, meaningful consent, consumer assistance, procedural transparency, mediator accountability, responsible data governance, and review mechanisms. All of these elements distinguish restorative-corrective ODR from simply digitizing conventional mediation.[23]

**3.4.1. Institutional Independence**

Institutional independence relates to who holds authority over the dispute resolution process. When BPSK resolves e-commerce disputes through ODR, the mediation or dispute resolution infrastructure must remain institutionally distinguishable from the commercial platform where the disputed transaction occurs. The dispute resolution center provided by the *marketplace* can still play an important function as a first-level complaint mechanism. The mechanism can facilitate refunds, returns of goods, communication between buyers and sellers, and quick resolution of routine complaints.

However, the existence of such an internal mechanism should not make the commercial platform the final authority in consumer disputes, especially if the interests of the platform, its terms of use, data management practices, or actions themselves are part of the dispute. The BPSK-based ODR mechanism must therefore be administratively independent of the *marketplace* or individual business actors. Commercial entities can still provide transaction information or support technical interoperability as long as it is legally justified. Parties with direct commercial interests in the dispute should not control the appointment of mediators, the establishment of procedural standards, the closure of cases, or access to redress mechanisms. This distinction is necessary to prevent a gradual shift from publicly accountable consumer dispute resolution to fully platform-controlled private governance. Private complaint mechanisms can complement consumer protection, but they should not replace independent legal redress mechanisms.

**3.4.2. Balanced Institutional Representation**

Independence should be followed by balanced participation in the design and oversight of ODR systems. Government officials, technology providers, and commercial platforms should not design such systems alone. Consumer organizations, independent academics, data protection experts, BPSK, legal aid institutions, and representatives of the business world need to obtain proportionate participation space without letting one group master the procedural design. Balanced representation has a preventive function. Procedural bias does not always arise after a dispute has been filed. Bias can be instilled from the design stage, for example, in the questions required in the complaint form, the

[23] Lestaluhu, Rajab, et al. "Rethinking Dispute Resolution: Moi Customary Law within Indonesia's Legal Pluralism." *JUSTISI* 12.2 (2026): 386–399.

DOI: 10.70184/5vmwg470

format of the document, the automatically provided resolution options, the response deadline, the accessibility standards, or the categories used to classify the dispute. The more diverse the institutional perspectives involved in the design process, the greater the chance of such bias being known before the system is used. Business actors do not need to be excluded from the process. E-commerce companies have important technical and operational knowledge of transaction systems. Their expertise can be useful to improve interoperability and implementation effectiveness. Problems arise only when commercial participation turns into procedural control. ODR governance therefore needs to reflect the principle of *plural institutional oversight*. No actor in the digital commerce ecosystem should have unilateral authority to determine dispute resolution rules related to the ecosystem in which he or she is interested.

### 3.4.3. Easy Access and Hybrid Access Principles

ODRs should expand access to BPSK, not create new digital barriers. The ability to submit complaints electronically can be very beneficial for consumers who live far from BPSK offices, people with mobility limitations, or parties whose dispute value is not worth the cost of being physically present.

The ODR literature recognizes the potential of digital mechanisms in expanding such access.[24] However, digital participation should not be mandatory without providing accommodations for consumers who are unable to use the system effectively. Therefore, corrective models need to apply the *hybrid-access principle*. Consumers should be able to initiate or follow the process through digital channels, but still have reasonable alternatives if disability, connectivity, literacy, location, or other circumstances make full online participation impossible.

A hybrid system does not mean rejecting digitalization. Instead, it makes digitization more in line with the actual user conditions. A system designed only for technologically savvy users risks excluding the consumer group that most needs a simple dispute resolution procedure. Therefore, accessibility needs to be assessed through practical questions. Can complaints be filed using a regular mobile phone? Can the language in the system be understood without special legal knowledge? Can evidence be uploaded without complicated software? Is reasonable accommodation available? Can consumers get help when they are unable to use the digital interface?

**Inclusivity is not the existence of a website, but consumers' actual ability to use the procedures provided.**

### 3.4.4. Meaningful Consent

Consent is a key element in mediation, but online procedures can turn consent into a routine digital action. Pressing the consent button does not automatically prove that the user has understood the nature, content, or legal consequences of the decision he or she has taken. The restorative justice-based ODR mechanism needs to distinguish at least three forms of consent, namely consent to mediation, consent to certain communication methods, and consent to the final outcome of dispute resolution. All three have different legal functions. Before mediation begins, the parties must obtain easy-to-understand information about the position and functions of the mediator, the voluntary nature of the settlement based on the agreement, the applicable confidentiality provisions, the use of personal data, the relevant time limits, and the alternatives available if mediation is unsuccessful.

Dispute resolution agreements should only be recorded after the parties have had a reasonable opportunity to consider all of its provisions. Special caution is needed if the system produces a standardized settlement offer quickly. Speed can indeed benefit consumers, but excessive procedural acceleration has the potential to reduce the parties' chances of adequately considering the

[24] Ardina Nur Amalia dan Muhammad Ramdan, "Online Dispute Resolution (ODR): Pillar of a Modern and Inclusive Judicial System in Indonesia," *International Journal of Multidisciplinary Research and Analysis* 7, no. 11 (2024): 5328–5333; Caroline Harmon-Darrow et al., "Defining Inclusive Mediation: Theory, Practice, and Research," *Conflict Resolution Quarterly* 37, no. 4 (2020): 305–324.

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consequences of the decision. The purpose of ODR should not be directed at closing as many cases as possible at the expense of an informed decision-making process.

The corrective model therefore defines meaningful *consent* as consent formed based on adequate information, sufficient opportunity to consider options, and freedom from undue pressure. Such a definition is more in line with the principle of restorative justice than consent that is solely evidenced through formal electronic means.

#### 3.4.5. Consumer Assistance and Procedural Support

One of the important instruments to reduce the inequality of bargaining power is the availability of assistance. Consumers should not lose the right to receive assistance or advice just because the mediation process is carried out online. ODR systems should allow consumers to obtain reasonable assistance from consumer organizations, advocates, legal aid institutions, or other authorized parties if consumers do need such support. Assistance becomes increasingly relevant when disputes involve complex contractual provisions, personal data, digital evidence, repetitive business practices, or considerable inequality of legal knowledge.

The existence of a facilitator does not necessarily turn mediation into an adversarial litigation process. Conversely, mentoring can help mediation perform its proper function because consumers gain an adequate understanding of the available options so that consent is truly based on sufficient information. Procedural support can also be provided in a simpler form. BPSK can provide guidance in easy-to-understand language, help consumers organize documents, provide accessibility support, or provide explanations of procedural stages without directing consumers to specific substantive outcomes.

With this construction, corrective ODR recognizes that equal treatment does not necessarily mean identical treatment. Parties facing significant procedural barriers may require certain accommodations in order to have an equal effective opportunity to be heard.

#### 3.4.6. Procedural Transparency

The legitimacy of online mediation also depends on the ability of the parties to understand how the dispute resolution process is carried out. Transparency is not enough to be realized only by displaying general terms and conditions on digital platforms. At a minimum, the parties must know how the dispute is registered, how the mediator is chosen, what information can be accessed by each party, how the evidence can be questioned, how long the process will take, what the legal position of the agreement will be, and the consequences available if mediation does not reach an agreement.

Where digital devices are used to assist with case classification or dispute resolution administration, the procedural functions of the technology also need to be disclosed to the extent necessary to ensure meaningful participation. Consumers should not be forced to accept non-transparent recommendations if the institutional origins and consequences of those recommendations cannot be reasonably understood. Procedural transparency is especially important because the digital environment can hide institutional choices behind a seemingly neutral interface. Buttons, automatic commands, or default *options* can contain substantive procedural decisions. Making these choices visible and understandable is part of protecting the autonomy of the parties.

#### 3.4.7. Mediator Independence and Accountability

The reconstructed model still places the mediator in an important position in ODR mediation, but pays greater attention to the independence, competence, and accountability of the mediator. Mediators who handle e-commerce disputes must do more than master mediation techniques. Mediators must also understand the characteristics of digital transactions, consumer protection laws, electronic evidence, platform practices, as well as the forms of vulnerability that may arise in online proceedings. Competence in face-to-face mediation does not automatically demonstrate the same competence in mediated dispute resolution through digital technology.

The mediator's appointment system must also ensure its independence. The mediator needs to disclose potentially conflicting relationships with *marketplaces*, sellers, consumer organizations, or other parties involved in the dispute. Repeated reliance on a single commercial actor in the appointment or payment of a mediator may raise reasonable doubts about his or her independence, even if actual partiality has not been proven.

Accountability should not be interpreted as a substantive review of every compromise resulting through mediation. However, there should be a mechanism in place to deal with serious complaints of mediator violations, undisclosed conflicts of interest, procedural pressures, or confidentiality violations. The conceptual distinction is important: mediator neutrality is related to impartiality to the outcome, while mediator accountability is related to the responsibility of maintaining the integrity of the process.

#### 3.4.8. Data Governance and Digital Evidence

ODR inherently generates and processes personal data and transaction data. The digital nature of the process means that information privacy and security cannot be treated as secondary administrative issues. The corrective model expands the issue of data protection to a matter of data *governance*. Parties must know what information is collected, who can access it, for what purpose the information is used, how long the data is stored, whether the data can be processed for other purposes, and under what circumstances the information can be disclosed. It is also necessary to distinguish between the data needed to resolve disputes and the data generated because someone follows the ODR process. Metadata about user behavior, negotiation patterns, settlement preferences, or procedural interactions can have commercial value. Such information should not be reused for other purposes without a legitimate legal basis. Digital evidence raises other related issues. Transaction records controlled by marketplaces or business actors can be an important piece of evidence to determine what really happened. Corrective ODR therefore requires a procedure that allows relevant evidence to be obtained and made available to the parties without allowing one of the actors to unilaterally control the entire evidentiary record. Thus, data protection in ODR is not only related to privacy, but also to procedural equality.

#### 3.4.9. Human Surveillance of Artificial Intelligence

The use of artificial intelligence in ODR should be done more carefully. The potential of automated technology to help the dispute resolution process remains relevant, but the predictions and recommendations generated by the system can also influence the negotiating behavior of the parties. AI systems can be appropriately used to help with routine administrative functions, such as grouping documents, identifying incomplete files, setting schedules, translating text, or searching for relevant information.

In contrast, the use of AI for more sensitive functions—for example, recommending compensation amounts, assessing credibility, predicting possible legal outcomes, or ranking claims—requires much stricter protections. The overarching principle is that automation should not replace human responsibility for decisions that materially affect the parties. If AI-generated information affects the dispute resolution process, mediators should still be responsible for evaluating it, and parties should be provided with sufficient information to understand the procedural meaning of the use of AI. Human oversight is becoming increasingly important in restorative mediation because it relies on context, communication, voluntariness, and the ability to recognize power imbalances. These dimensions cannot be safely reduced to mere statistical predictions.

#### 3.4.10. Pseudo-Consensus Review and Prevention Mechanism

The final safeguard is the availability of a limited but meaningful review mechanism. Mediation derives legitimacy primarily from voluntary agreements, so overly broad reviews can reduce the certainty and finality of the settlement. Conversely, treating any electronically recorded agreement as an indisputable outcome has the potential to make serious procedural defects irreparable.

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Corrective ODR therefore needs to distinguish between dissatisfaction with the content of the agreement and defects in the process that gave birth to the agreement. A review or objection mechanism may be justified if there are credible allegations of fraud, coercion, incompetence, serious procedural injustice, undisclosed conflicts of interest, material failures of digital systems, or violations of basic consumer rights.

These protections address the risk that restorative justice language may hide false *consensus*. Compromises born of serious information inconsistencies or procedural pressures cannot be sustained simply because the electronic system records consent. The review mechanism is not intended to turn BPSK mediation into a new layer of lengthy litigation. Its scope should remain focused on procedural integrity and legally recognized reasons for questioning the validity of an agreement.

### 3.5. Institutional Architecture of the Restore-Corrective ODR Model

The safeguards outlined can be placed in the three main stages of dispute resolution. Prior to mediation, the system should ensure an independent institutional design, balanced representation, easy access, clear information, and adequate assistance. These safeguards aim to address inequities before the bargaining process begins. During mediation, attention shifts to meaningful participation, mediator independence, procedural transparency, equal access to relevant evidence, secure communication, responsible use of technology, and protection from coercive settlement practices. After mediation, the parties should receive clear records of the agreement, information on the legal consequences, adequate protection of dispute data, and access to limited review mechanisms if procedural integrity is seriously questioned.

The division of stages is important because fairness cannot be judged solely by the content of the final agreement. Occasional flawed procedures may result in a substantively acceptable settlement. Conversely, a well-designed procedure does not guarantee that each party will consider the end result ideal. The legal goal is to create conditions that allow a settlement to be reached through a process worthy of institutional trust.

**Table 1.**
**Restorative-Corrective ODR Model Architecture**

| Stages | Key Risks | Corrective Protection | Legal Functions |
|---|---|---|---|
| Access to ODR | Exclusion digital | Hybrid access and procedural assistance | Effective access to justice |
| Platform design | Commercial dominance | Independent governance of BPSK and balanced representation | Institutional neutrality |
| Case submission | Formal/no-understanding consent | Information in simple language and meaningful consent | Procedural autonomy |
| Proof | Data inequality | Equal access to relevant digital records | Equality of participation |
| Mediation | Inequality of bargaining power | Competent mediators and consumer assistance | Fair participation |
| Technology | Algorithm or interface bias | Transparency and human oversight | Technology accountability |
| Deal | Insufficient pressure or understanding | Time to consider and clarity of consequences | Authentic consent |
| Data management | Privacy and secondary use | Data governance protection | Information protection |

**Source:** The table is the main conceptual contribution of the article. The analysis is no longer ongoing.

### 3.5. Institutional Architecture of the Restore-Corrective ODR Model - Advanced

The table is the main conceptual contribution of the reconstructed article. This model shifts the analysis from the binary question of whether ODR is better than face-to-face mediation to a more precise question, namely: what institutional safeguards are needed at each stage for ODR to function consistently with consumer protection and restorative justice? The model also answers the main problem of inequality of position of the parties. The problem is not resolved simply by stating that consumers and businesses have equal legal standing after they have access to the same platform. What must be tested is whether the procedural architecture is able to correct material differences that may affect the parties' ability to participate and provide consent. Thus, equality in ODR must move beyond formal equality of access to effective procedural equality of opportunity. A system that provides all parties with the same menu, time, or form does not necessarily result in an equal process if one party controls information, digital evidence, legal resources, and a much larger technological infrastructure. This is where the "corrective" nature of the model offered comes into play. Institutional intervention is not intended to eliminate the impartiality of BPSK or provide an automatic victory for consumers. Such interventions are directed to ensure that inequities that existed before the dispute began do not determine the outcome of mediation unilaterally.

### 3.6. Regulatory Implications for BPSK

Indonesian law has provided a normative environment that allows digital dispute resolution to be developed. The manuscript identifies a number of regulations regarding electronic information and transactions, arbitration and alternative dispute resolution, trade, the implementation of electronic systems, and trade through electronic systems. However, the framework does not provide a sufficiently specific and comprehensive ODR procedure for BPSK. This gap is not enough to be answered by simply acknowledging that mediation can be carried out electronically. A technical regulatory framework is needed to establish minimum *procedural safeguards* in BPSK-based ODR. These arrangements at least need to include jurisdiction, electronic case registration, identity verification of parties, digital evidence, appointment of mediators, confidentiality, data processing, accessibility, the right to use representatives or companions, process documentation, form and strength of agreement, and certain circumstances that justify review. Regulations also need to clarify the institutional relationship between BPSK and the internal complaint mechanism provided by the *marketplace*. *The* marketplace's *dispute resolution system* can still function as the first door to submitting complaints. However, consumers must obtain clear information that internal resolution through the platform does not always remove the right to use external legal mechanisms, unless a valid agreement has been reached and has clear legal consequences. Such a distinction is necessary to prevent the privatization of consumer protection provided by law. Commercial efficiency and public legal accountability should not be in dispute.

Platform-based dispute resolution mechanisms can handle routine issues quickly, such as refunds, returns, or transaction errors. Instead, BPSK should provide an independent resolution path when internal mechanisms do not produce adequate resolution or when the *marketplace* action itself is part of the object of the dispute. National standards are also needed because digital transactions often transcend regional administrative boundaries. Fragmented ODR systems based on different local practices can again create uncertainty about jurisdiction and procedures. A generally applicable technical framework at the national level, accompanied by institutional implementation through BPSK, can provide better procedural certainty for consumers and business actors. However, these goals should not result in excessive regulation. One of the advantages of ODR will be lost if digital mediation turns into a procedure that is as complex as conventional litigation. The design of regulations must therefore find a balance between the simplicity of the procedure and the assurance of the integrity of the process. The arrangement should be focused on the safeguards that are actually necessary to guarantee legitimacy, while still maintaining the character of the ODR as an easy-to-use dispute resolution mechanism.

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## Conclusion

The development of e-commerce creates a real need for dispute resolution mechanisms that can work beyond geographical distance, at a proportionate cost, and through the same digital environment where most consumer relationships currently take place. ODR offers a number of practical advantages in meeting these needs. This mechanism can reduce the need for travel, simplify communication, speed up document exchange, and expand access to dispute resolution institutions. These characteristics provide a strong enough reason to consider the application of ODR in dispute resolution through BPSK. However, these advantages do not prove that online procedures are in themselves fair or inclusive. The main findings of this study show that the digitalization of mediation changes the form of access to dispute resolution but does not necessarily correct the inequalities that already exist when consumers and business actors enter the dispute process. Information inequality, differences in economic resources, digital literacy, mastery of transaction data, platform influence, and imbalance of bargaining power can persist in virtual spaces. Some of these inequalities are even less visible because they are embedded in the technological architecture, no longer appearing openly in physical interactions.

Restorative justice cannot therefore be reduced to simply reaching an agreement. In consumer disputes, redress requires a process that provides an opportunity for the affected parties to participate meaningfully and produce a recovery that is related to the actual losses experienced. Agreements reached in conditions of serious procedural inequality can close the dispute without restoring consumer rights. The legitimacy of restorative justice based ODR thus depends on the quality of participation and the quality of consent, not only on the existence of final compromises. This article offers findings in the form of the Corrective Restorative ODR Model. This model does not place ODR solely as a mediation implemented through digital media, but as an institutional order that must be able to respond to existing inequalities and new inequalities generated by technology. The key pillars of the model include institutional independence, balanced stakeholder representation, hybrid accessibility, meaningful consent, consumer mentoring, procedural transparency, mediator accountability, responsible data governance, human oversight of automated systems, as well as limited mechanisms for reviewing serious procedural defects. The model also establishes an institutional boundary between marketplace complaint mechanisms and consumer dispute resolution that has public accountability. Private dispute resolution centers can still provide first-level remedies, especially for refunds and returns of routine goods. However, these mechanisms should not be the only dispute resolution authority if the interests or actions of the marketplace itself are part of the dispute. BPSK-based ODRs must maintain public independence and accountability while still utilizing digital infrastructure proportionately.

The broader implication of this study is that policy questions are no longer appropriate if they are only formulated as a choice between online or offline dispute resolution. The more fundamental issue is whether the chosen procedure provides real access, maintains the autonomy of the parties, controls institutional and technological power, and protects the integrity of consent. If these requirements are met, ODR can make a real contribution to consumer justice. On the other hand, without such protections, technological efficiency risks only accelerating the formation of agreements in an unbalanced bargaining power structure. The development of ODR regulations in Indonesia therefore needs to move beyond the general recognition of electronic dispute resolution towards the establishment of minimum procedural standards regarding institutional independence, digital evidence, accessibility, data protection, mediator competence, consumer assistance, technological transparency, and review mechanisms. This guarantee allows BPSK to utilize digital technology without losing the basic rationality of consumer protection, which is the reason for the existence of the dispute resolution institution.

## Statement on the Use of Generative Artificial Intelligence (AI)

The authors used ChatGPT (OpenAI) and Grammarly only to support language editing, grammar, clarity, and readability. All AI-assisted outputs were reviewed, revised, and validated by the authors, without replacing scientific judgment, analysis, interpretation, or conclusions. The authors remain fully responsible for the manuscript's accuracy, originality, integrity, and final content in accordance with the journal's GenAI policy.

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