

ABSTRACT

Jenaya Adra Rumondor (01051190111)

“COMPARATIVE STUDY OF ONLINE DISPUTE RESOLUTION MECHANISM IN ELECTRONIC TRADE BETWEEN INDONESIA AND THE EUROPEAN UNION.”

(159 pages– v + 126 pages: 2 figures; 4 table; 6 appendix)

Nowadays, the business world development and technology advances rapidly gives some impacts on business transactions especially trade across countries. It is undeniable that the development of technology and the increasing number of transactions can result in cross-border business transaction disputes. For this reason, consumers and business actors need dispute resolution using the fastest and most efficient method, one of which is through Alternative Dispute Resolution and Arbitration. This dispute resolution for a number of countries, especially the European Union can be resolved by online methods or by going through the Online Dispute Resolution (ODR). In Indonesia, in this case too, the obstacles that arise are that if transactions are carried out across countries it will take a high time and cost, there are also regulatory limitations that have prevented the ODR mechanism from being formed and different interpretations of each existing regulation with the guidelines of the UNCITRAL Technical Notes on ODR. As against the background of this problem, the author raises 2 (two) problem formulations, including discussing alternative arrangements for online dispute resolution in Indonesia and making comparisons with the European Union as a country that has successfully implemented ODR as an alternative dispute resolution in cross-border business transactions using The theory of legal protection and comparison is supported by the theory of Alternative Dispute Resolution, E-Commerce and ODR itself. In this writing, the writer uses the Normative-Empirical Law research method by collecting data types through interviews (primary) and literature review (secondary). The author also uses data collection techniques sourced from secondary data which is supported by primary data with the type of legal systematic approach, legal synchronization and legal comparison approach in assessing the relevant issues in this writing. The author in this case utilizes and employs qualitative data analysis techniques in reviewing research. On the basis of this research method, in this case, this paper discusses: 1) The existence of ODR in regulations in Indonesia, the legal ratio of ODR in laws and regulations in Indonesia, discussing ODR in Indonesia; 2) Do a country comparison by looking at ODR in the European Union. Also on the issues raised, answers to suggestions included in the form of establishing an ODR platform as a private sector that uses a webchain system between one institution and another that is integrated and in enforcing the ODR mechanism requires ratification of the UNCITRAL Technical Notes on ODR as a 'hard law' in Indonesia.

Key Words: Online Dispute Resolution, Arbitration, E-Commerce.

Reference: 38 Books, 13 Journals, 7 Thesis, 18 Websites 1 Dictionary (1999-2022)

