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THE ROLE OF CONSUMER DISPUTE RESOLUTION INSTITUTIONS IN INDONESIA AND THAILAND
(A COMPARATIVE LEGAL STUDY ON NON-LITIGATION MECHANISMS OF CONSUMER PROTECTION)

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Abstract. This study examines the role of consumer dispute resolution institutions in Indonesia and Thailand, with particular attention to the non-litigation mechanisms available to protect consumers amid the expansion of the digital and cross-border economy. Using a normative juridical method with statutory and comparative approaches, the research analyses primary legal materials, principally Indonesia's Law Number 8 of 1999 on Consumer Protection and Thailand's Consumer Protection Act B.E. 2522 (1979), together with secondary legal literature obtained through library research. The results show that Indonesia resolves consumer disputes mainly through the Consumer Dispute Settlement Body (BPSK), a semi-judicial institution operating under the Ministry of Trade that issues binding decisions through mediation, conciliation, and arbitration, generally within twenty-one to sixty days. Thailand, by contrast, relies on the Office of the Consumer Protection Board (OCPB) together with the Thailand Consumers Council (TCC) and the Thailand Arbitration Center (THAC), which emphasise community-based mediation and have progressively incorporated online dispute resolution. Both systems share the same normative objective of providing consumers with accessible, efficient, and non-litigious remedies, yet they differ markedly in institutional structure, the binding character of settlements, and the extent of digital-technology adoption. This study recommends strengthening the institutional capacity and digital infrastructure of BPSK, drawing on Thailand's more independent and technologically integrated model, to enhance access to justice for Indonesian consumers, and calls for closer ASEAN-level harmonisation of consumer dispute resolution standards.

Keywords: Consumer Dispute Resolution, Non-Litigation, BPSK, Consumer Protection Act, Comparative Law.

I. INTRODUCTION

The digital economy refers to an economic system driven by digital technology, in which production, distribution, and consumption of goods and services increasingly take place online or through digital platforms, supported by the internet, artificial intelligence, and data analytics (Riswanto et al., 2024).

Cross-border *e-commerce* brings considerable benefits to consumers, including a wider variety of products, competitive prices, and greater convenience. These benefits, however, do not come without difficulties: delayed shipment, non-conforming products, and obstacles in obtaining refunds frequently arise and expose the weaker position of consumers, particularly because business actors are often located in a different jurisdiction whose legal system is neither similar nor easily reached by national legal instruments (Fitriani, Maulia, & Dafira, 2025).

A consumer dispute is a dispute in which one of the parties must be a consumer, as regulated under Article 45 of Chapter X of Law Number 8 of 1999 on Consumer Protection (the Consumer Protection Law). Such disputes may be settled either through the courts or outside the courts, based on the voluntary choice of the parties; Article 48 further provides that court settlement follows the procedural rules of the general courts, subject to Article 45.

In Indonesia, dispute settlement is generally divided into two channels: litigation through the formal judiciary, which offers legal certainty but is often regarded as protracted, costly, and inflexible; and non-litigation, commonly known as Alternative Dispute Resolution (ADR), comprising consultation, negotiation, mediation, conciliation, and expert opinion. Article 1 point (10) of the Law on Arbitration and Alternative Dispute Resolution defines ADR as a mechanism for settling a dispute or difference of opinion through a procedure agreed upon by the parties, with negotiation frequently serving as the first step before the parties proceed to mediation or arbitration (Djajadibrata, 2025).

Thailand's consumer protection framework has likewise developed over time. The Consumer Protection Act B.E. 2522 (1979) has been amended to keep pace with digital and cross-border change. Thailand maintains institutions such as the Thailand Consumers Council (TCC) and the Thailand Arbitration Center (THAC), which provide non-litigation mechanisms including mediation and arbitration and have begun to adopt online dispute resolution (ODR) (Woraporn, 2023).

Prior research by Srichomkwan, Docchan, and Wongwattnaphong (2024) indicates that the success of Thailand's mediation system is closely linked to technological support and the principle of community participation, although challenges remain in inter-agency coordination and consumer legal awareness in certain regions. UNCTAD (2024) further notes that, although Thailand's ADR system is regarded as procedurally more efficient than Indonesia's, the rate of genuinely binding resolution in Thailand still stands below sixty per cent.

Viewed comparatively, both countries place non-litigation mechanisms at the forefront of consumer dispute settlement before a case reaches the courts. The fundamental difference lies in institutional structure and the degree of digital-technology support: BPSK in Indonesia is a semi-judicial body operating under the Ministry of Trade, whereas the TCC and THAC in Thailand operate with greater independence (Yaemklin, Luangphatarawong, & Laohapirotwattana, 2024).

Law, as a social phenomenon, arises from the interaction of human beings with one another, and from the interests and power that may generate disorder, so that individuals and society require guidance in the form of norms found in law, custom, religion, and morality (Ramadhani, 2020).

The role of consumer dispute resolution institutions in Indonesia and Thailand is closely aligned with the teachings of the Holy Qur'an. Surah An-Nisā' [4]: 58 states: "Indeed, Allah commands you to render trusts to whom they are due and, when you judge between people, to judge with justice." This verse affirms that every matter involving the rights and interests of others — including the relationship between business actors and consumers — must be conducted with trustworthiness and justice. In the context of consumer dispute settlement, this verse provides both a moral and a legal foundation that mechanisms of settlement, whether litigious or non-litigious, must guarantee fairness and legal certainty for the parties involved.

Existing comparative studies have tended to examine either Indonesia's mediation mechanisms alongside those of a single ASEAN neighbour or arbitration practice confined to e-commerce disputes within Indonesia, leaving a gap concerning a holistic comparison of the full range of non-litigation institutions between Indonesia and Thailand. A comparative study between Indonesia and Thailand is therefore important, given that both countries occupy a strategic position within ASEAN and face similar challenges in strengthening consumer protection in the digital sphere. This study further examines the extent to which non-litigation mechanisms in the two countries are consistent with the principles of access to justice and legal certainty, which constitute the central pillars of consumer protection law.

Based on the background described above, the research problems in this study are formulated as follows:

How does the Consumer Dispute Settlement Body (BPSK) perform its role as a consumer dispute resolution institution in Indonesia?

How do consumer dispute resolution institutions perform their role in Thailand?

How is arbitration employed as a mechanism for consumer dispute settlement in Thailand?

In accordance with the problem formulation above, the objectives of this study are:

To analyse the role of the Consumer Dispute Settlement Body (BPSK) as a consumer dispute resolution institution in Indonesia.

To examine the role of consumer dispute resolution institutions in Thailand.

To examine consumer dispute settlement through arbitration in Thailand.

1. Non-Litigation Settlement of Consumer Disputes

Non-litigation settlement of consumer disputes is one of the important pillars of the modern legal protection system for consumers. This mechanism is designed to provide faster, simpler, and more affordable access to justice for the public without recourse to the courts, which tend to be formal and time-consuming. Conflicts between consumers and business actors commonly arise from defective goods or services, misleading information, or harmful conduct, so that out-of-court settlement becomes an effective alternative that emphasises deliberation and mutual agreement (Nasution, 2021).

Non-litigation mechanisms generally comprise three principal forms: mediation, in which a neutral third party assists the parties in reaching agreement; arbitration, in which the parties submit their dispute to one or more arbitrators for a binding decision; and conciliation, in which a conciliator offers a proposed settlement without any binding force. All three share the same underlying principles of avoiding formal legal confrontation, preserving good relations between the parties, and saving time and cost (Yuwono & Saptomo, 2024).

In Indonesia, the legal basis for non-litigation settlement of consumer disputes is Article 45(2) of the Consumer Protection Law, which affirms that disputes between consumers and business actors may be settled outside the courts. This provision is implemented through the establishment of the Consumer Dispute Settlement Body (BPSK) at the regency/municipality level, whose principal function is to handle and decide consumer disputes through mediation, conciliation, and arbitration (Tjoneng, Basani, & Epani, 2020). BPSK plays an important role in providing swift and low-cost legal protection, given that most consumers occupy a weaker economic and informational position than business actors.

BPSK offers a quasi-judicial avenue of dispute settlement, empowered to render decisions with final and binding legal force, and the settlement process is generally completed within twenty-one to sixty days from the date the dispute is filed — far more efficient than conventional litigation. In practice, however, the effectiveness of BPSK still faces obstacles, including a shortage of personnel who fully understand consumer protection law, limited public outreach, and overlapping authority with the general courts, indicating that, while BPSK is normatively adequate, institutional strengthening is still required at the implementation level (Yuwono & Saptomo, 2024).

In Thailand, non-litigation settlement of consumer disputes is carried out through the Office of the Consumer Protection Board (OCPB) under the Consumer Protection Act B.E. 2522 (1979). The OCPB receives consumer complaints, conducts preliminary examination, and facilitates mediation between consumers and business actors. Thailand's process places greater emphasis on *community mediation*, involving the parties directly concerned, thereby offering a more flexible avenue for amicable settlement and reducing the burden on the courts by encouraging agreement before litigation is pursued (Makbua, 2019).

A comparison between the two mechanisms reveals differing institutional characteristics and legal approaches: Indonesia's BPSK emphasises a formal-legal, binding decision, whereas Thailand emphasises a participatory approach that yields a more voluntary outcome. Despite this difference, both share the same underlying purpose of providing swift, effective, and efficient legal protection for consumers, showing that a non-litigation settlement system can be adapted to the social character and legal system of each country provided that it continues to guarantee fairness and a balance of interests (Galasintu, Chutipongpisit, & Loveera, 2021).

2. Consumer Protection Law in Indonesia

Consumer protection law in Indonesia is governed by Law Number 8 of 1999 on Consumer Protection, enacted to protect consumers' rights from unfair business practices such as the sale of defective products or poor-quality services. The law recognises consumers as the weaker party in economic transactions and therefore requires legal protection to achieve a fair balance between the interests of consumers and business actors (Fuadi, 2020).

Consumers in Indonesia are guaranteed a set of basic rights, including the right to safety, the right to accurate information, and the right to choose. The right to safety means that the products or services consumed must not endanger health, life, or the environment; the right to information requires business actors to disclose complete data regarding composition, instructions for use, and risks; and consumers additionally hold the right to be heard and to obtain compensation where they suffer loss (Santoso, 2018).

The law equally imposes obligations on consumers to act prudently — to read and understand product labels, to use goods in accordance with instructions, and to lodge complaints in a timely manner — so as to prevent abuse of rights and to ensure shared responsibility in every transaction (Subekti, 2020).

Business actors, including producers, distributors, and service providers, are obliged to comply with safety standards, to provide honest information, and to avoid misleading practices such as false advertising. They bear civil and, where relevant, criminal liability for losses arising from defective products or deficient services, which may take the form of compensation, refund, or repair (Hartono, 2022).

Violations of the Consumer Protection Law may attract administrative, civil, or criminal sanctions, ranging from warnings and fines to revocation of business licences. Consumer disputes may be settled through mediation, arbitration, or the courts, with BPSK acting as an independent mediator to resolve consumer complaints swiftly and inexpensively before a consumer resorts to litigation before the district court (Widjaja, 2015). Oversight of the law is carried out by several institutions, including the Ministry of Trade, the National Agency of Drug and Food Control (BPOM), and the Business Competition Supervisory Commission (KPPU), and its implementation has been further strengthened through Government Regulation Number 57 of 2014 on the Development, Guidance, and Protection of Consumers.

3. Thailand's *Consumer Protection Act B.E. 2522*

The Consumer Protection Act B.E. 2522 is Thailand's principal statute protecting consumers from unfair and potentially harmful business practices. Enacted in 1979 against a backdrop of increasing trade and industrialisation that placed consumers in a weaker position relative to business actors, the Act aims to create a balance between the interests of consumers and business actors and to uphold standards of fairness in economic transactions (Siriporn & Wiboonpongse, 2021).

The Act establishes the Consumer Protection Board (CPB) as the principal institution responsible for enforcing consumer protection law, vested with broad authority to receive and investigate consumer complaints, issue recommendations to government agencies, and bring cases before the courts where serious violations are found. The CPB also issues implementing regulations and cooperates with other agencies to strengthen public education on consumer rights.

Among the Act's central features is the recognition of consumers' basic rights, comprising the right to safety, the right to accurate information, the right to choose, the right to be heard, and the right to compensation, which together protect Thai consumers against fraud, false advertising, dangerous products, and exploitative contracts (Suwannarat, 2022).

The Act pays particular attention to advertising and product labelling, both of which are frequent sources of consumer harm. It prohibits misleading or deceptive advertisements in print or electronic media and requires business actors to display honest and accurate information regarding a product's origin, ingredients, benefits, and risks of use, with violations subject to criminal penalties, fines, or revocation of a business licence.

II. RESEARCH METHOD

This research employs a normative juridical method, focusing on the examination of legal materials in the form of statutes, legal doctrine, and relevant literature, compared against the views of legal scholars (Effendi, 2022). It is descriptive in nature, seeking to describe as precisely as possible the regulation of consumer dispute resolution institutions in Indonesia and Thailand in order to sharpen existing propositions and support the construction of new understanding (Soekanto & Mamudji, 2001).

The approach used is the statutory approach, complemented by a comparative approach, applied to primary legal materials — including the 1945 Constitution of the Republic of Indonesia, the Consumer Protection Law, the Law on Arbitration and Alternative Dispute Resolution, the Electronic Information and Transactions Law, the Constitution of the Kingdom of Thailand B.E. 2560 (2017), and the Consumer Protection Act B.E. 2522 (1979) as amended — as well as secondary legal materials comprising books, journal articles, and prior theses, and tertiary legal materials such as legal dictionaries and encyclopaedias (Salim & Nurbani, 2020).

Data were collected through library research, both offline (visiting libraries and bookstores) and online (searching relevant academic databases and official institutional websites), and were analysed qualitatively by synthesising the applicable statutory provisions with the doctrines of legal scholars in order to draw conclusions relevant to the research problems (Nurani, Marini, Jati, & Mauliansyah, 2024).

III. RESULT AND DISCUSSION

1. The Role of BPSK in Consumer Dispute Settlement in Indonesia

The findings show that BPSK occupies a central role in the non-litigation settlement of consumer disputes in Indonesia. As a semi-judicial institution formed under Article 49 of the Consumer Protection Law and operating under the coordination of the Ministry of Trade, BPSK is authorised to receive consumer complaints and to resolve them through mediation, conciliation, or arbitration, with a decision generally rendered within twenty-one working days and, at most, sixty days (Ihwanudin, 2025).

BPSK's decisions carry final and binding legal force for the parties, subject to a right of objection before the district court, giving BPSK a hybrid character situated between a purely voluntary mediation forum and a court of law. This structure provides business actors and consumers with a relatively rapid and inexpensive avenue of settlement compared with ordinary civil litigation, which may take months or years to conclude (Maryanto, 2021).

Nevertheless, the study finds that the effectiveness of BPSK in practice continues to face structural obstacles: the number and competence of BPSK members and secretariat staff remain limited relative to the volume of consumer complaints, particularly those arising from cross-border digital transactions; public awareness of BPSK's existence and procedures remains low outside major cities; and BPSK's authority occasionally overlaps with that of sectoral regulators such as BPOM and the Financial Services Authority, creating uncertainty as to the appropriate forum for certain categories of dispute (Panjaitan, 2021).

2. The Role of Consumer Dispute Resolution Institutions in Thailand

In Thailand, the role of consumer dispute settlement is distributed among several institutions operating with greater independence from central government administration than BPSK. The OCPB functions as the first point of contact for consumer complaints, conducting an initial assessment before referring the matter to mediation; the TCC, established as a consumer advocacy body, provides legal assistance, education, and representation for consumers, including in class-action-type proceedings; and THAC provides a formal, professionally administered forum for both mediation and arbitration (Woraporn, 2023).

A distinctive feature of the Thai model is its emphasis on community mediation, in which local mediators — rather than exclusively government officials — are engaged to facilitate settlement, reflecting a participatory philosophy of dispute resolution consistent with Thai social and cultural values. This approach has been credited with achieving relatively high settlement rates at the mediation stage, supported by growing use of digital platforms for filing and tracking complaints (Srichomkwan, Docchan, & Wongwattnaphong, 2024).

At the same time, the study confirms that inter-agency coordination between the OCPB, the TCC, and THAC is not always seamless, and that legal awareness among consumers in provincial areas remains a persistent challenge, echoing the limitations identified in Srichomkwan et al. (2024) and reinforcing UNCTAD's (2024) observation that procedural efficiency does not automatically translate into a high proportion of genuinely binding, enforceable outcomes.

3. Arbitration as a Mechanism for Consumer Dispute Settlement in Thailand

With respect to arbitration, the study finds that THAC provides a structured procedural framework through which consumer disputes — particularly higher-value disputes or those involving cross-border e-commerce transactions — may be referred by agreement of the parties for a binding arbitral award, generally administered more swiftly and with greater procedural flexibility than litigation before the ordinary courts (Yaemklin, Luangphatarawong, & Laohapirotwattana, 2024).

THAC's procedures increasingly incorporate online dispute resolution facilities, allowing hearings, document exchange, and, in appropriate cases, the issuance of awards to be conducted electronically, a development that is particularly relevant to disputes arising from cross-border digital commerce where the parties are not physically present in the same jurisdiction.

Notwithstanding these advantages, UNCTAD's (2024) finding that the rate of binding resolution in Thailand's ADR system remains below sixty per cent indicates that arbitration, although procedurally efficient, does not by itself guarantee full enforcement or consumer satisfaction, and that its effectiveness continues to depend on consumers' awareness of the arbitration option and on the willingness of business actors to participate in good faith.

4. Comparative Analysis Between Indonesia and Thailand

A comparison of the two systems, summarised in Table 1, shows that Indonesia and Thailand share the same normative commitment to non-litigation settlement of consumer disputes but differ in institutional design, the binding character of outcomes, and the degree of digital-technology integration.

The comparison indicates that Indonesia's BPSK offers the advantage of a clearly binding decision within a defined statutory timeframe, which provides legal certainty, but its institutional capacity and digital infrastructure lag behind those of its Thai counterparts. Thailand's system, while more participatory and technologically integrated, produces outcomes that are more often voluntary in nature and therefore depend heavily on the good faith of business actors for effective enforcement.

These findings confirm that a non-litigation settlement system may legitimately be adapted to the social character and institutional capacity of each country, provided that it continues to guarantee the principles of access to justice, fairness, and legal certainty for consumers, in line with the normative foundation drawn from Surah An-Nisā' [4]: 58 discussed in the Introduction.

TABLE 1. COMPARISON OF CONSUMER DISPUTE RESOLUTION INSTITUTIONS

Aspect	Indonesia (BPSK)	Thailand (OCPB/TCC/THAC)
Legal basis	Law No. 8/1999	CPA B.E. 2522
Status	Semi-judicial, Ministry of Trade	More independent
Mechanisms	Mediation, conciliation, arbitration	Community mediation, advocacy, arbitration
Outcome	Binding; may be objected before court	Mediation largely voluntary; THAC award binding
Timeframe	21–60 days	Varies; ODR increasingly used
Digitalisation	Limited	Progressive ODR adoption

IV. CONCLUSIONS

Based on the findings and discussion above, the following conclusions may be drawn. First, BPSK plays a central role in the non-litigation settlement of consumer disputes in Indonesia through mediation, conciliation, and arbitration, producing binding decisions within twenty-one to sixty days, although its effectiveness remains constrained by limited institutional capacity, low public awareness, and occasional overlap of authority with sectoral regulators. Second, consumer dispute resolution institutions in Thailand — the OCPB, the TCC, and THAC — operate with greater independence and place particular emphasis on community-based mediation and digital dispute resolution, though inter-agency coordination and provincial legal awareness remain areas for improvement. Third, arbitration in Thailand, administered principally through THAC, provides a procedurally efficient and increasingly digitalised avenue for settling consumer disputes, including cross-border e-commerce disputes, but its overall rate of binding resolution remains below sixty per cent, indicating that procedural efficiency alone does not guarantee full effectiveness.

Based on the conclusions above, the following recommendations are proposed. First, the institutional capacity of BPSK should be strengthened through additional training for mediators and arbitrators, clearer delineation of authority vis-à-vis sectoral regulators, and expanded public outreach, particularly outside major urban centres. Second, Indonesia should consider developing an online dispute resolution facility for consumer complaints, drawing on Thailand's experience with THAC, to accommodate the growing volume of cross-border digital-commerce disputes. Third, given the shared strategic position of Indonesia and Thailand within ASEAN, closer regional cooperation and harmonisation of non-litigation consumer dispute resolution standards should be pursued, so as to strengthen access to justice and legal certainty for consumers throughout the region.

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