

ONLINE ARBITRATION COMPARED TO OFFLINE ARBITRATION AND THE RECEPTION OF ONLINE CONSUMER ARBITRATION: AN OVERVIEW OF THE LITERATURE

Chinthaka Liyanage *

ABSTRACT

There has been a continuous search for an appropriate dispute resolution mechanism to resolve cross-border electronic commerce disputes, driven mainly by the rapid expansion of electronic commerce and the inappropriateness of traditional dispute resolution mechanisms. Online dispute resolution (ODR) mechanisms such as automated negotiation, online conciliation, online mediation and online arbitration can be considered promising developments of this research commitment. The purpose of this paper is to explore the differences between offline and online arbitration, and the reception of online consumer arbitration for cross-border business-to-consumer electronic commerce disputes (B2C e-commerce disputes) by tracing the ODR literature and referring some legal instruments. This paper further argues that online consumer arbitration (OCA)-specific legal framework needs to be developed in order to make it viable for B2C e-commerce disputes.

*LL.B. (Sri Lanka), LL.M. (Melbourne), Attorney-at-Law (Sri Lanka), Ph.D. Candidate in law at La Trobe University-Melbourne, Lecturer in law, Faculty of Law, university of Colombo, Sri Lanka.