



**ODR as an alternative form of dispute resolution for
shoppers in Ireland**

Compiled by:

Tamires Oliveira de Castro Dias

Student number: 51703254

Master of Arts in Dispute Resolution

Independent College

Dublin May 2021

Independent College Dublin

Assessment Cover Page

Student Number(s):

51703254

Student Name(s):

Tamires Oliveira de Castro Dias

(In the same order as
student numbers above)

Lecturer's Name(s):

Alison Walker

Module Name:

Dissertation

Assignment Title:

ODR as an alternative form of dispute resolution for shoppers in Ireland

Due Date:

21/05/2021

Date of Submission:

21/05/2021

Requested Word Length:

Maximum 20,000

Actual Word Length (ex list of references):

16,439

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Contents

List of Figures	5
List of Tables	6
Glossary	7
Acknowledgement	8
Abstract	9
Introduction.....	10
CHAPTER I.....	13
Literature review	13
1. Introduction.....	13
2. What was ODR created for?	13
3. To identify alternative methods of dispute resolution that can be used to solve an online conflict.....	16
a) Online Dispute Resolution	16
b) The European Small Claims.....	22
c) ADR – Alternative Dispute Resolution.....	26
4. To examine the differences between Online Dispute Resolution and other alternative methods of dispute resolution.....	29
a) Online Dispute Resolution vs Small Claims:	29
b) Online Dispute Resolution vs ADR	30
5. To recommend a strategy for the companies to approach Online Dispute Resolution for their customers.....	32
CHAPTER II.....	35
1. Research Methodology	35
1.1. Introduction	35
1.2. Philosophies.....	36
1.3. Approaches.....	38
1.4. Strategies	39
1.5. Choices	41
1.6. Time Horizon	43
1.7. Data Collection and Analysis	44
1.8. Research Limitations	45
CHAPTER III	46

6. Presentation of Data	46
CHAPTER IV	52
7. Data Analysis / Findings	52
1. Analysing the topic - Why was ODR created?	52
2. To identify alternative methods of dispute resolution that can be used to solve an online conflict.....	53
a) Online Dispute Resolution:	54
b) The European Small Claims:.....	56
c) ADR – Alternative Dispute Resolution.....	58
3. To examine the differences between Online Dispute Resolution and other alternative methods of dispute resolution.....	62
a) Online Dispute Resolution vs Small Claim:.....	62
b) Online Dispute Resolution vs ADR.....	63
4. To recommend a strategy for the companies to approach Online Dispute Resolution for their customers.....	64
Chapter V	66
8. Discussion	66
Conclusion	72
Reflection	75
Bibliography.....	77
Appendix A	83
Appendix B	86

List of Figures

Figure 1 47

Figure 2 48

Figure 3 51

Figure 4 53

Figure 5 56

Figure 6 57

Figure 7 61

Figure 8 65

List of Tables

Table 1 55

Table 2 63

Table 3 63

Glossary

ADR – Alternative Dispute Resolution

ECC – European Consumer Centre in Ireland

ECC-Net - European Consumer Centres Network

e-Commerce – the business of buying and selling goods and services on the internet.

ODR – Online Dispute Resolution

Acknowledgement

I want to thank my family for supporting me on this journey. Even being in the distance, they have never failed in sending strength and love.

There is nothing more special than having someone telling you daily how brave you are and that you can do anything you put your mind to. Thank you to my lovely husband for your support and for reminding me every day without hesitation that I could do it.

I was able to find amazing friends in Ireland, and without their help and reassuring, I would not have completed this study. Thank you all.

Many thank you to the professors who shared their knowledge with me and many time reached out to help me during my time in Independent College. Each one of you is part of this work, and I am grateful for meeting such good professionals who are also incredible people.

To God our Lord, who is the source of my strength: “Oh give thanks to the Lord; call upon his name; make known his deeds among the peoples!” (1 Chronicles 16:8)

Abstract

This research aims to understand better which tools people are using to solve conflict-related complications that they experience when buying goods and services online, instead of using online dispute resolution, and discover if they are willing to use ODR. The objectives of this thesis are 1. To identify alternative methods of dispute resolution that can be used to solve an online conflict. 2. To examine the differences between Online Dispute Resolution and other alternative methods of dispute resolution 3. To recommend a strategy for the companies to approach Online Dispute Resolution with their customers.

The research is looking for an answer to whether customers in Ireland are willing to use Online Dispute Resolution as a mechanism to solve their online disputes involving online purchasing.

This research used the epistemology philosophy with positivism and deductive approach. Its strategies were an online survey that collected 94 answers in total. The results of the survey were illustrated by graphics facilitating the understanding of it. This means that the method choice of our thesis was a quantitative one, and the time horizontal was cross-sectional.

The author concluded that the result of the survey was a positive one, which helped answer the principal question of this research and the main conclusion is that people in Ireland have been using Alternative Dispute Resolution more than the other tools studied in this research to solve their conflicts involving online purchasing. Nevertheless, the second mechanism more used by customers is ODR and those who did not know what an ODR was before this study are willing to use Online Dispute Resolution after participating.

Finally, the research concludes that companies can and should use ODR to increase the trust of customers and therefore encourage them to buy on their website.

Introduction

Online Dispute Resolution (ODR) appeared in the 1990s as an option of Alternative Dispute Resolution (ADR), which included e-mediation, e-negotiation, and e-arbitration, to solve conflicts based in an online space involving customers using e-commerce. However, differently from the other mechanisms to solve disputes, ODR proposes a system where the parties can solve the problem by themselves. (Susskind, 2019)

Nonetheless, ODR did not achieve the expectations of the scholars who created it when compared with the growth of e-commerce. It is thought that ODR can do much more for businesses and customers, and yet, people still do not use it in their favour in a problematic situation, and the main question here is, why not? (Cortes and Lodder, 2014)

There are companies, like eBay and Amazon, that understood how they could use ODR in their favour; they are offering the consumers not just their products but also building trust, and once their customers know if anything goes wrong, this company will support them properly and try their best to solve the unwanted conflict.

So, if a company is transparent with their customers about how they are open to solve a possible conflict, it does not represent a weakness. Instead, it shows customers that they can trust these websites and buy their goods; it also shows confidence. (Rule and Friedberg, 2005)

This research aims to understand better which tools people who purchase online are using to solve their conflicts related to e-commerce instead of using online dispute resolution, and discover if they are willing to use ODR. The objectives of this research are:

1. To identify alternative methods of dispute resolution that can be used to solve an online conflict.
2. To examine the differences between Online Dispute Resolution and other alternative methods of dispute resolution.
3. To recommend a strategy for the companies to approach Online Dispute Resolution with their customers.

Considering the objectives and what was said until now, it is essential to emphasise the value of the research, which is to give people knowledge of their rights, show customers and companies how advantageous it can be to have ODR as a tool to solve their conflicts, and also to highlight the importance of online dispute resolution.

In Chapter I we will find the Literature Review, which will present literature about Online Dispute Resolution and its history, advantages and disadvantages, followed by information about Small Claim and Alternative Dispute Resolution. In this chapter, the reader will have the opportunity to understand what each dispute resolution tool discussed in this study is, including a comparison between them.

Moreover, the reader can find literature that supports the idea of a company having ODR as their mechanism to solve customer's complaints, considering e-Bay as an example of the success of this decision.

Chapter II is Methodology. The researcher will explain what methodology and methods were selected to collect the data to support the research aim, objectives, and value in this topic. For each decision taken to write this research, one part of the methodology and methods was involved.

Chapter III is the Presentation of Data, where all data collected in the second chapter will be presented together with the data collected in the primary research. In this topic, the researcher illustrated the data collected in the primary research to make it easier for the reader to connect the literature review with the actions taken by people who volunteered to answer the questionnaire available in cyberspace.

The next chapter is a complementation of the one before, saying that Chapter IV will analyse the data presented more deeply. The author will explain the findings in more detail and how this information answers the central question of this research, and what essential findings could be gathered from the study of the literature review and the quantitative data.

After that we have Chapter V – Discussion. Here the author will discuss each topic of this research giving a particular view of the results presented in the previous topics. This chapter is followed by the Conclusion, where the writer will summarise the ideas discussed and present ideas that arised during this research, which could be a matter for a subsequent study.

CHAPTER I

Literature review

1. Introduction

This section will discuss what alternatives of dispute resolution people who live in Ireland have and understand better the advantages of using online dispute resolution in case of the person purchases online.

This research aims to understand better which tools people are using to solve conflict-related complications that they experience when buying goods and services online, instead of using online dispute resolution, and discover if they are willing to use ODR in the future, so we are going to show why online dispute resolution was created and see if people are taking the opportunity to use the platform that the European Consumer Centre Ireland has available.

At the end, a strategy for the companies to approach ODR with their customers will be presented.

2. What was ODR created for?

There is no way to start talking about online dispute resolution without referring before to the internet, invented in 1969 and managed by the Internet Service Provider. The internet is a great invention, and at that moment, it was a significant promise.

Let us say that the internet is supposed to be a second world where people can communicate and share information. At that point, it was believed that disputes would not exist. It is naive to think that this tool would be used by the same people who deal with each other daily, and the internet is only an extension of their world.

Even though the internet was created in 1969, the Internet Service Provider only permitted commerce to happen on the platform in 1992, and at that time, the internet started to become known and accessible to the population and the number of people using it had increased. Around two years later, things started to happen, and it was visible that a solution for online conflicts had to be created. But, it was only in 1996 that ODR appeared as an option to solve those conflicts.

As said before, believing that the internet would be a place where people would not act as they do in their normal life is immature, even more so when “cyberspace is everywhere, but nowhere in particular” (Goldsmith and Lessig, 2021)

Conflict is a typical situation in life, it can happen if two people or more disagree at some point about something, or even a person can start a conflict with their mind trying to follow what they are feeling against everyday habits, for example. So, having a tool that can solve these conflicts using the same place where they started is a great opportunity to have positive results. (Mayer, B.S., 2012)

In 2010, ODR was already recognised as a necessary tool for the web world, but how ODR would be delivered for the diversity of online conflicts was the challenge at that moment. The use of the internet was growing fast, and with it, the conflicts between the users.

One example of the effectiveness of ODR is the company eBay, which was the first company to invest in this technology with their customers:

"There are indeed large numbers of disputes stemming from online activities; in fact, there are greater numbers of disputes than anyone predicted. As will be noted later, eBay itself claims to have handled over sixty million disputes during 2010. In addition, over this period of time, how and when ODR is being used also expanded." (Abdel Wahab, Katsh and Rainey, 2012)

In 2011, many start-ups were created to provide ODR, for example, the National Mediation Board from the United States because they see "ODR as an effective method of resolving problems with citizens". (Abdel Wahab, Katsh and Rainey, 2012)

In other words, ODR is not just used for online conflicts but can also be used for offline disputes as well.

One more obstacle that ODR went through was making the mediators believe that they could use this tool, given that in 1999 the internet was new for most people, and the mediators were included in this population, who only use the internet for positive things, like e-mail and other websites to communicate with others. However, conflict is something that increases proportionally to the involvement of people in something. So, to give these people and companies a solution for their online problems, some new software was created to support the ODR.

Few companies enjoyed the opportunity of the new software at that time to invest in their communication with their customers and give them the chance to solve their complaints through an online dispute resolution; once they realised that if they provided their customers with this tool, they would have their trust on closing future deals with that company.

Abdel Wahab, Katsh and Rainey said that one of the advantages of ODR is the "Fourth Party" that exists in it, which is understood as the author talking about the power of the internet algorithms to collect information about the conflicts presented and hence indicate a solution through an alternative dispute resolution that can also prevent the conflict. So, ODR can be more than a usual ADR; it can stop the numbers of conflict from growing in an online space. (Abdel Wahab, Katsh and Rainey, 2012)

Given the growth of e-commerce nowadays, online dispute resolution is essential for this public who purchase online. In traditional litigation, the geographic distance between customer and trader is sometimes too great, and if we compare how much the parties would spend in a conventional way to solve a conflict to using an online method for it, as ODR, we can see the need for it. (Law Reform Commission, 2008).

In Ireland, the European Consumer Centre offers customers and traders a platform to find their rights and duties. It explains what options they have to solve their conflicts involving purchasing, which are Online Dispute Resolution, Small Claims and Alternative Dispute Resolution. We will talk in more detail about each one on the topic below – To identify alternative methods of dispute resolution that can be used to solve a commercial conflict.

3. To identify alternative methods of dispute resolution that can be used to solve an online conflict.

a) Online Dispute Resolution

What is online dispute resolution, and why would using it be more attractive than using an offline way to solve an online conflict?

Pablo Cortés defines Online Dispute Resolution as:

"Dispute resolution methods may be complemented with ICT – Information and Communications Technology-. The process is referred to as ODR when it is conducted mainly online. This may include the initial filing, the neutral appointment, the evidentiary processes, oral hearings, discussions, and even the rendering of binding decisions. ODR is simply a different medium

to resolve disputes, from beginning to end, while still respecting due process principles." (Cortés, 2010)

According to Julia Hornle:

"Online Dispute Resolution is dispute resolution using information technology conducted at a distance, usually via the internet, independent from the physical location of the parties. At present, the main application for ODR is extra-judicial dispute resolution, outside the ordinary system... The principles of ADR, which is being integrated into the ODR system. Whereas the court services around the world are also considering the incorporation of elements of ODR into the ordinary court system. The aim is to provide increased access to justice at lower cost." (Hörnle, 2001)

As we can see, online dispute resolution is a form of conducting a dispute in a cyber place. However, it is not a usual way to solve a conflict for some public. It has been growing directly related to the use of the internet. And the rules to guide this process are linked to the rules for a common alternative dispute resolution, which means that online dispute resolution is an extension of it.

Ireland started using online dispute resolution on 9th January 2016 because of an increase in the numbers of people purchasing online. Through the ECC platform, ODR can only be used for purchases made inside Europe, including Norway, Iceland, and the United Kingdom. The ECC platform helps customers solve conflicts on purchase of air travel, e-commerce, timeshares, package holidays, and cross-border bank charges. (Online Dispute Resolution (ODR) platform, 2021)

According to the ECC Ireland Annual Report 2019, they received 221 inquiries related to ODR, 64% from customers and 36% from traders. It also reported that compared with 2018, they had an increase of 40%, leading them to believe that their platform continues to grow. (Annual Report 2019, 2020)

Let us see the advantages of using online dispute resolution for the public who buy their goods and services online:

- No need to move from your place: with ODR, the parties do not need to move from their places to meet each other, saving money and time travelling around to solve their conflicts.
- No need for an attorney: during an ODR, the parties do not need to be accompanied by an attorney, which usually is expensive.
- No need for papers: nowadays, with e-mail available and other methods to communicate online, there is no need to go around caring for plenty of papers and to depend on waiting days for post to arrive at your address. Now everything can be written through an e-mail and delivered in a fast and easy way. Also, Joseph W. Goodman says that one of the advantages of using e-mail is the asynchronous nature of it because before sending the e-mail, the parties can write it and have the chance to send it later. (Goodman, 2003)
- No need to pay a place for the meeting: in case of ODR, the parties will meet through an online platform, which makes them save money and have an opportunity to meet at the best date and time, which allows them to save the time of a possible journey to go to the place chosen by the parties.
- The parties have the power of decision: It might be one of the best advantages the parties have using online dispute resolution. The third-party, who is the mediator, will not decide for the

parties. He/she will only guide the process for the parties and facilitate the conversation between them. So, the parties will have the power to decide what they believe to be the best for their dispute.

- Less emotional conflict: When using ODR, the parties are more involved through written messages. They have a lack of visual cues that avoid some stress involving visual or audio contact. (Christopher, 2004)
- Fast: According to the ECC website, in Ireland, the parties have a maximum of 90 days to follow a solution for their dispute. (Online Dispute Resolution | European Commission, 2021)

Therefore, let us understand how these advantages are applicable in online dispute resolution in Ireland.

So, the ECC makes available for customer and trade a platform online where both can find their rights and duties and understand how they can act to solve their conflict. If they see that ODR is an option, they must make the following points:

- Customer can write on the ODR platform what happened, and they will notify the trader about what was asked. If the trader agrees to talk about it, the parties can use the online space to exchange messages and upload documents and photos that they find necessary to help them in their process.
- If the trader proposes a list of dispute resolution bodies (which are mediators that can help them go through their discussion), the customer has 30 days to respond to it. Otherwise, the case will be closed by the platform.
- If the trader refuses to talk, or during the process, one of the parties withdraws, the other party

can call a dispute resolution body, and it can be extended for 30 days to resolve the situation or try to find another way to solve the dispute; as we will see later, the ECC presents two more options. (Online Dispute Resolution | European Commission, 2021)

Consequently, there is no doubt that the online platform used in Ireland to access online dispute resolution has included each advantage cited above. And there is one more characteristic which we understand as an advantage, which is the option that the customer has of choosing the language they want to use to see the information through the website the moment they start the ODR process—making the platform accessible for everyone who is living in Europe, breaking some barriers that could stop certain public from using ODR.

To show in a practical way how ODR works, see below one case study that the ECC made available in their Annual Report:

"An Irish consumer purchased items from a trader in Spain. He returned the items and the trader agreed to process a refund. The consumer had closed his bank account since he had ordered the items and an issue arose in terms of accessing the refunded money. The card payment provider indicated that the consumer's and trader's banks would need to assist with tracing the money, but neither were willing. ECC Ireland referred the consumer to the Financial Services and Pensions Ombudsman, which provides free assistance with complaints against regulated financial services providers." (Annual Report 2019, 2020)

With this simple example, it is already possible to identify that both parties saved money by not having to travel to have this conversation, the customer did not have to pay for advice from the ECC to go to Ombudsman, who also did not charge to help them to go through their dispute, and now we know that this case must be solved in 90 days as required by the ODR platform.

Now let us see what the disadvantages of online dispute resolution are:

- No meeting face to face: When the parties talk only through written messages, there is a chance of bias as they will treat each other without seeing their body language, tone of voice and facial expressions. In a conflict, actions like that are important in order to avoid bias and misunderstanding.
- Technological limitation: Technology issues can be one of the barriers during an online dispute resolution. But according to Philippe, if someone uses the internet to buy goods and services, it means they have the knowledge and the technology needed to use this tool to discuss problems that they might face in this experience. (Philippe, 2002).
- Language: Differently from Ireland, other countries might offer only one language in their online platform, like English, which can represent a barrier for some people who need to use it.
- Legal Information: Like any other legal tool, if the parties do not understand how it works, they might not have the expected results. However, in Ireland, it might not be a problem for those who try to use ODR once they have all the information about it on the same platform where they can start the process.
- Consent: Differently from other dispute resolutions, to follow an ODR process, all parties involved need to accept to participate in it. No one can force them to be part of it.
- Confidential: Confidentiality in some cases can be negative; with ODR, we are dealing with customer and trader, and if other people could see what happened in some cases, it would help them avoid such situations in the future.

We agree with Cortés when he says that all these disadvantages are changeable with some "practice, technologies and law" because we have already seen Ireland as an example of it, when most of these disadvantages cannot be considered if you compare them with the reality of what the ECC offers to those who are looking for online dispute resolution on their platform. (Cortés, 2010)

b) The European Small Claims

Small claim is one of the options that customer and trader might have to solve their online and offline disputes. In Ireland, the Court made this service available in a local District Clerk, for some specific situations as:

- " a claim for goods or services bought for private use from someone selling them in the course of a business (consumer claims);
- a claim for goods or services bought for business use from someone selling them in the course of a business (business claims);
- a claim for minor damage to property (but excluding personal injuries);
- a claim for the non-return of a rent deposit for certain kinds of rented properties. For example, a holiday home or a room / flat in a premise where the owner also lives." (Small Claims Procedure | The Courts Service of Ireland, 2021)

But to enter a dispute in a court of small claims, the party must pay an amount of €25, and the amount of the claim cannot be over €2000.

The parties do not need to be accompanied by a lawyer; instead, they will have a Registrar guiding their process and supporting them to try to find a solution for their dispute, and in case it does not work out, the Registrar will send the case to the District Court to solve the situation, and the parties must attend it. In other words, if the parties do not find a solution themselves for their dispute, they

will lose the power to decide what the best outcome for them is, and it will be decided by someone else. (Small Claims Procedure | The Courts Service of Ireland, 2021)

Once someone decides to make a complaint through a small court, they open the chance for the situation to turn against them because the other part can make a counterclaim.

To understand better how the proceedings in a small claim work, we can go on the Citizen Information website and find it step by step:

The claimant will send an application form to the Small Claims Registrar and, together with the fee of €25, or it can be sent online. This application is Register by the Registrar and sends the respondent who can admit the claim, dispute, counterclaim or ignore it.

The respondent has 15 calendar days to reply and inform if they have decided to admit the claim, and they should complete a Notice of Acceptance of Liability and return it to the Registrar. There are three options in case the respondent accepts the claim, which are:

- They agree to pay it and send a cheque or money order, and in situations that the payment is conditional, as they need a return of the goods, the Registrar will take care of the claimant's agreement.
- The respondent consents to pay but only if the judgment is made in the District Court; in this case they will swear an Affidavit of Debt and make a request for Judgment and Decree. The claimant does not need to be present; the Registrar will assist them in the procedure. The respondent will have 28 calendar days to comply with the judgment.
- The respondent wants to pay it but in instalments. For that, the Registrar will take the consent of the claimant to the terms proposed.

Now, if the respondent disputes the claim, for which they have 15 days, the Registrar informs the claimant and tries to settle the dispute. And as said before, in case they cannot find a solution for it, the dispute is sent to a hearing in the District Court, where all the parties involved must be present.

The other option for the respondent is to counterclaim and send the Notice of Dispute back with the payment of the fee. The Registrar will send the claimant a copy of the document.

If the respondent does not reply the notification, it is understood as if they had admitted the claim, and the following procedure will be for the claimant to swear an Affidavit of Debt and make a request for Judgment and Decree. Once again, the Registrar will help the parties with the process and send a notification to the respondent informing them about the judgment. So, the respondent will still have 28 calendar days to manifest.

However, it is important to note that even though the respondent says they will comply with the court decision, there is a chance that it does not happen, and in this case, the claimant will have to ask the Registrar for the decree to send it to the Sheriff or County Registrar to enforce the execution of the judgement; and only after that, can they go to the respondent and look for goods or money to the value of the amount set out in the decree. (Small Claims Procedure | The Courts Service of Ireland, 2021)

To have this done, the claimant should pay a fine, and if the execution of the judgment is a success, this fee will be refunded to the claimant. Only the fee which is paid to start the process (€25), is not refunded. (Small claims procedure, 2021)

Now that we know how the proceedings of Small Claim work, let us see the advantages of using this dispute resolution to solve an online conflict based on the ECC-Net Report of 2012:

- *Low cost:* In the small court procedure, the parties do not need to be accompanied by an attorney and the fee to start the procedure is considered low. The parties do not need to be present in court, the entire process is written, and hearings can be handled through a video conference, which means that they do not need to spend money on travel or accommodation.
- *Fast:* Because hearings are mostly not necessary in small court cases, the time spent to solve the dispute is short, so the parties have the solution in a short time.
- *Cross-border:* It is not necessary for both parties to be based in the cross-border. If only one of the parties has an address inside the cross-border, it will be enough for the procedure to happen.
- *Access to justice:* Considering the low cost and the easy access to the small court procedure, it is an easy way for the population to access justice in Europe and support to solve their dispute.
- *Offline:* The small claims can also be used for offline cases, which means that if the parties have a situation outside of the internet, this procedure can help them to solve it. (ECC-Net European Small Claims, 2012)

According to (ECC-Net European Small Claims, 2012), there are a few disadvantages of using small claims to solve dispute resolution, which are:

- *Unknown:* Many small cases are still going through regular justice because many people do not know about small claims. If they find information about it and try to start the procedure, they have difficulties finding the right forms to fill in, or if they have the right document there are information gaps to fill which they are supposed to answer, but do not match the case and so it is not possible to answer them. The ECC also researched the court and identified that a

large number of judges still do not know how small claims work and how they should proceed if a case like that comes up. Therefore, because there is a lack of knowledge about the small claim procedure, the customer/claimant is being advised to pay the fee to start the process in the wrong way.

- *The cheap can be expensive*: the small claim is about people who have a small case and demand their rights without having to pay for justice more than what they paid on the goods/services they are fighting for. But if they have documents in another language, they have to pay for an official translation of it, which can be expensive and make people give up on the idea of starting a proceeding in a small court.
- *Limited*: based on what we saw before, there are only a few options to enter with a dispute in the small claim; also, the limited amount of €2000. (Small Claims Procedure | The Courts Service of Ireland, 2021)
- *Counterclaim*: there is a possibility that the defendant will claim back, which can be a risk for the claimant if they are not expecting to spend more than they already did with their claim. (Small Claims Procedure | The Courts Service of Ireland, 2021)

c) **ADR – Alternative Dispute Resolution**

According to Mnookin:

"Alternative Dispute Resolution (ADR) refers to a set of practices and techniques aimed at permitting the resolution of legal disputes outside the courts. It is normally thought to encompass mediation, arbitration and a variety of "hybrid" processes by which a neutral facilitates the resolution of legal disputes without a formal adjudication." (Mnookin, 1998)

Considering the definition of alternative resolution and the ones pointed out by the author Mnookin, let us see in more detail what each one of the alternatives that he gave are:

- *Mediation*: "is a process by which parties utilise a third party, known as a mediator, to help them resolve a dispute. Some mediators meet with parties together and attempt to get them to agree to a settlement. Some mediators meet with the parties separately and ferry information back and forth in an effort to achieve a settlement. The goal of mediation is for the parties to reach a voluntary settlement which is then reduced to writing and becomes an enforceable contract." (Stone, 2004)
- *Arbitration*: "arbitration is a form of alternative dispute resolution (ADR) which allows disagreements between two parties to be resolved outside of the traditional court system. In an arbitration case, the parties to a dispute will refer it to one or more persons – known as the "arbitrators" or an "arbitral tribunal" – by whose decision or award they agree to be bound. Arbitration is often used to resolve commercial disputes, particularly in the context of international commercial transactions." (Ward B.L., 2021)

We will also bring in here the conciliation, which is one of the alternative dispute resolutions mentioned on the ECC website to explain to the customer what options they have as ADR:

- *Conciliation*: "similar to mediation, it is an advisory and confidential structured process in which an independent third party, called the conciliator, actively assists the parties in their attempt to reach, on a voluntary basis, a mutually acceptable agreement to resolve their dispute. A conciliator may, at any stage in the conciliation process, make a proposal to the parties to resolve the disputes, but he or she is not empowered to impose such a proposal on

the parties." (Alternative Dispute Resolution (ADR) - European Consumer Centre Ireland, 2021)

Therefore, considering in general all three options of alternative dispute resolution above, the advantages of using them, according to (Dowling - Hussey and Dunne, 2014), (Marizow, 2008), (Goss, 1995) and (Law Firm, 2019) are:

- Power – In mediation and conciliation, the parties have the power to decide for themselves what the best outcome for them in the dispute is. Even though the third party can give some advice in conciliation, the final decision is up to the parties.

This advantage does not include arbitration because in arbitration, as said before, the decision is made by the arbitrator, which is also considered by Hussey (Dowling - Hussey and Dunne, 2014) one of the major advantages of arbitration, since the parties will have someone "with experience of the nature, practices and idiosyncrasies of the subject matter of the dispute in question".

- Time – In all ADR, timesaving is considered one of its advantages, given that the parties are the ones who decide the dates to meet, the place and they can also go straight for what they are looking for in the process.
- Cost – Comparing litigation with ADR, for example, the latter are cheaper considering that the parties will split the costs of it or decide together who will pay for it, decide where the meeting will take place, and the professional who will work on their process.
- Confidential – ADR has a confidentiality rule, so everything that happens inside the room cannot be disclosed outside any of the parties involved.

We will point out one disadvantage of each alternative dispute resolution presented above:

- **Mediation - *no resolution*:** If both parties do not agree with the outcome, the process might end without a solution. (Maher, 2012)
- **Arbitration:** "while arbitration may avoid time-consuming discovery, it can easily involve extra time for the arbitrator selection process. In addition, the actual process of arbitration is not always quicker, particularly if the arbitrators selected have full-time jobs and busy schedules of their own, which must be accommodated." (Deogratias, 2016)
- **Conciliation:** "Efforts to enforce the obligation to conciliate in an advance agreement can set an antagonistic tone, undermine the conciliation, and delay resolution of the dispute." (Burton, 1995)

After analysing the advantages and disadvantages of the other alternative dispute resolution against online dispute resolution, we will move to the next topic to understand the differences between these tools to solve an online dispute.

4. To examine the differences between Online Dispute Resolution and other alternative methods of dispute resolution

a) Online Dispute Resolution vs Small Claims:

Differently from Online Dispute Resolution, if the parties want to start a dispute through Small Claim, it will be necessary to pay a fee of €25, which makes ODR preferable for some public, saying that it is a free cost online platform. (Online Dispute Resolution, n.d.)

However, there is one similarity between ODR and Small Court Claims. In both tools, the parties do not need a lawyer to come along with them during the process. However, in ODR, as we saw, the parties have the power to decide what they believe is a better solution for their problem, and the third

party is there only to guide them to find it. On the other hand, in the small claim, there is a Registrar who will help the parties to negotiate a solution for them, and in case they do not find it, the Registrar will send their case to the District Court to solve the situation, and the parties must attend it.

So, here is one more weakness of the small court claims compared to online dispute resolution, because if the parties do not find a solution, someone else will do it for them, and they will lose their power to choose what they believe is better and perhaps having someone else to decide it for them will not provide a satisfactory result, or one they were expecting.

This brings us to one more point that might be negative for the party who asked for help. "The claim can be disputed, or a counterclaim made against you" (Small Claims Procedure | The Courts Service of Ireland, 2021). If the parties decided to go through ODR, this kind of action is not found in the proceedings.

An important goal in ODR is to make the parties understand that they are there not to focus on identifying a guilty party but to find a solution for all parties involved.

As we saw on the disadvantages of a small claim, there is a limit of value that can be requested through it, which is €2000, on the other hand, in ODR, we could not find any literature determining a limit of value but only about a subject talking about Ireland.

b) Online Dispute Resolution vs ADR

ODR is one form of alternative dispute resolution, and because of that, they have more similarities than ODR has with a small claim.

As the author Brogan says:

"ODR is dispute resolution that integrates technology and the internet's power to connect people with various kinds of alternative dispute resolution methods such as negotiation, mediation, and arbitration."
(Brogan, 2020)

However, we can find the following differences between them:

Differently from ODR, in arbitration the parties can choose to follow this proceeding before the conflict arrives for them and if they will decide the rules of the process (Arbitration *ad hoc*) or if they will proceed with the institutional arbitration, which commands the rules of the process:

"It is therefore not surprising that these two traditional models of arbitration are most often discussed with a view to the parties' choice between them, and the categories of ad hoc arbitration on one hand and institutional arbitration on the other are generally presented in terms of their perceived advantages and disadvantages. In this approach parties can choose from: There are set meals (institutional arbitration), and there is dining à la carte (*ad hoc* arbitration)" (Schroeter, 2017)

There is one definition that shows the link between ODR and ADR, which we find interesting to share:

"While ADR and ODR mechanisms share same common traits, such as lower cost, greater speed, more flexibility in outcomes, less adversarial strategies, more informal flow, privacy and solution oriented methods (instead of blame-oriented techniques), it is also true that ODRs feature a

host of unique features, which include: (i) the fact that disputants do not have to meet face to face; (ii) the dispute resolution process may occur at any time, regardless of geographical distance; (iii) the possibility of asynchronous communication.

Other traits of ODRs are the number of the and the nature of the parties involved. In ODR processes, unlike off-line conflict resolution methods, information and communication technologies (ICTs) are always present. Therefore, it is possible to identify the following elements in any ODR system: (i) the parties involved; (ii) "The Third Party", namely neutral person or mediator, a conciliator or an arbitrator; (iii) the so called "Fourth Party", which refers mainly to the technology involved in the process, (iv) and the "Fifth Party", the provider of ICTs, the technical player." (Vilalta, n.d.)

Looking at this explanation about ODR, we conclude that ODR is all kind of ADR that exists but, in another place, online, and it acts according to the ADR that the customer decides to use now, a mediation, arbitration or conciliation. What makes ODR different is that the two parties are more involved in the process to help it flow with confidentiality and ensure that all parties can have good web communication.

5. To recommend a strategy for the companies to approach Online Dispute Resolution for their customers.

Certainly, the use of e-commerce in Europe is considerably growing (Topic: E-commerce in Europe, 2020). However, unfortunately, some companies are not clear about the rights that their

customers might have when purchasing on their website, and if a complaint arises, there is not enough information for the customers on how to solve this impasse.

Consequently, customers seek a website that they can trust better and are fair and clear about this subject. (Wang, 2009) Nowadays, online dispute resolution is one way that companies can build trust with their customers and show that they are open to solve any unhappy situation that they face during their shopping. (Pubel, n.d.)

Schultz believes that most of the businesses do not want to be in an ODR and ignore the call when they are asked to be in one because of "the lack of clearly established customer community that could collectively react to a shameful business practice such as ignoring a complaint (such community could oblige traders to participate in a dispute resolution process by the recourse to social norms or market forces)." (Shultz, n.d.)

But, showing that the results of ODR can help the customers choose the website to buy online is one of the first reasons to invest in an efficient system to have their own ODR platform and use it as part of their daily tool to solve customer complaint - eBay. (Interview with Colin Rule - 2011, 2021)

After positive results using ODR as a method to solve their online disputes, eBay stopped using it only for reports about "fraud alerts" and started using it also for conflicts about "item not received" and "item not described", "unpaid item", which can be used by customers and traders. (Del Duca, Rule and Rimpfel, 2014)

One of the things that create trust is transparency:

"One thing that undermines trust is when it is perceived that the information being proffered by the site or service is inaccurate or

misleading. If a sense permeates that bad experiences are happening on the site and there is an effort to cover them up, or mislead the community about them, that can have an immensely damaging effect on trust. The best way to combat that risk is to be transparent about information, to enable community members to communicate directly with each other, and to be frank and direct about situations that emerge." (Rule and Friedberg, 2005)

So, it is believed that if the traders are transparent with their customers showing that they are there to help them to solve any kind of problem that surges during their experience with the company, it is also important to build trust in this relationship and we follow with one more piece of the authors above to show it:

"ODR can be seen as a marketplace shirking its responsibilities to keep transactions safe, particularly when the ODR process in question emphasises a "work it out" phase where buyers and sellers are urged to solve the problem themselves. Members may be resentful that a problem arose at all, independent of how it is eventually resolved." (Rule and Friedberg, 2005)

In conclusion, conflict can happen, and customers and traders are aware of that, but what you do in case it happens is what is important. So, a company needs to be prepared in case a conflict appears and ODR is a respectful tool that can be used as a way of dealing with it. Also, companies ought to be transparent with their customers and show them support to solve it.

CHAPTER II

1. Research Methodology

1.1. Introduction

After seeing some definitions and facts brought from the literature review, we will go through the research methodology to see in detail which methods the researcher used to find the answer to the research question and explain why each method was chosen.

(Kothari and Garg, 2004) believes that a research methodology is a way that researchers should follow to find a solution for their study problem. Understanding each technique and the logic behind their decision and context used on the work, and that not just the researcher but also others are able to evaluate the research results.

According to (Rajasekar, Pitchai and Veerapadran, 2006), the prime objectives of a research are:

“(1) to discover new facts

(2) to verify and test important facts

(3) to analyse an event or process of phenomenon to identify the cause-and-effect relationship

(4) to develop new scientific tools, concepts and theories to solve and understand scientific and non-scientific problems

(5) to find solutions to scientific, non-scientific and social problems and,

(6) to overcome or solve the problems occurring in our everyday life.”

The objective of this research is to discover a new fact, which is if people between 25-35 years old use online dispute resolution to solve their online purchasing conflicts, and to answer this question, the researcher used The Research Onion Method created by (Saunders, Lewis and Thornhill, 2019), which we understand is a complete and dynamic way to explain the method chosen for the study.

1.2. Philosophies

(Saunders, Lewis and Thornhill, 2019) believe that:

“research philosophies refers to a system of beliefs and assumptions about the development of knowledge. Although this sounds rather profound, it is precisely what you are doing when embarking on research: developing knowledge in a particular field. The knowledge development you are embarking upon may not be as dramatic as a new theory of human motivation, but even addressing a specific problem in a particular organization you are, nonetheless, developing new knowledge.”

There are two philosophies more commonly used:

- 1) **Ontology** – Through ontology, the researcher will ask the question: What is reality? Which can bring us to whether there is only one reality, multiple ones or if this reality can always be negotiated, debated or interpreted.

- 2) ***Epistemology*** – The key question will be: How can I know what the reality is?

And consequently, understand for that specific case how knowledge can be measured. In this philosophy, it is believed that the reality needs to be interpreted and the knowledge should be examined using whatever tools are best suited to solve the problem. (Pretorius, n.d.)

In this research, the philosophy used is *epistemology*, seeing that the study will seek attitudes taken by customers in a conflict situation and understand what methods they use to solve it. The purpose is to show the reality about the frequency that online dispute resolution is used by these customers and compare the advantages of it above the other methods.

There are two approaches involving the philosophies above, which are:

- 1) ***Positivism*** – “Positivism implies the collection and use of information by experts separate from research participants and the ordinary citizen. Each of the two alternatives to positivism in its own way argues for the involvement and participation of those who are studied in the research process and in the use of research data and findings.” (Neuman, 2014)
- 2) ***Interpretivist/ Constructivist*** – “The constructivist or interpretivist believes that to understand this world of meaning one must interpret it. The inquirer must elucidate the process of meaning construction and clarify what and how meanings are embodied in the language and actions of social actors. To prepare an interpretation is itself to construct a reading of these meanings; it is to offer the inquirer’s construction of the constructions of the actors one studies.” (Schwandt, 1998)

After learning more from these two approaches, the researcher decided to follow the positivist way, which gives the study a more fixed path about the research strategy, and also because it is linked to quantitative data, which is the choice for this research as well, and will be further explained later.

To have a more robust understanding of the positivist approach, we believe that author Neuman has a few statements that could help us:

“For the researcher following a positivist, quantitative approach, high quality data are reliable and valid; they give precise, consistent measures of the same “objective” truth for all researchers.”

“Positivist researchers recognize two areas in which values legitimately come into play. First, researchers can select a topic area or research question. Although there are “scientific frontier” areas of inquiry in topic areas, researchers can choose a research question based on personal preference. Second, after a study is completed, researchers’ values shape where they disseminate findings. The scientific community expects researchers to report findings, and funding agencies require a findings report, but beyond these requirements, the dissemination is up to the individual researcher.” (Neuman, 2014)

1.3. Approaches

1) Deductive – on this approach, the researcher will analyse existent studies and look for gaps, contradiction, different theories that they can question, explore new

context about the subject and formulate hypotheses.

- 2) **Inductive** – different from deductive, the researcher here will use the existent studies to go deeper into the subject and be open to the results that further data collection will bring. (Sutrisna,2009)

After analysing the definitions and doctrine above, this research will use the *deductive* approach, considering our literature review says that online dispute resolution was created to solve conflict generated in an online space, and the results of our survey will show us if the objective of ODR creation has been achieved in a particular group – people between 25-35 years old that purchase online.

1.4. Strategies

There are seven types of strategies:

- Case study
- Survey
- Ethnography
- Experiment
- Action Research
- Grounded Theory
- Archival Research

For our research, the *survey* will be used as a strategy, and according to (Kothari and Garg, 2004):

“The purpose of survey investigations may also be to provide scientifically gathered information to work as a basis for the researchers for their conclusions.

The scientific method is, thus, based on certain basic postulates which can be stated as under:

1. It relies on empirical evidence.
2. It utilizes relevant concepts.
3. It is committed to only objective considerations.
4. It presupposes ethical neutrality, i.e., it aims at nothing but making only adequate and correct statements about population objects.
5. It results in probabilistic predictions.
6. Its methodology is made known to all concerned for critical scrutiny are for use in testing the conclusions through replication.
7. It aims at formulating most general axioms or what can be termed as scientific theories.”

An online questionnaire was released to find a particular population with experience with online purchasing, discover if these people had a problem with it, and learn which method they used to solve it.

Additionally, to subdivide these populations, we will use *probability sampling – Stratified random sampling* - to identify if people between 25-35 years old and which gender are more willing to solve a conflict through the internet. (Taherdoost, 2016)

To explain why the researcher chose a probability sampling – stratified random sampling, find below the definition that (Creswell, 2012) gave to this method:

“The most popular and rigorous form of probability sampling from a population is simple random sampling. In simple random sampling, the researcher selects participants (or units, such as schools) for the sample so that any individual has an equal probability of being selected from the population. The intent of the simple random sampling is to choose individuals to be sampled who will be representative of the population. Any bias in the population will be equally distributed among the people chosen.”

A graphic will be created to demonstrate the survey results, turning it more visual for those interested in this research.

1.5. Choices

There are two choices:

- 1) ***Qualitative*** – is involved with a subject that usually cannot be quantified, usually related to the epistemology philosophy, once you cannot quantify feelings, beliefs, meanings, and others.
- 2) ***Quantitative*** – involves objective information, as a mathematical quantification, which can measure answers. (Kissinger, 2015).

(Antwi and Hamza, 2015) teach us the differences of the objective between the two approaches:

“Quantitative researchers attempt to operate under the assumption of objectivity. They assume that there is a reality to be observed and that rational observers who look at the same phenomenon will basically agree on its existence and its characteristics. They try to remain as neutral or value-free as they can, and they attempt to avoid human bias whenever possible. (...) Qualitative researchers generally contend that (...); social behaviour follows socially constructed norms. They argue that it is important to “get close” to their objects of study through participation observation so that they can experience for themselves the subjective dimensions of the phenomena they study.”

So, *quantitative* is the choice for this research, once our objective is to identify the percentage of customers who know about ODR, who used it, and who are willing to use it. Also, we would like to see in graphics if there is a difference between the gender that is more willing to solve their conflict through an online platform.

To guide our research, we chose two definitions of quantitative research:

Mike Allen explains that:

“quantitative research aims to identify cause-effect relationships, such as clarifying the conditions under which independent variables (causes) impact a dependent variable (effect) as well as mechanisms by which independent variables influence the dependent variable.

Quantitative researchers often work in a deductive fashion, applying theory to make predictions (research hypotheses) about when and how variables are associated.” (Allen, 2017)

Moreover, if we link the quantitative choice to our philosophy approach, we arrive at the teachings of (Neuman, 2014):

“In a quantitative study, we rely more on positivist principles and use a language of variables and hypotheses. Our emphasis is on precisely measuring variables and hypotheses. In a quantitative study, we rely more on the principles from interpretative or critical social science.”

1.6. Time Horizon

- 1) ***Cross-sectional*** – in this kind of time horizon, the research will be done in one shot. It will not be longresearch that needs people to participate more than one time. Hence the research will be cheaper, faster, and study what is happening at this current time.
- 2) ***Longitudinal*** – Unlike cross-sectional, this one takes longer and more than one shot to find a solution for the research question. It will be considered a period and might need more than one time to participate in their research, to see how the behaviour and decisions can change at a specific time. (Learnovate, 2020)

In our research, the time horizon will be *cross-sectional*, given that we have a short time to solve the research question, and for the result that we are looking for, it will be necessary for people to participate only one time by answering the questionnaire.

1.7. Data Collection and Analysis

As was said above, we will use the quantitative method in our research to collect information on how many people between the age of 25-35 know about ODR and which gender is more willing to use it. Our research will use non-probability sampling following a voluntary way, expecting people who identify themselves as online customers to volunteer on this research and a judgmental sampling using Ireland as a representative state. The population that we are seeking is those between 25-35 years old who had had any experience purchasing online in Ireland.

Therefore, to collect primary research, we used an online survey shared through web platforms like LinkedIn, WhatsApp, and Facebook. The researcher selected these three web platforms as a strategy to reach a considerable number of people who are online and probably fit in the age group that we are seeking. The result was positive once many people who received the questionnaire could also share it, and thereby helping the survey become known by even more people.

Another strategy used in the primary research was to create a questionnaire with short questions and multiple-choice answers, so the person who voluntarily decides to answer will probably go until the end since it will not take long to finish.

As secondary research, we used excellent articles, book, e-books and videos, which helped the first step of this study, the literature review. Also, these studies guided us to decisions about the methodology and methods for this research.

1.8. Research Limitations

There was a limitation in the secondary research, which results in a short explanation about one of the subjects discussed in Chapter I – Literature Review – Small Claim. It is known that the researchers must find good searchers to base their study and when they tried to find it in order to explain what small claim was and how it works in Ireland, we could not find any doctrine about it. The only search that was found and that was safe to use was the Courts' official website in Ireland and Citizens information.

Therefore, the small claim is a subject that should be further explored in future research to understand why information about it and its consequences for the public whom the small claim could benefit is still so limited.

Regarding the primary research, it could be challenging to have satisfactory results considering that the world is facing a pandemic – Covid-19. Also, when you use the internet to gather information, you must have a considerable number of views on what you are posting, and that is why sharing the content is so important. On WhatsApp, it is impossible to see how many of your contacts share the survey you send them, but on LinkedIn and Facebook, it is possible to do so.

On Facebook, the researcher had zero reposts of the survey. On LinkedIn, we had ten reshares, which was a great help considering the number of answers increased after these reposts. So, if we can learn something from this limitation, it is the importance of support from others and understand that by helping a researcher, we are also helping many people acquire knowledge on a relevant matter.

CHAPTER III

6. Presentation of Data

The main question of this research is if people in Ireland actually know online dispute resolution and if they use it as a tool to solve their online conflicts caused during online purchasing. So, to answer that question, the researcher focused on one specific public group, which was that of people between 25-35 years old and living in Ireland. In this chapter, we will present the relevant data that will give a general idea of the questionnaire results.

According to Chapter II on topic 1.4. - The strategies that the researcher used will illustrate the results of the questionnaire through some graphics to make the results easier for the public to read, and in a more efficient way.

The data presented next is based on 94 volunteers' answers, and we will start presenting the most critical data collected that could answer the central question of the present research and show the other questions, which are not less important. However, it is a complement of what we should know about the behaviour of people dealing with their online conflicts and to help us to understand why they would answer what they did on the principal questions.

To understand if there is any difference between genders when they have to go through a solution for their online conflicts, the researcher asked the gender of the volunteers, and the result was that out of 77-woman answers, 65 answered that *they had had/ or if they had problems purchasing online, they looked/ would look for a solution to solve it.*

Comparing the previous results to males' answers, which were **17**, we can see that **15** of them *had had/ or supposing they had problems purchasing online, they looked/ would look for a solution to solve it.*

A second point of the research was to identify if people are aware of online dispute resolution and 62,8% of volunteers did not know what ODR was before they participated in this study; It is worth emphasising that every person answered this question (94). Let us illustrate that:

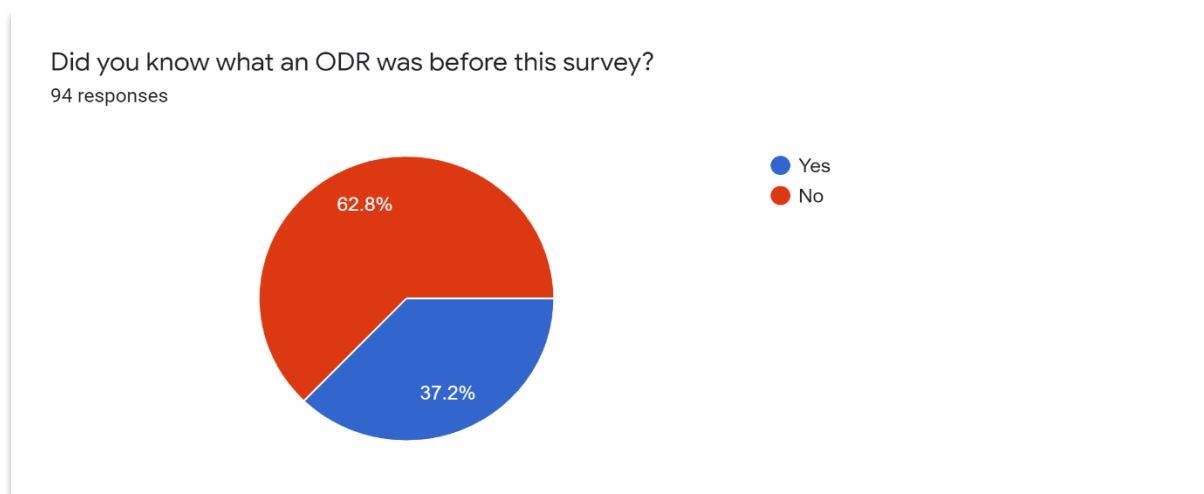


Figure 1

From these 94 people, when asked if they would be willing to use online dispute resolution as a tool to solve their conflicts, the results were divided into three, and the *majority* chose **YES** with **54,3%**, **41,5%** answered *MAYBE* and the *minority* answered **NO**.

Moreover, the researcher was also interested to know what would motivate people looking for help to solve their online conflicts involving purchasing, and the result was:



Figure 2

After asking what the gender of the participants was, the questionnaire presented the following questions:

- 2) Have you ever had a problem buying online products? With the options: YES or NO as an answer.

➤ *The results were:*

- **75 YES**
- **19 NO.**

- 3) If you had a problem with a purchase, did you contact the customer service of the company to try to solve your problem? With the options: YES or NO as an answer.

➤ *The results were:*

- **80 YES**
- **14 NO.**

- 4) If you contacted customer service and you did NOT get a solution. Did you try to solve the problem through any of these other options? With the options: Used an Alternative Dispute Resolution / Small Claim in Court / ODR (Online Dispute Resolution).

➤ *The results were:*

- **24** *for ADR*
- **17** *for ODR*
- **8** *for SMALL CLAIM.*

5) Did you have your problem solved? With the options: YES or NO as an answer.

➤ *The results were:*

- **61** *YES*
- **17** *NO.*

6) Did you know what an ODR was before this survey? With the options: YES or NO as an answer.

➤ *The results were:*

- **35** *YES*
- **59** *NO.*

7) Now that you know about ODR, would you use it to solve your online purchase conflicts?

With the options: YES, MAYBE or NO as an answer.

➤ *The results were:*

- **51** *YES*
- **39** *MAYBE*
- **4** *NO.*

8) Have you seen any website where you purchase online offering ODR to solve any possible complaints? With the options: YES or NO as an answer.

➤ *The results were:*

- **17** *YES*
- **77** *NO.*

9) What makes you trust that website more for your purchasing? with the options: A recommendation / A good price / See feedback from other people telling how the website gives a solution to their complaint. *Observation:* In this question, the volunteers could choose more than one option, so the *results were:*

➤ *The results were:*

- **51** for A recommendation
- **31** for A good price
- **51** for See feedback from other people telling how the website gives a solution to their complaint.

10) What option below would interfere with your decision to go for a solution in case something with your online purchase happens? with the options: Refund / Sentimental Value / Other

➤ *The results were:*

- **76** for Refund
- **6** for Sentimental Value
- **12** for Other

The last question presented was essential to understand the priority of each volunteer when they decided to go for a solution to their online conflicts.

11) If one of your answers was a refund, what value would make you go for an online dispute resolution?

➤ *The results were:*

- **47** for Any amount
- **18** for €50 +
- **18** for €100 +

- 7 for €20 +
- 4 for €80 +

Let us see the results of the 11th question illustrated in a graphic:

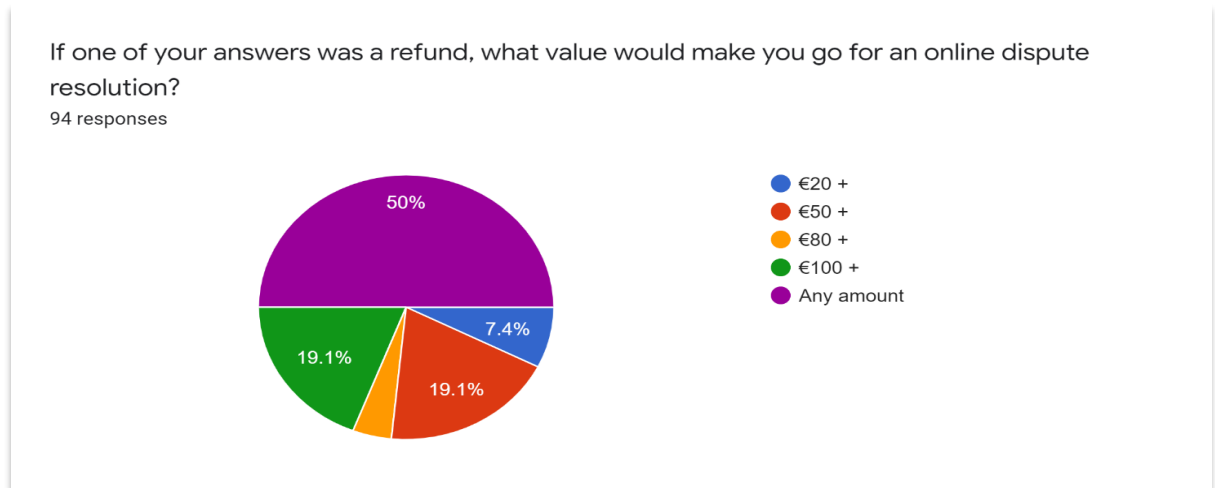


Figure 3

The results of question 11 will be explored further in the next chapter to analyse why few people do not have an interest in going through an alternative solution when they face an online problem while purchasing.

Each of these questions has a part in answering the question of our research, and in the next chapter, we will discuss the importance of them. We will also consider the secondary research (literature review) to create a conclusion for our study.

CHAPTER IV

7. Data Analysis / Findings

In this chapter, the data gathered in the primary research and secondary research will be presented differently from Chapter III. The information about each data will be profoundly giving the public a sound understanding of it.

1. Analysing the topic - Why was ODR created?

So, the principal idea of the researcher was to identify if people in Ireland have knowledge of Online Dispute Resolution and if they were willing to use it. To that end, in the secondary research we presented what an ODR is and why it was created. Furthermore, we found that the ODR was created a long time ago to solve disputes generated in an online plane, which some did not believe could happen in this specific place. However, as the literature says, the people who use the internet and interact on it are the same people who live outside the internet and interact in real life, which makes the idea of a perfect place to interact between people and companies or people with people challenging to achieve.

The first finding is that the internet is a place where people have a lot of freedom to interact and have negotiations with companies, but as in real life, this interaction is subject to complications and to help people and companies to solve these disputes, ODR arrived.

Therefore, to make sure the questionnaire would have accurate results, it called people who have had experience purchasing goods and services online and could share their experience with us.

So, involving the first topic of our literature review, the researcher asked on the questionnaire the following question:

- Have you ever had a problem buying online products?

Moreover, out of 94 volunteers that shared their experience with us, 75 of them had experienced a problem purchasing online. It meets with the literature when it says that internet space is subject to conflicts, and a tool as online dispute resolution is necessary to resolve the situation.

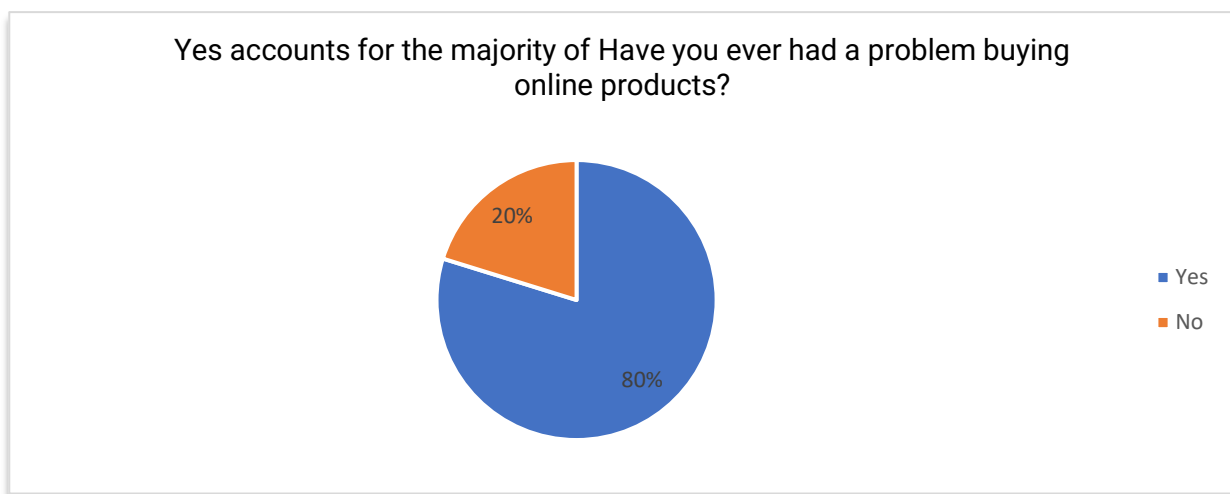


Figure 4

2. To identify alternative methods of dispute resolution that can be used to solve an online conflict.

It was the second topic of our secondary research with the objective of knowing the options that customers have as a tool to solve their online conflicts. The topic was subdivided into three subjects: Online Dispute Resolution, The European Small Claims, and Alternative Dispute Resolution. We will analyse the information gathered to understand better each of these topics.

a) Online Dispute Resolution:

Beyond the information above about ODR, this topic showed us some advantages and disadvantages of this tool, and we found that online dispute resolution is a cheap way to solve an online conflict considering that the parties do not need to move from where they are in order to meet. They also do not need an attorney to accompany them during the process, considering that the parties will have the support of one mediator if they need it, or they can try to solve their conflict on their own only using the “fourth party”, which is the system provided by the ODR platform.

Moreover, the parties have the power to decide for themselves what they believe is the best outcome for their conflict and all this in a fast way, given that on the ECC platform, the objective is to find a solution in ninety days.

Analysing the information gathered by the system offered by the ECC, we found that customers who look for help on it are well supported and might find a solution to their problem.

However, a few of the disadvantages can make customers choose other tools to solve their conflict instead of ODR, such as having a different trader language. Even though the ECC system offers the option to chose what language the customer and trader want to use during the proceedings, in other websites that offer ODR there might not be the same chance.

Also, all parties involved must accept being in the process to prevent the customer from using this tool to achieve a solution for their conflict involving online purchasing without the other party's consent.

Moreover, one disadvantage that can fend off the customer from an ODR is confidentiality. With confidentiality, everything, including the results of an ODR, can be reserved and prevents other customers from knowing how they resolve their conflicts involving customers' complaints. Furthermore, to illustrate the result of this disadvantage, the researcher included the following question on the questionnaire:

- What makes you trust that website more for your purchasing?

Between the options – a recommendation and a reasonable price there was *see feedback from other people telling how the website gives a solution to their complaint*. Moreover, the option that got a majority result was the last one, with 58 people choosing it, which is equivalent to 61,7% of our volunteers.

Therefore, this shows that the confidentiality of ODR can be a negative point considering that people are interested to know what the result of previous customer complaint was.

Before closing the subject of ODR, one significant result about it, which will help us to answer one of the main questions, is if customers would be willing to use this tool to solve their disputes, and our questionnaire brought the following numbers:

Options	Now that you know about ODR, would you use it to solve your online purchase conflicts?
Yes	51
Maybe	39
No	4
Grand Total	94

Table 1

Thus, by analysing this result, we understand that most of our volunteers, after being informed what ODR was, are willing to use it as a tool to solve their online disputes.

b) The European Small Claims:

On this second topic, the objective was to know what the European Small Claims is and the advantages and disadvantages it brings to customers.

When analysing the literature review, we can identify Small Claim as a tool that customers can use to solve their conflicts. This dispute resolution is also available in Ireland, and like the ODR proceedings, the parties do not need to be accompanied by an attorney, which is one of the advantages found in this tool.

In Ireland, the Small Claim is limited to few matters, which we already explained in Chapter I, and after looking at the results of the questionnaire, we can identify these limitations as a disadvantage. See below the question asked on the questionnaire:

- What option below would interfere with your decision to go for a solution in case a problem with your online purchase happens?

Furthermore, the result was:

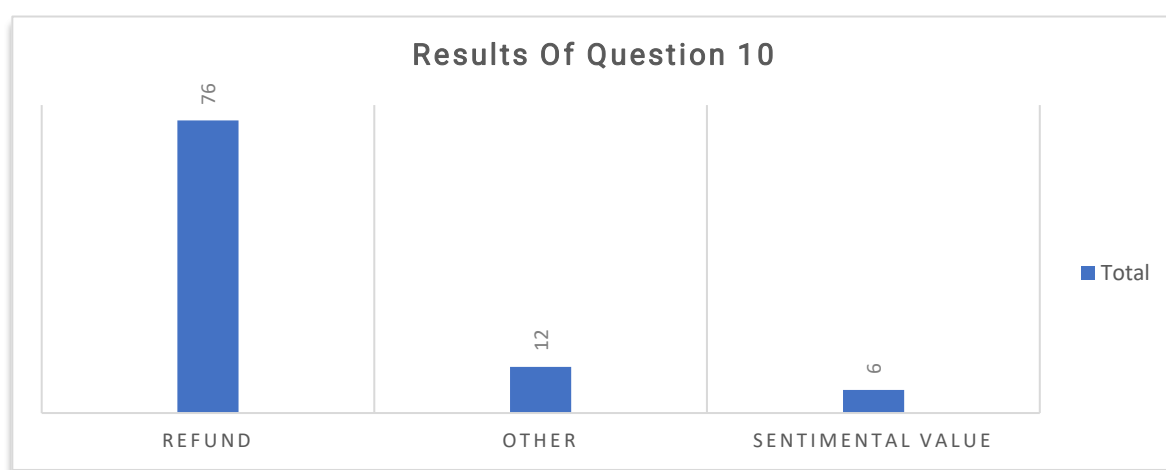


Figure 5

Therefore, if the customer's matter is not one of the few ones that can be solved through Small Claim in Ireland, then the customer will not look for this alternative to solve their conflict. Moreover, the value is another matter for customers to look for a solution and one more time, Small Claim can become a disposable option for some people as the questionnaire also shows to us on the following result of question 11 that the amount that they spent is essential to decide if they would look for a solution or not:

- If one of your answers was a refund, what value would make you go for an online dispute resolution?

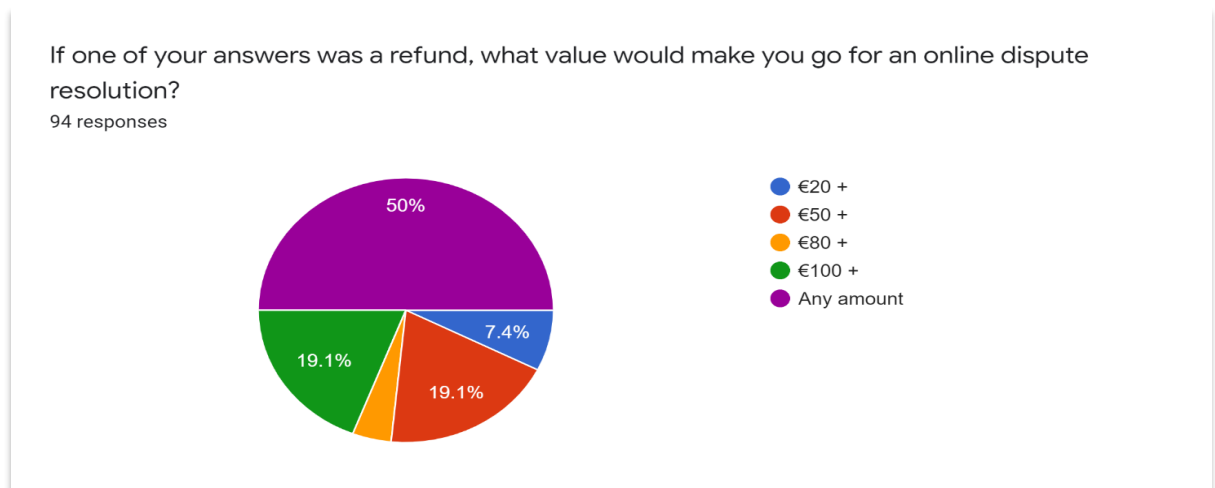


Figure 6

Even though the question mentions “an online dispute resolution”, it lets us know if the value is essential for these people to decide to make an effort to have a solution for their complaint. Moreover, if ODR is not an option that they can use as an alternative for this conflict, the customer might look for another way, and Small Claim could arise as an option.

According to the literature review findings, if the parties do not find a solution, the Registrar will send their case to the District Court, which will decide the best outcome for the conflict, and this can harm one of the parties involved the process.

Also, differently from ODR in Small Claim, the party called to the process cannot refuse to do it. In a situation in which someone does not answer the call, the proceedings will be followed as if the respondent confirmed that the claimant is right in their complaint, i.e., it will be seen as if the respondent conceded.

During the secondary research, we found some advantages of using Small Claim, for example, the fact that the parties do not need to be the cross-border; if only one of the parties is in Ireland, the process can start.

As a result of the low cost involving Small Claim, access to justice becomes easy for the population.

The researcher would like to emphasise how small claims are still not recognised by the judges and others who work in Court, as shown in the (ECC-Net European Small Claims, 2012), which can compromise its use.

c) ADR – Alternative Dispute Resolution

When we analyse the literature review, we see that alternative dispute resolutions are some practices and techniques used through a few types of dispute resolution which do not include court litigation. In Chapter I we found a few examples, like arbitration, mediation, and conciliation. Nevertheless, forward we also learned that ODR is one kind of alternative dispute resolution.

However, what differentiates ODR from the others is that there is a third party called mediator, arbitrator, or conciliator on the ordinary ADR. On the other hand, in ODR, beyond the mediator, there is also what they called a “fourth party”, which is the online system used to support the parties during the process.

As in the others, on the secondary research about alternative dispute resolution, the researcher also highlighted its advantages and disadvantages. For instance, like ODR and Small Claim, it is also low cost. However, in this process, the cost is shared by the parties, or the parties can decide who will be responsible for paying it.

Another critical finding of ADR is the time that the parties can save by using these practices, considering that they are the ones who will decide where and when the meeting will take place, having the opportunity to plan their schedule accordingly. Additionally, the subject discussed in the process will also be chosen by the parties, allowing them to go straight for what they are looking for and not waste time on other subjects.

Nevertheless, each kind of practice can have its disadvantages; for instance, we discovered that during mediation, the parties were not able to find a resolution for their conflict, and a mediator is there only to guide them during the process and cannot make a decision for the parties.

In arbitration, the advantage of time saving can fail once the parties can take long to find an arbitrator who has knowledge of their subject and, as our researcher shows, has the time to focus on the arbitration since most of them have a full-time job and are busy.

The conciliation, in cases where parties are forced to conciliate, can postpone the resolution that the parties are looking for if they are not willing to resolve the matter this way and are there only to fulfil a requirement.

There are a few questions on our questionnaire aimed at analysing if the public has knowledge of the existence of these dispute resolutions and if at any moment they used them to find a solution for their conflicts. Let us see the questions and the results below.

- If you contacted the company's customer service and you did NOT get a solution. Did you try to solve the problem through any of these other options?
 - Used an Alternative Dispute Resolution
 - Small Claim in Court
 - ODR (Online Dispute Resolution)

For this question, the researcher gave volunteers the option not to respond it, because this question was followed by another question which asked if the customer had tried to contact the company's customer service and only if they had not got a result from that, would they answer the following question.

As a result, this question received 49 answers of which 24 were that people used ADR, 17 used ODR, and 8 Small Claim. To help visualise these results, see the graphic below:

If you had contacted the customer service and you have NOT got a solution. Have you tried to solve the problem through any of these other options?

49 responses

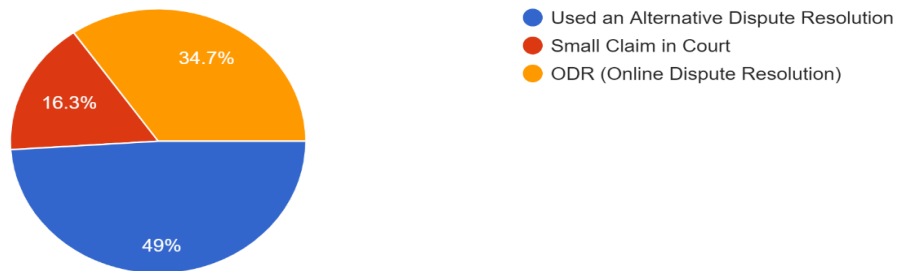


Figure 7

Furthermore, in order to determine if the use of these methods would result in a positive outcome for the general public, the researcher posed the following question:

- Did you have your problem solved?

However, the researcher must emphasise that we got more responses to this question because before asking the question above, the researcher asked if the volunteers had looked for help from the company's customer service, and out of 94 answers, 80 were YES.

Moreover, if we analyse it in further depth, out of these 80 people who answered that they did look for help through the company's customer service, 35 did not answer the question about using any of the dispute resolutions (ADR, ODR or Small Claim). Which leads us to understand that from these 80 YES answers, 35 were not about the alternative methods, but about the company's customer service.

Nevertheless, it is necessary to note that the majority of the customers who sought a solution had their issue resolved.

3. To examine the differences between Online Dispute Resolution and other alternative methods of dispute resolution

In this topic we will analyse the differences found between ODR and other alternative methods by comparing the results of our questionnaire.

a) Online Dispute Resolution vs Small Claim:

After analysing the secondary research about the differences between ODR and Small Claim, we can identify a significant similarity, which is that to be part of both processes, the parties do not need to be accompanied by an attorney.

On the other hand, we can find a critical difference: in mediation, the parties are the ones who decide what the best outcome for them is, and even though they might not find it, no one else will do this for them. Now, on the small claim, if the parties do not find a solution for their dispute, the District Court will do it, which will result in a disappointing outcome for one of the parties involved and the original goal of granting the parties the control will be wasted.

Despite the fact that the claim can be disputed in the small claim, this is far from the reality of ODR. It is more akin to litigation proceedings, given that in ODR, the parties must consent to carry on with the process and in contrast, in Small Claim, a part can just be called to participate in it, and if this part feels that the subject can be used against the other part, they can counterclaim.

When analysing the literature review, we can identify that small claim is more restricted than ODR considering that there is a limit of value to claim in a small claim proceeding (€2000). Furthermore, as we have already seen in the results of our questionnaire, this can be a problem when choosing a way to solve an online conflict.

On our questionnaire, the difference in the number of people using ODR or Small Claim was:

Dispute Resolution	Result
ODR (Online Dispute Resolution)	17
Small Claim in Court	8

Table 2

By looking at the table above, we can identify that between ODR and Small Claim, more volunteers used ODR instead of Small Claim.

b) Online Dispute Resolution vs ADR

When we started the research, we treated ODR as a different tool from ADR, but on this topic, we could recognise that ODR is one method of ADR. It was one of the most important findings for the researcher. During the secondary research, we learned that ODR can be achieved through any of the methods we cited in ADR (mediation, arbitration and conciliation).

The main difference is that when we talk about ODR, we are talking about online proceedings, and one more party is included in the process, which is the “fourth party” – technology system. And, of course, the effort of the parties to keep the proceedings flowing with confidentiality and healthy communication through an online platform.

Now, analysing our questionnaire results and comparing which tool our volunteers used more to solve their online dispute resolution, leads us to conclude that the majority chose ADR. Let us illustrate it in a table:

Dispute Resolution	Result
Used an Alternative Dispute Resolution	22
ODR (Online Dispute Resolution)	17

Table 3

We find that this result must be analysed profoundly, but we will leave the comments for the next Chapter – Discussion.

4. To recommend a strategy for the companies to approach Online Dispute Resolution for their customers.

This topic is vital for the research considering that if the answer to our question that people are willing to use ODR is YES, companies might start thinking about having this tool as an option on their website.

So, the secondary research identified that when a company is transparent about a solution for a complaint, the customers trust the website considerably more, thus feeling safer and more confident to do their shopping there. Moreover, one point that can support this literature is our questionnaire, when between three options about what makes them choose a website for shopping, the option that most people chose was “See feedback from other people telling how the website gives a solution for their complaint.”

We also saw that most companies do not want to be in an ODR and even ignore the call for it. Furthermore, when analysing the primary research, we see that most of our volunteers reported that they do not see on the websites that these companies offer an ODR proceeding to solve their conflicts. Let us show this result in a graphic, considering that all volunteers (94) answered this question:

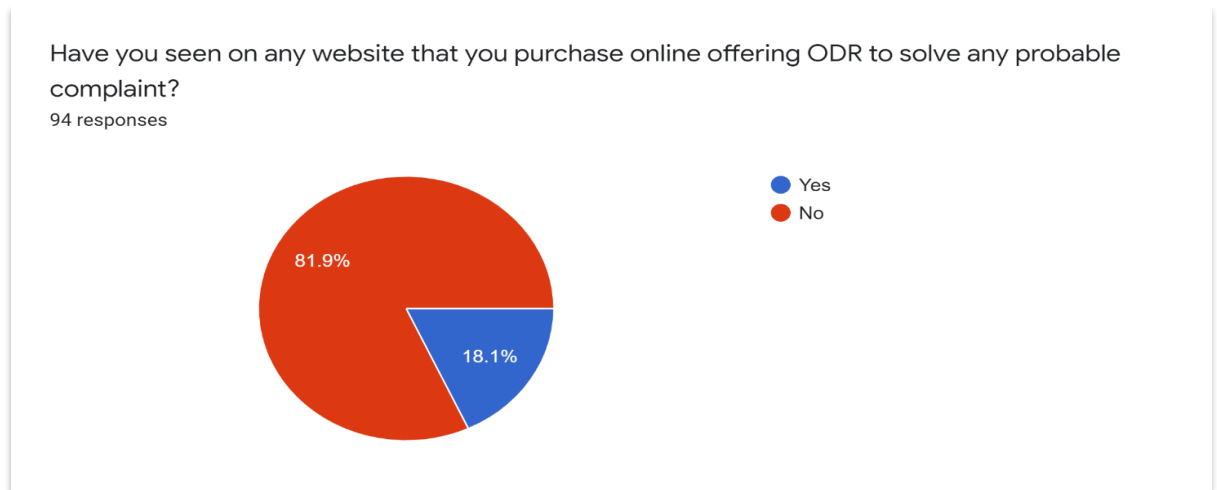


Figure 8

Nevertheless, contrary to some companies' beliefs, transparency is a positive point for their sales as the literature review says it also builds trust between the parties. And one example of it is when the secondary research brings the result of the company E-bay, one of the first in the market to invest in the ODR to create their own platform to solve disputes. Moreover, the results saying that the volunteers trust more in the companies who show how they deal with a customer's complaint is a positive point for the companies to approach ODR with their customers.

Chapter V

8. Discussion

Our research aims to discover if customers in Ireland are willing to use ODR as their dispute resolution to solve a conflict involving online shopping. We found some literature that helped us understand what ODR is (Hörnle, 2001) and the advantages with the authors (Goodman, 2003), (Christopher, 2004) and (Online Dispute Resolution | European Commission, 2021) and disadvantages with (Philippe, 2002) and (Cortés, 2010) and compared ODR with other types of dispute resolution based on (Online Dispute Resolution, n.d.), (Small Claims Procedure | The Courts Service of Ireland, 2021), (Brogan, 2020), (Schroeter, 2017) and (Vilalta, n.d.). Moreover, we analysed our survey results, which showed us that most of the volunteers did not know what an ODR was before having the opportunity to answer that questionnaire.

This researcher was focused on the public located in Ireland, and as the findings showed, the customers from Ireland are well supported by the ECC Ireland, who gives them advice about their rights involving shopping; it also helps with settlements between traders and customers. (ECC Ireland provides free advice to Irish consumers about consumer rights in the European Union, 2021)

During the study about what ODR is, we learned that the people who created the internet did not believe that a tool as online dispute resolution would be necessary because they believed that cyberspace would be a place where people would go to have a good time, so conflicts were not in the plan. However, going deep into the history of ODR, we identified that it was necessary all along, but the difference was that people who controlled the internet used to limit the access of it and some business was not possible to do in an online plane because this could be a chance for conflicts to arise.

Once business started to happen online, the necessity of ODR appeared. (Abdel Wahab, Katsh and Rainey, 2012)

Even now, ODR keeps facing difficulties to gain companies' trust to use it as their tool to solve their conflicts, resulting in customers not having the opportunity to know more about ODR or consider it as an option to solve problems involving their online shopping. (Shultz, n.d.)

Moreover, our survey shows that most people who use the internet for business had faced some complications during the process of shopping(See figure 4). These results bring us to search more about the options that are offered nowadays to customers who shop online. Furthermore, the researcher tried to discuss only disputes resolutions that are like ODR, not citing litigation.

In our survey, there was one specific question asking the volunteers if they would use ODR to solve their online conflicts after discovering through this research what it was, and as shown in our findings, the majority of the answers were *yes* and following there was *maybe* (See Table 1). Furthermore, this is a crucial result for the researcher considering that this responds the question of whether people in Ireland would be willing to use online dispute resolution to solve their online purchasing conflicts.

In the findings section, we identified that the confidentiality of ODR could be a disadvantage sometimes, taking into account the results of our survey, which shows that feedback from other people telling the solution that the company presented for their complaint would increase their trust to buy from that company (See Figure 2). However, what kind of confidential information is it referring to? The author believes that the confidentiality about people's personal information who were involved and details of the case has to be kept confidential. However, if both parties agree, the final results

could be shared on the company's website involved in the process, as an example and to demonstrate to other customers that they are willing to use ODR to help customers.

Considering the findings that we had on the secondary research, the three options of dispute resolution studied were ODR, Small Claim and ADR. They all have in common the easy access to justice to find a solution for a conflict. However, the primary research showed that between ODR and ADR, the number of people who chose one or another to solve their online conflicts was only seven people (*See Table 3*). Moreover, between ADR, which was the majority of answers and Small Claim, there was a difference of 16 people, making us reflect on the reason for this disparity between both dispute resolutions.

Furthermore, when pondering what our findings showed on the topic of Small Claim, we gather that it might have this small number of users because as we learned before, this dispute resolution is still fighting for recognition in a Court community, which can make it challenging for customers to have access to it as well as guidance on the proper proceedings. (ECC-Net European Small Claims, 2012)

Also, the author believes that one vital disadvantage of Small Claim is that there is a limit on the amount of the complaint to be resolved, which can be supported by the secondary research when the majority of the answers for one question was that the principal reason motivating customers to look for a solution to the online conflict was receiving a refund (*See Figure 5*). So, if the customer buy something whose price is over €2000, they cannot use Small Claim as a tool (Small Claims Procedure | The Courts Service of Ireland, 2021). Here, we have to consider the answer of the amount that would make customers look for a dispute resolution, which was any amount (*See Figure 6*).

Once customers choose Small Claim as a tool, they are risking their conflict being discussed by someone else and thus losing power over the decision. This is because if the parties do not find a solution themselves, it will be sent to the District Court. (Small Claims Procedure | The Courts Service of Ireland, 2021) Furthermore, this point can be vital at the time when someone is choosing a Small Claim instead of another dispute resolution.

However, in Small Claim, customers can find a significant advantage that can bring an immense horizon to their complaints because there is no cross-border requirement that can stop them from looking for a solution. So, let us say a customer bought something from a Chinese company. This conflict can be still discussed in Ireland once one of the parties is in Ireland. (Annual Report 2019, 2020)

Among all the dispute resolutions studied in this research, ADR is the one that has a range of options for the customer to choose which proceedings will be more adequate for their situation. All the ADR options analysed in our research have a third party who will guide the parties to a solution. The difference between them is that in some of them the third party cannot make a decision for the parties, and in others it can happen, for example, in arbitration proceedings. (Ward B.L., 2021)

When studying the advantages and disadvantages of arbitration, mediation and conciliation it is possible to identify that all three options are accessible to those looking for a solution involving online purchasing, even more so when our secondary research shows that ODR is an extension of ADR and the three proceedings studied are available on ODR. (Brogan, 2020) The difference is that when an ADR is used in cyberspace, the process gains one more party, which is the “Fourth Party”. (Vilalta, n.d.)

In the primary research, ADR was the dispute resolution that was most chosen as an option in the questionnaire when asked which option customers went for to find a solution for their conflicts after not getting results from the company's customer service (See *Figure 7*). The author believes that this result is because ADR has a considerable range of proceedings options, also as the secondary research showed, 62% of our volunteers did not know what ODR was before participating in this study (See *Figure 1*).

In order to determine if a dispute resolution was beneficial and provided consumers with the outcomes they desired, the author inquired about the outcome of the quest for assistance, which was positive. However, after reading the results of the survey, the researcher found one inconsistency considering that two questions before this one the author had asked "If you had any problems with this purchasing, did you contact the customer service of the company to try to solve your problem?" and the majority (85,1) answered *yes*. It can compromise the primary goal of whether the dispute resolution that people looked for to solve their conflicts was positive or not seeing that maybe people who had had their problem solved through the company's customer service answered *yes*.

Nevertheless, as we identified in the findings, it can be seen from another perspective, analysing the data we gathered, that the majority who answered YES was referring to the dispute resolutions (ODR, Small Claim and ADR) and not to the customer service, and that is a positive point for our research. One of the author's concerns was what to do with the information found about a customer's decision in a conflict situation; the researcher believes that it is essential that the other party of the conflict, i.e. companies, are aware of the customer's needs and try to meet them as much as possible in the process of selling online goods and services. So, we learned that when a company is transparent, the level of customers' trust increases, and our survey results demonstrated that. (Rule and Friedberg, 2005)

However, it seems that companies still do not consider ODR as an option for solving their customers' conflicts, once the results of the survey informed that most of the volunteers have not seen the websites visited offering ODR as an option to solve complaints (*See Figure 8*). This, to the author's mind, is something that should be addressed and encouraged, given the positive results that e-Bay has seen since implementing ODR as a standard method for resolving a variety of customer disputes, turning them into an example for many companies who are still hesitant when it comes to using ODR.

Conclusion

To answer the question of this research, the author went deeply into the understanding of which tool people in Ireland use, instead of Online Dispute Resolution, to solve their commercial disputes. Furthermore, during the process, a substantial amount of important information about the subject was found and studied in each chapter of this thesis, each one of them focusing on different perspectives of the matter.

Through the literature review, we could identify how necessary ODR is for shoppers in an online platform and that it has been available in Ireland for a long time. Moreover, every year, the knowledge of it increases, and people are more interested to know their rights. Ireland has been doing a good job guiding customers who look for the ECC platform with the objective to solve their disputes. When they enter this platform, plenty of information can help them to achieve what they were looking for or at least try, as it was possible to understand in the example given in Chapter I – Literature Review, where the customers were sent to Ombudsman for support on the case and it was all free of charge.

Moreover, it was possible to learn about other tools that customers normally use to solve their conflicts and find the answer that we were looking for about which tool customers in Ireland are using instead of ODR. Furthermore, the mechanism that customers look at, instead of Online Dispute Resolution, is Alternative Dispute Resolution. This was a surprising outcome, considering that at the beginning of this project the expectation was that people would be more interested in Small Claim given the similarities that this tool has with litigation. The aforementioned is an important finding in order to understand how essential it is for people who are offering the mechanism to be aware of how it works and the positive results it can bring for the users.

Additionally, people responsible for Small Claim proceedings are not a hundred per cent knowledgeable about the procedures, which in combination with the fact that the Small Claim is not always offered to the public, results in people not choosing this tool as their dispute resolution.

According to the findings in this research, when people face an online conflict, they go for a solution. They do not just leave it behind them. We saw that most of our volunteers would look for a solution regardless of the amount of money they had spent. Also, the survey gave them an option to chose which matter was essential to look for help, and none of the options was blank. Which leads us to understand that customers who buy goods and services are willing to deal with whatever comes, and companies should be ready for that.

With the quantitative method used in this thesis, we were able to answer the survey's central question: *Do people in Ireland between 25-35 years old use online dispute resolution to solve their online purchasing conflict?* Furthermore, the answer is yes. However, it is not the principal tool used by them. We could see that the majority of people participating in the survey did not know what ODR was.

Nevertheless, what makes the difference and what makes the researcher pleased is that our data indicated that through the participation in the survey, many people had the opportunity to end up with new information as a result of it, which is one of the goals of the study, as the authors (Rajasekar, Pitchai and Veerapadran, 2006) say - "It is a search for knowledge, that is, a discovery of hidden truths". Not only did the result of the research demonstrate that the majority did not know what an ODR was, but it also revealed that the majority was willing to use it in the future.

Regardless, future research could continue to explore the subject of Small Claim because despite the limitations, it is valuable, as the author believes that like ODR, Small Claim can also increase in users and provide customers with good results.

During this study, questions about customer service came up, and now the author feels that it is one of the subjects which should be further explored. For example, is customer service also a dispute resolution? How and at what stage of the process to solve the problem should the company transfer their customer to ODR or another dispute resolution that they work with?

This can be an issue for future research to explore, as well as the technology used nowadays for ODR and how this technology is also reaching other kinds of dispute resolution.

In conclusion, the value of this research was to give people knowledge of their rights and show customers and companies the advantages of using ODR as a mechanism to solve conflicts involving online shopping, and we believe that we did it. This research brings plenty of information with it about ODR and how it can help customers, showing weaknesses and turning them into advantages.

Moreover, companies will also benefit from this research once there is one topic focused solely on them, explaining that the uncertainty that companies may have about ODR can be reconsidered, taking into account that the research showed that customers are willing to use it.

Reflection

I am Brazilian, and where I come from we have a specific law that regulates customer service, which makes us a pretty curious customer about our rights. Furthermore, living in Ireland as an outsider, I did not know how customer service works and how customers act when facing a problem with their shopping.

Then, during my time in college, we had some classes about ODR, which is where my curiosity about the subject came from. I wanted to know more about it, and I wanted to share this information with all the people I know, not just with the Brazilian community but also with my friends from other nationalities. So, I started asking if they knew what an ODR was, and even the Irish people that buy goods and services online all the time did not know what this mechanism was.

Therefore, I decided to write about ODR and study it in more depth. While I was studying and writing, my knowledge about it increased considerably, and many questions came to my mind, which makes me think that some subjects can be more explored in future studies, such as customer service and at which moment the customer should escalate the problem to a dispute resolution, and how to make customers more interested in knowing their rights. While doing the survey, my expectation as a customer was quite different to the results I got, seeing that most of the volunteers did not look for a solution when they faced an online problem regarding their purchases, as well as friends to whom I spoke about the topic at hand (most of them told me they never go for a solution). On the other hand, as a researcher, I was surprised by a few answers, like people choosing ADR instead of Small Claim, or that the volunteers never saw a website offering ODR, or even that sentimental value was the last reason to go for a solution, and due to these surprising findings, many times, I had to put aside my bias for it not to appear in my writing.

Through this thesis, I was able to see how new ideas can change our lives. If we consider how much the internet has changed our routine and negotiations, we will realise how incredible it is. Moreover, after the internet appeared, ODR came to help users with their conflicts, and because of the expectations that people who created the internet had at the time of its creation, we could have lost this mechanism, as it was believed that there would not be any disputes online. However, because people who created ODR fought for it, recognizing how essential their invention was, and having an open mind about the future of the internet, we now have access to it, a tool that nowadays can help many people bearing in mind the way that the internet grows.

Writing this thesis during a global pandemic was not easy, but this thesis brought me some sparkle about what I said before. Furthermore, I am grateful that even though people are suffering and fighting against Covid-19, they offered my research a few minutes to answer my survey.

I finished this study feeling fulfilled that I wrote a long thesis in a second language and discussed a subject that I enjoy talking about. I even had the opportunity to pass all this information to people who are now aware of their rights as online customers, and encourage them and companies to use a cheap, truthful, and alternative tool to solve their conflicts.

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Appendix A

Form A: Application for Ethical Approval	
Undergraduate/Taught Postgraduate Research	
This form should be submitted to the module leader for the relevant initial proposal and/or the relevant supervisor if the proposal has already been accepted.	
Please save this file as <i>STUDENT NUMBER_AEA_FormA.docx</i>	
Title of Project	<i>Why dispute resolution still not frequently use to solving commercial conflict?</i>
Name of Learner	Tamires Oliveira de Castro Dias
Student Number	51703254
Name of Supervisor/Tutor	Alison Walker

Check the relevant boxes. All questions must be answered before submitting to the relevant lecturer / supervisor. Note: only one box per row should be selected.

Item	Question	Yes	No	NA
1	Will you describe the main research procedures to participants in advance, so that they are informed about what to expect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2	Will you tell participants that their participation is voluntary?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3	Will you obtain written consent for participation (through a signed or 'ticked' consent form)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4	If the research is observational, will you ask participants for their consent to being observed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	Will you tell participants that they may withdraw from the research at any time and for any reason?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6	Will you give participants the option of not answering any question they do not want to answer?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Will you ensure that participant data will be treated with full confidentiality and anonymity and, if published, will not be identifiable as any individual or group?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8	Will you debrief participants at the end of their participation (i.e., give them a brief explanation of the study)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9	If your study involves people between 16 and 18 years, will you ensure that passive consent is obtained from parents/guardians, with active consent obtained from both the child and their school/organisation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	If your study involves people less than 16 years, will you ensure that <u>active</u> consent is obtained from parents/guardians <u>and</u> that a parent/guardian or their nominee (such as a teacher) will be present throughout the data collection period?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11	If your study requires evaluation by an ethics committee/board at an external agency, will you wait until you have approval from both the Independent College Dublin and the external ethics committee before starting data collection.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Item	Question	Yes	No	NA
12	If you are in a position of authority over your participants (for example, if you are their instructor/tutor/manager/examiner etc.) will you inform participants in writing that their grades and/or evaluation will be in no way affected by their participation (or lack thereof) in your research?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13	If you are in a position of authority over your participants (for example, if you are their instructor/tutor/manager/examiner etc.), does your study involve asking participants about their academic or professional achievements, motivations, abilities or philosophies? (please note that this does not apply to QA1 or QA3 forms, or questionnaires limited to market research, that do not require ethical approval from the IREC)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14	Will your project involve deliberately misleading participants in any way?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
15	Is there any realistic risk of any participants experiencing either physical or psychological distress or discomfort?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
16	Does your project involve work with animals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
17	Do you plan to give individual feedback to participants regarding their scores on any task or scale?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18	Does your study examine any sensitive topics (such as, but not limited to, religion, sexuality, alcohol, crime, drugs, mental health, physical health, etc.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
19	Is your study designed to change the mental state of participants in any negative way (such as inducing aggression, frustration, etc?)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
20	Does your study involve an external agency (e.g. for recruitment)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
21	Do your participants fall into any of the following special groups?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<i>(except where one or more individuals with such characteristics may naturally occur within a general population, such as a sample of students)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<p>If you have ticked any of the shaded boxes above, you should consult with your module leader / supervisor immediately. You will need to fill in Form B Ethical Approval and submit it to the Research & Ethics Committee instead of this form.</p> <p>There is an obligation on the researcher to bring to the attention of the Research & Ethics Committee any issues with ethical implications not clearly covered by the above checklist.</p>	
<p>I consider that this project has no significant ethical implications to be brought before the relevant Research & Ethics Committee. I have read and understood the specific guidelines for completion of Ethics Application Forms. I am familiar with the codes of professional ethics relevant to my discipline (and have discussed them with my supervisor).</p>	<input checked="" type="checkbox"/>
Name of Learner	Tamires Oliveira de Castro Dias
Student Number	51703254
Date	21.03.2021
<p>I have discussed this project with the learner in question, and I agree that it has no significant ethical implications to be brought before the Research & Ethics Committee.</p>	<input type="checkbox"/>
Name of Supervisor/Lecturer	Alison Walker
Date	Click or tap here to enter text. 25.03.21

Appendix B

Do people between 25-35 years old use online dispute resolution to solve their online purchasing conflicts?

This survey has an academic purpose only, and it aims to understand better which tools people who are between 25-35 years old and purchase online are using to solve their conflicts related to this purchasing and identify if online dispute resolution is a frequent option for them.

This survey is only for those between 25-35 years old, living in Ireland, and who had experienced purchasing online.

Important note: ODR is a faster and cheaper way to solve a conflict between customer and trader about an online purchase, saying that the problem will be solved using an online platform.

If you have any question about this research, please contact me at tamires.oliveira159@hotmail.com. In case you feel that this research has not maintained ethical principles, please contact Independent College Dublin at info@independentcolleges.ie.

Confidentiality

Any answers provided will be sent to a link at Google Forms, and the data collected will be stored online in an electronic format protected by a password. The platform will not collect information such as name, email address or IP address. As a result of this, all responses are completely anonymous, and no identification is required.

Following with the questionnaire:

- You agree that you are answering the following questions voluntary;
- You are over 18 years old;

- You are free to withdraw from this research at any time

This survey is being carried by Tamires Dias, a master student at Independent College Dublin.

*Required

Q1. Gender *

Mark only one oval.

- ☐ Female
- ☐ Male
- ☐ Prefer not to say
- ☐ Other: _____

Q2. Have you ever had a problem buying online products? *

Mark only one oval.

- ☐ Yes
- ☐ No

Q3. If you had any problem with this purchasing. Did you contact the customerservice of the company to try to solve your problem? *

Mark only one oval.

- ☐ Yes
- ☐ No

Note

ODR is a faster and cheaper way to solve a conflict between customer and trader about an online purchase, saying that the problem will be solved using an online platform.

Q4. If you had contacted the customer service and you have NOT got a solution. Have you tried to solve the problem through any of these other options?

Mark only one oval.

- ☐ Used an Alternative Dispute Resolution
- ☐ Small Claim in Court
- ☐ ODR (Online Dispute Resolution)

Q5. Did you have your problem solved?

Mark only one oval.

- ☐ Yes
- ☐ No

Q6. Did you know what an ODR was before this survey? *

Mark only one oval.

- ☐ Yes
- ☐ No

Q7. Now that you know about ODR, would you use it to solve your online purchase conflicts? *

Mark only one oval.

- ☐ Yes
- ☐ No
- ☐ Maybe

Q8. Have you seen on any website that you purchase online offering ODR to solve any probable complaint? *

Mark only one oval.

☐ Yes

☐ No

Q9. What makes you trust more to choose that website for your purchasing? *

Tick all that apply.

☐ A recommendation

☐ A good price

☐ See feedbacks from other people telling how the website gives a solution for their complaint

Q10. What option below would interfere with your decision to go for a solution in case a problem with your online purchase happens? *

Mark only one oval.

☐ Refund

☐ Sentimental value

☐ Other

Q11. If one of your answers was a refund, what value would make you go for an online dispute resolution? *

Mark only one oval.

☐ €20 +

☐ €50 +

☐ €80 +

☐ €100 +

☐ Any amount