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CROSS-BORDER CONSUMER DISPUTES IN THE DIGITAL MARKETPLACE: CHALLENGES OF JURISDICTION ACCOUNTABILITY AND ENFORCEMENT

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INTRODUCTION

The growth of digital marketplaces has changed consumer transactions into borderless transactions. Consumers in India regularly purchase goods and online services and subscriptions from both outside and inside national boundary sellers. While such transaction provide convenience but they expose fundamental tussle between global commerce and legal systems boundations . Consumer protection law which was initially designed for local exchanges or transactions, is now struggling to respond in an effective manner to cross border digital marketplace disputes.¹

JURISDICTION CHALLENGES IN DIGITAL CONSUMER TRANSACTIONS

Jurisdiction lies at the heart of cross border consumer disputes. Traditionally jurisdiction relies on factors such as place of business, agreement and cause of action. However digital transaction and marketplaces make the jurisdiction complex. A seller outside national boundary may have no physical presence in India, they must be functioning from somewhere providing services from somewhere else coming in multiple jurisdictions.²

The Indian consumer law has tried to respond and counter these challenges. The consumer protection acts 2019 allows a consumer complaint to be files at the place of residence or workplace of the consumer.³ This approach reflects a consumer centric jurisdiction approach.in cross border disputes, foreign sellers frequently challenge the jurisdiction of Indian consumer

¹ Shoshana Zuboff, *The Age of Surveillance Capitalism* (2019).

² Jack L. Goldsmith & Tim Wu, *Who Controls the Internet?* (2006).

³ Consumer Protection Act, No. 35 of 2019, § 34, INDIA CODE.

protection forums , claiming the simply being able to access a website does not constitute intentional business activity in India.

Courts have slowly and gradually adopted boarder standard such as the “effects doctrine” recognizing jurisdiction where harm is suffered⁴. Yet the absence of clear rules on cross border transactions which happen digitally, lead to uncertainty. Without strong robust jurisdictional clarity, digital platforms risk becoming spaces where consumers are protected just on paper and theory and lack effective implementation a legal forum in practice.

ACCOUNTABILITY IN PLATFORM-BASED MARKETPLACES

Another complex challenge is that of accountability. Digital marketplaces fragment accountability across different actor: seller, platforms, logistics, providers, and payment intermediaries. Platforms often claim the intermediary role asserting that they merely facilitate transaction and cannot be held responsible for misconduct by sellers.⁵

Indian law has tried to bridge this gap. The consumer protection acts 2019 introduces Indian product liability.it also imposes obligation on e commerce companies requiring transparency, grievance redressal systems and disclosure of seller information⁶. This shifts the recognition of platforms from neutral intermediaries to active market participants.

However, in cross border disputes accountability remains shifting. Some foreign seller would not be traceable. This imbalance disadvantages consumer who lacks bargaining power and legal resources. Raising serious concern about fairness and justice in the digital marketplaces

THE ENFORCEMENT GAP: RIGHTS WITHOUT REMEDIES

Even if jurisdiction is established and liability and accountability is determining the lack of proper enforcement remains the weakest link in cross border consumer protection. Orders by Indian consumer protection forums are difficult to impose on foreign entities without reciprocal enforcement treaties or costly international litigation.⁷

As a result, consumer remedies often remain symbolic. The consumer bears the cause of legal fragmentation and shifting accountabilities while the corporation operating cross border benefit. This gap in enforcement undermines the main purpose of consumer protection law

⁴Banyan Tree Holding (P) Ltd. v. A. Murali Krishna Reddy, (2010) 42 PTC 361 (Del).

⁵ Information Technology Act, No. 21 of 2000, § 79, INDIA CODE.

⁶ Consumer Protection (E-Commerce) Rules, 2020.

⁷ OECD, Consumer Policy and Cross-Border Enforcement (2016).

which seeks to provide accessible and effective remedies. This transforms consumer protection as a procedural promise rather than a substantive guarantee.

THE ROLE OF STATE AND REGULATORY RESPONSES

Addressing cross border consumer disputes ,in addition of domestic regulatory reform requires international cooperation. States have the power to regulate platforms operating in their markets. Strong domestic regulation on platforms including strong redressal mechanism and localized compliance requirement can to an extent bridge enforcement gaps.⁸

However, the regulatory responses must balance protection of consumers with trade and innovation concerns. The challenge is to prevent global digital markets from becoming accountability free zones under the name of technological neutrality . the states' role is not to merely facilitative but also protective, especially when there are structural inequalities existing between consumers and multinational corporations.

CONCLUSION

The cross border consumer disputes in digital marketplaces expose the harsh truth of structural limitations of territorial legal systems and lack of enforcement. Challenges involving jurisdiction accountability and implementation demonstrate that tradition consumer protection frameworks need reconfiguration to address digital commerce's complexities. Without clear rules on jurisdiction ,platform centric accountability and enforceable substantive remedies consumer rights are on the risk of becoming illusionary.

For law to remain relevant it needs to evolve with time towards consumer centric jurisdiction, impose accountability on platforms and prioritize enforceability.in the absence of such reforms digital marketplaces may continue to offer global convince while denying consumer justice.

⁸ UNCTAD, Cross-Border Consumer Protection (2017).