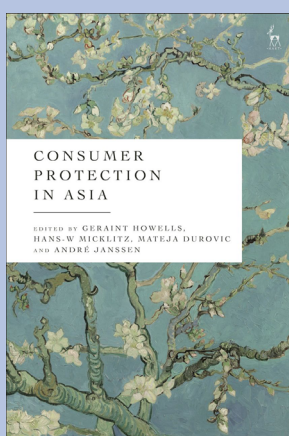


**CONSUMER PROTECTION IN ASIA, EDITED BY
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Geraint Howells, Hans-W Micklitz,
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Editioned by Geraint Howells, Hans-W Micklitz, André Janssen and Mateja Durovic, this very substantial book—entitled *Consumer Protection in Asia*—analyses consumer protection laws across various Asian countries, assessing the distinctive situation in the jurisdictions covered and placing issues in broader comparative and international settings.¹

The book is a foundational resource for understanding consumer law in Asia. It provides a comprehensive examination of the nature of consumer protection law within the region, offering practical insights and identifying areas for future research, legal reform and policy enhancement. The book considers fundamentally important topics such as sales law, right of withdrawal, unfair terms, product liability, commercial practices and digital adaptation. Another particularly important issue is enforcement mechanisms. The book acknowledges that enforcement remains under-developed across many Asian jurisdictions, characterized by weak consumer organizations and resource-constrained regulatory bodies,

¹ This project originated with a conference held in Hong Kong on “Consumer Protection in Asia”, 13-14 January 2017, and was co-organized by the School of Law, City University of Hong Kong, and the Faculty of Law, University of Helsinki.

making this a particularly significant area for analysis. The effectiveness of consumer protection ultimately depends on enforcement capabilities, and this area of analysis is given significant attention in many of the contributions to the book.

The collection of essays also offers comparative insights, examining relevant aspects of consumer law across Asia as a whole and, also for comparative purposes, analysing consumer law in various regions, including the European Union (EU), the United States of America, Australasia, Latin America and Africa. It considers how international influences and Association of Southeast Asian Nations (ASEAN) integration shape consumer law in Asia. The impact of EU laws and ASEAN guidelines on consumer policy in Asia has been significant. In addition to its strengths as a comparative study, the edited book offers a comprehensive analysis, covering a wide range of topics and jurisdictions while providing insights into legal systems and specific consumer protection issues in Asia: public and private enforcement, legal design, enforcement challenges, and the roles of governments, courts, and consumer organizations, showing how consumer laws function in practice. Its coverage is truly impressive.

The book is divided into five parts, including the “bookending” parts of the Introduction and the Conclusion. The three substantive sections of the study each address a range of topics concerned with consumer protection. In the book’s brief concluding chapter, two of the editors—Mateja Durovic and André Janssen, both distinguished scholars and contributors to the field of consumer law—explain the basis for this structure, namely the adoption of a “triple approach (national reports, comparative reports and ... reports which put the Asian consumer law in a global perspective” in order to deliver a “proper critical overview over national consumer laws in Asia” (page 535). The book opens with a short essay “Introduction to Asian Consumer Law”, authored by the other two editors, Geraint Howells and Hans-W Micklitz, also both distinguished scholars in the field of consumer law. This provides a broad analysis of Asian consumer law, explaining regional consumer issues, historical influences, the relevance of the public law/private law divide and the rise of consumerism across Asian markets. The essay advises that:

We asked the rapporteurs to cover various topics: information and the right of withdrawal, sale of goods, unfair terms, product liability, product safety, adaptation to the digital age, unfair commercial practices and access to justice. The reports also typically explain the general structures for promoting consumer protection and its public enforcement. We considered adding consumer credit and financial

services, but finally concluded the list was comprehensive enough and those topics deserved separate treatment in a future project (page 3).

The introductory contribution concludes with the observation that “to date, Asian consumer law largely reflects patterns from the Western world. Potentially in the digital sphere it can become a leading participant in the debates”, adding that “consolidation of the values of consumer protection and their effective enforcement should also remain key goals in the region” (pages 15-16). In the Conclusion to the book as a whole, Durovic and Janssen emphasize that, while progress has been made in developing consumer protection frameworks across Asia, significant work remains in addressing challenges of globalization, digitalization and effective enforcement. There is also a need to balance consumer protection with technological innovation while ensuring consistent protection regardless of the technology used. Given the brevity of both the scene-setting essay by Howells and Micklitz and the project’s concluding chapter authored by Durovic and Janssen, however, the substantive Parts (2, 3 and 4) are the core of the book and could well have been strengthened had each been given its own Introduction. In this sense, while the ambitious nature of this project is admirable, it tends to be insufficiently reflective on the material which it presents. This may be due to the fact that (to the best of my knowledge) none of the co-editors are specialists in law in Asia.

Part 2, entitled “National Reports”, comprises nearly one half of the book and examines consumer protection laws and practices in 13 jurisdictions in Asia, but with a particular emphasis on Chinese experience—not only is Jin Jing’s impressive essay on the People’s Republic of China one of the longest essays in the section, but there are weighty chapters too on Hong Kong (although a common-law jurisdiction), Taiwan and Macau. The essays explain the general structures for promoting consumer protection and its public enforcement, applicable legislation, the development and structure of consumer protection laws (including those for product liability) and also analyse, among other key matters, information and the right of withdrawal, sale of goods, contractual (especially unfair) terms, product liability, product safety, access to justice, unfair commercial practices, conceptual and practical difficulties in defining the “consumer”, food safety, penalties, administrative enforcement, enforcement problems and responses to the development of digital content, e-commerce and unfair commercial practices. Each area’s approach to consumer law reflects its historical background and legal traditions, particularly in regions influenced by colonial powers. These contributions are very solid, insightful and commendable. Arguably, they could also benefit

from further exploration of how consumers and businesses perceive and engage with the regulatory framework.

Part 3 offers comparative analysis of key questions across the Asia region, especially those set out by the editors in their guidance to contributors as noted above.² This is also an impressive section, drawing on the detailed discussion of various jurisdictions' experiences and reform considered in Part 2, as well as other published research to provide a comprehensive and clear comparative analysis of consumer protection systems, regulatory frameworks and private law mechanisms for consumer redress across Asia. It also places developments in Asia in a broader international context (for example, examining EU influence). It is my personal view that perhaps greater discussion (even if necessarily speculative) of digital economy implications for consumer protection and dispute resolution would have been helpful.

Part 4, entitled "Asian Law in Comparative Perspective", features essays that explore consumer issues analysed in respect of Asia from a broader international and comparative viewpoint. The analysis shows that Asian consumer protection laws are evolving through a combination of international influences (particularly from the EU and United Nations (UN)), regional coordination (through ASEAN) and local adaptations, but significant work remains to be done to ensure effective consumer protection across the region—considerable challenges remain in terms of implementation, enforcement and adaptation to new technologies and business models. The regional approach through ASEAN provides opportunities for improvement but also faces challenges in harmonizing different legal systems and levels of development. This section covers a range of substantive topics, including EU consumer law, the regulation of unfair terms in consumer contracts from an American perspective, consumer protection in Australasia, Africa and Latin America, as well as ASEAN economic integration and consumer protection in Southeast Asia. It also examines the impact of the UN Guidelines on Consumer Protection. Regional integration and consumer protection in Asia face several significant challenges. One of the primary issues is striking an appropriate balance between promoting economic integration through ASEAN while maintaining adequate consumer protection standards across member states. This creates an inherent tension between harmonization efforts

² Specifically, an Asia-wide comparative perspective is used in chapters dedicated to analysis of "Information Duties and the Right of Withdrawal", "Sale of Goods", "Regulation of Unfair Terms", "Product Liability", "Adaptation of Asian Consumer Law to the Digital Age", "Commercial Practices", "Access to Justice" and "Consumer Product Liability and Safety Regulation: ASEAN in Asia".

and respect for national sovereignty and local conditions. Furthermore, there is a need to create better consumer protection frameworks to address the rapid growth of digital commerce and emerging technologies, which often transcend traditional regulatory boundaries. Enforcement challenges represent another continuing concern across the region. Many jurisdictions suffer from limited judicial application of consumer rights and remedies, with an over-reliance on administrative authorities rather than courts for dispute resolution. This is compounded by weak consumer advocacy organizations in many countries, which limits the ability of consumers to effectively assert their rights. Additionally, regulators and enforcement agencies often face significant resource constraints, hampering their ability to monitor compliance and enforce consumer protection laws effectively. The varying levels of development across Asian nations present another major challenge. There are significant disparities between developed and developing nations in the region, both in terms of economic capacity and regulatory sophistication. Different legal traditions and approaches to consumer protection further complicate efforts at harmonization. Moreover, substantial gaps in implementation capacity between countries mean that, even when similar laws are adopted, their practical effectiveness can vary considerably. This disparity in development and capacity creates challenges if consistent consumer protection standards are to be established across the region.

In a comprehensive comparative project of this (monumental) scale, focusing on consumer law frameworks and issues across a wide range of jurisdictions, some areas of analysis inevitably received less attention than they might have deserved. As we noted above, while the geographical coverage is extensive, encompassing jurisdictions across Southeast, East and South Asia, certain regions such as Central Asia are under-represented, as the editors expressly acknowledge, largely due to practical challenges in securing contributors from these areas. This is understandable, but it does detract from the value of Parts 3 and 4, where “Asia” is an important unit of comparison. Several other important aspects of the project might have benefited from more detailed examination. The editors, as noted above, took the view that the project would have become too large had it included examination of consumer credit and financial services, despite the importance of these aspects of financial consumer protection. As also pointed out above, although the Introduction recognizes the significant relationship between civil society and consumer welfare movements, this theme is not substantially developed in subsequent chapters.

This pioneering collection represents a landmark contribution to the study of consumer protection law in Asia. Through its “triple approach”

to the issues involved—combining detailed national reports, comparative regional analysis and global perspectives—the book provides an innovative and thorough examination of how consumer protection is evolving across the Asia region. The comprehensive coverage of jurisdictions, analysis of key issues, from product safety to digital commerce, and careful attention to both practical and theoretical dimensions make this an invaluable resource for scholars, policy-makers and practitioners alike. While acknowledging current challenges in enforcement and harmonization, the collected essays demonstrate how consumer law is developing in Asia through a distinctive combination of international influences, regional coordination and local adaptation. As consumer markets continue to evolve rapidly, particularly in the digital sphere, this authoritative work provides crucial insights for understanding current frameworks and shaping future reforms in consumer protection across the region.

About the author

Ling Zhou's profile is available on the [Institute of Advanced Legal Studies website](#). Her published works include *Access to Justice for the Chinese Consumer: Handling Consumer Disputes in Contemporary China (Civil Justice Systems Series, Hart Publishing, 2020)*.

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