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NATIONAL INSTITUTIONAL FRAMEWORK AND CONSUMER PROTECTION: UNLOCKING THE NEXUS THROUGH SYSTEMATIC LITERATURE REVIEW

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Abstract:
Nowadays, institutional framework and consumer protection are considered as one of the most burning topics for researchers and the academicians. This study is an attempt to explore the effective national institutional framework of consumer protection. The study has used systematic literature review to highlight the effectiveness of institutional framework of consumer protection. The findings of the study uncover that, despite having consumer protection laws, enforcement remains weak in many countries due to weak institutional framework. Moreover, inefficiencies and lack of transparency within regulatory bodies undermine consumer trust and law enforcement. The study has suggested that there is a dire need of collaboration between governments, businesses, and civil society to create a holistic consumer protection ecosystem. The topic is still open for other researchers as this study has endeavors to partially explore the importance of institutional framework for consumer protection.

Keywords: Institutional framework; consumer protection, systematic literature review

1. Introduction

Over the last decade, the concept of institutional framework and consumer protection are under the scrutiny of policymakers and researchers. According to Garner, (2009) institution is a recognized organization or entity, particularly one with a public role or function. On the hand, framework" refers to a system of ideas, rules, or principles that underpin or guide the formation and development of something (Quirk, 2009). By emphasizing the role that institutions play in strengthening the state's power and ability to promote economic growth and enhance social governance, Acemoglu et al. (2012) expanded our knowledge of institutions. Political and economic institutions are the two categories into which institutions fall. The risk of government expropriation, adherence to the rule of law, bureaucratic efficiency, levels of corruption, government commitment to contract honoring, protection of civil liberties, and openness to international trade are all generally linked to institutions that are linked to economic performance. Thus, consumer protection in the context of institutional framework refers to public bodies established under consumer protection laws. These entities operate based on legal principles, rules, and provisions designed to promote and achieve the goal of safeguarding consumers within the legal structure governing consumer protection.

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In the past, when consumers and sellers engaged in direct agreements to trade products and services, consumer protection under contract law was seen to be enough. But the development of industrialization, along with mass production, the division of labor, and sophisticated production and distribution networks, exposed the shortcomings of contract-based remedies like warranties, which were based on the privity of contract premise. This change brought attention to the necessity of more robust and comprehensive consumer protection laws.

Defective products which bring harm cannot be sued by those who do not have direct contract with manufacturers. So, the need for more comprehensive consumer protection was brought to light by the change in how goods are distributed and the shortcomings of warranty-based responsibility. Resulting, change in regulations, making producers answerable for the quality and safety of their goods. This legislative evolution resulted from nations establishing stronger consumer protection frameworks once society realized that firms are better positioned to guarantee and take responsibility for product quality.

The base of this consumer protection strategy is extra-contractual responsibility. Under this system manufacturers are no longer able to avoid accountability for customer damage. Therefore, producers are responsible for any harm that end users receive. However, because it depends on individual claims, which manufacturers might occasionally avoid, the extra-contractual accountability system has drawbacks. So, in order to properly protect rights of the consumers more robust and cooperative system is needed. The work of Howells and Weatherill (2017) argued that inadequacy of the private law's protection and the complexity of consumer and supplier relationship led countries to apply competition and regulatory laws of different nature.

The state administration system is used to implement consumer protection laws in the majority of Western European nations, which reflects the significant resources needed to do so successfully. By assisting in the development of consumer protection laws, discovering consumer concerns through gathering data, educating consumers about their rights, bringing legal action, and running consumer advice offices, non-governmental organizations (NGOs) perform a complementary role. These organizations are recognized and supported by governments in developed European countries, and the state provides the majority of the funding required for their maintenance and operation (Csiszár, 2012).

A complicated institutional structure that varies by nation is the outcome of the broad and diverse interests and rights of customers. The institutional frameworks for consumer protection within the European Union are not consistent; they differ greatly throughout nations. Regardless of the structure that a country chooses, the state's role is still vital. According to Arli et al. (2020) government agencies are at the forefront of consumer protection initiatives. Some systems, like those in Denmark, Hungary, and the Scandinavian nations of Finland, Sweden, and Norway, have a strong state and little involvement from non-governmental groups in executing consumer protection initiatives.

Government in collaboration with non-government organizations carry consumer protection activities with both having (almost) equal contribution. Belgium, France, Spain, and the majority of other European countries all have this mixed institutional arrangement. As seen in Germany, the third kind mostly depends on non-governmental groups to oversee consumer protection initiatives (Csiszár, 2012). Furthermore, Lithuania's Law on Consumer Protection, which has been in effect for a number of years, incorporated a representative action

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mechanism[1] while the State Consumer Rights Protection Authority or specific qualifying consumer associations can take enforcement action to protect the public interest of consumers.

A claim may explicitly attempt to prevent or ban certain acts (or inactions) by a service provider or seller that violate the rightful collective interests of customers. Consumers may see such activities as unfair, they may breach fair business practices, or they may be in violation of the Lithuanian Civil Code, i.e., the Law on Consumer Protection of Lithuania.[2]

Public consumer groups and consumer protection organizations are allowed to take action to protect consumers' interests, but they are not allowed to claim damages. Due to the prohibition on pursuing damages, these representative actions have unfortunately not been used in competition law cases and, on the whole, do not completely benefit consumers. The main objective of the study is to investigate the relationship between national institutional framework of consumer protection. Moreover, the current study is an attempt the answer the question regarding, what is the relationship between the national institutional framework and the effectiveness of consumer protection policies?

Section 1 is the introduction; this section covers the research problem, research objective; research questions and significance of the study. Section 2 is based on the relevant literature review. Section 3, is dedicated to methodology while section 4 addresses discussion and lastly section 5 is the conclusion and the policy recommendations.

2. Literature review

Ekanem (2011) The study primarily examined the judicial system's processing of consumer-related matters as well as the administrative and regulatory frameworks designed to protect consumers. The results showed that there are a number of regulatory bodies that work to advance the interests of consumers, frequently with overlapping duties. However, as many customers were not aware of these agencies, their efficacy was questioned. The study also emphasized how the judiciary's largely inactive approach to consumer protection issues has an adverse impact on consumers. Moreover, the study highlighted the importance of more judicial activity so that the consumers may fully from the current institutional framework of Nigeria. Similarly, Ardic et al. (2011) investigated consumer protection laws and shared the results of a survey for 142 different countries. The findings showed that although consumer protection laws are in existence in the majority of nations, they frequently fall short in addressing problems specific to the financial services industry. There is evidence that the effective application of current laws is hampered in many nations by a lack of enforcement power and monitoring capabilities. Furthermore, it is uncommon to find impartial third-party dispute resolution procedures. In-depth information on consumer protection laws and regulations was also obtained, which brought to light a number of difficulties in carrying out empirical research that makes cross-national comparisons in financial consumer protection easier.

Daugeliene & Liepinyte (2012) investigated the way misleading advertising affects consumer choices, with an emphasis on EU and Lithuanian consumer protection laws. According to their analysis, advertising is now a vital instrument for educating, appealing, and influencing audiences and customers, both present and potential. However, because people interpret information differently, reading ads is inherently hard. Ensuring that advertising methods continue to be equitable and in line with justice values is crucial. The goal of

[1] Article 30 of the Law on Consumer Protection, No. I-657, November 10, 1994 as amended by No. X-1014, Jaunuary 12, 2007.
[2] Gumbis, Juonys and Keserauskas, Comparative study produced Ashurst for the Competition DG.

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misleading marketing is to unlawfully influence customer choices by persuading viewers to adopt the advertiser's viewpoint, which will hinder rivals' capacity to engage in fair competition. They argued that deceptive advertising, such as that found in elections or membership drives, might influence unintended purchases. Advertisers typically take advantage of legal deficiencies. Strict regulation is a top priority for the EU in order to safeguard consumer rights. According to EU and Lithuanian rules, economic firms are not allowed to engage in activities that go against fair business standards, such as false advertising. The EU aims to standardize the rules of its member states on unfair acts that hurt the financial interests of consumers and lawful rivals.

Another study by Brasoveanu et al, (2014) highlighted important facets of the quality and extent of consumer protection in the 27 EU nations covering time span 2008 - 2012. The most significant issues were examined in the study using the Consumer Conditions Index, which is composed of five significant consumer indicators. These indicators provide information regarding the level and quality of consumer protection and include consumer complaints, product safety, the frequency of unlawful company operations, consumers' perceptions of protection, and redress procedures. The European Commission provided the data for each EU member state for the years 2008–2012. In this study the data has been examined by using both statistical and econometric techniques. The study has applied descriptive statistics of the data of the year 2012 for certain indicators. Moreover, the study has also incorporated correlation matrix and identified four clusters which represents collections of countries with comparable traits. The study has used panel regression along with cross sectional fixed effects in order to probe the impact of reparations measures and illegal business operation on the dependent variable i.e., consumer protection perception. Further, the study has also performed statistical comparisons of different descriptive statistics and trends of the member states. During the period of 2008-2012, the findings of the study revealed a comprehensive overview of the evolution of examined indicators throughout the 27 European Union and explain the relationship between the dependent and independent variables. A recent study by Ye & Zhao (2024) proposed a study on institutional framework of consumer protection and mobile payment services sector in China. The study highlighted potential enhancements to financial consumer protection. In order to improve China’s financial consumer protection framework, the study has used the best practices and laws of the other countries. The outcome of the study unveiled that the structure of institutions must be designed in a way that it successfully protects consumers with restricting the influence of major mobile payment providers. Another recent study by Igbinenikaro & Adewusi (2024) emphasized the importance of having balance between consumer protection and fostering innovation. The study also highlighted complicated institutional framework regulating fintech advancements. The study argued that in order to increase consumer protection, it is necessary to closely examine the institutional structure of the world, jurisdictional accounting, and fundamental duties of political entities. For instance; stronger disclosure requirements, enhanced privacy security, and the implementation of practices such as know-your-customer (KYC) and anti-money laundering (AML) regulations. Adding more, in fintech industry consumer complaints and promoted accountability is clarified by this study. The study also has given recommendations on how to foster innovation within institutional frameworks, including the use of regulatory sandboxes and the encouragement of collaboration between regulatory bodies and industry stakeholders. The study highlighted both the challenges of regulating fintech advancements and effective regulatory actions through the examination of case studies. The findings assist both the policymakers and the academicians understanding the evolving of institutional framework. Additionally, the study clarifies possible advancements in fintech governance, equipping decision-makers with the information

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they need to adapt to the fintech industry's fast transformation. Another study on this domain is carried out by Chawla & Kumar (2022) who gauged India's institutional framework for protecting the interests of internet users by closely analyzing the Consumer Protection Act of 2019 and the Consumer Protection (E-commerce) Rules of 2020. The study incorporates responses from 290 online buyers to address the research questions and objectives. The main conclusions demonstrated that cash on delivery remains the most widely used method of payment for online transactions, that e-business success depends on a secure and dependable system, and that customer trust is strengthened by clear website content and timely customer service. It is anticipated that the new regulations would be robust enough to protect online consumers' rights and promote the expansion of India's e-commerce industry. Not only must security, privacy, warranties, customer service, and website transparency be taken into account, but laws governing consumer rights must also be followed in order to foster trust in e-commerce. With the help of consumer protection programs and a robust institutional framework, e-commerce's explosive expansion seems to be hopeful. By identifying important characteristics that affect customer trust and loyalty, this study advances the fields of e-commerce and consumer rights while offering insightful information on e-consumer protection in India with broader implications.

Shi et al. (2022) examined the regulatory and legislative aspects of consumer protection concerning stablecoins. The study began by reviewing cryptocurrency laws in different countries before analyzing the legality of stablecoins. Through comparison studies, it finds and assesses particular stablecoin ideas in order to provide the best regulatory strategies. Three primary characteristics are used to assess the idea of "stability" in stablecoins: permissionless functioning, collateral stability, and price stability. In order to improve the existing institutional framework and provide guidance for creating global standards for stablecoin regulation in the future, the study concludes by outlining a thorough institutional framework for stablecoins. Nguyen and Ha (2021) investigated the link between financial inclusion and institutional quality in ASEAN nations covering time period 2008 to 2019. The study examined the impact of institutional determinants on financial inclusion using six governance indicators taken from the World Governance Index. The study used Principal Component Analysis (PCA) approach to create a financial inclusion index that takes into account three important factors: usage, penetration, and access. Six metrics are used to measure these: the number of ATMs per 1,000 km², the number of bank branches per 1,000 km², the number of ATMs per 100,000 people, the number of bank branches per 100,000 adults, the private sector's credit-to-GDP ratio, and the private sector's deposit-to-GDP ratio. The outcome of the Generalized Method of Moments is that Financial inclusion is positively impacted by institutional quality, along with other control factors such as GDP per capita, inflation, bank concentration, and the Human Development Index. In light of significant institutional, financial, and economic factors, the study's conclusion encourages governments and policymakers to prioritize financial inclusion measures. Nawaz (2020) argued on how 2009 Consumer Rights Protection Act was intended to protect customers' rights. Government efforts show a pragmatic approach to protect consumer rights, which are closely linked to the fundamental right to life. For this Act to be properly implemented, the Directorate of Consumer Rights Protection must carry out its duties in an efficient manner. Additionally, the efficiency of the Directorate's work depends on people being informed of their rights. The study highlights the importance of the Directorate's proactive activities and public awareness in defending consumer rights. Regulations prohibiting misleading or deceptive behavior are essential for protecting consumers' access to information, enhancing consumer welfare, and promoting equality in business operations, claim Lu & Selvadurai (2021). Despite being passed in 2010, Vietnam's Law on Consumer Protection still has a narrow scope and

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applicability. Vietnamese consumers' access to information is strengthened by the Australian Consumer Law, which has a complex regulatory framework in this area, according to the study. This study highlighted the key similarities and differences between Vietnam's Law on Consumer Protection and the Australian Consumer Law's regulations on misleading or deceptive behavior. The study exposed the flaws and inefficiencies in Vietnam's legal system while offering recommendations and observations.

Ruof (2020) argued on the difficulty of regulating financial technology in the face of the dual uncertainties of promoting innovation and reducing investor and market stability risks. The institutional framework of the EU provides little assistance and is unable to adequately solve these issues or encourage the development of financial technology. The authors suggest implementing a regulatory "sandbox"—a-controlled setting for experimentation—to close this gap. Under the careful supervision of regulatory bodies, this strategy would allow market players to test automated services with real customers in real-world. A system like this has the advantage of promoting the development of new business models, speeding up the "time to market" for financial innovations, and protecting consumers.

Vila (2020) explored the changing global institutional framework for consumer protection. Although improving living standards have historically increased national consumer protection law, the growing presence of cross-border problems has encouraged a move toward international and global frameworks. Global consumer protection is influenced by commerce, governance, and legal factors. The study further argued that soft law has historically played a major role in the globalization of consumer law, most notably the 2015 update to the United Nations Guidelines for Consumer Protection (UNGCP). The creation of an international institutional apparatus under the United Nations Conference on Trade and Development (UNCTAD) to support and supervise the application of these Guidelines is a crucial component of the UNGCP. Exploratory research by Boer et al. (2022) looked at how a vigilance framework in the Netherlands may be set up to better protect consumers from negative consequences of food items that promote health. The finding of the study revealed that the participating groups constitute a complicated network lacking of official institutional frameworks. Representatives of these organizations stated a strong commitment to treating reports of adverse responses seriously, despite the fact that they are not legally required to do so. Opportunities to improve concentration, such as raising consumer awareness, were noted by the participants. Additional steps to increase the safety of dietary supplements were announced by the Dutch Ministry, but they have not yet been put into action. More research is required to identify the most effective methods for setting up nutrivigilance and protecting consumers from dangerous chemicals, given the diverse approaches to vigilance governance both inside and outside the EU.

3. Methodology

This study has applied systematic literature review methodology to minimize research biases and missing important information. A study by Petticrew & Roberts (2018) stated that “systematic reviews are literature reviews that adhere closely to a set of scientific methods that explicitly aim to limit systematic error (bias), mainly by attempting to identify, appraise and synthesize all relevant studies (of whatever design) in order to answer a particular question (or set of questions)”. Compared to traditional literature review methods, SLRs offer several advantages. They enhance repeatability and transparency by following a clearly defined and structured process. It also minimizes the influence of subjective judgments, which results in unbiased and more reliable findings. Moreover, the traits of systematic literature review include; diversity of the studies and data sources which further increases the comprehensiveness of the review.

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The research adopting systematic literature review is more reliable and creditable in term of synthesis, collection of data and evaluation. The conclusion bas on this robust approach is more valid and legitimate (Gough et al., 2017). Further, systematic literature review consolidates findings across multiple studies, highlighting gaps in the literature, and giving solid ground to future research. So, relying on systematic literature review approach not only increases the quality and credibility of the research but also confirms the relevant outcomes which are beneficial for both the policymakers and the academicians.

The following steps has been taken for systematic literature review:

3.1. Search Strategy:

The study has utilized Google scholar, researchgate,Web of Science, and Science direct databases to retrieve academic research articles and books Further, Keywords included are institutional framework and consumer protection.

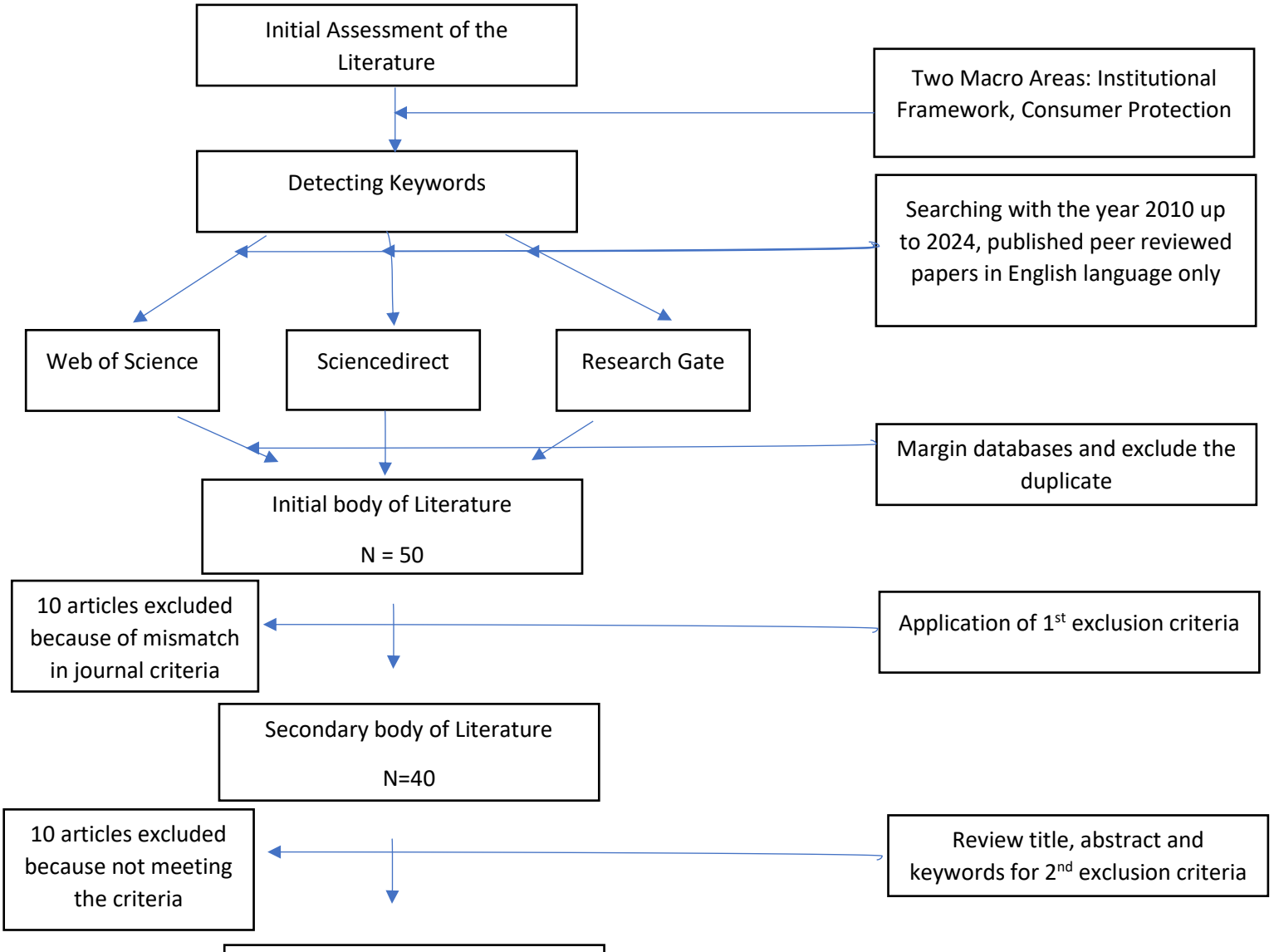
3.2. Criteria for Inclusion:

The research has incorporated only papers that are published and peer reviewed. The study has also taken papers published several decades ago. And, specific preference is given to those papers that have determined the relationship between institutional framework and consumer protection.

3.3. Extraction of Data:

In order to do comparison of different studies, their main arguments, objectives, and findings are extracted. Further detail conceptual framework is mentioned below:

3.3 Conceptual Framework



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4. Discussion

The analysis of the reviewed literature reveals recurring themes and actionable insights that can guide the improvement of consumer protection frameworks globally. While diverse regional and sectoral contexts present unique challenges, several overarching suggestions emerge from the findings. Institutional weaknesses undermine the effectiveness of consumer protection frameworks (Nawaz, 2020). Clear accountability structures, regular audits, and transparent reporting mechanisms are crucial for building institutional credibility and ensuring consistent enforcement. One of the most pressing issues highlighted across multiple studies (Ardic et al., 2011; Ekanem, 2011) is the ineffective enforcement of existing consumer protection laws. Regulatory agencies often lack the authority, resources, or clarity needed to act decisively. These agencies should be given sufficient funding and authority by the government while decreasing overlaps in responsibilities. Moreover, the system of fairness can be improved significantly by creating impartial third-party dispute. Harmonized regulations are the prerequisite of globalization and cross border trade. (Brasoveanu et al., 2014; Vila, 2020). Exploitation can be occurred due to variations in enforcement standards across jurisdictions. So, in order to standardized consumer protection policies there is a dire need for specific regional and international bodies to work together.

To create consistency and reduce fragmentation, institutional framework of United Nation Guidelines for Consumer Protection (UNGCP) is highly helpful and indispensable. Number of studies (Ekanem, 2011; Daugeliene & Liepinyte, 2012) emphasize the importance of consumer education in addressing misleading advertising and unfair business practices. To enable people to identify and oppose exploitation, governments and regulatory bodies ought to fund consumer education initiatives and awareness campaigns. Governments are not the only entities tasked with protecting consumers; private businesses, civic society, and international organizations must also actively participate. Monitoring, reporting, and enforcement results can all be enhanced by cooperative efforts.

5. Conclusion and Policy Recommendations

This study explored the effective national institutional framework of consumer protection. The study has used systematic literature review to highlight the effectiveness of institutional framework of consumer protection. The study concluded that consumer protection laws, enforcement remains weak in many countries due to weak institutional framework. Moreover, inefficiencies and lack of transparency within regulatory bodies undermine consumer trust and law enforcement. The study concluded that there is a vital role of technical advancements, public education, regulatory reforms, and cross-border collaboration to address the ongoing issues in consumer protection. The study further shed light on improving international standards and their collaborations, robust institutional framework and the environmental where the consumer must be aware of the right information, security and transparency are also important facets. The study suggested giving regulatory bodies more independence, funding, and enforcement authority to guarantee that consumer protection rules are applied effectively. Launch extensive awareness efforts and include instruction on consumer protection into the curriculum of educational institutions. To establish a comprehensive ecosystem for consumer protection, promote cooperation between governments, corporations, and civil society.

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