

The Effectiveness of ASEAN Committee on Consumer Protection (ACCP) to Achieve ASEAN Economic Community based on People Oriented

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Abstract: In principle in realizing a people-oriented MEA, the protection of consumers is expected to protect the interests and welfare of consumers becomes important. However, it is possible that state-made regulations do not protect consumers from goods and services from abroad. In response to this, ASEAN successfully established the ASEAN Committee on Consumer Protection (ACCP). All products traded within the ASEAN region shall be reported, except: food products, pharmaceuticals, health supplements, traditional medicines, cosmetics and medical equipment. Unfortunately, the type of excluded goods are goods that are often consumed by the public. Another disadvantage is that the data collection process is not included in the service products, whereas the current trade trend is more towards the service sector than the goods. This paper attempts to discuss the effectiveness of ACCP in implementing consumer protection regulations in ASEAN countries. In this paper the authors use descriptive method with a qualitative approach, through literature study obtained from books, journals and articles related to the theme of this study. The results of this study based on the classification of the level of effectiveness of the regime, ACCP classified in mixed-performance regimes

1 INTRODUCTION

The increasingly growing economic, trade and industry development has provided tremendous convenience to the consumers as there is a wide variety of products and services that can be consumed. The development of globalization and large trade is supported by information technology and telecommunication that provides very free space in every trade transaction, so that the goods / services that are marketed can be easily consumed. If not careful in choosing the desired product / service, the consumer will only become the object of exploitation from irresponsible business actor. Unwittingly, consumers take for granted the goods / services consumed.

The tantalizing potential of the ASEAN market does not necessarily reinforce consumer positions. The position of the consumer community in the ASEAN region is placed in a complementary position only. In the ASEAN economic community the problem of consumer protection is only included on the issue of mere regional economic competition. It also aims only to strengthen the existence of the ASEAN Consumer Protection Coordinating

Committee (ACCP), with network strengthening activities in the exchange of information, as well as training for its staff.

ACCP which in fact is a government organs, in practice has many limitations in providing consumer protection, because substantially almost impossible this institute take a more portion of defending the interests of consumer society, by applying hard sanctions to business actors.

Whereas since the beginning of the ASEAN agreement including the economic community, the approach is the virtue of the existence of the community becomes the most important thing (people centered). Thus must the efforts of consumer protection into the spirit of the economic community, should be placed on the mainstream, and not just a complement. This is important because the perspective in building an ASEAN economic community will be different when the existence of most consumer societies is taken into account. The choice of providing goods and services and the movement of capital and investment will surely take into account whether the interests of most consumers are not affected. With this kind of view, consumer protection efforts are not merely seen from the point

of competition alone, but must be a prerequisite for business process and management of economic sector policy by every country in ASEAN region and other countries that have interests with ASEAN market.

Consumer protection is an important tool in building an ASEAN people-oriented human resources. ASEAN has realized that the interests and welfare of consumers must be taken into account in all aspects to achieve an integrated economic region, given the ASEAN Economic Community will create a single market-based production where consumers have an important role for the progress of ASEAN countries so it needs to be protected in all aspects.

2 METHODS

In analyzing case studies in this study the authors use the theory of regime effectiveness of Arild Underdal. Underdal classifies the effectiveness of the regime into three categories, namely the first regime that is considered effective, the two regimes with performance that are between effective and not, are termed mixed performance regimes, and the third regime with a low level of effectiveness.

Effective regimes are indicated by simple problems with good problem-solving abilities. A regime classified in mixed-performance regimes, has scores that combine positive and negative points, such as complex problem levels with high problem solving abilities, or simple problems with relatively low problem-solving abilities. Ineffective regimes scored negatively on all aspects, both from the nature of the problems encountered and the problem-solving skills they have.

Related to the effectiveness of an international regime, there are several variables namely dependent variable, independent variable, and intervening variable (Underdal, 2001: 13). In this dependent variable is divided into three categories namely output, outcome, and impact. Output is a set of rules, programs, and organizational set for the operationalization of the regime. This is done so that the planning of a particular agreement can be realized (Underdal, 2002: 4-15) Usually this output is written like tracts, delays and others, or unwritten which is usually found in norms, principles, and so forth. While this Outcome shows a behavioral change of the actors who are subject to certain decisions and conditions in the regime. Then the last is the impact associated with the magnitude of the possibility of the regime is successful.

Of the three variables in this dependent variable then the author understands that starting from the

output which is a rule issued by a regime, then can be seen how the effectiveness of the regime by looking at how the behavior of actors who are members of the regime. Whether affected or not and obedient or not. The regime can be said to succeed if its members are obedient and its behavior changes according to what has been determined by the regime.

Then, the second variable, that is the independent variable. If the dependent variable, the authors see the effectiveness through the behavior of members, then in this independent variable the author can say that the effectiveness of a regime seen in how the regime overcome the problem. When referring to the article Underdal (2002: 18), the regime that can be said to succeed is a benign regime compared to malign because if the regime is benign, the regime will be easy to reach agreement. In this independent variable, there are categories of malignancy problems, problem solving capacity, and intervening problems.

In the category of problem malignancy, problems arise when issues or conflicts raised in a regime have great potential to make countries reluctant to cooperate. The problem of malignancy has three categories which include Incongruity or disagreement because not all members of the regime consider issues as conflict or problems, asymmetry or different interests between members of one with other members causing division, and cumulative cleavages or large accumulated differences possibly to cause division. The second problem is the problem solving capacity problem which is related to the functions of elements such as institutional setting, power distribution, and the expertise and energy available to the regime can work (Underdal, 2002: 18-22).

The effectiveness of a regime can also be seen based on its intervening variables, which in this variable the effectiveness of a regime is seen based on its level of collaboration (Underdal, 2002: 7). There are six scales that can be the size of the collaboration level; namely joint ideas, secret coordination of actions, explicit formulation of rules, centralized assessment, implementation at the national level, planned coordination of actions, and integration between planning and implementation (Underdal, 2002: 7-8)

3 RESULTS

The first step in regime policy evaluation is to determine the object of evaluation, evaluation standards, and how to evaluate the object of the evaluation. The object of further evaluation is translated into three parts, namely output, outcome,

and impact. It is clear that the object of evaluation in this assessment is the ACCP regime itself, with the ASEAN Strategic Action Plan for Consumer Protection 2016-2025 (ASAPCP) as its policy, thus representing the output of a series of evaluation objects. The basic criterion for measuring the regime at the output stage is the strength of rules and regulations, and the level of collaboration that is formed.

The next series is to assess outcomes and impacts, which are closely related to the implementation of regime policies. Based on the data obtained in this study, the management of consumer protection has not been implemented and is still in the discourse stage, there is no draft of discussion on harmonization of consumer protection arrangements and ACCP website, articles, and news reports there is no discussion on the harmonization of regulation on consumer protection in ASEAN countries. This is according to the author, because not all ASEAN countries have arrangements on consumer protection, as listed in the table below:

Table 1.

Country	Prinsipal Consumer Protection Act
Brunei Darussalam	Consumer Protection (Fair trading order 2011)
Cambodia	Being drafted
Indonesia	Consumer Protection Act No 8/1999
Lao PDR	Law on Consumer Protection 2010
Malaysia	Consumer Protection Act 1999
The Republic Of The Union Of Myanmar	The consumer protection Law no.11 2014
Phillippines	Republic Act No.7394-The Consumer Act of 1992
Singapore	Consumer Protection (Fair Trading) Act 2009
Thailand	The Consumer Protection Act 1979
Vietnam	Ordinance of Protection of Consumer's Interests 1999

Judging from the relative progress of the achievement of the ACCP regime, the dynamics within the ACCP regime within the AEC framework have been able to bring almost all ASEAN member countries to negotiate and pay attention to the same thing that is the protection of consumers in the trade of goods and services. ACCP is still focusing on overseeing the preparation of the prevailing arrangements and the application of consumer protection in each ASEAN member country in order to face the ASEAN Economic Community, due to later on the AEC consumer protection laws of each applicable country and not yet preparing and thinking more about the harmonization of consumer protection arrangements for ASEAN countries, given the harmonization of a regulation in some countries takes a short time.

This is not ideal in the opinion of the author, because there is no harmonization of regulations in the field of consumer protection that causes the occurrence of obstacles, among others, the provisions on consumer protection in each country will be different, in this case will be difficult and confusing business actors. If the law and consumer dispute settlement bodies are based on applicable law in the place of business actor where there is a disadvantaged consumer then the consumer dispute settlement body will be more favorable to the consumer which incidentally is the citizen, therefore in ASEAN Economic Community through ACCP regime is very necessary existence of harmonization in field consumer protection.

The institution in this case is that ACCP actually acts as an arena providing information, and facilitates negotiations to reach agreement on what points should be contained in consumer protection.

Furthermore, in the decision-making method, the mechanism used by ACCP is consensus, so that the approved items are normative. Consensus is influenced by the constellation and distribution of the power of the parties involved in the negotiation process. If there is one ASEAN member country that says "no" about something, be it activity, how to report, how to behave, how to write an attitude or whatever it is, even when the country does not propose strong grounds, the issue will be "hanged," postponed or not published to the public. This decision-making model in ASEAN does cause tension, but we also have to understand that this tradition was born when ASEAN was founded consisting of countries that have many problems in their own country. Similarly, if there is disagreement at the formal level, that right can spread to things that are informal. So diplomacy and negotiation at

ASEAN level desperately need expertise to balance these two things.

In the ASEAN Economic Community despite the economic integration that is the free flow of goods, services, investment, labor, capital flows but still respect the culture, customs and special matters governed by fellow ASEAN member countries considering ASEAN consists of several 10 countries that have different cultures and customs, the level of progress of each country varies. AEC is formed to reflect the concept of integration among ASEAN countries while maintaining the sovereignty of each country means that economic policies and decisions are taken by each AEC member country, therefore the agreement made by the AEC countries will be implemented carefully so as not to lose sovereignty of his country.

4 DISCUSSION

Underdall's theory will be maximized when applied in analyzing case studies of the regime whose nature of decisions and binding sanctions. If this theory is used to analyze the case of non-binding regimes such as ASEAN then the variables that can not be used as a benchmark. In addition, the size and scale of the calculations made by Underdall on both negative and numerical negatives precisely ignore many other variables in viewing regime effectiveness such as culture, norms and other social aspects.

5 CONCLUSIONS

Based on the classification of regime effectiveness level formulated by Arild Underdal, ACCP belong to mixed-performance regimes. This conclusion is obtained after the researcher evaluates regime policies that include the implementation and compliance level of the parties, and sees the dynamics of negotiation in the decision-making process. A regime classified in mixed-performance regimes, has a score that in this case is a simple problem with a relatively low problem-solving ability.

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