

---

# Dissertation Submission

---

LEARNER NUMBER	51696061
NAME	Glauco Antonio de Queiroz Filho
COURSE	MA in Dispute Resolution
DISSERTATION TOPIC	The impacts of the European Union on the Brazilian Customer Service
SUPERVISOR	Nadia Batti
WORD COUNT	16.675
DUE DATE	02.11.2020

**I certify that:**

- This dissertation is all my own work, and no part of this dissertation has been copied from another source:      Yes       No
- I consent to having my dissertation be retained in the library for the purpose of future research.      Yes       No

*[Note that if no check boxes are selected, this dissertation will be regarded as NOT properly submitted, and may be subject to a late submission penalty]*

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Notes:

*[insert dissertation here]*

## Table of Contents

Abstract.....	1
Acknowledgements.....	2
Aims and Objectives.....	7
Research Methodology and Methods.....	8
Presentation of data and Data Analysis .....	9
Chapter 1- Fundamental principles about online dispute and conflict resolution.....	10
1.1. Introduction.....	10
1.2. Settling consumer Disputes Online.....	12
1.2.1 Introduction.....	12
1.2.2 How to use a platform.....	12
1.3. The advantages and disadvantages of using ODR.....	13
1.3.1 Advantages.....	13
1.3.2. Disadvantages .....	14
1.4. Examples of ODR in action.....	14
1.4.1 eBay (www.ebay.com).....	15
1.4.2 Resolver (www.resolver.co.uk) .....	15
1.4.3 Financial Ombudsman Service (www.financial-ombudsman.org.uk).....	15
1.4.4 Youstice (www.youstice.com).....	16
1.4.5 Amazon (www.amazon.co.uk).....	16
1.5. Brazil and customer service: litigate or conciliation.....	16
Chapter 2 - Brazil x Europe: Legal aspects .....	18
2.1 Current Brazilian legislation.....	18
2.1.1. Introduction.....	18
2.1.2 How Brazil works .....	18
2.1.3 Customer service.....	19
2.1.4 Alternative Mediation and Disputes.....	20
2.2 Current European Legislation .....	22
2.2.1 Introduction.....	22
2.2.2 How Europe works.....	22
2.2.3 Customer service.....	23
2.2.4 Alternative mediation and disputes in Europe .....	24

Chapter 3 - Open Disclosure.....	25
3.1 Introduction.....	25
3.2 Configuring the search.....	25
3.3 Data analysis.....	26
3.4 A fresh start for Brazil?.....	29
Chapter 4 Customer service and new theories .....	32
4.1 Consumers and a new social class .....	32
4.2 Deconstructing a litigious culture .....	34
4.3 Consumers and the control of the result.....	35
4.4 Level of satisfaction of online services.....	37
Chapter 5 - Discussion.....	39
Conclusion .....	48
Reflections .....	51
References.....	56

## **Abstract**

The following dissertation explored the disputes that are generated by customer service in Brazil, and was compared with the same disputes with the customer service in European Union.

Through a qualitative methodology, data from different sources, such as electronic and official journals from both countries, and previous research were analyzed. The interview was conducted to help determine the value of the information. The cultural elements of each country were explored together with the legal system. It was explained why there is dissatisfaction among Brazilian consumers, and why a country that always believes in the court to resolve its simplest issues. After finishing the literature, it is concluded that the culture of Brazil is litigious and is not yet ready to deal with alternative disputes as a means of resolving its conflicts.

## **Acknowledgements**

I would like to thank my supervisor Nadia Bhatti for all the assistance she provided, and the support of friends and family.

## Introduction

Since the early 2000s, the online retail sector has become a phenomenal entity in a considerable portion of the world. As a result, many companies have developed strategies to merge with other companies as a survival mechanism. The focus today is to improve online services so that more consumers can utilize the products being offered (Zeithaml, 2002). Furthermore, in situations where additional people are involved, a conflict may materialize as a direct result of opposing ambitions and life structures. Individuals frequently desire greater capacity to be heard and express their opinions. Consequently, we face an escalation of daily conflicts as people expose their intent. (Viesenteiner).

With the growth and evolution of time, superior alternatives are required for conflicts between people to be resolved. There are a large number of cases to be judged in various regions, most notably Brazil and European Union. The focus of these processes is on consumer rights in general. In order to facilitate the development of processes similar to the above mentioned, several alternative forms of solving problems between consumers, suppliers, retailers and among other forms of conflicts (Julia Hörnle and Pablo Cortes) were established. Today, in the 21st century, internet platforms were developed to resolve consumer conflicts, without the need to leave home, maintaining the comfort, well-being, security, and economy of the parties involved (Julia Hörnle and Pablo Cortes) .

Within the majority of European countries, online conflict resolution has been functioning for over ten years, making life easier for most consumers involved in some type of conflict. As for Brazil, according to the research that will be demonstrated in this research, the conflicts refrain from meeting a satisfactory proportion for the parties involved. The paper will demonstrate the reasons why Brazil, even with such a large territorial space, is still unable to establish a profile

where consumers are satisfied with the results of their conflicting actions. Beliefs and traditionalism are two of the reasons found for the result of the dissatisfaction of people involved in conflict situations that could be resolved by simple agreements between the parties. However, due to a considerable lack of encouragement or information, the parties decided to take litigious actions.

In chapter I, authors such as Ester Heuvel, Katsh, Pablo Cortes and others will assist with the initial justifications that will be addressed on the fundamental principles of online dispute and conflict resolution. The paper will communicate to its audience how online disputes are set up. Additionally, I will identify the advantages and disadvantages of accepting to resolve conflicts online. The ability of platforms and how they can be utilized to will also be a paramount point discussed in this chapter. I will also identify whether Brazil is a country that encourages litigation or conciliation, as this is one of the general objectives of this research. A contrast will be made between Brazil and European nations in order to investigate the functioning of one and the non-functioning of the other.

In Chapter II the current legislation of Brazil will be explained in additional detail, as the current Minister of Justice explains the current legislation of the country so that we can better understand what the present situation is. Authors such as Gabriel Cruz and Eugenio, who are well accustomed to the justification process and exemplify how customer service transpires, denote the alternatives that the country has used to resolve existing conflicts between consumers.

Moreover, the current European legislation will be identified, alongside the country's ability to function economically with conflict resolution tools.

In Chapter III, a survey conducted by a group of Brazilians who live in European countries and who were chosen to offer their opinions between the service in Brazil and European Union, will



be presented in detail. This will assist in understanding why Brazil remains unable to offer swift and more effective solutions in its processes that involve consumers because consumers have forced interludes of time placed upon them in vain attempts to obtain court responses.

Chapter IV will study some theories that were discovered during the research, and the authors Salvatore, Luc Boltanski, Ève Chiapello are cited, respectfully in order to enhance this work and also to support the theoretical content. We had the opportunity to doubt the theories that were uncovered and to observe from a contemporary angle a new understanding through what was already established. It will further demonstrate through the vision of Hant and Vilares, how a considerable portion of countries are working to offer a superior customer service and what impacts have been generated among consumers, suppliers, and other consumption highlights. To conclude chapter V, as a means of discussion, where hypotheses about most of the topics found in the previous chapters could be discussed and thought of as a more elaborate view, which will make it easier for the reader to also want to understand why many actions and situations are only imposed and not discussed

Examining preferable options for Brazil, with its enormous capacity for development, we can highlight only small steps are occurring to ensure a good quality customer service that guarantees positive and satisfactory results for those who were classified as vulnerable by the country's own legislator.

It is important to note that in the course of the research, the classification of countries as first, second and third world was removed, since the focus of the analysis was to study, through comparative methodology. Additionally, the cultural and traditional activities that are perceived by lay readers deserve some perspective. There were limitations when uncovering more recent data related to the provision of services to Brazilian consumers. However, some hypotheses were

raised due to the research and care was taken to answer all queries and demonstrate the reader's view on the issue.

## **Aims and Objectives**

This dissertation aims to compare the online customer service between Brazil and European Union, while exploring the motivations why Brazil is still unable to implement platforms that can be utilized as a tool in the dispute and resolution of these conflicts. This dissertation will try to answer the following question: why does Brazil fail to implement alternative measures so that consumer issues are obtained to their satisfaction? In other words, is it worth taking conflicts between consumers and service providers to court, and still wait for them to make the final decision?

We know that the majority of countries are endowed with their cultures, and that these are used to resolve all types of situations, especially conflicts. However, seeking tools from parallel countries that complement the country's legal system may be an excellent idea. In this way, information that works successfully in European Union will be analyzed, leading European consumers to obtain positive results in their conflict actions, and to comprehend why Brazil is unable to achieve similar results. The paper will be adhere to the following objectives:

- \* Address the main literature and theoretical issues related to customer service, the current legal situation in each country, how each works, and what are the advantages and disadvantages of taking their conflicts to alternative solutions
- \* Investigate what is absent and prevents considerable positive results being achieved and reduce the cases that reach the court and remain there for years waiting to be tried.
- \* Critically analyze the opinion of Brazilians and try to understand what can be done so that online disputes are taken seriously in Brazil.
- \* Understand the legal relationship of both countries, and understand how culture influences consumer decisions.

## **Research Methodology and Methods**

The methodology can be understood as "The theoretical knowledge that constitutes research is, therefore, organized around the operational steps that form this research process, both quantitative and qualitative research" (Ranij Kumar).

This dissertation will be based on a mixed methodology approach. This methodology can be understood as the use of quantitative and qualitative methods. Ranij Kumar explains that research is unlikely to be obtained on a comprehensive level in quantitative or qualitative data.

This methodology was approached because it provides a more comprehensive field of study. The subject can be seen from different perspectives, and the practice can balance the weaknesses of each method (Denscombe, 2017).

The author Ranij believes that the method works very well, however, some challenging factors can be found along the way, such as the increase in time and costs in combination with data which is not linked.

## **Presentation of data and Data Analysis**

These processes will be presented from primary and secondary fonts. Primary sources can be understood as “the choice of the method and the objective of the study, the resources available and the competences of the researcher” (Ranij Kumar). Secondary sources according to Wisker are: “sources that provide information based on narratives or data collected from other authors (2019). The most used and presented sources in this dissertation are the narratives of authors of different countries and with deep knowledge of the subjects that are being discussed. It is important to talk about some notes about the interview.

The interview can be understood as: "a method commonly used to collect information from other people, in order to obtain information related to a series of topics that are being studied" (Ranij Kumar). Monette says: ‘an interview involves an interviewer reading questions to respondents and recording their answers’ (1986). Burns adds "an interview is a verbal exchange, often face-to-face, although the phone can be used, in which an interviewer tries to obtain information, beliefs or opinions from another person". (1997).

The documents analyzed in these surveys are reports that are issued by countries in official electronic magazines and authorized by the government. However the author Denscombe says that naivety should be avoided because when we are facing a survey, “we must not just accept information from sources as true without even investigating in depth ”(2017). Consequently, “The study designs are therefore often based on deductive rather than inductive logic” (Ranij Kumar).

## **Chapter 1- Fundamental principles about online dispute and conflict resolution**

### **1.1. Introduction**

Nowadays the use of the internet has made our lives easier and one of these benefits is the electronic commerce that starts to offer us countless opportunities without any precedents. However, in the face of offline transactions, problems can be led to disputes, in the same way, that they occur online (Ester Heuvel, 2000, p3). In addition, we can also add that for there to be security among the interested parties, the electronic disputes must be resolved appropriately, as explained by Ester (2000).

With historical concepts, it submits to the beginning of the 90s so that we can justify the existence of ODR (online dispute resolution), as it was believed that this evolution was not predicted following the evolution and adaptation of internet users in that period (katsh ).

Recently it appears to be something natural that identity theft is increasing and people are fighting for their copyright. In 1990, programs that we obtain today are not expected, such as spam, online buying, and selling, games, etc.

Skeptics believed that an environment created on the internet would be predominantly creative and would have an inevitable power for disputes to be generated and online resources could be used efficiently so that people who were involved in disputes would have the same feeling of being in a face-to-face meeting in court. (Pablo Cortèz, 2011). Face to face, previously (as still occurs) an interaction between the parties. However nowadays, communication is already well facilitated by the internet, with appropriate software for this (Ester, 2000, p3).

Even in the mid-90s, the most popular browser at the time called Netscape, where the initial graphic browsers were created, it was enough that the internet was installed and the communication generated an easy obtainment of information online (Katsh, p23). It was

renowned for its simplicity and won the population over. It should be noted that four years later, with the growth of the internet, it has also become clear that cyberspace would not be a place where harmony exists and that certainly new tools should be created so that new conflicts were avoided (Katsh).

In 1996 the National Center for Automated Information Research (NCAIR) law was revised, and there was already significant demand for ODR projects as a Virtual Magistrate, and a family dispute at the University of Maryland. A scholarship to the University of Massachusetts, it was granted that the Information and Dispute Technology Center could be established in a more structured way. The first activity would be the organization of a fully online Cyberweek where hundreds of people could participate (Katsh).

With a result of a report generated in Brussels in the year 2000, after an EU workshop that aimed to present extrajudicial systems of dispute resolution, and in this space, certain guidelines were addressed in an e-commerce environment (Ester, 2000, p4). After this period, a public workshop was held on transactions without frontiers, aimed at the online market.

The workshop was conducted by the US Department of Commerce, and with the support of Secretary of Commerce Daley, it was determined that this would indeed be used as an e-dispute solution (2000). Possibilities were seen by the Dutch Minister of Justice who believed that a council would address complaints from cross-border consumers for e-commerce. Thus, on April 6 of the same year, Mr. Van Walsem (Dutch government) mentioned the yes to the resolution of online disputes (2000, p5).

With the capacity and speed of communication with information and laws within the network, a range of opportunities for solving problems for cases that have gone to court, so to speak, refer such conditions to online activities. Thus, with information obtained by eBay about sixty million

disputes held in 2010. Currently, there is already a platform on which internet use is no longer required as everything is completed off-line, defusing the real and virtual worlds ( Katsh, p24).

## **1.2. Settling consumer Disputes Online**

### **1.2.1 Introduction**

Online dispute resolution (ODR) is a platform developed with information technology composed of dispute resolution techniques that tend to streamline the information attributed to it. It was developed so that distances could be overcome and used through the use of remote communication. Within the platform, documents such as legal arguments, evidence, expert opinions, which are available to the parties and a neutral third party (Julia Hörnle and Pablo Cortes) are loaded and stored.

The platform also has sophisticated features such as video conferencing and legal knowledge management and even experts. It is important to note that there is a diversity of ODR, but all are based on the traditional forms of Alternative Dispute Resolution (ADR), seeking a combination of mediation and arbitration in particular, in fact following the same procedure and the same purpose of interpersonal relationships. There are additional innovative forms like mock trials and online jury. (Julia Hörnle and Pablo Cortes).

### **1.2.2 How to use a platform**

Operated and managed by the European Commission, the platform was developed to cover as much of the European territory as possible. However, all member states previously had to evaluate and send notifications to the Commission of national ADR entities. It is important to note that this EU ODR platform is connected to exactly all ADRs that are notified by Member



States in accordance with the ADR directive. A link must be provided by merchants, so that the link is made between the EU ODR platform and the consumer. Legal activities are offered to ADRs as a whole, and enabling disputes involving contracts in virtually all economic sectors, whether online or offline, national or international. The steps for using the platform will be exemplified below, following the steps offered to users:

‘1-The consumer fills in an online complaint form and submits it. 2-The complaint is sent to the relevant trader, who proposes an ADR entity to the consumer. 3-Once consumer and trader agree on an ADR entity to handle their dispute, the EU ODR platform transfers automatically the complaint to that entity. 4-The ADR entity handles the case entirely online and reaches an outcome in 90 days’.<sup>1</sup>

Source: [https://www.eccireland.ie/wp-content/uploads/2016/02/adr-odr.factsheet\\_web.pdf](https://www.eccireland.ie/wp-content/uploads/2016/02/adr-odr.factsheet_web.pdf)

### **1.3. The advantages and disadvantages of using ODR**

#### **1.3.1 Advantages**

Following the settling of consumer disputes online, participants tend to be more confident in their negotiations conducted internationally, as there is a resolution capacity outside the court and without all that litigious bureaucracy that is imposed. It is also expected to be a simple and agile task. It has a much lower cost when deciding to use traditional methods. Even the lowest values are also encouraged to the participants to obtain their rights (VěraJourová, 2016).

According to the author Patricia Galloway, there are numerous advantages to the use of online disputes as an economical process for both sides, efficiently, that does not seek confrontation, still less the discomfort of the parties when they are facing a problem, and that always requires listening to the arguments and perhaps allow emotions take over something that would be easier to resolve. Communication is more reflective and allows parties to be neutral because the

---

<sup>1</sup> Settling Consumer Dispute Online. 2016. [online] Available at: [https://www.eccireland.ie/wp-content/uploads/2016/02/adr-odr.factsheet\\_web.pdf](https://www.eccireland.ie/wp-content/uploads/2016/02/adr-odr.factsheet_web.pdf) . Accessed 06 Sep. 2020.

distance is also no longer a preponderant fact (BartoszZiemblicki).

The author Sami Kallel also agrees with the points addressed by Galloway but adds some additional benefits such as confidentiality in the process, the transparency with which the process is carried out, greater transparency and authenticity that is adopted, since the parties follow the progress and do not receive surprises upon the conclusion, as used in litigation. The language was also pointed out as a positive point because, on the platform, participants can choose the language that provides security if they do not have their mother tongue included (BartoszZiemblicki).

### **1.3.2. Disadvantages**

The front of positive points always has some thoughts to be reflected oppositely. Galloway attributes this saying that some flaws need to be revised as parts that tend to commit false testimony in their testimony. Some obstacles in the use of consistent testimonials experts do not observe body language, and the communication is archived and can be read by other parties, thus escaping the parties' confidentiality (BartoszZiemblicki).

"Electronic communication is no substitute for the ability of face-to-face conversations to foster important process values of mediation." (Joel B. Eisen, 1998). The author believes that this type of work would become a bit in a cast because it can only be used for some specific cases of dispute, or better said, where the value to be agreed is still not the main issue. He also believes that the platform is well developed for the work that was created; however, it is rather a very limited tool. (Joseph W. Goodman, 2002).

### **1.4. Examples of ODR in action**

#### **1.4.1 eBay ([www.ebay.com](http://www.ebay.com))**

60 million disagreements are recorded on average and all are resolved using The Doctor method. Those involved are directed to the platform for two reasons: for non-payment or for delivery of the product different from the description made at the time of purchase. Consumers are encouraged to use the online platform and there they are assisted by practical advice that avoids misunderstanding.<sup>2</sup>

#### **1.4.2 Resolver ([www.resolver.co.uk](http://www.resolver.co.uk))**

Based in the United Kingdom, Resolver is a platform programmed to help dissatisfied consumers make their complaints directly with suppliers or resellers. Standard phrases are directed to consumers so that they can write their dissatisfactions while suppliers are asked to respond via e-mail and forward to the relevant complaints sector. Nowadays the platform covers energy services, transportation, shops located on the streets, restaurants and bars among many other sectors. The service is completely free for both consumers and suppliers / retailers.<sup>3</sup>

#### **1.4.3 Financial Ombudsman Service ([www.financial-ombudsman.org.uk](http://www.financial-ombudsman.org.uk))**

Its main objective is to use the minimum possible formality for disputes to be held between consumers and financial businesses based in the United Kingdom. It is believed that the sooner the problem is solved, the less damage to both parties, so it was planned to carry out all procedures in a few hours or less than eight weeks.<sup>4</sup>

---

<sup>2</sup> Civil Justice Council, 2015. P11. [online] Available at: <https://www.judiciary.uk/wp-content/uploads/2015/02/Online-Dispute-Resolution-Final-Web-Version1.pdf>. Accessed 07 of Sep.2020.

<sup>3</sup> Civil Justice Council, 2015. P12. [online] Available at: <https://www.judiciary.uk/wp-content/uploads/2015/02/Online-Dispute-Resolution-Final-Web-Version1.pdf>. Accessed 07 of Sep.2020.

#### **1.4.4 Youstice ([www.youstice.com](http://www.youstice.com))**

The platform was developed to deal with numerous complaints from low-value consumers, working with matters related to purchases and services made online or not. It offers a form of structured dialogue or even free form with the aim of getting the parties to reach an agreement for themselves. It is also completely free and simple to navigate and handle.

#### **1.4.5 Amazon ([www.amazon.co.uk](http://www.amazon.co.uk))**

The platform was developed so that problems between the client and the company can be solved quickly and effectively, without losing the client. They believe that they have a high standard of management between responding and resolving customer concerns.

### **1.5. Brazil and customer service: litigate or conciliation**

A country with great political, social and economic inequalities, Brazil is composed of a legal model completely bureaucratized since the most remote times (Viana; Nery). Better to announce that most of the problems that the country encounters are reflections of a beginning completely endowed with bad political management. Nowadays, the influence that the Judiciary has on Brazil is completely perceptible, and it is through this that individual and collective rights are guaranteed (p4). It is possible to see that the State exercises its power when it is provoked by the interested party, having as final destination the realization of the rights coming from a third party whose will is the one that prevails. (p4).

In 2015, a new Civil Code came into force in Brazil, which brought several reforms to the country and to the legal sphere, since before, for a process to be effective, it was necessary that there was a procedure that met the reality of the parties. With the update of the code, it was

understood that the Judiciary power is completely incapable of meeting the current circumstances of the country in an efficient manner (p3). It is precisely for this reason that the country has become aware to join other means of conflict resolution such as: Conciliation, Mediation, Negotiation and Arbitration (p3)

The authors believe that the Jurisdictional culture of Brazil is traditionally of conflict resolution, therefore, most of the individuals prefer to resort to the State Justice to have their problems solved, since most still believe that the authority of the State is composed of larger levels of power and knowledge (2012). They also believe that for countless times and due to lack of correct information, Brazilians needlessly resort to the Judiciary, leading to a large number of lawsuits in progress and resulting in the delay of processes of great relevance to the State (2012).

## **Chapter 2 - Brazil x Europe: Legal aspects**

### **2.1 Current Brazilian legislation**

#### **2.1.1. Introduction**

The current Constitution of Brazil is only a few years old, at 32, and within its guidelines the power of self-government is granted together with the power to elaborate its own budgetary proposals, as long as they are listed within the legal limitations. The Judiciary is also granted autonomy of the institution, guaranteeing administratively and financially the granting of independence to the judges.

‘Judicial independence is more important for the effectiveness of fundamental rights than any written constitutional proclamation. Fundamental rights have an essential role in limiting the Power of the State, thus, it is the effectiveness of the rights declared in the Constitution which constitutes the Rule of Law’. (Gilmar Mendes)<sup>5</sup>

#### **2.1.2 How Brazil works**

The judicial powers were divided into five constitutional jurisdictions, which are: Federal Jurisdiction: pertinent to judge causes directly and indirectly related to the Union. Labor Jurisdiction, Electoral Jurisdiction, Military Jurisdiction, and State Jurisdiction, responsible for judging other criminal disputes, there is usually only one judge and a jury on crimes that violate human life and dignity. (GilmarMendes). With attributions of the Minister of Justice of Brazil Gilmar Mendes, he explains that the country, due to its immense legal territory, required the creation of 91 different courts composed of approximately 15,731 judges. According to Constitutional Amendment 45/2004, the country is governed by the following representatives: Judiciary, Public Ministry, Brazilian Bar Association and civil society. Financial activities are

---

<sup>5</sup> Mendes, G. Framework of the Brazilian Judiciary and Judicial Review [Online] [http://www.stf.jus.br/repositorio/cms/portaIStfInternacional/portaIStfAgenda\\_pt\\_br/anexo/Framework\\_of\\_the\\_Brazilian\\_Judiciary\\_Inglaterra\\_Final.10.20091.pdf](http://www.stf.jus.br/repositorio/cms/portaIStfInternacional/portaIStfAgenda_pt_br/anexo/Framework_of_the_Brazilian_Judiciary_Inglaterra_Final.10.20091.pdf) Accessed on 15 sep 2020

governed by the National Council of Justice.

Gabriel Cruz clarifies that the National Council of Brazil is composed of 15 members and they can work for the society in a period of two years allowed to extend by just two more. Within the Brazilian Judiciary context, the Council occupies a strategic position, since only its own decisions can be reviewed by the Supreme Federal Tribunal, the highest instance of the Judiciary (p3). An attempt at efficiency in power has been sought since the most remote times and several normative acts related to the functioning of the Judiciary are edited, and the Brazilian justice can be seen with a systematic look (p3).

Mendes adds that in order for there not to be a large number of cases to be handed over to the Supreme Court, the lower courts can offer certain remedies that reflect in a specific dispute and refer them - and none other - to the Supreme Court, stopping all others ( p4). The purpose of these actions is to prevent, as far as possible, small cases, such as customer service, from reaching the Federal Court, hoping that issues of a constitutional nature and of a simple nature will become a major repercussion in the future ( p5).

### **2.1.3 Customer service**

Eugenio believes that in recent years Brazil has tried to bet and invest in better service to online customers. He also believes that this task has been specially focused on training employees of large and small companies, helping to develop a deeper understanding of the product being sold, but also how to improve the service of interaction between customers and the company (2016). The author also explains that currently the training has been focused on better observing the customers, because they are the ones who bring the profit to the company. When they feel good, successful, healthy, and safe because of the service they are receiving, is a substantial guarantee

that they will return, and also offers good feedback (2016).

The acronym SAC (customer service) was implemented throughout the country and together with the acronym, you must obtain phone numbers and email, or any other means where the consumer can contact the company, listen to everything that clients have to say about any type of product or service purchased. The role of the company or manufacturer is to help them understand and resolve their dissatisfactions (2016). It has also been implemented in accordance with the author's studies, which “each client is unique”, therefore, using clichés as a way for them to produce positive feedback, can be a negative idea to be adopted in recent times (2016). Currently, a path that has worked, is to focus on the emotions of customers, and in accordance with a platform called “e-commerce Brazil” implemented in recent years, with an attempt to improve online services in the country, this has been the focus: understand that each consumer is different, and that each of these will produce different results and feedback (2016).

#### **2.1.4 Alternative Mediation and Disputes**

In Brazil, arbitration or alternative disputes are considered substantial and revolve around variations of a nomenclature approach. The processes involved in ADR are used to resolve certain disputes in a more efficient manner with confidentiality and generally with the objective of reducing the costs that would be generated by a litigation. Yes, this is the real nomenclature established by the author Adelmo M. Machado.

In fact, author Angela Di Franco tells us that the court and litigation is still the predominant method in Brazil, especially when the parties involved are large companies of goods and services, and sometimes even subjects with a lesser degree of complexity. These alternative disputes have been gradually gaining strength in the last 15 years when issues involve more



sophisticated transactions such as corporate mergers, financing of large projects or actions involving investments. (Angela Di Franco, p3)<sup>6</sup>.

It is not common also in the country that alternative methods such as mediation (practicing commercial disputes) are used frequently, as both parties still feel powerless and can be perceived by the adverse party as a sign of unreliability in the merit of the claim. It is seen as 'openness'. Certain contracts obtain compulsory clauses stating that any dispute of good faith must involve ADR's in the period of 30 to 60 days, but this does not always happen, generally this period everything is stopped, anticipating the time to expire. (Angela Di Franco, p3)

The country, as well as others, has tried to attract a greater number of investors, and as a result there are already contracts governed by English and European laws seeking to prevail mechanisms and influence from international arbitrations. Gradually they are becoming a more flexible market in this regard. With the reform of the Civil Procedure Code (art.25) carried out in 2015, the parties are free to resolve disputes arising from contracts abroad.

According to Di Franco (p.4) domestic arbitration matters are still not an obvious choice by the parties when it involves cost benefit, in most cases clients choose to leave their commercial disputes in the hands of the judiciary, making this consequence an increase in the process load that is often much greater than can be supported, with opposite effects on the time and quality of the service provided.

Although there are quite a few lawyers in the country and in a way quite saturated by the amount of services that are provided, there is still a great deal of competition in resolving disputes, with more than two dozen different offices and profiles. However all of these are aimed at profit and not always the focus is on resolving the conflict and representing the client. (Angela Di Franco,

---

<sup>6</sup>Dispute and Resolution in Brazil. [Online]  
[https://www.levysalomao.com.br/files/publicacao/anexo/20161206102542\\_dispute-resolution---brazil---getting-the-deal-through---apb-e-rz.pdf](https://www.levysalomao.com.br/files/publicacao/anexo/20161206102542_dispute-resolution---brazil---getting-the-deal-through---apb-e-rz.pdf) Accessed 13 sep 2020.

p4)

## **2.2 Current European Legislation**

### **2.2.1 Introduction**

A little different from Brazil, the European Union is composed of 27 countries, all of which are sovereign and independent, but are united in order to gain strength and the benefits that each one can provide. An important point to be said about Europe is that it is one of the regions that considerably support humanitarian aid programs around the world. They also participate in the fight against climate change and its consequences. A country that is always developing and contributing to European values is extended to the whole world. (The European Union Explained p.3)<sup>7</sup>

‘The EU has achieved much since it was created in 1950. It has built a single market for goods and services that spans 27 countries with 500 million citizens free to move and settle where they wish. It created the single currency - the euro - now a major world currency, and which makes the single market more efficient’. (The European Union Explained p.3)

### **2.2.2 How Europe works**

Decisions are divided between the European Parliament, which is the body directly connected with those elected by them. Furthermore, there is the European Council where the Heads of State or even the Government of the EU Member States are located. It has a duty to direct and define policy in a general context, but it does not have the function of legislating. The European Commission is represented by the interests of the EU as a whole. (The European Union

---

<sup>7</sup> The European Union explained. [Online]  
[https://eeas.europa.eu/archives/delegations/singapore/documents/more\\_info/eu\\_publications/how\\_the\\_european\\_union\\_works\\_en.pdf](https://eeas.europa.eu/archives/delegations/singapore/documents/more_info/eu_publications/how_the_european_union_works_en.pdf) Accessed 12 sep 2020.

Explained p.4)

Regarding legal acts, we can say that there are several different configurations, since a regulation is an applicable law and transits in all other Member States (some change may be necessary to avoid conflicts with the regulation). In order to reach a given Member State, there is a law that binds Member States or groups with the function of better understanding about such a decision.

The Ordinary Legislative Process is the most adopted in EU legislation, as this way the Parliament and the Council are able to share the act of legislating. (The European Union

Explained p.4 and p.6)

### **2.2.3 Customer service**

In accordance with the electronic magazine Deloitte, several surveys have been carried out across the country, and it has been found that most consumers have understood that the environment has been changing rapidly, due to the monitoring of technological advances (2013) and that several companies have reacted to these new trends by betting and implementing social media services and channels of interaction between customers and suppliers. According to research carried out by the electronic magazine, the answer to the new changes has been the implementation of technology that can interact directly with the customer, observing the behavior of each one as these are essential changes. (2013).

The magazine also says that across the country all the media, such as channels, people, technological processes and others along the same lines have been revised. The objective is a radical improvement in these areas, provoking new service capacities and new resource models directed to customer service (2013). Teams in several countries in Europe have also been prepared to deal with these new changes and adaptations, including law firms. In summary, the

new service teams have been working in the last few years to generate better business and that they can cause in marketing news, profitability, and at the same time promote the well-being and satisfaction of customers (2013).

#### **2.2.4 Alternative mediation and disputes in Europe**

As a result of the heating up of the European market, consumers migrated to solutions that were more viable and quicker to be solved, since certain situations demanded certain flexibility and agility that the tax did not offer. Thus, a greater number of cross-border purchases and complaints increased and thus began to demand online procedures. (Iris Benohr, p.4). Some claims were established by the Treaty on the Functioning of the European Union (TFEU) listed by Article 81 which in the field of civil justice competences may serve as a general basis for cross-border ADR measures. Paragraph 2 of the same article also foresees a possibility for the EU to adopt civil measures without the focus being on transforming them into other market formation measures. (Iris Benohr, p.4)

The goal of mediation and ADR's is for better connectivity between the parties, and they will find a solution to the conflict, in a sustainable and self-determined manner. The principle also starts on a voluntary basis and serves for the growth and development of both parties and still generates greater savings and less demand in legal proceedings. (Dr. Felix Steffek, 2012). There is also a view that these alternative resources can benefit both parties by preventing one of them from losing out. The author believes that both parties win, as they are able to find alternatives that favor both sides through a mediator. It is only important to note that each case must be observed individually for the mechanisms to be applied properly. (2012).

## **Chapter 3 - Open Disclosure**

### **3.1 Introduction**

In civil society in general, disputes are inevitable, whether between individuals, States, or groups (Silva, p2). Due to a contemporary social structure, conflicts have taken more complex directions and with greater depth. The volume of lawsuits in Brazil has shown a progressive increase in recent years (p2), making it clear that lately people have been moving more to mobilize their rights.

The development of consumer rights protection is linked to the consolidation of capital and production in excess of consumption (Gisela B.Taschner 2000). In general, customer service comes from a reality where problems of the past and the future still in an unresolved demand are completely intertwined (2000).

Currently, Brazil has a specific code to deal with the actions that are generated between consumers and service providers in general. It is the law 8,078 that was born in the year of 1990, because in conformity with the Brazilian Federal Constitution of the year of 1988 (valid until today) the consumers and the suppliers were treated in a similar way, but they should not, because the suppliers obtain advantage and suppliers are extremely sizable (Tartuce). Suppliers or providers of any type of work have an advantage because they get the technical knowledge about what is being delivered to the consumer, so it is classified as the most vulnerable part. The code was created so that both parties are supported and none of them are treated in different ways (p.11).

### **3.2 Configuring the search**

1- Setting: The main idea of this work was due to some studies that were done in the last three

months of this year (2020), in order to answer some questions that would require a little deeper and more elaborate studies. So the following research was carried out in Dublin between August and September of the year 2020.

2- The participants were separated into “private” groups. However, in order to reach the number of participants, first a post was placed on social networks (Facebook) with the following information: “I am looking for people who work or have worked in the legal sector in Brazil and who currently live in some European country. After that, the group was selected and some questions were sent to the members, which will be presented below, in order to support the concept of this work.

3- The materials used for this research were social networks, since; this is the alternative and most suitable for the present year, due to the current pandemic named COVID 19 that has been occurring since the beginning of March in the present year. The communication platforms were: “Facebook”, “WhatsApp” and the “Google forms” research platform in order to facilitate the response of all participants in a short period of time.

4- The data were collected through a questionnaire sent to the participants of the private group with multiple choice questions and a narrative, so that they could clarify their positions related to the questions that were there.

### **3.3 Data analysis**

The group was initially asked, which part of Brazil they are from, as the country in accordance with the Brazilian Geography and Statistics Statute (IBGE) is composed of approximately 209.5 million people (footnote) divided into 27 states. As of the closing date of the survey, no people from all states have been found.

Responses will be represented by the following states:

- Bahia represented by 5.9% of participants
- Minas Gerais represented by 5%
- Ceará, which was represented by 5.9%
- Rio de Janeiro represented by 11.8%
- Joinvile represented by 5.9%
- Sao Paulo represented by 58.9%

Adding to the next questions, the survey requested if individuals located in Brazil, had heard of Dispute and Dispute Resolution online in relation to customer service. This was a multiple choice question of which the options were: “Yes”, “No” and “I do not remember”. The percentage obtained was that 11 people answered yes, with the percentage of 55%; 7 people said no, 35%; and 3 people do not remember or never heard of, totalling 15%.

Another multiple choice question was addressed to the group and the aim was to find out if, when they lived in Brazil, if they were already involved in any conflict resolution related to customer service. The options were also: “Yes” “No” and “I do not remember”. The results were that 65% of the participants were already involved. 30% were not, and the other 5% did not remember or could not say.

Participants were also asked whether during the period they are living outside Brazil (all are in some European country) if they have already been involved in any conflict also related to customer service. The answers were multiple choice also with "Yes", "No", and "I do not remember". The results were that 75% were not involved, 20% were and the 5% were not or could not say.

Ahead was asked for those who were involved in some resolution of conflicts in some European country what would be the feedback on the subject. There were also multiple choices that were: "Satisfactory", "Not Satisfactory", "Prefer or do not know how to say". 40% of the participants were successful and adopted the satisfaction option. 28% were unsuccessful or are still waiting for the problem to be resolved. The rest of the 35% were not or could not say.

Brazilian author Humberto Filhosays:

'In view of all this process of postmodern dynamism, it is common for human relations to also be exponentialized, due to the **increased** fruitful dissemination of information and the consequent clarification of the subjective rights that each citizen or legal entity holds, or even to encourage a culture of judicially ”.

Authors Nicole Vianna and Sophia Nery say:

'And it is precisely the expansion of people's democratic awareness, constantly promoted by the media and encouraged by reforms in the Law (such as the new provisions brought by the Civil Procedure Code of 2015), that increases the demand for the Judiciary to resolve conflicts , contributing to the popularity of his performance. '(p4).

Based on the conceptions of the authors above, the following question was directed to the group; however, the questions were of multiple choice. The question was: “According to initial research, online Disputes and Conflict Resolution still do not work effectively in Brazil, whereas in European countries they have worked for more than 10 years. The options to be chosen were: 1- A cultural reason, in which you believe that the litigation can generate more profits at the end of the process (be it of great or small value). 2- Due to economic problems, it is believed that profit is more important than the solution of the problem. 3- None of the above. The result obtained was that: 55% of the participants voted on the issue of number 1. 20% supported the



issue of number 2. And 25% voted on the third option.

Carlos Frederico Filho (1997) says 'that the Brazilian legal system in the most remote times, had as its base and main source the law that, evidently, it would not be possible to fully cover the social field that they had or would have legal relations' ( p5). Based on this positioning of the author, some discursive questions were elaborated, so that the opinion of the members could also be heard. Thus, the following question was asked: “Do you believe that Online Dispute and Resolution can be the future of legal relations for customer service in Brazil? (If you believe so, give your opinion briefly. ”The result was that 30% of the members just said 'no' and did not express an interest in justifying the answer. 70% answered 'yes' the answers were: Participant 1 replied: “Despite the fact that in Brazil, many of the things happen to favor the previous system, that is, the slowness of judicial actions’’. Participant 3 replied: “I believe it can be one of the solutions.” Participant 7 replied: “Yes, since the litigious process is exhaustive and requires time and money. “Participant 8: “Yes, however, it should be more clarified for the population on the topic.” Participant 11: “Yes, because the internet will facilitate conflict resolutions.” Participant 13: "Yes, with the pandemic it was possible to see that everything can work online. A new reality has emerged and the online modality avoids delays, traffic and can be more organized than in person." Participant 15: "Yes, the lawsuits are extremely time consuming. The mediation of disputes can bring great repercussions to the large volume of lawsuits that become unnecessarily legal”. Participant 16: “Yes, because it unleashes the judiciary”.

### **3.4 A fresh start for Brazil?**

In view of the recent events caused by the pandemic that is around the world, traditional methods of dispute resolution no longer provide solutions that satisfy the problems caused by the

information society (Amorim). The world economy has significantly transformed the use of new information technologies, together with them the legal relations between companies and consumers as well. The internet today has become a space where a universal legal approach is mandatory for problems to be solved (2017). On the one hand, Brazil found itself with a requirement to adapt and accelerate with the formation of legal relations in cyberspace and break the traditional means of contracting and start commercialization. On the other hand, it needs to maintain an unprecedented development of new technologies without changing the definitive law (2017).

Amorim also demonstrates a concern that has been studied by other researchers who say they understand that Alternative Resolutions of any type of litigation are due exclusively to legal relationships that took place online, but they came from legal relationships that took place in the physical world (2017). “In this sense, ODR can be considered a species of the genus ADR. But it would be too simplistic to imagine that the means of Online Dispute Resolution are reduced to a simple expression of the Alternative Dispute Resolution means”(Amorim). Technologies for litigations to be resolved on the internet have become quite complex actions in the country, generating great discussions on the part of scholars, who have tried to use artificial intelligence called Dispute System Design (DSD) or even trying to implement a fourth neutral subject to mediate actions online. (2017).

The author says with great sincerity that all these issues are being discussed by a large part of the country, and in different ways. Studies are still on a descriptive and exploratory character, however the development has still been modest, and of low intensity, at the same time as it presents an adaptability of use within the scope of the Brazilian legal order (p2). Author Katshadds “new technologies don't just appear to change the way people do things, they mainly

change the way people think about what they are doing, what needs to be done and what can be done” (2014). Thus, the ADR’s have brought a new mentality to Brazil, extracting the Judiciary from the monopoly of conflict resolution and as a result transferring such activity to private individuals (Amorim).

The author believed that this is a phenomenon that has arisen in Brazil, as a result of international changes in the economy on a global scale, due to a revolution that has been caused by the application related to information and communication technology to the goods market, services and the like (Amorim). It is true that it has become a completely profitable space, from an economic point of view, dispelling some skepticism in the debates about the use of information technology resources and other implementation projects so that disputes between consumer companies are resolved (p3). As a source of information, Amorim says that the first mechanisms for conflict resolution on the internet emerged in the middle of 1996, and since then it has not stopped, bringing precursor experiences of what **today is** called Online Dispute Resolution (ODR) which has been used with excellence in European countries. (p3).

## **Chapter 4 Customer service and new theories**

### **4.1 Consumers and a new social class**

According to the writers Salvatore Caserta and Mikael Rask Madsen a new form of society has been created in recent times, because today, due to great events, we are facing a digital society. In our personal lives, we spend a considerable portion of our time on the internet; consequently business is also navigated in the same direction. This is a phenomenon that has generated a huge technological advance for most industries worldwide.

'There is little doubt that the current technological advances in terms of digitalization, big data, and artificial intelligence (AI) have important societal consequences, One key societal institution that is likely impacted by these developments is law and, relatedly, the legal profession' .

(Salvatore Caserta and Mikael Rask Madsen, p.2).

The authors also believe that with the digitalization of society, the so-called 'digital capitalism' (p.2) occurs, causing the structure of professions, without exception to legal relations, to be changed. Strong impacts can be suffered with these changes, because as in several professions, people are being replaced by systems that operate as human beings, this being the case of platforms that are programmed to handle conflicts and actions that are generated by human beings. (p.2 )

In other words, when describing 'digital capitalism', it occurs when the production process of a particular commodity is carried out through private digital technologies. We can say that the digital legal field is focused on profit from outsourcing, automation, dispersion and commercialization in the practice of law. (Salvatore Caserta and Mikael Rask Madsen, p.3).

Caserta and Madsen(p3) also explain that for a deep understanding of capitalism generated by customer service, they were based on the studies of sociologists Luc Boltanski,

ÉveChiapelloandRichard Sennett (p.4) who say that modern culture is explored with changes in capitalist forms and that result in a production of cultural implications in the legal and social ambit. Studies also adopt the idea that there are implications in the organizational and social spheres of law and consumer actions (p.4)

It is also believed that as a consequence of certain cultural changes a new category has been observed and classified as 'new capitalism' (Luc Boltanski and ÈveChiapello (2005) it is believed that this new appearance has just been a new label that is attached to other events witnessed by modern societies and not technically as a theoretical category (2005). An advantage in the face of new contemporary sociological aspects within capitalism can be said to differ from social criticisms and as a result paradoxical effects are easily ignored when looking for a better society (2005).

Bruce R. Scott (2006 p1) says that capitalism is the government's ability to use and control properties for its own benefit. 'Government, in this perspective, is often described as responsible for peace, justice, and tolerable taxes' (Scott). The interests of such properties are demanded in markets in an automatic way that meets the basic interests of society (p1)

'Capitalism relies upon the pricing mechanism to balance supply and demand in markets; it relies on the profit motive to allocate opportunities and resources among competing suppliers; (2006) and it relies upon a political authority (government) to establish the rules and regulations so that they include all appropriate societal costs and benefits' (2006).

When talking about capitalist development we must establish what activity is proposed by the government, and this is to work in the performance of two functions: the administrative that will offer the maintenance of the institutions that are supporting the capitalist advance, and also perform entrepreneurship, aiming at the mobilization of power for institutions to be modernized

as needed(2006).

‘At times, one gets the impression - especially in the context of general cultural diagnoses - that “capitalism” could be equated with “market” in the sense of buying and selling’ (p22). Fernand Braudel says: ‘To get to the bottom of and understand more precisely what distinguishes a market order from a capitalist one, we must first of all clarify how to go about defining a sociologically rich concept of capitalism’ (1991: 100)

In another direction written by Weber (2003) on economic uncertainties, he adds that the question of extension is that uncertainty is represented by a management problem for economic protagonists, and that sociology since Granovetter (1985) did not cease to be emphasized. Uncertainty not only poses a basic problem for economic actors; it is also an essential prerequisite of innovation and “capitalist dynamics” (Deutschmann, 2008).

#### **4.2 Deconstructing a litigious culture**

Cappelletti(p.83-84 believes that there are advantages to using self-compositional techniques in the face of an existing conflict, which is: a greater chance that the parties involved will obtain more satisfactory results than those obtained as a result of unilateral actions imposed by the judiciary (p.83-84).The idea of opposing parties is removed so that there are only "parties" and that are in search of achieving their goals, and with that a combative stance is not necessary to resolve their impasses, there is no need for a winner and a loser (p84).

Bueno teaches that if the issue of non-adversity between the parties is dealt with, but the simple fact of obtaining a satisfactory result for both sides, there will certainly be the emergence of a new conflicting reality “... more or less appropriate means for solving the several conflicts, varying the techniques depending on the vicissitude of the conflict, or even combining them ...

”(p.32). In other words, obtaining satisfactory results are the intention of both parties, however, to reach this path it is not only necessary to impose a rule, but an adaptation that satisfies both parties to achieve their goals.

The truth is that moving away from the concept of adversaries in the face of a case, the approach is to adapt the conflict to the treatment to be received. It is to produce a different way to mold itself, believing that the Judiciary Power is not a bad alternative, but it is just an alternative to a wide range of options and can be found when faced with conflict. As a consequence, a greater number of people will see justice as the last alternative to be sought (Domingues, 2017)

#### **4.3 Consumers and the control of the result**

In view of the advancement of new technologies, consequently, new conflicts arise that need to be resolved so that the judicial system does not stop definitively, since we can say that the present rule of law works as a kind of predatory device to privatize the public domain.

(Jefry Frieden and Ronald Rogowski: 2013). The authors believe that 'such an emergency' is always invented as an excuse to deny the State's legal legitimacy regarding any alternative to the western view of legality (p.384).

Today there is an “explosion of litigious cases”, waiting in the queue to be judged and preceded by solutions for those who believed in the power of justice to achieve their goals. ‘... Is alternative dispute resolution (ADR), which is always presented as a cure for the emergency created by the so-called’ litigation explosion, a spectacularly exaggerated condition of adjudication in current times’(p.384). Armed with the state of emergency, ADR’s offer political, social and economic interests in a given power. However, in contrast, the less favoured parties obtain only a social dissent with a silence in the demand for justice (2013).

‘The emergency here is the impossibility of delivering ordinary public access to justice and the consequent beneficial nature of any kind of private alternative (2013)’. An absolutely abstract form in relation to the ideology of the final instance, as it appears as obtaining something, in fact, it is a certain ideology created by the current media or by academic supporters who believe this to be a process of evolution and not of progression(UgoMattei) The real ideology of development that is imposed under emergencies are interests of certain actors who are seeking to remove from the less developed:

'The emergency here is seen as the prevalence of poverty, an idea organized around capitalist-generated consumer needs, while development, rather than being blamed as responsible for many of the policies generating poverty, is in fact presented as the only cure for it' (p.385).

Also due to the "litigation explosion" it is believed that alternative dispute resolutions (ADR's) have been extolled by justice as a solution to problems, (Ugo Mattei)since, justice has been in a place specifically for those individuals which are provided with goods and high purchasing power (p.9). Currently, the costs involved in litigious processes are endowed with significant values and are still accompanied by an eternal wait for the solution (p.9).

In European countries such as Italy and in America such as the United States, justice is not always available for people who do not have a high purchasing value or assets that can be turned into currency, even though, sufficient resources to afford the procedures that are imposed during the entry into litigious actions (p.9). Numerous cases take years to reach a trial, cases that are not very complex, simple cases such as: divorce, labor cases, accident car dealers (p.9).

With the appearance of ADR's since the 1970s, allowing certain resolution techniques to be available outside the courts (Robert H. Mnookin) because an apparently favourable climate emerged as an alternative means that at that time promised a reduction in the burden of the courts



(Ugo Mattei ).A newly created industry of ‘mediators’ coming from academic departments, provided with diverse knowledge, seeking to contribute to justice being carried out, or at least accelerated (p.10). This category was applauded and praised by several dominant legal cultures as a major advance and seen as an important legal instrument.

'The success of privatized justice thus is not much different from the success in the package-delivery field of an express courier service such as DHL. (p.10)It is more convenient and more efficient than the public postal service for those without budgetary constraints'. Through the activities carried out by ADR's, traders become carriers of their own laws and overlap in control, generating lexmercatoria, starting to obtain ‘sometimes’ greater control as they had in the early 20th century. As an alternative, the industry describes it as an excellent compatibility with the ordinary laws of the country (Ugo Mattei).

#### **4.4 Level of satisfaction of online services**

Satisfaction is not a simple task to define, as there are several studies, and several positions, since it is a structure with a certain degree of complexity as explained by Hunt “satisfaction is not the pleasure taken from the consumption experience, it is the resulting evaluation that the experience was at least as good as it was supposed to be”(1977). The author Spaeth(2015)believes that when there is a research seeking to discover customer satisfaction, this objective is the search of institutions to maintain their satisfaction goals, and from this point on, improve the service focused on the needs of customers and in measuring their progress ( 2001). Authors such as Vilares and Coelho(2005 believe that customer satisfaction is the reason for the existence of competitiveness in the market economy, with no competition between buyers and suppliers, but only that customers are satisfied (2005).

Oliver explains that customer feedback can only be defined after using the product or service, and the expectation can be evaluated before the purchase and then the performance performed (1980). Simplifying it would be the expectation and the reality, being able to be measured if it brought satisfaction to the client or not. The author Ruyter(1997) has a slightly different position on consumer satisfaction; he believes that there are factors that influence the customer's response that is simply based on an ideal standard expectation. People tend to get the same level of satisfaction that the other person did (1997). Thus 'the importance of service quality dimensions for customer satisfaction in online and retail settings' must be investigated (1997).

## Chapter 5 - Discussion

Leiner (1997) says that the internet goes through great chapters of evolution and changes throughout its history, and will continue to change as the world keeps changing and updating (1997). Paradigms are allowed for communication between computers, connecting with the way that society also behaves in the face of innovations, or rather, the results that are observed after the interaction between internet and real life. The main issue in the face of the author's observations is that the process of central evolution may be seen in future periods, such as the industry itself and society (1997). Katsh (2012) adds the following of this chronological reasoning saying that in the period before the 90s the use of the internet was only allowed by academics and military personnel. However, certain changes between people and new conflicts due to the tool were not observed (2012).

Katsh (2012) also says that when you start to observe the conflicts that are caused on the internet, there is an evolution and diversification as the use of it advances and changes. An important example to report is that in the 90s the majority of internet classes regarding its usage was by university students, as this was the only reason for their existence, and only conflicts that resulted from the relationships that took place on the internet had members of the university community as parties involved (Katsh, 2012). "However, with the creation of Internet service providers (Internet Service Providers - ISPs), in 1992, it became possible to broadly include anyone and not just those with university affiliation. Thus, a larger and more diversified user base was formed" (Castells, 2013).

In accordance with the studies by Katsh and Rifkin (2012), the evolution of ODR tools coincides with the popularization and advances of the internet, obtaining a transition to a new appearance in the late 90s and almost the beginning of the 2000s. (2001). "This year Jeff Bezos launched

Amazon, followed by Pierre Omidyar, who launched eBay the following month, expanding the range of Internet utilities and, consequently, the range of possibilities for conflict, which extends following the diversification of the nature of relationships interpersonal skills ”(Katsh, 2012).

Viñals completes the study by saying that the transformations that occurred on the internet led to an acceleration process, changing the way in which users interact in the face of online conflicts and the ways in which this process is conducted and conducted (2014, p.398 ).

Vanderlei Junior(2014), speaking about advantages and disadvantages related to ODR's, shares the ideas of Noam Ebner and Collen Getz saying that positivity sessions can be held by video conference even if the parties reside in different places between themselves, and they will not need to move using transport. The absence of physical documents can be avoided, which as a consequence will reduce deforestation and an ecological and sustainable practice (Ebner, Colleen). And with an unfavourable view, issues related to the personal exclusion of people are pointed out “whether due to the lack of financial resources or the lack of technical advice, in order to prevent the respective citizen's access to the distribution of justice through the virtual reconciliation platforms” (2012) . There is also another factor classified according to the authors, which is the absence of specific legislation to legislate the methods applied by ODR’s. (2012). Still on the initial session, the authors Viana and Nery explain about the ability to serve the consumer in Brazil, saying that since the most remote times the country has been considered a bureaucratic legal model. They also note that the State exercises its role when provoked and whose objective will satisfy the same (p4). However, a new code came into force in the country in 2015, establishing new conducts favorable to consumers and adhering to alternative means of conflict such as Conciliation, Mediation, and Negotiation (p3).

In aspects of research and methodology, qualitative and comparative methods were used “A case

could be an individual, a group, a community, an instance, an episode, an event, a subgroup of a population, a town or a city". (Ranji Kumar, p123). Brazil and Europe were compared in specific aspects to outline a line of reasoning and to obtain a better view on the functioning of each one today. It started with the directions of the Minister of the Supreme Federal Court of Brazil Gilmar Mendes explaining how the country works. It explains that there are five constitutional jurisdictions that are Federal, Labor, Electoral, Military and State Justice and that work towards (organizing the country) but that each one has a function. (Mendes).

During studies on Brazil, various materials such as books, articles, electronic magazines guided the research on the country's customer service, for which it comes to over the past few years, which is corruption and mismanagement by government officials. What, then, would be the connection between customer service and the corruption activities in the country? The author Maciel in his studies on this subject says that 'corruption is the biggest obstacle to economic and social development' and the result is that there would be a distortion in the authority of the laws, weakening the institutional basis necessary for economic growth (p4).

Philosopher Machiavelli adds that: "Corruption prevents even the best-planned laws from being followed and only if, by chance, a man is able to force others to obey the laws, will corruption end" (1989). Another factor can also be attributed to the discussion, and the philosopher Montesquieu **notes** that "The result of the corruption of the principle of monarchy is the abuse of power by the government" (2000). It is interesting to think that Brazil has tried to change its culture in several aspects such as political, sociological, and that certainly influence the lives of Brazilian consumers (Julian Borba), but how such a culture can be changed if the people who were chosen to represent public interests act with individual interests (2005).

Regarding customer service, writer Eugenio believes that Brazil has tried to invest more in

online customer services. Companies have invested in knowledge and adopted tools that improve service and enable service providers to also provide better quality services (2016). Regarding Mediation and alternative disputes, the author Di Franco(p3) says that the predominant method in Brazil is litigation, even in matters of minor complexity. But she also says that in the last 15 years with the updating of new laws, alternative disputes to solve consumer problems have gained more space (p.3).

With the same intention of governing the electronic magazine; The European Union, it explains how different from Brazil, decisions are divided between the European Parliament, the Council (the Heads of State are located). The European Commission is represented by the interests of the EU and other matters relevant to the country ((The European Union Explained 2012)The Ordinary Legislative process is the most adopted in EU legislation, since Parliament and Council are able to develop the act to legislate (p4; p6).

Iris Benohr when explaining about alternative measures, says that the European market has focused on quick and viable solutions, combining with flexibility and agility, so that conflicting situations can be resolved (p.4). Felix Steffek writes that, unlike other countries, European Union focused on finding solutions to conflicts, but with a sustainable and self-determined vision, since one of the basic principles, according to the author, is that people who go through some type of conflict resolution, outside the court, manages to develop and generate personal growth for both parties, since the idea of rivalry is removed from the beginning, and the term: parties (2012) is introduced.

The electronic magazine Deloitte, when talking about notes related to European consumers, says that due to the changes and with the advances in technologies applied to the world, consumers in general have understood that the environment also needs to adapt every day so that they can keep

up with the advances (2013). In its publication, the magazine says that in recent years companies have been betting on the implementation of services on social networks combined with interactive channels between companies, suppliers, and consumers. In several parts of the country, multidisciplinary teams have been trained in recent years to deal with these changes that involve issues related to customer service (2013). However, the service teams have been working so that better business, in addition to causing news, marketing and profitability, should promote the well-being and satisfaction of customers (2013).

Also in an electronic magazine of the European Union, an article was published about corruption in the country, which, as in Brazil, also flows into facts that indirectly reflect on consumers in general. Thus it was written on the initial pages: "Corruption and fraud seriously damage the economy and society." It also directs us to a vision of the whole world, saying: "Many countries around the world suffer from deep-rooted corruption, which affects their economic development, weakens democracy and undermines social justice and the rule of law" (p.3).

Several questions start to arise when trying to understand Machiavelli's (2000) philosophical words when he says that "The result of the corruption of the principle of monarchy is the abuse of power by the government" (2000). How can you look away from great technologies all the time and stay in the concern with customer service, or alternative means that reduce the number of litigious processes, if the mentality of the rulers is individual, considering that, all are there, regardless of the country, to defend the rights of the community. It is questioned why policies should be created to safeguard the patrimony that belongs to all, because according to the writings of the magazine published in 2015, only in the European Union the cost of corruption in the Member States reaches 120 million euro per annum. This amount also includes infractions involving the Union budget (p3).

After surveying some points that were found in the course of this research, it is faced with the data that were raised in the search for understanding the lack of success of online conflict resolutions in Brazil in relation to the customer service. With initial notes, the author Gisela Taschner(2000) explains that one of the initial problems is that the reality in Brazil comes from issues that have not been resolved in the past, and as a consequence, these problems run through the present (2000). Even with widespread problems since the past, a code came into force in the early 1990s to protect consumers and ensure that everyone's rights are protected. The author Tartuce(p11) believes that consumers are vulnerable because they are not getting technical knowledge about all the products they consume(p.11).

The research was prepared to instigate the opinion of Brazilians who had the opportunity to leave the country, and live in some country in Europe. They can obtain an overview of the functioning and legislation of both countries. It was discussed in the group whether they had heard about Disputes and Conflict Resolution online and 55% of members said yes. It was also asked whether members had already been involved in a conflict related to customer service in Europe, and the result was that 75% were not or did not find it necessary. It is important to note that all members are not living in Brazil. The majority are in some part of the European Union. But of those who were involved 40% achieved good results and rated the system and platforms as "Satisfactory".

Members were also asked whether Brazil is unsuccessful in providing consumer service, for a cultural reason, as it was discovered during the initial project of this work, that in agreement with the Brazilian author Humberto Filho, "Brazil has a litigious culture "(p8). The author also adds that, 'Brazilians also for cultural reasons, are already used to the delay in litigious processes', but they believe that in the end they can achieve greater profitability. 55% of participants chose this



option. 20% voted on the question that said that profit is more important than solving the problem. A field was left open so that members could express themselves through a final question that asked whether: Online dispute resolution could be the future of customer service in Brazil, achieving success on the platforms that were implemented in Europe, and who work successfully.

As a result 70% wrote yes, and justified it with the following statements: "Yes, because litigation in Brazil is exhaustive and expensive", "Yes, but the population must be better informed of the benefits of some alternative source". The author Amorim believes that Brazil has been adapting to the ways in which other countries deal with situations of conflict, and that even with a traditionalist culture, it has been working on precedents for new technologies without changing the law, generating great disharmony throughout the national territory. Katsh (2014) counters by saying that new technologies are not so that the way people do things is modified, but rather, what needs to be done so that situations in general become effective. (2014).

It was also discovered that customer service is facing a new social class that has emerged in a notorious way due to its online evolution (Salvatore Caserta and Mikael Raskp.2). The class has been called "digital capitalism" showing clearly that all professions have been changed, since people are being replaced by systems that operate like human beings (p.2). The authors explain that the new social class occurs when the production process of a particular tool becomes available through private digital technologies and that modern culture has been explored with changes in capitalist forms and that the results are a production of cultural implications in the legal and social sphere (Luc Boltanski, ÉveChiapello and Richard Sennett).

Chauí(1986) makes a simple statement about the culture of a country: 'Popular culture is a gelatinous, elusive concept, the object of many controversies and contentioustelectuals' (1986).

He continues to teach about the recurrent practices of the actions we practice so that we do not realize that they are influences of our ancestors: '[...] in a set of ambiguous and contradictory practices, which take place in the interstices of the dominant culture, refusing it, accepting it or comforting her'. He ends by saying about the traditions 'popular culture is characterized by a combination of resistance and conformism' (1986).

In order for a culture to be born, it takes years for such actions to be accepted and practiced as something that brings security when performing. However, such security does not always reach the same number of people. Brazil as stated by the author Cappelletti is a culturally litigious country and a large part of the Brazilians believe that justice from the courts is the best way to deal with problems related to consumers, but the author already has an optimistic view, as he says, that this has already changed in recent years, and parents today, have been working to impose less stringent situations in these aspects and encouraging people to look for alternative ways to resolve their actions (p.83,p.84).

Consumers controlling the results of conflicting actions (Jeffrey Friedman and Ronald: 2013). The deconstruction of a litigious culture (Cappelletti). Satisfaction level of services on the internet (Vilares: 2001). All of these classifications were raised to focus on what everyone expects from good service to consumers in general: 'being heard', 'having a voice', 'being respected'. Systems can be deployed, machines and platforms can be created, but contact between human beings, regardless of the relationship, is still the best way to resolve any type of conflict, as up to the present (2020) there is no tool that produces the same feelings as human beings.

It is also questioned if we are not looking to build an army of machines, and if, on the one hand, we are looking to promote new jobs, to eradicate social inequality, because we want all this through objects that are programmed to develop activities that previously only human beings had

the ability to perform? The authors Albuquerque and Saavedra say that it is possible to identify skills that are potentially easy to automate, such as filling out specific forms, calculating economic and financial indices, among others (p.30) There are already tools that assist and manage business, and broker agreements between unions and companies and already show flexibility in the system (p.30).

It is believed, then, that we are always going in opposite directions, some wanting to create and others destroying. How can we then deal with controversial situations all the time which, in fact, becomes extremely exhausting, because when something is created or produced, later on, another tool is built to combat it. In a manner of speaking, we live in a kind of circle, because we are spinning and the impression it gives is that it is not in the movements anymore, but yes, we are stagnant in a kind of mass that prevents everyone from walking in the same direction (p30 ).

## **Conclusion**

This dissertation aimed to answer the following questions: How can online dispute resolution and conflict resolution with consumers successfully obtain European Union influence Brazilian disputes and resolutions? It was analyzed how the culture of each country influences the functioning and legal activities in general. Since both of them have the same objective, which is to speed up judicial activities, in view of the number of existing cases related to this matter. Certainly Europe is already a few steps ahead of Brazil, as the concern of Europeans is to speed up the process and improve, while Brazil still needs to implement the resolution platforms for believing that this is one of the best options to at least match places like Europe and South America, which also already offers great success in disputes between consumers.

Prejudice and lack of information are the words that can be attributed when situations that are so well favored in other countries, and that offer good results when the intention is to solve, to pioneer, to attribute, to conquer. When you are looking for better alternatives for situations that for years have been unsuccessful in one place and that you allow yourself be carried away by studies and learning from other countries with the intention of adding the same knowledge, since tools and studies they are developed not to stay within a country, they are designed to just assign and build.

Throughout the research it was clear the dissatisfaction of Brazilians with the customer service, becoming evident that even though Brazil is a young country, it still suffers with great influence from those who ruled in the early times. It was also discovered that the country has an eye on the activities taking place in Europe, as there are many people who have had the opportunity to see both sides of the region and who are concerned with better development not only for themselves, but also for their family and loved ones.

We can say that no one chooses to face a conflict, no one chooses to resolve conflicting situations, since we are very busy with daily activities, and we are not willing to change our routines and put ourselves before our vulnerabilities, that is, to show to the other that if we get there, we will have to accept ourselves as human beings, and that we are endowed with weaknesses.

Even if we don't choose, we are always facing a conflict, since we have more than one person between us, at one time or another and we will disagree with the other's opinion. This is because we are all different and were raised in different situations, each of us developed with different roles and perspectives. Starting from this point, it is believed that there are alternative measures, techniques and ways to reach an agreement, starting from the premise that both sides can win and that we can attribute something that we are always looking for: the control of the situation. So many times we have heard someone say that they felt wronged by the other party, or that the court was extremely rigid and rigorous with the decision that was handed down in the sentence, and that the system did not allow for anything better to have been done to satisfy both. And with that, what we believed to be the best way, became in fact the worst that could have been chosen to resolve the vulnerable situation.

It was found during the studies that all of us consumers are understood as 'vulnerable' because the company or manufacturer are the only ones who have theoretical knowledge and who know (or should know) that as a matter of urgency how to deal with the correct procedures to save their lives. They also have the determination of the product and its respective characteristics, as well as the service that will be promoted, the marketing work that will be used, among other factors that leave it in a state of dominance, unlike the consumer. Thus, with this classification it was understood that companies will be one or two steps ahead of consumers in general, leaving them

in a situation of inequality.

All consumers are in a situation of imbalance, of vulnerability to suppliers, and it was discovered in the course of this work, that one of the objectives is to seek a balance for this situation based on rules that protect the interests of the vulnerable. It is noteworthy that this does not prevent the consumer from seeking technical knowledge of the product, tool or material he is consuming, and bypassing ignorance and hypo sufficiency.

Having said all of that, it can be said that this research was carefully analyzed, and it is concluded that Brazil, even though it is a country rich in cultural diversity, is still extremely traditionalist and seeks litigation in all forms of conflict resolution, preventing even to implement alternative measures that enhance the processes that involve consumers. There is still a lack of encouragement for the governors themselves, to give them an enlightening view of the benefits of the platforms that carry out disputes over the internet.

## **Reflections**

Writing this dissertation was similar to travelling in two countries at the same time, as I had to dig deep into cultural issues, and this is not a very easy task. I had to search for basics, initially I felt like I was discovering the birth of both countries. Although I am Brazilian, and I was born in Brazil, I have never studied so deeply in subjects as these I have discussed.

Another factor that influenced the realization of this dissertation was on several occasions, the issue that most frequently occurred in Brazil, is about corruption and issues related to the Amazon. So I decided to understand why the country with such a large territorial space, with a large wealth, can transmit such a bad image to most people who decide to observe the country more closely.

In this work, I was able to observe that Brazil, the country I come from, where I was born, is a country where exist influences other cultures such as Africans, Indians, among others, however, it is a country that attempts to demonstrate to the rest of the world that, yes, there is a lot of joy, a lot of unity between people, that there is a warmth that involves people, a place with beautiful landscapes and a huge amount of dishes to enjoy.

It must also be said that the current government is neither the first nor the last to contribute to the non-growth and non-development of the country. This issue has come since the birth of the country, we have brought from our beginnings a culture of corrupt people and think only of their individual and not of the community, as it is one of the primary factors for social development.

During the entire research, I worried about working with my bias, I tried to act in a way that I didn't let on as my dissatisfaction with the government that has always prevented me and the people I love from reaching our goals without feeling massacred by the authoritarian abuse of those who represent us in the political class.

I read, reread, and made sure several times during the research that I was not acting on my emotions, but rather, just to give readers the information that was necessary for the work to evolve. I also believe that at some point I still let go of a feeling that will demonstrate my dissatisfaction.

When studying alternative measures in Brazil and when I decided to compare with Europe, it was with the intention of today that I could have a critical view of both countries, since, I had the opportunity to leave my country of origin, and to have the perception of another life from another country, and that in fact Europe is classified as a world potential, and that yes, influences the decision of others.

Disputes and conflict resolution is such a huge issue and with a huge range of options to study when talking about countries in Europe and America. A huge amount of documents, books, support materials, approving and contrasting subjects related to this topic. Famous authors, with a large amount of books sold, are being sought to talk about it, to teach about the best techniques of reaching an amicable agreement.

However, when I went to study this subject in Brazil, I did not get the same experience and not even the positive numbers of materials that made me contemplate I was wrong when attempting to compare the two regions. I soon discovered that the culture of Brazil is litigious, and people still believe that only the judiciary power, and only the court can offer a satisfactory result when the subject of conflicts between parties.

I then started to open my field of vision, my trajectory, because I studied five years in a law school and then two more years specializing in the field of civil law and even halfway through the research of this dissertation I still couldn't see these notes about my own country. Yes, this is very interesting for me, as studying seven years seemed like I already knew enough about the



political, social, and legal issues in my country.

Today I feel happy and grateful to this course for being able to give me the opportunity to expand my horizons, to be able to see that I still have a lot to learn along my study path, and that this was just a step that I managed to reach, in front of many others to come. I complete this dissertation gratified and eager to reach new horizons, new ideas, new cultures, new knowledge. I feel today as if I could travel in two countries at the same time, as if I could have a much broader and more conscious view on both sides, knowing that deep down there is still a lot to find if this research continues. However I am grateful , to have the opportunity to find at least the initial considerations of each aspect.

I do believe that dispute and conflict resolution online is one of the best ways to deal with situations between consumers, as we are currently looking not only for the well-being and safety of people, but we are also looking for peace, balance, and a less chaotic world, which once and for all removes the expression: adversary, and only brings the expression: parts.

This is how we can begin to find a different path from what we have been following for the past few years; it is not the country that has the most power and investments, not even the most beautiful and warmest area full of natural beauty. All of us, occupy the same universe, and are unconsciously pursuing the same goals: world peace.

Knowledge is the beginning of conquering. The conquest of a better world for everyone where the material good that can be offered does not matter, but the moral, psychological and social goods, which **countries** can offer to the other in order to build a nation of which we are proud.

It is also important to note that during the research I felt powerless, a feeling a little difficult to describe, because every time this feeling appears, dissatisfaction also **arises**, as it is very difficult to see situations in which we cannot do things that solve problems immediately, even though I

know that it depends not only on my will, but almost all the majority of people in my country. I felt myself researching a certain rejection, mixed with frustration and helplessness. Typical feelings of people who love their nation, love where it comes from, more than it was necessary to get away, to get where you want to go.

Career thinking, victories and achievements are always going through my head, the thirst for more and more knowledge, so that I can achieve one of my goals, find a way where people can ensure that they are being served, are being heard, has a voice, has a person ....

I still do not believe that machines can replace human beings, because feelings, regardless of belief and religion, were given through a superior being, and that he chose only human beings to carry this characteristic. Yes, today we can program robots, machines and platforms that resolve conflicts over the internet, we can create virtual spaces that make us think as if we were present in another dimension without leaving the comfort of our home. But no, feelings cannot be obtained by machine, causing them to produce the same as human beings.

I believe in a better world, a world where people can dream of and believe that this can become reality, a place where conflicts exist only for the growth of everyone, not with the intention of destroying the other party. Conflict is adopted as a means of personal and social growth. I want more people to think like me, to think that yes, little by little we can change the world, but that this change is not in a gigantic and rapid way, but with small attitudes, with small changes within ourselves, and so, we modify from the inside out.

Finally, I believe that this dissertation should not be kept or filed in a database or in the college bookstore, I would really like to be able to join with other researchers and continue developing this work, in order to become a book of knowledge of all those are preoccupied with Brazil and know that they have a lot to learn from Europeans. Yes, Brazil also has enough to teach, but

learning and implementing should be the main objective.

## References

### **CUSTOMERS' PERCEPTIONS OF ONLINE RETAILING SERVICE QUALITY AND THEIRSATISFACTION**

**In-text:** (Customers' perceptions of online retailing service quality and their satisfaction, 2003)

**Your Bibliography:** Research Gate. 2003. *Customers' Perceptions Of Online retailing Service Quality And Their satisfaction*. [online] Available at:

<[https://www.researchgate.net/publication/235290558\\_Customers'\\_perceptions\\_of\\_online\\_retail ing\\_service\\_quality\\_and\\_their\\_satisfaction/link/02e7e51c701777331a000000/download](https://www.researchgate.net/publication/235290558_Customers'_perceptions_of_online_retail ing_service_quality_and_their_satisfaction/link/02e7e51c701777331a000000/download)>

[Accessed 10 September 2020].

### **CONSTITUTIONAL LAW AND LOOPHOLES IN THE LAW**

**In-text:** (Constitutional law and loopholes in the law, 1997)

**Your Bibliography:** Www2.senado.leg.br. 1997. *Constitutional Law And Loopholes In The Law*.

[online] Available at: <[https://www2.senado.leg.br/bdsf/bitstream/handle/id/188/r133-](https://www2.senado.leg.br/bdsf/bitstream/handle/id/188/r133-01.PDF?sequence=4&isAllowed=y)

01.PDF?sequence=4&isAllowed=y> [Accessed 6 September 2020].

### **POPULAR CULTURE: THE CONSTRUCTION OF A CONCEPT OF HISTORIOGRAPHIC PRODUCTION**

**In-text:** (Popular culture: the construction of a concept of historiographic production, 2011)

**Your Bibliography:** Scielo.br. 2011. *Popular Culture: The Construction Of A Concept Of Historiographic Production*. [online] Available at:

<<https://www.scielo.br/pdf/his/v30n2/a19v30n2.pdf>> [Accessed 20 August 2020].

### **CASERTA, S. C. AND MADSEN, M. R.**

*The Legal Profession in the Era of Digital Capitalism: Disruption or New Dawn?*

**In-text:** (Caserta and Madsen, 2019)

**Your Bibliography:** Caserta, S. and Madsen, M., 2019. *The Legal Profession In The Era Of Digital Capitalism: Disruption Or New Dawn?*. [online] Research Gate. Available at:

<[https://www.researchgate.net/publication/330149421\\_The\\_Legal\\_Profession\\_in\\_the\\_Era\\_of\\_D igital\\_Capitalism\\_Disruption\\_or\\_New\\_Dawn](https://www.researchgate.net/publication/330149421_The_Legal_Profession_in_the_Era_of_D igital_Capitalism_Disruption_or_New_Dawn)> [Accessed 13 October 2020].

### **MATTEI, U.**

*Emergency-Based Predatory Capitalism: The Rule of Law, Alternative Dispute Resolution, and Development*

**In-text:** (Mattei, 2020)

**Your Bibliography:** Mattei, U., 2020. *Emergency-Based Predatory Capitalism: The Rule Of Law, Alternative Dispute Resolution, And Development*. [online] Ssrn.com. Available at:

<<https://ssrn.com/abstract=1472370>> [Accessed 1 October 2020].

**SCOTT, B. R.**

*The Political Economy of Capitalism*

**In-text:** (Scott, 2006)

**Your Bibliography:** Scott, B., 2006. *The Political Economy Of Capitalism*. [online] Hbs.edu. Available at: <<https://www.hbs.edu/faculty/publication%20files/07-037.pdf>> [Accessed 22 September 2020].

**MATTEI, U.**

*Emergency-Based Predatory Capitalism: The Rule of Law, Alternative Dispute Resolution, and Development*

**In-text:** (Mattei, 2020)

**Your Bibliography:** Mattei, U., 2020. *Emergency-Based Predatory Capitalism: The Rule Of Law, Alternative Dispute Resolution, And Development*. [online] Ssrn.com. Available at: <<https://ssrn.com/abstract=1472370>> [Accessed 13 September 2020].

**FRIEDEN, J. AND ROGOWSKI, R.**

*Modern capitalism: enthusiasts, opponents, and reformers*

**In-text:** (Frieden and Rogowski, n.d.)

**Your Bibliography:** Frieden, J. and Rogowski, R., n.d. *Modern Capitalism: Enthusiasts, Opponents, And Reformers*. [online] Scholar.harvard.edu. Available at: <[https://scholar.harvard.edu/files/jfrieden/files/frieden\\_rogowski\\_page\\_proofs\\_0.pdf](https://scholar.harvard.edu/files/jfrieden/files/frieden_rogowski_page_proofs_0.pdf)> [Accessed 18 October 2020].

**ROBERT MNOOKIN, R.**

*Alternative Dispute Resolution*

**In-text:** (Robert Mnookin, 1998)

**Your Bibliography:** Robert Mnookin, R., 1998. *Alternative Dispute Resolution*. [online] Research Gate. Available at: <[https://www.researchgate.net/publication/30504345\\_Alternative\\_Dispute\\_Resolution](https://www.researchgate.net/publication/30504345_Alternative_Dispute_Resolution)> [Accessed 16 September 2020].

**MARTINEZ DOMINGUES, P.**

*THE DECONSTRUCTION OF THE LITIGATION CULTURE FROM THE REMOVAL FROM ADVERSARIAL MENTALITY ABOUT THE CONFLICTIVE REALITY*

**In-text:** (MARTINEZ DOMINGUES, 2017)

**Your Bibliography:** MARTINEZ DOMINGUES, P., 2017. *THE DECONSTRUCTION OF THE LITIGATION CULTURE FROM THE REMOVAL FROM ADVERSARIAL MENTALITY ABOUT THE CONFLICTIVE REALITY*. [online] Repositorio.ufu.br. Available at:

<<https://repositorio.ufu.br/bitstream/123456789/20249/1/DesconstrucaoCulturalitigio.pdf>>  
[Accessed 17 September 2020].

**KUMAR, R.**

*RESEARCH METHODOLOGY a step-by-step guide for beginners*

**In-text:** (Kumar, 2011)

**Your Bibliography:** Kumar, R., 2011. *RESEARCH METHODOLOGY A Step-By-Step Guide For Beginners*. [online] Sociology.kpi.ua. Available at: <[http://www.sociology.kpi.ua/wp-content/uploads/2014/06/Ranjit\\_Kumar-Research\\_Methodology\\_A\\_Step-by-Step\\_G.pdf](http://www.sociology.kpi.ua/wp-content/uploads/2014/06/Ranjit_Kumar-Research_Methodology_A_Step-by-Step_G.pdf)> [Accessed 6 August 2020].

**NASCIMENTO JUNIOR, V. D. F.**

*THE EVOLUTION OF ALTERNATIVE METHODS OF RESOLVING CONFLICTS IN VIRTUAL ENVIRONMENT: ON LINE DISPUTE RESOLUTION*

**In-text:** (Nascimento Junior, 2017)

**Your Bibliography:** Nascimento Junior, V., 2017. *THE EVOLUTION OF ALTERNATIVE METHODS OF RESOLVING CONFLICTS IN VIRTUAL ENVIRONMENT: ON LINE DISPUTE RESOLUTION*. [online] Electronic Journal of the Faculty of Law of France. Available at: <<http://PC/Downloads/439-2264-2-PB.pdf>> [Accessed 17 September 2020].

**DE LUCENA FILHO, H. L.**

*THE LITIGATION CULTURE AND THE JUDICIAL SYSTEM: CONCEPTS OF THE SUING PRACTICE OVER THE BRAZILIAN JUSTICE*

**In-text:** (de Lucena Filho, n.d.)

**Your Bibliography:** de LucenaFilho, H., n.d. *THE LITIGATION CULTURE AND THE JUDICIAL SYSTEM: CONCEPTS OF THE SUING PRACTICE OVER THE BRAZILIAN JUSTICE*. [online] Publicadireito.com.br. Available at: <<http://www.publicadireito.com.br/artigos/?cod=84117275be999ff5>> [Accessed 10 October 2020].

**MACIEL, I.**

*CONSUMER RIGHT SUMMARY*

**In-text:** (Maciel, n.d.)

**Your Bibliography:** Maciel, I., n.d. *CONSUMER RIGHT SUMMARY*. [online] Dhg1h5j42swfq.cloudfront.net. Available at: <<https://dhg1h5j42swfq.cloudfront.net/2018/09/29165243/Resumo-CDC.pdf>> [Accessed 1 October 2020].

**SANTOS DA SILVA, A. M.**

*quality of service, satisfaction, and intentions for consumer behavior the case of mobile operators in portugal*

**In-text:** (Santos da Silva, 2020)

**Your Bibliography:** Santos da Silva, A., 2020. *Quality Of Service, Satisfaction, And Intentions For Consumer Behavior The Case Of Mobile Operators In Portugal*. [online] Core.ac.uk. Available at: <<https://core.ac.uk/download/pdf/61004801.pdf>> [Accessed 27 September 2020].

**RODRIGUEZ VIANNA, N. H. AND FREITAS NERY, S.**

*FROM CONFLICT TO CONSENSUS: A PARADIGMATIC ANALYSIS OF LITIGATION AND AUTOCOMPOSITIVE MEDIA CULTURE IN BRAZIL*

**In-text:** (RODRIGUEZ VIANNA and FREITAS NERY, n.d.)

**Your Bibliography:** RODRIGUEZ VIANNA, N. and FREITAS NERY, S., n.d. *FROM CONFLICT TO CONSENSUS: A PARADIGMATIC ANALYSIS OF LITIGATION AND AUTOCOMPOSITIVE MEDIA CULTURE IN BRAZIL*. [online] Core.ac.uk. Available at: <<https://core.ac.uk/download/pdf/270182932.pdf>> [Accessed 15 September 2020].

**CUSTOMER SERVICE IN YOUR ONLINE STORE**

**In-text:** (Customer service in your online store, 2020)

**Your Bibliography:** E-Commerce Brasil. 2020. *Customer Service In Your Online Store*. [online] Available at: <<https://www.ecommercebrasil.com.br/artigos/atendimento-ao-cliente-em-sua-loja-virtual/>> [Accessed 18 October 2020].

**SLAATS, T.**

*Deloitte*

**In-text:** (Slaats, 2013)

**Your Bibliography:** Slaats, T., 2013. *Deloitte*. [online] Www2.deloitte.com. Available at: <<https://www2.deloitte.com/content/dam/Deloitte/nl/Documents/technology/deloitte-nl-paper-digital-transformation-of-customer-services.pdf>> [Accessed 9 October 2020].

**MARQUES DA CRUZ, G. D.**

*National Council of Justice, Separation of Powers and Judicial Review: a Brazilian case study*

**In-text:** (Marques da Cruz, 2014)

**Your Bibliography:** Marques da Cruz, G., 2014. *National Council Of Justice, Separation Of Powers And Judicial Review: A Brazilian Case Study*. [online] Research Gate. Available at: <[https://www.researchgate.net/publication/263342269\\_National\\_Council\\_of\\_Justice\\_Separation\\_of\\_Powers\\_and\\_Judicial\\_Review\\_a\\_Brazilian\\_case\\_study](https://www.researchgate.net/publication/263342269_National_Council_of_Justice_Separation_of_Powers_and_Judicial_Review_a_Brazilian_case_study)> [Accessed 10 September 2020].

## **INTERNATIONAL JOURNAL OF ONLINE DISPUTE RESOLUTION**

**In-text:** (International Journal of Online Dispute Resolution, 2014)

**Your Bibliography:** Mediate.com. 2014. *International Journal Of Online Dispute Resolution*. [online] Available at:

<<https://www.mediate.com/Integrating/docs/karim%20ODR%20book.pdf>> [Accessed 11 October 2020].

### **TAYLOR, C.**

*Quarter of businesses have ceased trading during Covid-19 crisis*

**In-text:** (Taylor, 2020)

**Your Bibliography:** Taylor, C., 2020. *Quarter Of Businesses Have Ceased Trading During Covid-19 Crisis*. [online] The Irish Times. Available at:

<<https://www.irishtimes.com/business/economy/quarter-of-businesses-have-ceased-trading-during-covid-19-crisis-1.4242728>> [Accessed 10 August 2020].

### **CORTÉS, P.**

*What should the ideal ODR system for e-commerce consumers look like? The Hidden World of Consumer ADR: Redress and Behaviour*

**In-text:** (Cortés, 2011)

**Your Bibliography:** Cortés, P., 2011. *What Should The Ideal ODR System For E-Commerce Consumers Look Like? The Hidden World Of Consumer ADR: Redress And Behaviour*. [online] Law.ox.ac.uk. Available at: <[https://www.law.ox.ac.uk/sites/files/oxlaw/dr\\_pablo\\_cortes.pdf](https://www.law.ox.ac.uk/sites/files/oxlaw/dr_pablo_cortes.pdf)> [Accessed 1 October 2020].

### **BHUSHAN MISHRA, S. AND ALOK, S.**

*HANDBOOK OF RESEARCH METHODOLOGY*

**In-text:** (Bhushan Mishra and Alok, 2017)

**Your Bibliography:** Bhushan Mishra, S. and Alok, S., 2017. *HANDBOOK OF RESEARCH METHODOLOGY*. [online] Research Gate. Available at:

<[https://www.researchgate.net/publication/319207471\\_HANDBOOK\\_OF\\_RESEARCH\\_METHODOLOGY/link/5c3c2a5792851c22a373630a/download](https://www.researchgate.net/publication/319207471_HANDBOOK_OF_RESEARCH_METHODOLOGY/link/5c3c2a5792851c22a373630a/download)> [Accessed 19 September 2020].

### **TAYLOR, M. M.**

*Brazilian Journal of Political Economy*

**In-text:** (Taylor, 2005)

**Your Bibliography:** Taylor, M., 2005. *Brazilian Journal Of Political Economy*. [online] SciELO. Available at: <[https://www.scielo.br/scielo.php?script=sci\\_arttext&pid=S0101-31572005000400007](https://www.scielo.br/scielo.php?script=sci_arttext&pid=S0101-31572005000400007)> [Accessed 14 September 2020].

### **DE CARVALHO FERNANDES, R. V., RULE, C., TIEMI ONO, T. AND CARDOSO, G.**



*The expansion of online dispute resolution in Brazil*

**In-text:** (de CarvalhoFernandes, Rule, Tiemi Ono and Cardoso, 2018)

**Your Bibliography:** de CarvalhoFernandes, R., Rule, C., Tiemi Ono, T. and Cardoso, G., 2018. *The Expansion Of Online Dispute Resolution In Brazil*. [online] Research Gate. Available at:

<[https://www.researchgate.net/publication/329933233\\_The\\_expansion\\_of\\_online\\_dispute\\_resolution\\_in\\_Brazil](https://www.researchgate.net/publication/329933233_The_expansion_of_online_dispute_resolution_in_Brazil)> [Accessed 18 October 2020].

**VASCONCELOS DE LIMA, G. AND PEREIRA FEITOSA, G. R.**

*ONLINE DISPUTE RESOLUTION (ODR): CONFLICT RESOLUTION AND NEW TECHNOLOGIES*

**In-text:** (Vasconcelos de Lima and Pereira Feitosa, 2016)

**Your Bibliography:** Vasconcelos de Lima, G. and Pereira Feitosa, G., 2016. *ONLINE DISPUTE RESOLUTION (ODR): CONFLICT RESOLUTION AND NEW TECHNOLOGIES*. [online] Online.unisc.br. Available at:

<<https://online.unisc.br/seer/index.php/direito/article/viewFile/8360/5586>> [Accessed 15 October 2020].

**GAGLIONNE PASSANI, A., GIRANDI CORREA, M. AND BASTOS, S.**

*Conflict resolution for company representatives*

**In-text:** (GaglionePassani, Girandi Correa and Bastos, 2014)

**Your Bibliography:** GaglionePassani, A., Girandi Correa, M. and Bastos, S., 2014. *Conflict Resolution For Company Representatives*. [online] Justica.gov.br. Available at:

<<https://www.justica.gov.br/seus-direitos/politicas-de-justica/enapres/biblioteca/resolucao-conflitos-representantes-empresa.pdf>> [Accessed 16 September 2020].

**MONTGOMERY, N. AND CALDERANO, H.**

*Regulation of the legal profession in Brazil: overview*

**In-text:** (Montgomery and Calderano, 2018)

**Your Bibliography:** Montgomery, N. and Calderano, H., 2018. *Regulation Of The Legal Profession In Brazil: Overview*. [online] Uk.practicallaw.thomsonreuters.com. Available at:

<[https://uk.practicallaw.thomsonreuters.com/8-637-9911?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://uk.practicallaw.thomsonreuters.com/8-637-9911?transitionType=Default&contextData=(sc.Default)&firstPage=true)> [Accessed 25 August 2020].

**CORTÈS, P.**

*Developing Online Dispute Resolution for Consumers in the EU: A Proposal for the Regulation of Accredited Providers*

**In-text:** (Cortès, 2010)

**Your Bibliography:** Cortès, P., 2010. *Developing Online Dispute Resolution For Consumers In The EU: A Proposal For The Regulation Of Accredited Providers*. [online] Oxford Academic. Available at: <<https://academic.oup.com/ijlit/article-abstract/19/1/1/706219?redirectedFrom=fulltext>> [Accessed 11 October 2020].

**MARTINEZ RODRIGUES, P.**

*THE DECONSTRUCTION OF THE LITIGATION CULTURE FROM THE REMOVAL FROM ADVERSARIAL MENTALITY ABOUT THE CONFLICTIVE REALITY*

**In-text:** (Martinez Rodrigues, 2017)

**Your Bibliography:** Martinez Rodrigues, P., 2017. *THE DECONSTRUCTION OF THE LITIGATION CULTURE FROM THE REMOVAL FROM ADVERSARIAL MENTALITY ABOUT THE CONFLICTIVE REALITY*. [online] Repositorio.ufu.br. Available at: <<https://repositorio.ufu.br/bitstream/123456789/20249/1/DesconstrucaoCulturalitigio.pdf>> [Accessed 10 October 2020].

**VIESENTEINER, J. L.**

*Nietzsche and the project overcoming critic understandability*

**In-text:** (Viesenteiner, 2013)

**Your Bibliography:** Viesenteiner, J., 2013. *Nietzsche And The Project Overcoming Critic Understandability*. [online] Scielo.br. Available at: <<https://www.scielo.br/pdf/cniet/n32/n32a13.pdf>> [Accessed 20 October 2020].

**ALBUQUERQUE, P. H. M., SAAVEDRA, C. A. P. B., DE MORAIS, R. L., FRANCO ALVES, P. AND YAOHAO, P.**

*IN THE ERA OF MACHINES, WHOM IS EMPLOYMENT? ESTIMATION OF PROBABILITY OF OCCUPATION AUTOMATION IN BRAZIL*

**In-text:** (Albuquerque et al., 2019)

**Your Bibliography:** Albuquerque, P., Saavedra, C., de Moraes, R., Franco Alves, P. and Yaohao, P., 2019. *IN THE ERA OF MACHINES, WHOM IS EMPLOYMENT? ESTIMATION OF PROBABILITY OF OCCUPATION AUTOMATION IN BRAZIL*. [online] Repositorio.ipea.gov.br. Available at: <[http://repositorio.ipea.gov.br/bitstream/11058/9116/1/td\\_2457.pdf](http://repositorio.ipea.gov.br/bitstream/11058/9116/1/td_2457.pdf)> [Accessed 25 October 2020].