

PROTECTING CROSS BORDER ONLINE PURCHASERS: ANALYSIS OF MALAYSIAN LAW

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Submitted in Partial of the Requirements

For the Bachelor in Legal Studies (Hons)

Universiti Teknologi MARA

Faculty of Law

December 2013

The students or authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others

ABSTRACT

The aim of this research is to develop a set of recommendations to protect cross border online purchasers who purchased goods from vendors in Malaysia. This research is motivated by the fact that cross border online purchasers are still vulnerable due to lack of special protection accorded to them. This research deals with five main issues commonly faced by cross-border online purchasers i.e. non-delivery of goods, late delivery of goods, goods that are unfit for a particular purpose, goods which are of non-merchantable quality and misleading of advertisement. Being a legal research, the methodology used in this research is purely qualitative , whereby primary legal sources such as statutes and case laws have been collected for the purpose of answering the two-tier research questions. This research analyses the relevant laws in Malaysia such as Contracts Act 1950, Electronic Commerce Act 2006, Consumer Protection Act 1999 and Sales of Goods Act 1957. In addition, this research also looks into the law of other countries i.e. the United States and the European Union. The findings from the legal and case analysis have been used as an input to develop a set of recommendations to protect cross border online purchasers who purchased goods from vendors in Malaysia. The recommendations contain both the substantive and procedural aspects of the law that can be used as a reference to develop a legal protection mechanism for cross-border online purchasers who purchased goods from vendors in Malaysia.

ACKNOWLEDGMENT

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الحمد لله رب العالمين والصلاة والسلام على رسول الله

In the name of Allah, the Most Gracious and the Most Merciful Alhamdulillah, all praises to Allah for the strengths and His blessing in completing this research paper.

This research paper is made possible through the help and support from many parties particularly: parents, lecturers, family and friends. We would like to dedicate our acknowledgment and gratitude toward the following people:

Firstly, special appreciation goes to our, Dr. Haswira Nor Mohamad Hashim , for giving us valuable advice and guidance throughout the process of writing this research paper.

Secondly, we would like to thank each other as group members for completing this research within the timeframe. We want to sincerely thank to all our teammates for their corporation and moral support during the discussion for this assignment. Thanks for all the help, friendship and memories together.

Last but not least, our deepest gratitude goes to our beloved parents: Mr Salehuddin Bin Hamid and Mrs. Saodah Binti Ahmad, Mr Sallehudin Bin Abd Aziz and Mrs Zubaidah Bt Aman, Mr Othman Bin Wan Su and Mrs Ramizan Bt Mat Isa, and Mr Megat Yahya Bin Megat Ahmad and Mrs Khoriyah Binti Kasim for their endless love, prayers and encouragement for us to finish our study with a big success and help us in term of physically, mentally and even financially.

To those who indirectly contributed in this assignment, your kindness means a lot to us. The product of this research paper would not be possible without all of them

All the criticisms are like the bitter pills that we have to swallow, as people always said “*to succeed, we must be willing to take pains*”.

Thank you very much. May Allah SWT bless all of us.

اشكركم شكرا جزيلا وبارك الله فيكم

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