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**ETHICAL, MORAL AND QUALITY STANDARD ISSUES:
CONSUMER'S BEHAVIOR AND LEGAL EMPOWERMENT OF SOCIETY**

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ABSTRACT

In the globalized economy, ethical, moral and quality standards are considered as instrumental force for the economic growth and development of society which vary from country to country, society to society and culture to culture. Ethics, morals and values of a society may be examined on the basis of tradition, culture, social norms, religion and laws that reign in a society or country. A business community must consider and comply with the ethical and cultural concerns of the society and avoid developing such sub-standard products and services that leads to undesirable consumer behavior or confuses or mislead the consumer and hurt personal interest and cultural response. Various Acts in different countries have been promulgated in order to provide protection and remedy to the consumers with respect to low quality, sub-standards and over-price of the goods/services. In these enactments, various Consumers Courts have been established in the country to redress the grievances of the public at large. However, there is dire need to raise awareness among people about their rights and to approach these courts for redressal of claims. Despite all, the authors are further of the view that no concrete mechanism is provided to address the issues relating to ethical or moral values pertaining to goods, services and commercial advertisement. In nutshell, the authors of this paper proposed a comprehensive strategy to create awareness among the consumers regarding their rights connected with ethical, moral, cultural and cultural values of the

society. The theme of this paper is also to bring awareness among public regarding their legal empowerment bestowed upon them by the legislative bodies of the respective countries.

Keywords: *Ethical, Cultural, Moral, Consumer Behaviour, Legal Empowerment*

INTRODUCTION

The consumer protection law is “social welfare legislation, enacted to provide for better protection of interests of the consumer and different redressal forums have been provided under the law for the settlement of consumer disputes”. Main purpose of this legislation is to protect the rights and provide speedy and inexpensive justice to the consumers, in this context the Legal empowerment of society is imperative to get maximum benefit from this legislation. Legal empowerment of civil society is indeed critical for justice, accountability and protection of rights. This process primarily focuses on educating vulnerable groups that how to protect their legal rights and processes for accessing judicial and administrative remedies. One of such groups is that of Consumers who is confronted daily with infringement of their rights and unfair treatment at the hands of sellers, manufacturers, suppliers and services providers. A satisfied consumer is “the true bedrock of a healthy economy and society”. There is a predominant view that a larger sector of society who does not know about the application of law and rights of consumers. As consequence despite on elaborate law they are reluctant to go to the consumer court against the violation of their Ethical, Moral and rights relating to quality by the trade merchants. The consumers are receiving so many benefits in form of better access to knowledge regarding about goods, services and cost (Patrice Muller et.al 2011). It is pertinent to mention here that the Moral, Ethical and Quality Standard issues directly relevant to the consumer behaviour. Therefore, the manufacturer and service providers are required to satisfy the needs of the consumer.

LITERATURE REVIEW:

A number of scholars from wide range of discipline i.e. management, organization behaviors, psychology and sociology claimed that legal empowerment of the society depends upon the policies adopted by the organizations (Getz & Page, 2016). These policies might accelerate and discourage consumer to avail different services for example Van Dyke et al. (2004) found that the issues of privacy and lack of trust by consumers and lack of effective policies by service delivering organization decrease online shopping among consumers (Li et al., 2011). Although, number of scholars are now found concerned about this lack of trust and the issues of privacy among consumers and organizations, but different dimensions are needed to be taken seriously (Koenig-Lewis et al., 2010). A healthy and up to date policy is one of the best tool for reduce lack of trust and issues of privacy (Shin, 2010). It is found that well designed policies might change the lifestyle of the consumers by empowering them and minimizing their fears, personal constraints and limitations. Any organization or firm which is successful to devise such policy might accelerate in the changing environment of the e-commerce (Schlesinger, 2010). On the other hand, these policies should also cater the external limitation upon consumer that reduces the pace of sustainable change in lifestyle of the consumers (Van Dyke et al., 2004). The important thing which is needed to be taken seriously is the attempt in policies which might lessen the subjective limitation and restriction experienced by the consumers when shopping or buying different products in the markets (Solomon et al., 2012). There are number of different approaches which might be used to increase the trust of consumers but two approaches are worth mentioning. First approach/policy is to increase the empowerment of the consumers (Prothero et al., 2011). It is well known fact that increased feeling of empowerment might motivate the consumers to shop or buy different products. This kind of approaches and policies affect consumers' behavior positively to make an effort to change their decisions (Schlesinger, 2010). Second type of approaches/policies attempt to decrease the subjective feelings of self-constraints among consumers (Solomon et al., 2012). Howells (2005) suggested that the consumers policies which target the satisfaction among

consumers about different services. The role of information provided by the consumer policies to safeguard the interest by consumers i.e. safety in competitive market is found positively associated with the legal empowerment of the consumers (Ramsay, 2012). It is widely accepted that providing information to consumers is highly beneficial for their empowerment and altering their decisions to undergo shopping. But as classical behaviorist assume, consumers do not always respond similarly to the information provided in the policies by different firms and organization (Mayo&Steinberg, 2010). Consumers felt higher level of legal empowerment when they are provided more information about consumer ethics and morality. But the higher level of response is recorded when organizations and firms focused upon the quality standards of consumer products (Ferrell&Fraedrich, 2015). When talking about the empowerment of the consumers, Howells (2005) claimed that the way information is provided is also important but for changing the attitude and behavior of the consumers the way information is provided needs to be revised. In addition, the information which includes the sections of moral and ethical satisfaction of the consumers is found getting higher level of appreciation (Mayo&Steinberg, 2010).

Scholars also claimed that there are some other dimension which needs to be taken seriously i.e. altering the default rules, implementation of rules, restrictions, regulations and effective mechanisms for risk sharing (Vassilikopoulou et al., 2011). On the other hand, scholars also claimed that the strategies to provide information needs to revised (Howells, 2005). But there is growing consensus among different stakeholders of the consumers' policies i.e. managers, researchers and academicians that policies and approaches might include legal empowerment and consumers rights fully for enhancing legal empowerment of the consumers while incorporating ethics, morality and quality standards (Case et al., 2014; Jain, 2011).

Bearing in mind the protection of consumer's rights in all states, particularly those in emergent states; identifying that "consumers often face imbalances in economic, ethical, moral and quality terms, educational levels and bargaining power; and bearing in mind that consumers should have the right of access to non-hazardous products, as well as the right to promote just,

equitable and sustainable economic and social development and environmental protection” (UN, New York 2003). “Consumer protection is not a new problem in the market place this was, inter-alia, one of the prominent socio-economic problems inherited by the nation.” In Historical perspective, the problem has much deeper roots in the history of mankind such as “use of false balance” and “fabrication of weights and measures”, “using unstamped weights”, exploitation on the part of the trading community by charging “excessive prices” and providing “substandard goods and commodities” false and unethical advertisement of the products act as a catalyst to change the emotional behaviour of the consumers. However, the remedial mechanism was not so good to cater the needs of the time. Due to the emerging challenges of the globalization the policy makers paid full attention to protect the interest of the public at large, and a new era of consumer protection appears have been dawned. In case of *Lucknow Development Authority v. M.K. Gupta*,(1993) 1 CTJ 929 SC, at 933) The “Supreme Court of India” observed the social and ethical importance of the Consumer Protection Law in these words:

“In fact the law [the law of consumer protection] meets long felt necessity of protecting the common man from such wrongs for which the remedy under ordinary law for various reasons has become illusory. The importance of the Act lies in promoting welfare of the society by enabling the consumer to participate directly in the market economy. It attempts to remove the helplessness of a consumer which he faces against powerful business, described as, a network of rackets or a society in which, produces have secured power to ‘rob the rest’ and the might of public bodies which are degenerating into store house of inaction where papers do not more from are desk to another as a matter of duty and responsibility and for extraneous considerations leaving the common man helpless, bewildered and schoked”.

In the most emergent states, including Pakistan and Malaysia observed the ever mounting fears for “Consumer protection”. Therefore, As a matter of fact, the enactment of laws alone

is not a solution for consumer problems unless such legislation is implemented by effective enforcement. In this contextual perspective the justice G.R. Luthra, recorded his opinion in following words:

“In developing countries..... the need for a concept of consumer protection became imperative on account of economic imbalances and inequalities, teeming population, high rate of illiteracy, shortages of essential commodities, adulteration, and black-marketing, underweighing, wide variations in the quality and prices of comparable products and a vast knowledge gap in consumer rights.”

Therefore, in the light of above Obiter-Dicta it can be observed that it is social, ethical and legal responsibility of the Law and Society to empower the consumer and create awareness about the consumer rights relating to the quality, effectiveness, limpidness, standard and cost of goods to guard the consumer against unjust trade practices (P.M. Bakshi), and it is only possible when Government takes concrete and practical measures with respect to the education of the consumers.

Therefore, “Governments should develop or encourage the development of general consumer education and information programmes, including information on the environmental impacts of consumer choices and behaviour and the possible implications, bearing in mind the cultural and ethical traditions of the people concerned. The aim of such programmes should be to enable people to act as discriminating consumers, capable of making an informed choice of goods and services, and conscious of their rights and responsibilities. In developing such programmes, special attention should be given to the needs of disadvantaged consumers, in both rural and urban areas, including low-income consumers and those with low or non-existent literacy levels ((United Nations, New York 2003, para. 35)”.

RESEARCH METHODOLOGY

The topic of research is associated with legal implications of “**Ethical, Moral and Quality Standard Issues: Consumer’s Behavior and Legal Empowerment of Society**” that requires a descriptive investigation of the problem. Moreover, its various dimensions have been discussed earlier by law experts in their respective domains. However, owing to availability of reliable data previously and resource constraints to access primary data, the study opted for secondary data analysis for optimal analysis. In this regard, various research reviews and investigations were studied and their data was adapted to our research settings. Various precedents in research methodology substantiate that secondary data collection can be optimal in such circumstances. In its pursuits, the study reviewed various scholarly articles, research reports of courts, reviews and opinions of various law experts in that regard that proved a faster and financially feasible source of data collection.

Furthermore, the rationale behind utilizing secondary data involved its pros related to reliability and validity of data (Hagan & Hagan, 1997). As the secondary data provides access to works of highly acknowledged researchers, hence it ensures that the data fulfills conditions of reliability, face validity, and content validity. It consequently helps in improving research results by claiming minimal type2 error of research that might lead us failure to reject null hypothesis. Its complementing advantage lies in minimizing type 1 error by pre-determining and rectifying directions of research hypothesis that can be useful in claiming and generalization of results (Malhotra, 2007).

However, the possible flip side of secondary data analysis was minimized by ensuring that data does not come from unauthorized sources to ensure reliability of data. Moreover, the data does not include an outdated data so that an objection of misfit of data may not be claimed. Hence fresh sources were considered (Rew et al, 2000). Furthermore, it was ensured that the sources are properly and rightly cited to give due intellectual credit and avoid plagiarism. With the guidance and supervision of the supervisor, it was attempted utmost to properly adapt data

to our research settings so that the objection of irrelevant or misfit data might be nullified (Wayhuni, 2012).

DISCUSSION AND ARGUMENTS:

At the initial point, utmost right of consumers is to have products and services which are harmless, robust and efficacious for the all doing purposes for which they are anticipated. Manufacturers ought to exercise due care in ascertaining that all logical steps are taken to make sure that their products are gratis from defects and protected one to utilize. Consumers' right to a safe product is not an infinite right Safety also a function of the consumer and their actions and defense (Business Ethics-Piet Westerhuis, 2015).

In most of the cases consumers are deceived through substandard products/goods, increased prices, failed warranties, market manipulation, destitute sale services and other unjust trade practices. "The consumer is regarded as the king who through the market forces dictates the quality and quantity of goods and act as an instrumental force for the promotion of ethical and moral values of the market and this attitude of the consumer boost the economic and commercial activities of country, if consumers are not satisfied with the standards of goods and services the economic and commercial activities will be at stake and psychologically the consumer may adopt the delinquent behaviour. Good business ethics should place the customer as one of the important stakeholders and should give the customer his or her due share".

LEGISLATION ON CONSUMER PROTECTION IN MALAYSIA AND PAKISTAN

In 1st October 1999 "the Malaysia's Consumer Protection Act 1999 (CPA)" is an Act which came into effect. It is significant legislation ratified with the chief purpose to endow with better safeguard for consumers. The provisos of this statute wrap up all the important areas not covered by other existing laws. However, this law does not address the ethical, moral and social issues relating to product and services. Moreover, burden of proof generally lies on the

shoulder of the plaintiff and sometime it is not possible to prove in the tribunal. For example in *Foster vs Biosil* case the court agreed with the defendant's contention,

“That before claim could succeed, the plaintiff has to prove that artificial breast was defective and how the defect occurred, the plaintiff produced evidence from a scientist to prove that the artificial breast was defective because it leaked and burst. Nonetheless, the plaintiff failed to prove the scientific theory. How the burst and leakage might occur. It was submitted that the court in that case has used very high standards of proof for defect, this case proved that to prove defect may involve high cost which an ordinary consumer could not afford and thus it will cause injustice to the consumer” (Rehman Ismail et.al, 2015)

This Act provides uncomplicated, economical remedy to the consumer's grouses and relief of a definite nature. Under this Act, an aggrieved consumer may submit any argument or claim of less than RM10000 to established Consumer Redressal Tribunal.

“In India there is a Federal Law to protect consumer's rights (herein referred to as “COPRA”), Unlike India and Malaysia, there is not a single ruling to guard the consumer in Pakistan, as not an iota has been introduced under the federal statutory umbrella. The ground reality in this regard is lack of constitutional jurisdiction for the ratifying of consumer protections law at the National level”(Asad Jamal, 2000). After the emergence of Pakistan, various laws relating to the protection of consumer rights were promulgated. To correlation this, some regulatory and institutional redressal forums were founded to keep an eye on the rights of the consumers and endow them with relief. Moreover, some of the legislations were adopted, which were enacted in the time of British India, in order to run the market economy in Pakistan. However, subsequent Governments in Pakistan were preoccupied in dispensing fundamental issues relating to the adaptation of Constitution and for settlement of newly arrived migrants in new Pakistan. Practically speaking, The Government failed to focus on the rights of the Consumer.

Resultantly, “Consumers” and their rights were both neglected in that era. For the first time ever an act was promulgated for the shield and safety of consumer rights named as “Monopolies and Restrictive Trade Practices (Control and Prevention) Ordinance, 1970”. “The Constitution of Islamic Republic of Pakistan, 1973” in the form of article 18(b) provides a guarantee that “It is the duty of the state to regulate trade, commerce or industry in the interest of free competition”. It is quite necessary to mention here that some of the statutory laws were also enacted in the form of “Price Control and Prevention of Profiteering and Hoarding Act, 1997”. With the passage of time Pakistan formulated various laws relating to health, food, electricity and power, telecommunications, and oil and gas sectors. In case of *Chairman Indus Motors Co Vs Muhammad Arshad* Lahore High Court of Pakistan protected the rights of the consumers and directed to the manufacturer to compensate the consumer,

“.....consumer purchased brand new car and due to some manufacturing defect its gearbox leaked and the same was replaced by the manufacturer. The trial court decreed the case in favor of consumer and directed manufacturer to replace defective car with brand new one. The manufacturer raised the plea that such relief conferred unjust enrichment upon the consumer, because of increased value of new model and diminished value of purchased vehicle due to its continuous use by consumer as it did not have same impact and was liable to be treated differently”.

LEGAL EMPOWERMENT OF SOCIETY VIS-À-VIS CONSUMERS:

After the literature review, it has been observed that majority of the consumers are not aware about “Consumer Laws and Rights”. It has been examined that. Unless consumers are themselves ready to assert their rights and to actively participate in the whole complex process of consumer protection, no legal development will take place. Therefore, “there is a positive correlation between Consumer Perceptions, buying Practices and Problems of Consumers

.Consumer education must be made a part of the curriculum and voluntary organizations, cooperative societies need to provide the necessary training and financial support. Seminars, Workshops, discussions should be conducted in the educational institutions frequently. Books on Consumer Protection, Magazines, Reports, pamphlets, cassettes, CDs, slides should be available in all libraries” (P. Uma Maheswari Devi and B. Sankara Rao, 2016) .It has been observed during the research that number of consumers do not have awareness about their rights and the legal remedies for the violation of their rights. Consumer Perceptions, Problems and buying Practices are interlinked with each other. The study recognized three serious factors of Consumer Protection namely Government Initiatives, Consumer’s education and Awareness. In this context “Governments should establish or maintain legal and/or administrative measures to enable Consumers or, as appropriate, relevant organizations to obtain redress through formal or informal Procedures that are expeditious, fair, inexpensive and accessible. Such procedures should take Particular account of the needs of low-income Consumers. Governments should encourage all enterprises to resolve consumer disputes in a fair, expeditious and informal manner, and to establish voluntary mechanisms, including advisory services and informal complaints procedures, which can provide assistance to consumers.

Information on available redress and other dispute-resolving procedures should be made available to consumers” (UN, New York, 2003). And it is the responsibility of the states to formulate the law and policy for the protection of legitimate rights of the consumers for the purpose of empowering consumers and society, which leads towards the consumer welfare, access to justice and participation in governance, and enhance the capacity building of the civil society for the enforcement of their rights against the wrong doers, therefore, an examination of the history of the consumer protection law reveals that it has gained a momentum more due to the efforts of the civil society organization working for consumer rights and the expansion of market economy inter alia with the growth of globalization.

REDRESSAL MECHANISM

In Malaysia, “Consumers who are dissatisfied with their purchases have an avenue to file a complaint with the Tribunal for Consumer Complaints (Tribunal). The tribunal is an independent body created by statute (the Consumer Protection Act 1999) which came into force on 15 November 2009. Under the Consumer Protection Act (Act), any consumer who alleges to have suffered loss relating to his interests as a consumer, may lodge a complaint with the Tribunal. The Tribunal is empowered under the Act to determine cases where the value of the award sought is less than RM25,000.00 An award by the Tribunal shall be deemed as an order of the Magistrates’ Court and can be enforced against the Defendant as if it is an order from the civil court. It is also a criminal offence for a party not to comply with the award of the Tribunal and the non-complying party may be subject to imprisonment and/or fines”. As far as Pakistan is concerned, every province has its own legislation on consumer protection. The law provides a mechanism for the settlement of claims to an aggrieved party against the defendant in these words:

“A consumer who has suffered damage, or Authority in other cases, shall, by written notice, call upon a manufacturer or provider of services that a product or service is defective or faulty, or the conduct of the manufacturer or service provider is in contravention of the provisions of this Act and he should remedy the defects or give damages where the consumer has suffered damage, or cease to contravene the provisions of this Act.”

CONCLUSION & RECOMMENDATIONS:

The consumer protection law is “social welfare legislation, enacted to offer for better guard of welfare of the consumer and different redressal forums have been provided under the act for the resolution of consumer disagreements. It has been observed that a lot of people do not aware about their rights and relevant forums. A business community must consider and

compliance with the ethical and cultural concerns of the society and to avoid developing such sub-standard products and services that leads to undesirable consumer behavior or confuses or mislead the consumer and hurt personal interest and cultural norms. The countries should consider the interest and needs of consumers, recognizing that most of the times consumers confronted imbalance in terms of economic, ethical and moral values, furthermore, consumers should have the right to access to harmless products, adding more the right to encourage just, impartial and sustainable financial and social growth and consumer's rights guard. The present study focused on the various non-legal measures for consumer protection with reference to a number of jurisdictions, measures like consumer's education, Last but not the lease, there is a need for wholesome change in the legislative attitude and governmental policies concerning the enactment and the implementation of law. It is also worthwhile note that, the eminence of human resources availability is increased by proper guidance and education for better implementation of existing laws through easy and accessible mechanisms, and contribution of the civil society.

1. Business community/service providers must be educated to consider and comply with the ethical and cultural concerns of the society and avoid developing such sub-standard products and services that leads to undesirable consumer behavior or confuses or mislead the consumer and hurt personal interest and cultural response. To launch various training programs among the public for the awareness regarding the empowerment of society.
2. To held seminars/lecturers etc. at School/College /University level for the purpose.
3. A portion of consumers' rights should be part of the course contents at graduate/post-graduate level.
4. Capacity building of the stakeholders should be ensured to deal properly with the ethical, moral and quality standard issues.
5. Necessary amendments in the legislation should be made to address the said issues

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