

Guideline for Digital Platform Regulation in ASEAN

under the Joint Project between Thailand and Lao PDR:
The Development of Guidelines for Digital Platform Regulation in ASEAN

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but is subject to change as further edits are made.

Executive Summary

The rapid expansion of digital-platform services across ASEAN presents both significant opportunities and emerging risks — from disinformation, lack of transparency and fairness, to online scams, and gaps in consumer protection. Recognising that ASEAN Member States currently apply divergent approaches to these challenges, Thailand and Lao PDR have jointly initiated the “Development of Guideline for Digital Platform Regulation in ASEAN.” This initiative falls under the broader umbrella of the ASEAN Digital Masterplan 2025 (ADM 2025). This Guideline sets out non-binding, principles-based recommendations for ASEAN and its Member States to consider when developing or revising national approaches to digital platform governance, while fully respecting national sovereignty and diverse legal systems.

The Guideline seeks to foster a digital environment that is fair, competitive, secure, and inclusive — one that supports innovation and participation, protects consumer rights, and builds trust, transparency, and accountability across the region, all while respecting the sovereign diversity of Member States. In doing so, it reflects ASEAN’s collective commitment to building a reliable, evolving digital ecosystem aligned with ADM 2025’s vision of a competitive regional digital services market.

Therefore, this Guideline reflects ASEAN’s shared commitment to building a trustworthy, inclusive, and continuously improving digital ecosystem. It aligns with the vision of the ADM2025, which aims to foster a competitive digital services market and achieve the strategic objectives set by the Masterplan. The Guideline anticipates and supports **the forthcoming ASEAN Digital Economy Framework Agreement (DEFA) — currently under negotiation** — by offering complementary and enhanced policy guidance. It builds upon existing regional instruments, such as the ASEAN Framework on Digital Data Governance and the ASEAN Guide on AI Governance and Ethics (including its expanded version covering generative-AI), to form a principle-based regulatory approach within a broader regulatory architecture for ASEAN’s digital transformation.

Table I: Summary of Recommendations on the Guideline for Digital Platform Regulation in ASEAN

Topic	Recommendations
Disinformation	<ul style="list-style-type: none"> • Establish an ASEAN-Wide Fact-Checking Network • Develop Platform-Specific Guidelines for Addressing Disinformation • Strengthen and Expand Regional Digital Literacy Initiatives
Transparency and Fairness	<ul style="list-style-type: none"> • Promote Algorithmic and Recommender Transparency • Ensure Plain-Language Terms & Conditions • Promote Publication of Annual Transparency Reports • Empower Users with Recommender System Controls • Address Targeted Advertising • Enhance Advertising Transparency • Establish an ASEAN Transparency Portal and Database
Online Fraud and Scams	<ul style="list-style-type: none"> • Empower Multi-Stakeholder Coordination • Develop Regional Operational Guidelines and Enforceable Mechanisms • Enhance User Education, Public Awareness and Redress • Build Technical and Enforcement Capacity
Illegal Content	<ul style="list-style-type: none"> • Establish a Common ASEAN Baseline on Illegal Content Involving Serious Crimes • Implement a Notice-and-Action System for Illegal Content • Maintain National Flexibility • Develop Cross-Border Cooperation Mechanism
Fair Competition Fostering Personal Data Protection	<ul style="list-style-type: none"> • A Joint Regional Digital Market Inquiry • Developing Codes of Conduct by Platform Type • ASEAN Digital Market Information Hub • Support Regional Data Protection Training • Develop Model Guidelines • Enhance Regional Interoperability
Algorithm and AI	<ul style="list-style-type: none"> • Establish a Regional Guideline on the Ethical Use of Online Algorithms
Data Sharing	<ul style="list-style-type: none"> • Empower Regulatory Authorities to Request Data • Explore Data Sharing for Switching • Facilitate Data Access for Vetted Researchers
Consumer Protection	<ul style="list-style-type: none"> • Create a Database of Substandard and Unsafe Products Online • Enhance Seller Accountability Through KYBC • Strengthen Platform Enforcement Tools • Harmonise Consumer Remedies • Establish an ASEAN Committee on Consumer Protection in the Digital Economy (ACCP-DE)

Background

The rapid expansion of digital platform services has introduced complex regulatory challenges across multiple dimensions, including consumer protection, the prevention of online scams, and personal data management. These challenges are particularly pronounced in the ASEAN context, where each Member State maintains distinct legal systems and regulatory approaches. Such variations have resulted in regulatory gaps and inconsistencies in enforcement, which in turn undermine the overall effectiveness of digital platform governance, especially in cases involving cross-border activities.

According to the e-Economy SEA 2024 report published by Google, Temasek, and Bain & Company, ASEAN's digital economy was valued at USD 263 billion in 2024, reflecting a 15 percent increase from the previous year. The sector generated total revenue of USD 89 billion and net profit of USD 11 billion, underscoring the significant growth potential and vital contribution of digital platforms to the region's economy.

In response to these developments, ASEAN has reaffirmed its commitment to fostering an inclusive, fair, and competitive digital marketplace under the ASEAN Digital Masterplan 2025 (ADM 2025). This initiative complements broader regional frameworks such as the (draft) ASEAN Digital Economy Framework Agreement (DEFA) — which is still under negotiation and has not yet been finalised — and various ASEAN Free Trade Agreements (FTAs) concluded with dialogue partners, all of which aim to strengthen regional integration and digital cooperation.

To support a coherent and sustainable policy direction for the region, a study titled “The Development of Guidelines for Digital Platform Regulation in ASEAN” was undertaken. The project examines the current state, emerging challenges, and policy impacts of digital platforms and digital services within ASEAN Member States, while benchmarking regional developments against international practices. The project aims to formulate and propose the Guideline for Digital Platform Regulation in ASEAN. The primary objective of these guidelines is to offer non-binding recommendations for ASEAN and its Member States to consider in the development or revision of national rules, regulations, and criteria for supervising digital platforms, particularly with respect to promoting information integrity across the region. By establishing this unifying standard, the Guideline aims to foster fair and sustainable digital economic growth, enhance consumer protection, recognise the essential role of civil society to upholding information integrity and participating actively in governance efforts, and promote the alignment of ASEAN's regulatory frameworks with international standards and best practices.

Implementation of these recommendations will depend on national capacity, platform ecosystems, and available resources. ASEAN cooperation may support phased implementation, voluntary participation, and the sharing of best practices among Member States.

The Guideline for Digital Platform Regulation in ASEAN address nine key policy areas as follows:

- (1) Disinformation
- (2) Transparency and Fairness
- (3) Online Fraud and Scams
- (4) Illegal Content
- (5) Fair Competition
- (6) Fostering Personal Data Protection
- (7) Algorithms and Artificial Intelligence (AI)
- (8) Data Sharing
- (9) Consumer Protection

Glossary

Disinformation	Refers to information that is inaccurate, intended to deceive and shared in order to do serious harm. No one definition for disinformation may be sufficient on its own, given the multiple and different contexts in which concerns over disinformation may arise, including with regard to issues as diverse as electoral process, public health, armed conflicts, or climate change. ¹
Illegal Content	Refers to content that constitutes universally recognised serious crimes for which a common ASEAN baseline is to be established, specifically Child Sexual Abuse Material (CSAM), terrorism, and human trafficking and non-consensual intimate imagery (NCII).

¹ United Nations High Commissioner for Refugees. 2024. "UNHCR Information Integrity Toolkit" <https://www.unhcr.org/handbooks/informationintegrity/understanding-challenge/glossary-terms>.

1. Disinformation

ASEAN Current framework

The ASEAN community is concerned about the dissemination of false and distorted information, as it can lead to the spread of misleading and harmful content, potentially undermining domestic stability in various Southeast Asian countries² Therefore, under the current ASEAN framework, the “ASEAN Guideline on Management of Government Information in Combating Fake News and Disinformation in The Media” has been developed. This guideline aims to assist Member States in addressing the spread of disinformation and fake news, particularly in the media, by promoting transparent, accurate, and timely government communication.³ These efforts complement the work of existing ASEAN mechanisms, including the ASEAN Task Force on Fake News.

The guideline presents key principles for addressing the spread of disinformation and false information, as follows:

- Emphasise strategic communication by using carefully planned and thoughtful messaging.
- Develop educational and awareness programmes to enhance knowledge and understanding of fake news and disinformation, promote behavioural change, raise awareness among individuals or groups about the dangers of disinformation, and provide knowledge and channels for reporting incidents encountered online.
- Promote media and information literacy, which involves educating individuals on how to critically evaluate and use information from various media sources, helping them develop the necessary skills and knowledge to make informed decisions about the credibility and reliability of information.
- Establish fact-checking networks, potentially composed of organisations or individuals working collaboratively to verify the accuracy of claims made by media outlets or other sources.
- Encourage the adoption of international fact-checking standards, such as the International Fact-Checking Network (IFCN) Code of Principles. This set of practices, developed by global fact-checking organisations, promotes transparency, accuracy, and impartiality in fact-checking. Its core principles include nonpartisanship and fairness, transparency of sources, transparency of funding and organisation, transparency of methodology, and open and honest corrections. Adopting the IFCN Code helps enhance transparency and accuracy in fact-checking, and fosters public trust. Fact-checking organisations that follow these principles may also apply for IFCN certification, which can further boost their credibility and legitimacy.
- Support inter-agency coordination, enabling agencies to share information, expertise, and resources, leading to more effective decision-making and action. It also helps avoid duplication of work and ensures all relevant stakeholders are involved in the fact-checking process.
- Promote cross-functional collaboration, which facilitates the sharing of information, resources, and ideas across departments. This leads to more comprehensive decision-making, helps break down internal silos, and encourages a more integrated approach to problem-solving.
- **Ensure a balance between enforcing laws and protecting the rights and freedoms of the public. Law enforcement officers should exercise discretion and judgment in their duties, adhering to ethical and professional standards.**

² Bama Andika Putra, “Fake News and Disinformation in Southeast Asia: How Should ASEAN Respond?,” *Frontiers in Communication* 9 (March 2024), <https://doi.org/10.3389/fcomm.2023.1380943>.

³ Ministry of Communications and Informatics Republic of Indonesia. “ASEAN-Guideline-in-Combating-Fake-News-and-Disinformation-in-the-Media-ISBN.Pdf,” n.d., <https://asean.org/wp-content/uploads/2023/06/ASEAN-Guideline-in-Combating-Fake-News-and-Disinformation-in-the-Media-ISBN.pdf>

In addition, one of ASEAN's efforts to combat false and misleading information across the region is the ASEAN Digital Literacy Programme (ASEAN DLP), a key initiative by the ASEAN Foundation aimed at empowering citizens with the skills to recognise and counter disinformation. The ASEAN DLP offers training programmes tailored to the specific needs of each country, promoting critical thinking, cultural understanding, and digital responsibility. The programme also launched the website DigitalClassASEAN.org, a multilingual e-learning platform that continues to equip users with tools to recognise and respond to false and misleading information. Over the past two years, the programme has trained 1,000 educators and youth leaders across all 10 Member States and has empowered over 100,000 individuals in local communities.⁴

Key Challenges in ASEAN's Approach

The problem of the widespread dissemination of false and misleading information in the ASEAN region is partly due to the high penetration of social media among the population. Over 68% of the population in Southeast Asia are active social media users, with particularly high usage among the younger generation, who spend an average of 10 hours online per day.⁵ As a result, countries in Southeast Asia have implemented varying measures to address the issue of disinformation, reflecting their diverse political and social contexts—an obstacle to a unified regional strategy.

ASEAN's collective response to disinformation has mostly remained at the level of normative agreements. Although ASEAN has issued guidelines on managing government information to combat fake news and recognises the link between disinformation and financial incentives, these efforts have yet to result in concrete implementation.⁶

Policy Recommendations

To support the key principles outlined in the *ASEAN Guideline on Management of Government Information in Combating Fake News and Disinformation in The Media* and promote concrete implementation, ASEAN should consider taking the following action:

1) Establish an ASEAN-Wide Fact-Checking Network

This network could be established as a central, open platform that brings together civil society, media organisations, and digital platforms to collaboratively strengthen fact-checking efforts across ASEAN. To ensure resource efficiency and regional relevance, the regional fact-checking network should prioritise cross-border or regionally circulating falsehoods that affect multiple Member States. It would operate as a multi-stakeholder mechanism, enabling coordinated verification of news and online content through shared editorial standards and transparent methodologies. With respect to implementation, participation in the network should build upon existing national fact-checking organisations and operate on a voluntary and modular basis. The platform would also provide opportunities for volunteers and experts to contribute to the validation of information, while offering the public a trusted space to access, share, and exchange verified facts, thereby promoting an informed and resilient digital environment in the region.

The primary goal of creating a regional fact-checking network is to provide accurate information to the public and promote greater transparency and accountability among other information sources. This network could utilise a variety of tools and techniques to assess the credibility of information. It would serve to verify and evaluate the accuracy of information, and, after assessment, publish the fact-checking results on a website or share them with organisations or media outlets. Such a network would help enable informed public decision-making and reduce the spread of disinformation by providing accurate and trustworthy data.

2) Develop Platform-Specific Guidelines for Addressing Disinformation

Currently, ASEAN does not have a regional framework or set of guidelines specifically tailored for platforms to manage disinformation. To promote a standardised regional approach, ASEAN should develop dedicated guidelines for platforms to address disinformation. These are intended as voluntary, non-binding guidance. Furthermore, recognising that dominant platforms vary across Member States, these guidelines will be designed to be adaptable to different platform architectures. These guidelines

⁴ "ASEAN Digital Literacy Programme - ASEAN Foundation,"

<https://aseanfoundation.org/programme/asean-digital-literacy-programme/>.

⁵ "Combating Disinformation and Fake News: An ASEAN Response Strategy. | DISA,"

<https://disa.org/combating-disinformation-and-fake-news-an-asean-response-strategy/>.

⁶ *ibid.*

should also draw reference from the key principles from the *ASEAN Guideline on Management of Government Information in Combating Fake News and Disinformation in The Media*, while adding specific provisions relevant to platform responsibilities, such as:

- **Demonetising Disinformation:** Member States should promote frameworks where platforms prevent accounts that repeatedly disseminate harmful disinformation from generating revenue through advertisements or other monetisation methods.⁷
- **Emergency Measures During Crises:** Member States should encourage the establishment of specific rapid-response measures during critical periods such as pandemics or highly sensitive elections. **During such times, platforms must act more swiftly, cooperate with fact-checking organisations, and apply tools such as reducing the visibility of harmful content. In normal times, platforms should still allow adequate time for verification to minimise the risk of excessive content removal. These emergency protocols could be modelled after the “EU Code of Practice on Disinformation (2022)” framework.**
- **Responsive Moderation and Capacity:** Member States should encourage platforms to establish protocols for surging their content moderation capacity during critical moments. Member States should encourage platforms to adopt practical and implementation-focused moderation approaches consistent with applicable national laws and ASEAN-endorsed principles. This requires significant investment in local-language moderation and contextual expertise so rules are enforced fairly. Member States should also facilitate cooperation between platforms, relevant authorities, fact-checkers, researchers, and civil society to identify and mitigate risks such as disinformation, hate speech, or online incitement

(3) Strengthen and Expand Regional Digital Literacy Initiatives

To build long-term resilience against disinformation, ASEAN should promote the development of dynamic and sustainable digital literacy initiatives into a more dynamic and sustainable initiative.

- **Timely and Adaptive Modules:** ASEAN should develop and rapidly deploy new training modules that address emerging trends in disinformation, such as AI-generated deepfakes and evolving tactics used during critical events like elections or health crises.
- **Multi-Stakeholder Collaboration:** ASEAN should foster collaborative models that are co-developed and co-funded by diverse actors. This should include governments, digital platforms, educational institutions, and civil society organisations, reflecting the shared responsibility of digital literacy.

⁷ “The 2022 Code of Practice on Disinformation | Shaping Europe’s Digital Future,” <https://digital-strategy.ec.europa.eu/en/policies/code-practice-disinformation>.

2. Transparency and Fairness

ASEAN Current framework

The rapid growth of the digital economy in Southeast Asia has made digital platforms a key driver of economic and social transformation. However, this growth has also posed significant policy challenges in ensuring transparency and fairness in terms and conditions for small business owners and consumers, particularly due to the "black box" nature of algorithmic operations and the complexity of terms of service. In this context, transparency and fairness are closely linked to both consumer protection — ensuring users are not misled, exploited, or disadvantaged — and competition, by preventing unfair practices that distort market access for smaller businesses. To foster a trustworthy and sustainable digital ecosystem, ASEAN must address the regulatory diversity and uneven legal readiness across the region.

Moreover, many Member States lack specific legislation on the transparency and fairness of digital platforms, resulting in the absence of a clear legal framework. This leaves consumers and small businesses vulnerable to opaque practices. Malaysia is currently in the process of drafting specific laws addressing transparency and fairness on digital platforms. In contrast, some ASEAN countries have already enacted specific laws. For example, Thailand has introduced the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022), which mandates that digital platforms ensure transparency and fairness in their terms of service. Service providers are required to clearly and accessibly inform users about the terms and conditions both before and during the use of services, and Indonesia has the Electronic Information and Transactions Law, which emphasises clearer regulation regarding transparency and fairness. It requires platforms to disclose information related to consumers, especially how personal data is collected, used, and shared, with prior user consent. Singapore's Protection from Online Falsehoods and Manipulation Act (POFMA) also has a Code of Practice which requires designated platforms to put in place due diligence measures to enhance the transparency of online political advertisements.⁸

Key Challenges in ASEAN's Approach

The policy landscape of ASEAN reflects the challenges stemming from the rapid growth of the digital economy, as follows:

First, the non-transparent use of personal data remains a major concern. Many users are unaware of how their data is collected, processed, and monetised, which puts them at risk of data breaches without effective protective mechanisms. For example, user surveys indicate that concerns are being raised in some jurisdictions about the scope of data collection by digital platforms and the transparency of how algorithms are used to tailor content and advertisements to user behaviour and interests. Likewise, in a number of Member States, digital-platform users report that they do not clearly understand the terms of service and conditions for use of their personal data, making it difficult for them to fully control or protect their information. In Singapore, the Personal Data Protection Act 2012 (PDPA) requires organisations to notify individuals of the purposes of the collection, use, and disclosure of their personal data on or before the collection of this personal data.⁹

Second, the lack of strong dispute resolution mechanisms leaves users without clear channels to seek redress and makes small businesses vulnerable to potentially unfair platform rules. This gap undermines user trust and limits the ability of entrepreneurs to compete fairly in the digital market. For instance, even where legislation on electronic transactions and platform governance is in place, enforcement may still face challenges — such as decisions taken by platform-operators being applied without sufficient explanation to users, or in the absence of effective appeal mechanisms. As a result, uncertainty may arise and trust in digital platforms may be eroded.

Third, challenges arise from the "black box" nature of algorithmic operations. Ranking systems and content recommendation mechanisms can distort competition and limit consumer choices. These issues are further complicated by inconsistent regulations among Member States, which result in unequal consumer protection and place a high compliance burden on platforms operating across borders.

⁸ Code of Practice for Transparency of Online Political Advertisements | POFMA
<https://www.pofmaoffice.gov.sg/files/documents/political%20advertisements%20code%20and%20annex.pdf>

⁹ Section 20(1) of the PDPA.

Policy Recommendations

The identification of potential approaches individual consideration by Member States should cover key areas to lay a solid foundation for transparency and fairness, based on approaches aligned with international standards, as follows:

1) Promote Algorithmic and Recommender Transparency

- **Disclosure of Parameters:** Member States should encourage platforms to disclose key parameters influencing ranking and recommendation, clearly label advertisements, and provide users with the option to disable personalised recommendations.

2) Ensure Plain-Language Terms & Conditions

- **Simplified Terms & Conditions:** Member States should encourage platforms to simplify their Terms of service and highlight data protection obligations under national legal frameworks, consumer rights, and dispute resolution processes in a clear, plain and accessible format.
- **Language Accessibility:** Member States should consider requiring platforms that have significant impact on a large number of users to provide their Terms and Conditions in their respective national languages, ensuring users can make informed decisions about their rights and data under national data protection framework.

3) Promote Publication of Annual Transparency Reports

- **Reporting Standard:** Member States should encourage platforms that have significant impact on a large number of users to publish annual reports detailing content removals, advertising practices, and recommender system usage to ensure accountability. At minimum, these reports should include the following:
 - **Content Moderation Statistics:** The number of moderation actions taken, categorised by the type of illegal or harmful content (e.g., hate speech, intellectual property infringement).
 - **Notice and Action Data:** Details on notices submitted by users and the corresponding actions taken (e.g., content removal, visibility restriction, account suspension).
 - **Use of Automated Systems:** A clear explanation of the automated tools employed for content detection and moderation, including their purpose and performance metrics (such as accuracy and error rates).
 - **Complaint System Metrics:** Data on the internal complaint and dispute-handling systems, including the number of complaints filed, their basis, and the outcomes.

4) Empower Users with Recommender System Controls

- **User Controls:** Member States should encourage platforms to provide tools enabling users to understand when content is promoted and to opt out of personalised recommendation systems.

5) Address Targeted Advertising

- **Prohibitions on Targeted Advertising:** Member States should consider introducing rules to prohibit or strictly limit targeted advertising based on sensitive personal data and profiling without explicit user consent. These prohibitions should be strongest for protecting minors.

6) Enhance Advertising Transparency

- **Ad Libraries:** Member States should encourage platforms that have significant impact on a large number of users to establish public, searchable ad libraries that detail ad content, targeting criteria, and spending. This transparency should also cover company-level policies and significant decisions on accepting or rejecting ad campaigns, ensuring alignment with platform accountability and risk management processes.

7) Establish an ASEAN Transparency Portal and Database

- **Regional Database:** The establishment of a regional database should be considered, drawing upon the example of the EU's Digital Services Act portal, to collect and visualise platform transparency reports — thereby enhancing comparability and reinforcing oversight across the region.

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3. Online Fraud and Scams

ASEAN Current framework

At the regional level, ASEAN places an explicit focus on addressing online scams — a clear manifestation of this being the establishment of the ASEAN Working Group on Anti-Online Scam (WG-AS), which was approved at the 4th ASEAN Digital Ministers' Meeting. This working group is tasked with facilitating cooperation and collaboration on capacity building, training and sharing of information related to combating online scams, and scams across digital and telecommunication channels to build capabilities to combat online scams. The establishment of a regional body to address online, digital and telecommunication scams marks a significant step forward. It supports capacity-building activities in combatting online, digital and telecommunication scams to strengthen cross-border collaboration across Member States and, explore potential collaboration with Dialogue Partners and strategic private sector partners.

Key Challenges in ASEAN's Approach

Although the WG-AS working group has been established to address online scams such as fraud at the regional level and has recently endorsed the *ASEAN Recommendations on Anti-Online Scams* as a guiding framework¹⁰, these measures operate as voluntary guidelines rather than binding treaties. Consequently, ASEAN still lacks a unified, enforceable regional framework for defining platform responsibilities in tackling online scams. As a result, each Member State continues to rely on its own domestic legal mechanisms to manage online scams and platform accountability at the national level. This fragmented development of regulatory frameworks may lead to policy misalignment across the region, making it more difficult to implement cohesive and effective regional strategies.

Policy Recommendations

To enhance the effectiveness of the WG-AS (ASEAN Working Group on Anti-Online Scam), and build upon the *ASEAN Recommendations on Anti-Online Scam*, Member States should consider strengthening their national approaches to managing online scams and fraud through coordinated use of WG-AS mechanisms, including:

1) Empower Multi-Stakeholder Coordination

- **Clear Responsibilities:** Member States should assign clear and proportionate responsibilities to each actor, including banks, telecommunications companies and digital platforms, and where possible, introduce regulations to require each actor to implement critical measures, in preventing, detecting, disrupting, and recovering from online scams and fraud.
- **Regional Intelligence Hub:** Member States should support the role of the WG-AS as a regional intelligence hub by facilitating timely and case-appropriate information sharing, subject to prescribed boundaries, cross-border asset tracing, and coordinated takedown operations while recognising that WG-AS may support coordination and voluntary information exchange, subject to national laws.

2) Develop Regional Operational Guidelines and Enforceable Mechanisms

- **Action-Oriented Framework:** Member States should encourage moving beyond purely voluntary regional guidelines by establishing action-oriented frameworks with measurable indicators such as response times, cross-border case volume and victim-remediation rates.

3) Enhance User Education, Public Awareness and Redress

- **Public Awareness Campaign:** Member States should conduct nationally tailored public awareness campaigns targeting the general public, including vulnerable groups should be launched to raise awareness of prevalent form of online fraud and scams, such as investment

¹⁰ "15-ENDORSED-JOINT-MEDIA-STATEMENT-5th-ADGSOM-v2-Cleaned.Pdf," n.d., <https://asean.org/wp-content/uploads/2025/01/15-ENDORSED-JOINT-MEDIA-STATEMENT-5th-ADGSOM-v2-Cleaned.pdf>.

schemes, impersonation scams, phishing scams romance-investment and pig-butcher, and to promote timely reporting, with ASEAN serving as a platform for sharing best practices across countries.

- **Reporting and Support Mechanisms:** Member States should support accessible reporting mechanisms, hotlines and victim support services. This should include the establishment of a dedicated online scams reporting platform designed to ensure the confidentiality and security of individuals who report incidents. These mechanisms should also support cross-border liaison, where feasible and subject to readiness, to reduce under-reporting which remains high in lower-income countries.

4) Build Technical and Enforcement Capacity

- **Law Enforcement Cooperation:** Law-enforcement cooperation should be strengthened by identifying ways to leverage the operationalisation of the ASEAN Regional Computer Emergency Response Team (CERT) and its Taskforce to improve cross-CERT information sharing and facilitating contact with relevant national law-enforcement agencies for enforcement actions, if needed

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4. Illegal Content

ASEAN Current framework

ASEAN has taken initial steps to address illegal online content. Although the current frameworks remain limited in scope and are not legally binding, the ASEAN Guidelines on Combating Fake News and Disinformation in the Media (2023) represent a regional effort to manage harmful content in the online context. These guidelines were developed and expanded from the Framework and Joint Declaration to Minimize the Harmful Effects of Fake News (2018). The approach emphasises voluntary collaboration among governments, media organisations, and other stakeholders such as civil society and technology companies, including digital platform providers. The focus is on fact-checking, ethical journalism practices, transparency in reporting,¹¹ public awareness campaigns to counter misinformation, and promoting media literacy. However, the scope of these guidelines is limited to the context of "fake news and disinformation in the media" and does not extend to other categories of illegal online content, such as child sexual exploitation.

Similarly, the ASEAN Declaration to Prevent and Combat Cybercrime (2017) demonstrates political commitment to addressing illegal online activities, including fraud, terrorism, and sexual exploitation. It promotes cross-border cooperation, information sharing, and capacity building among Member States. Yet, this declaration remains at the policy level and has not developed into binding obligations for digital platforms. Implementation still depends on national-level actions and bilateral or multilateral cooperation. Therefore, while both frameworks reflect growing awareness of the issues, they are still insufficient to establish a coherent and regionally aligned regulatory regime capable of addressing the complexities of digital platforms.

Key Challenges in ASEAN's Approach

Despite regional efforts, ASEAN's approach to regulating illegal and inappropriate content continues to face structural challenges, as follows:

First, ASEAN experiences regulatory inconsistencies and lacks a clear overarching framework. Definitions of terms such as "illegal content" vary significantly among Member States. **In some cases, national legislation has not yet established precise definitions for categories like hate speech, so such content may instead be classified as "inappropriate content", with regulation largely depending on the policies of individual digital platforms.** In other instances, regulatory regimes rely on outdated laws or voluntary guidelines that pre-date widespread digital adoption, leaving the applicability to online content ambiguous. This results in inconsistent obligations for digital platforms across the region.

Some Member States require platforms to take proactive measures. For example, certain jurisdictions mandate that social-media platforms provide tools for content search and scanning at the request of relevant authorities. **Others specify strict timeframes for removal of content deemed illegal or harmful.** On the other hand, some jurisdictions follow a more non-interventionist approach, relying primarily on general criminal offences or frameworks designed for legacy media rather than explicitly online platforms. This lack of consistent standards undermines the effectiveness of regional content regulation.

Second, ASEAN faces enforcement gaps and limited capacity, particularly in the implementation of content moderation systems. **The regional notice-and-action framework still focuses heavily on notifications from government authorities, rather than empowering users to directly participate.** This results in slow and inflexible responses to harmful content. Additionally, ASEAN lacks an urgent alert system for critical content, leading to delays in content removal. Cross-border cooperation is also limited and typically occurs on an ad hoc basis.

Policy Recommendations

To strengthen ASEAN's digital platform regulation on illegal content involving serious crimes, Member States should consider the following steps.

1) Establish a Common ASEAN Baseline on Illegal Content Involving Serious Crimes

- **Core Definitions:** Member States should work towards defining a narrow set of universally recognised serious crimes—such as child sexual abuse material (CSAM), terrorism, and

¹¹ Ministry of Communications and Informatics of Republic of Indonesia. 2023. ASEAN Guidelines on Combating Fake News and Disinformation in the Media, "The objective and the purpose of the guideline".

human trafficking, and non-consensual intimate imagery (NCII)—drawing references from international frameworks or global best practices, such as the US TAKE IT DOWN Act, for which all Member States commit to minimum removal and prevention standards.

2) Implement a Notice-and-Action System for Illegal Content

- **Coordinated Response:** Member states are encouraged to requires platforms to act within specific timeframe to remove content in the agreed-upon illegal categories.
- **User Reports:** In addition, Member States should ensure that channels are provided for users to directly initiate notifications regarding illegal content involving serious crimes.

3) Maintain National Flexibility

- **Sovereign Discretion:** Member States retain final authority over actions relating to illegal content under national law, including the authority to define and enforce their own rules for problematic content such as hate speech or disinformation.
- **Alignment with International Standards:** Member States should adopt measured and outcome-based approaches when implementing content-governance rules, ensuring that any restrictions are applied carefully and remain consistent with broader international principles.

4) Develop Cross-Border Cooperation Mechanism

- **Regional Alerts:** A regional alert and information-sharing channel should be developed to enable swift joint action against illegal content involving serious crime that spreads across national boundaries in order to ensure a coordinated and timely response.

5. Fair Competition

ASEAN Current framework

ASEAN has laid an important foundation for regional cooperation in competition policy, although existing tools still have limitations when applied to the digital economy. The ASEAN Experts Group on Competition (AEGC)¹² serves as the main regional body responsible for coordinating dialogue and initiating joint projects within the region. It provides a platform for regular exchanges and engagement between competition authorities and relevant stakeholders. For example, it organises the ASEAN Competition Conference (ACC), develops guidelines to assist Member States in drafting and enforcing competition laws and policies, and supports capacity building through tools such as the ASEAN Regional Core Competencies (RCC) Guidelines.¹³

The ASEAN Competition Action Plan (ACAP) 2025 outlines regional priorities for the period from 2016 to 2025. These include strengthening competition law enforcement, enhancing institutional capacity, and promoting cross-border cooperation. While the plan includes digital economy issues through the development of the ASEAN Investigation Manual on CPL for the Digital Economy (2022), which offers guidance for competition authorities in investigating anti-competitive activities in digital contexts, its focus remains on building national-level regulatory capacity. There is still no binding enforcement mechanism at the regional level.

The Virtual ASEAN Competition Research Centre (VACRC) functions as an online resource hub for research, case studies, and materials related to competition law and policy. Although it serves as a valuable knowledge base for regulators and researchers, its role is still largely passive. It emphasises information sharing rather than active market monitoring or regulatory oversight.¹⁴

Overall, ASEAN still lacks a regional enforcement mechanism with direct and binding authority. Most efforts so far have concentrated on supporting national-level implementation through manuals, guidelines, and institutional capacity building. These tools help strengthen domestic competition law enforcement, but they do not provide a mechanism capable of directly addressing regional competition challenges. Therefore, Member States need to begin laying the groundwork for a more effective and adequate cooperation framework that can respond to cross-border competition cases, which are increasingly characteristic of today's digital platforms.

Key Challenges in ASEAN's Approach

ASEAN is facing two major challenges in ensuring fair competition in the digital market.

First, existing legal tools and enforcement mechanisms are not well-suited to the nature of digital platforms. Most Member States still rely on traditional competition laws, which were designed for brick-and-mortar markets and operate primarily through ex-post enforcement. This reactive approach involves applying the law only after potentially unfair business practices have occurred. Additionally, the investigation and adjudication processes often take a long time, by which point the market may already be dominated by major players. In this context, ex-ante regulation or other measures may be considered to prevent conduct that could distort fair competition before it occurs.

Second, platforms may benefit from network effects, economies of scale, and control over vast data resources. These structural advantages enable them to dominate the market as "gatekeepers" and create significant entry barriers for small and medium-sized enterprises (SMEs) and new local players thus may pose systemic risks to fair competition in the region.

Policy Recommendations

To close these gaps, ASEAN should adopt a stepwise, regionally coordinated approach that builds on existing frameworks while introducing new tools tailored to the digital economy as follows.

¹² ASEAN Experts Group on Competition (AEGC). 2023. "ASEAN Experts Group on Competition (AEGC)." *ASEAN Competition*. <https://asean-competition.org/aegc>.

¹³ ASEAN Secretariat. n.d. "ASEAN Competition Action Plan (ACAP) 2025 and Implementation Schedule 2021–2023." https://asean-competition.org/file/post_image/New%20ACAP%202025%20and%20Implementation%20Schedule%202021-2025%20PUBLIC.pdf.

¹⁴ *ibid.*

Step 1: A Joint Regional Digital Market Inquiry

- Task the ASEAN Experts Group on Competition (AEGC) to lead the inquiry on Competition and Digital Markets.
- Define categories of digital platform services subject to review, including search engines, social media, online marketplaces, app marketplaces, digital advertising, and data-related services.
- Integrate broader impact assessments into the inquiry, evaluating how anti-competitive behaviours, market dominance, and mergers and acquisitions may affect other public interest considerations like consumer protection, data privacy and human rights.
- Publish interim reports timely (i.e. every six months) to update stakeholders and the public on findings and progress.

Step 2: Developing Codes of Conduct by Platform Type

Draft sector-specific codes of conduct based on different types of digital platform services, to serve as reference regulatory frameworks for Member States to consider. These codes should include, at a minimum, the following elements:

- Define clear designation criteria for platforms in scope, based on quantitative measures such as user numbers in ASEAN and qualitative factors such as gatekeeper status.
- The codes of conduct should be aligned with the specific issues associated with each type of platform. For example, in the case of app marketplaces, regulators should consider whether to prohibit anti-steering rules that restrict users from accessing alternative payment or distribution channels. For online marketplaces, rules should be considered to prohibit self-preferencing practices that unfairly benefit the platform's own products or services over those of independent sellers.

Step 3: ASEAN Digital Market Information Hub

ASEAN may explore a voluntary Digital Market Information Hub to support information exchange and market understanding. First, it would serve as a data repository for regulators, collecting and storing data from market inquiries, market studies, and reports that are accessible to competition authorities across the region. Second, it would act as a coordination tool for data sharing and supporting alignment of regulatory approaches among Member States.

6. Fostering Personal Data Protection

ASEAN Current framework

At the regional level, ASEAN has placed significant emphasis on shaping digital policy, as reflected in the development of the ASEAN Digital Masterplan 2025 (ADM 2025). This masterplan serves as a strategic framework for guiding the region's digital transformation, with the aim of advancing integration, innovation, and digital inclusion across the ASEAN community. A key focus of the masterplan is the promotion of an inclusive, innovative, and secure digital economy. One of its core principles is the emphasis on "trusted digital services" and consumer protection, including the establishment of a strong data protection framework to enhance user trust and awareness of their rights.¹⁵ To further strengthen data governance, ASEAN has also developed the ASEAN Framework on Digital Data Governance (AFDDG). This framework supports trust in the digital economy, facilitates cross-border data flows, and enhances data protection across Member States.¹⁶ The framework outlines four strategic priorities for digital data governance to support ASEAN's digital economy:

1. **Data Life Cycle and Ecosystem** refers to principles concerning the data life cycle and data ecosystem. It emphasises the importance of data governance at every stage of the data life cycle and how such governance can affect the integrity and overall usability of the data.
2. **Cross-Border Data Flows** refers to the movement of data, which should be accompanied by assurances that protective measures are in place to safeguard and secure the data regardless of where it resides. These safeguards should be harmonised to prevent the development of fragmented regulatory systems, which could negatively impact data flows and increase business compliance costs. refers to the cross-border movement of data, which should be free and trusted between nations
3. **Digitalisation and Emerging Technologies** means that Member States need to identify and leverage emerging technologies and current trends, including the benefits that these technologies can offer.
4. **Legal, Regulatory and Policy** refers to creating a harmonised legal and regulatory environment for digital data within ASEAN, which plays a crucial role in building business confidence and stimulating economic growth, particularly in the development and alignment of personal data protection regulations, building upon the ASEAN Framework on Personal Data Protection.

Key Challenges in ASEAN's Approach

Countries may have varying capacities to enact and apply data protection laws, depending on each country's technological development and regulatory context, which creates fragmentation at the regional level.

Policy Recommendations

To promote the development of a unified policy direction for platform user rights protection at the regional level, ASEAN should at minimum undertake the following actions:

1) Support Regional Data Protection Training

- **Capacity Building:** ASEAN should facilitate regional data-protection capacity-building activities, including training programmes, conferences, and policy dialogues for regulatory agencies and the private sector to enable knowledge transfer and exchange. This will help effectively enhance the capacity of individuals in data protection.

2) Develop Model Guidelines

- **Guidance for Legislation:** Member States are encouraged to collaborate on developing guidelines for countries that currently lack personal data protection legislation.

¹⁵ ASEAN. n.d. "ASEAN Digital Masterplan 2025" <https://asean.org/book/asean-digital-masterplan-2025/>.

¹⁶ Shota Watanabe et al. 2025 "Current Status of ASEAN Data Governance and Its Implications for the Digital Economy Framework Agreement" <https://www.eria.org/uploads/Current-Status-of-ASEAN-Data-Governance-and-Its-Implications-for-the-DEFA.pdf/>.

3) Enhance Regional Interoperability

- **Alignment with International Standards:** Member States should strive to harmonise their national data protection frameworks with international standards—such as relevant international and regional data protection frameworks, Global Cross-Border Privacy Rules (Global CBPR), APEC's Cross-Border Privacy Rules (APEC CBPR), Data Free Flow with Trust (DFFT)¹⁷, and the OECD Principles on Data Protection—to facilitate seamless interoperability across the region.

¹⁷ Oikawa, Keita. 2024. Future of Data Governance in Asia and Operationalisation of 'Data Free Flow with Trust'. Policy Brief No. 2024-01, July. Jakarta: Economic Research Institute for ASEAN and East Asia (ERIA). <https://www.eria.org/uploads/Data-Free-Flow-with-Trust.pdf>. The Data Free Flow with Trust (DFFT) is a global data governance concept proposed by former Japanese Prime Minister Shinzo Abe in 2019, seeks to create a trusted and interoperable global system for cross-border data flows. It balances data protection and mobility, emphasising the protection of personal data while enabling the free movement of non-personal or anonymised data, guided by the principles of lawfulness, fairness, and transparency. DFFT promotes interoperability among diverse governance systems and is being promoted in Asia through ASEAN's Digital Economy Framework Agreement (DEFA).

7. Algorithm and AI

ASEAN Current framework

Currently, under the ASEAN cooperation framework, the ASEAN Guide on AI Governance and Ethics¹⁸ has been developed to provide a unified guideline for the ethical application of artificial intelligence across all Member States. Key principles in the guide related to algorithm management and algorithmic decision-making include:

- **Transparency & Explainability:** AI models and algorithms must be sufficiently transparent so that stakeholders can understand the methods and reasons behind critical decisions. AI systems must be explainable, with clear and understandable supporting documentation.
- **Fairness & Non-Discrimination:** Algorithms must avoid bias based on race, gender, religion, or other factors. Therefore, bias testing should be conducted, training datasets should be diverse, and there should be regular reviews to detect unintended discriminatory outcomes.
- **Human-Centric & Human Oversight:** Ultimate accountability should rest with humans, and AI systems should allow for human oversight over automated decisions.

Effective governance of algorithmic decision-making helps mitigate potential risks, ensuring that AI and automated systems remain fair, transparent, accountable, and safe—with the ultimate goal of protecting public and trust, while also fostering innovation.

Key Challenges in ASEAN's Approach

Currently, the use of AI systems and algorithmic decision-making is widespread on online platforms. However, without appropriate oversight, the widespread deployment of these technologies introduces specific consumer, competition, and trust-related risks. From a consumer perspective, AI systems can lead to opaque price discrimination and the exploitation of behavioural biases. From a competition perspective, automated systems may facilitate market distortions such as tacit collusion or self-preferencing that disadvantage smaller competitors. Fundamentally, the lack of transparency in "black box" algorithms erodes trust in the digital ecosystem, making it difficult for users and regulators to verify fairness.

These risks are most commonly observed through mechanisms such as:

- **Algorithmic Pricing** refers to the process of setting prices using automated computer programs or algorithms that determine product and service prices based on real-time data—such as competitor prices, consumer behaviour, and supply and demand. This process can lead to market-manipulating behaviour by online platforms, such as tacit collusion or unfair price discrimination.¹⁹
- **Ranking Algorithms** refer to computational processes used to rank items such as web pages, products, or multimedia content based on their relevance or importance to a particular query or user. These algorithms determine the order or priority in which content is presented to users, aiming to maximise usefulness, relevance, and user satisfaction.²⁰ However, this process often favours the platform's own products or partners, putting small sellers and Small and Medium Enterprises (SMEs) at a disadvantage.

Policy Recommendations

To advance policy development related to the ethical use of algorithms and AI, and to support the ASEAN region's digital economy, ASEAN should consider undertaking the following actions:

¹⁸ ASEAN. "ASEAN Guide on AI Governance and Ethics" https://asean.org/wp-content/uploads/2024/02/ASEAN-Guide-on-AI-Governance-and-Ethics_beautified_201223_v2.pdf.

¹⁹ Innovation Government of Canada, "Algorithmic Pricing and Competition: Discussion Paper," Consultation Invitations; Consultations, Innovation, Science and Economic Development Canada, Innovation, Science and Economic Development Canada, August 5, 2025, <https://competition-bureau.canada.ca/en/how-we-foster-competition/education-and-outreach/publications/algorithmic-pricing-and-competition-discussion-paper>.

²⁰ Neri Van Otten, "Understanding Ranking Algorithms: A Comprehensive Guide & How To Implement," *Spot Intelligence*, July 26, 2024, <https://spotintelligence.com/2024/07/26/ranking-algorithms/>.

1) Establish a Regional Guideline on the Ethical Use of Online Algorithms.

A regional guideline focused specifically on online algorithmic practices should be established to complement the key principles outlined in the *ASEAN Guide on AI Governance and Ethics*, while also aligning with the discussion on competition issues in Section 5. This guideline should function as a soft-law, non-legally binding mechanism that provides Member States with the flexibility to adapt the principles to their respective market contexts while ensuring a coherent regional approach.

- **Core Principles:** ASEAN should consider defining core principles for ethical algorithm use within this guideline, including issues linked to both consumer protection and fair competition, as well as risks related to bias, discrimination, explainability, and human oversight in automated decision-making, such as:
 - **Prevention of Algorithmic Coordination:** to prevent algorithmic coordination that leads to uniform pricing without explicit agreements.
 - **Transparency in Ranking:** to encourage platforms to clearly label instances where they rank their own products above other sellers.
 - **Bias Mitigation and Fairness:** to ensure that algorithmic decisions do not exacerbate or amplify existing discriminatory or unjust impacts across different demographics, and that appropriate safeguards, including regular testing and evaluation, are in place to identify and rectify unfair bias or discrimination.
 - **Transparency and Explainability:** to promote clear disclosure when AI systems are used, including their purpose and role in decision-making, and ensuring that the reasoning behind key algorithmic decisions can be explained in an understandable way to affected users.
 - **Human-Centric and Human Oversight:** to encourage platforms to adopt **human-centric** process checks that enable the monitoring, explanation, and correction of algorithmic outcomes, focusing on algorithmic functions that are significant to users or market dynamics. Such mechanisms should be implemented with sufficient flexibility and in a manner that respects the diverse regulatory contexts of ASEAN Member States.

8. Data Sharing

ASEAN Current framework

The ability to share data across ASEAN refers to the creation of a trusted environment in which data can flow smoothly and securely across borders. Currently, ASEAN has established the ASEAN Digital Data Governance Framework, which was endorsed at the 18th ASEAN Telecommunications and Information Technology Ministers Meeting (TELMIN) in 2018. This framework sets strategic priorities for trusted cross-border data flows, including general principles on privacy, security, and accountability. This framework operates as a non-binding mechanism, relying on national-level implementation for its effectiveness.

Key Challenges in ASEAN's Approach

As mentioned earlier, although mechanisms exist to promote regional data sharing, these are soft mechanisms without legally binding force on Member States. Their implementation depends on each country's policy direction and national priorities. **Additionally, ASEAN currently faces challenges in sharing data for legitimate purposes, such as to regulatory bodies and for research purposes.**

Furthermore, in the ASEAN context, barriers to effective service switching often arise from limited data portability frameworks, asymmetric access to user-generated data, and differences in technical standards across service providers. These challenges may limit user choice, reduce competitive pressure, and hinder innovation. Exploring data-sharing approaches for switching could help address these issues while supporting competition and service quality, subject to appropriate safeguards.

Policy Recommendations

In the ASEAN context, data sharing may take different forms, including (i) data sharing by private sector entities to regulatory authorities for legitimate regulatory purposes, (ii) data sharing between private sector entities to facilitate data portability, switching, and interoperability, and (iii) data access arrangements to support research and evidence-based policymaking. These approaches build upon ASEAN's existing Digital Data Governance Framework and related initiatives.

To strengthen policy coherence across these different forms of data sharing, Member States should consider undertaking the following actions:

1) Empower Regulatory Authorities to Request Data

- **Establishing Mechanisms:** Member States should consider establishing mechanisms that empower regulatory authorities to request necessary information from digital platforms, as many jurisdictions currently lack this specific authority.
- **Safeguards for Requests:** Member States should ensure that such data requests must pursue a legitimate aim, be clear, proportionate, and justified with reasons and objectives.
- **Regional Foundation:** This approach could also serve as a foundation for creating a cross-border data-sharing working group.

2) Explore Data Sharing for Switching

- **Study and Exploration:** ASEAN are encouraged to explore the topic of "data sharing for switching", with the goal of identifying suitable and harmonised policy approaches at the regional level. This will enable users to securely transfer their data between service providers with confidence, ease switching services, enhance competition and innovation, and improve the quality of public- and government-provided services.

3) Facilitate Data Access for Vetted Researchers

- **Regional Framework:** Member States should consider facilitating data access arrangements for vetted researchers, primarily for the purpose of studying systemic risks, market dynamics, and other public-interest research relevant to digital platform governance, subject to appropriate legal, privacy, and security safeguards.

9. Consumer Protection

ASEAN Current framework

Consumer protection has long been a core pillar of ASEAN's economic integration agenda, and regional efforts have increasingly extended to cover the digital economy. The ASEAN Committee on Consumer Protection (ACCP) serves as the main coordinating body responsible for implementing and monitoring regional agreements and mechanisms to promote consumer protection within the ASEAN Economic Community (AEC). It also ensures that consumer protection measures, whether in the form of laws, regulations, or policies, are effectively enforced across all Member States.²¹ One key initiative is the ASEAN Guidelines on Consumer Protection in E-Commerce (2020), a non-binding soft-law document outlining online consumer rights. It provides Member States with a framework for developing consumer protection agendas in the context of e-commerce and the broader digital economy. The guidelines offer recommendations across several key areas, including promoting transparency in digital transactions through clear disclosures by online sellers, ensuring fairness through equitable contract terms, establishing safety liability standards for products sold online, and enhancing cross-border cooperation to resolve consumer disputes.

However, in practice, implementation remains voluntary. While the existing guidelines encourage cooperation between consumer protection agencies and e-commerce platforms in addressing and removing unlawful content, including fake stores, false reviews, or misleading information, they do not provide specific guidance for digital platforms on how to manage these issues. For example, there is no recommendation to adopt proactive measures such as a block and suspend policy for dealing with sellers who repeatedly offer illegal products.

Key Challenges in ASEAN's Approach

ASEAN continues to face several challenges in protecting consumers in the digital context, as outlined below:

First, many Member States still rely on traditional consumer-protection laws, which do not impose specific obligations on digital platforms. For example, in several jurisdictions there is currently no law requiring digital-platform intermediaries between buyers and third-party sellers to collect and verify trader information on their platforms.

Second, consumer redress mechanisms in ASEAN remain weak. Only a few countries have laws that require sellers or businesses to guarantee consumers' rights to a refund, repair, or replacement—often referred to as “lemon laws”—for defective or unsafe products. In addition, there are legal gaps regarding the liability of digital platforms themselves. In most cases, platforms are not held responsible for harm caused by third-party sellers operating through their systems. This places the burden on consumers to pursue claims on their own.

Third, social commerce platforms play an increasingly significant role in the online sale of goods and services. In many countries, social media platforms such as Facebook, TikTok, and Instagram have become primary channels for online transactions through private messaging. However, current laws are not keeping pace with this mode of commerce. For example, there is a lack of effective systems for verifying sellers and the legitimacy of products traded through these channels, which increases the risk that unsafe, counterfeit, or otherwise non-compliant goods may still reach consumers.

Policy Recommendations

To strengthen safeguards for digital consumers, Member States may consider adopting the following measures:

1) Create a Database of Substandard and Unsafe Products Online

- **Define Unsafe Goods:** Member States should work towards identifying and prohibiting products that violate consumer protection or health laws, such as uncertified toys, uncertified electronics, or counterfeit medicines.
- **ASEAN Unsafe Product Database:** ASEAN should consider establishing a regional rapid alert system, by possibly utilising existing models such as the EU's RAPEX system, and

²¹ ASEAN Committee on Consumer Protection (ACCP). 2023. “ASEAN Committee on Consumer Protection (ACCP).” <https://aseanconsumer.org/cterms-regional-cooperation-in-asean/asean-committee-on-consumer-protection-accp>.

adapting it appropriately to the ASEAN context. This system would enable Member States to share real-time information on dangerous products found online.

2) Enhance Seller Accountability Through KYBC

- **Know Your Business Customer (KYBC):** Member States should consider implementing requirements for digital platforms to verify the identity of all online sellers, ensuring accountability and traceability.

3) Strengthen Platform Enforcement Tools

- **Block Policy:** Member States should encourage platforms to adopt policies to permanently ban sellers who repeatedly list illegal goods.

4) Harmonise Consumer Remedies

- **Harmonised "Lemon Law" Framework:** Member States are encouraged to adopt a harmonised "Lemon Law" framework, especially for goods purchased online and through social commerce. This model would ensure that all consumers across ASEAN have clear statutory rights when a product is defective or unsafe, including:
 - The right to repair, replace, refund, or rescind the contract, depending on the severity of the defect.
 - Standardised disclosure and redress procedures for cross-border purchases.

5) Establish an ASEAN Committee on Consumer Protection in the Digital Economy (ACCP-DE)

ASEAN should consider establishing a specialised body under the ASEAN Committee on Consumer Protection (ACCP) that focuses specifically on regulation and consumer protection in the context of digital platforms and the digital economy. This is necessary because online transaction models and platform-related issues are complex and cross-border in nature. This body would serve as a dedicated centre of expertise and a coordinating mechanism among Member States, with the goal of developing common standards, aligned practices, and enhancing the capacity to address emerging consumer issues in the digital economy. The core mandate of this body, referred to as ACCP-DE (ACCP on Digital Economy), should cover the following areas:

- **Monitoring and Evaluation:** Monitor the implementation of ASEAN's jointly adopted measures and guidelines for consumer protection in the online context, both at the platform level and within Member States.
- **Information Hub:** Serve as a central platform for regulatory authorities, platform providers, telecommunications providers, and financial institutions to exchange information on emerging challenges and threats to consumer rights, such as online scams and unsafe products. The hub should also facilitate the sharing of best practices and enforcement challenges among Member States.
- **Enforcement Cooperation:** Facilitate cross-border coordination, including joint investigations between regulatory authorities of Member States, in order to address cases that are interconnected at the regional level.
- **Guideline Development:** Continuously update and develop ASEAN's consumer protection guidelines to reflect technological changes, market trends, and rapidly evolving digital business models.

Conclusion

In conclusion, the nine priority areas identified in the Guideline for Digital Platform Regulation in ASEAN together form a forward-looking regional policy roadmap to build a fair, competitive and secure digital ecosystem. By supporting innovation, safeguarding consumer rights, and strengthening trust, transparency and accountability across the region, this Guideline lays the foundation for a resilient and inclusive digital economy — one that combines effective regulation with sustainable growth, broad participation, and efficient public-service delivery across all ASEAN Member States.

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