

Evolving Consumer Behavior and the Culture of Trust in Times of Crisis

Vanessa Huaccha Vidaurre, Dr. Erik Obiol Anaya
Email: p810610321@unitru.edu.pe¹, eobiola@usmp.pe²

Abstract

This article explores the intersection between the evolution of consumer behavior and the culture of trust in financial institutions, focusing on the increase in complaints of unrecognized transactions processed by INDECOPI in Lambayeque, Peru, during the COVID-19 pandemic (2020-2023). It analyzes how crises can catalyze cultural changes in the perception of financial security and the use of digital platforms. This study uses an interdisciplinary approach, combining socioeconomic analysis with evolutionary theories on trust and adaptive behavior in contexts of uncertainty. In addition, the cultural implications of forced digitalization in Peruvian society and its effects on the interaction between consumers and suppliers are discussed.

Keywords: consumer behavior, trust, financial institutions, digital culture, COVID-19, INDECOPI, cultural evolution, unrecognized operations.

In Peru, Indecopi is the National Consumer Protection Authority, which acts taking into account the scope and foundations of the Social Market Economy Regime, an economic system contemplated in our Political Constitution of 1993.

Within the legal framework of consumer protection, it is pertinent to mention Legislative Decree No. 716, a regulation that was constituted as the first regulatory precedent issued in this matter; however, during the period of its validity it was subject to modifications until its subsequent repeal in 2010, with the enactment of Law 29571, Consumer Protection and Defense Code (hereinafter, the Code).

Regarding the Code, Baca (2013) considers it a real innovation with respect to the previous regulations, highlighting the impact that the arrival of the Summary Procedure would have on the consumer protection system, in charge of a chief with powers to issue a pronouncement on consumer matters, which should serve as an efficient means to shorten deadlines in the resolution of consumer disputes.

Although, it is extremely important to reduce the deadlines for the resolution of the conflicts presented, it should also be noted that at the Peruvian state level no fast regulations were issued to try to regulate this new reality, where digitization was absolute and we changed the entire scheme in the performance of commercial acts.

The panorama that we could see in the European community was different, where we could see relevant precedents for this research, as Palau (2020) points out, when he says that for the purposes of protecting consumer rights, the most efficient measures that could be seen since the beginning of the pandemic were the suspension of the limitation and expiration periods of actions and rights during the validity of the state of alarm in Europe, the aforementioned author pointing out that in some resolutions such as DF 4^a RD 463/2020; after which provisions were established such as those contained in art. 21 of RDL 8/2020, by means of which the return period of goods acquired during the period of validity of the state of alarm is interrupted; or in

Section 3 – "Consumer protection measures" – of RDL 11/2020, specifically art. 36, where due to the particularities of different types of relationships, the consumer is guaranteed the right to terminate the contract due to the supervening impossibility of compliance by the other party, without penalty and for a period of 14 days, admissible when it is not possible to obtain a proposal for a review of the claims (a contractual novation that may range, depending on the case, from obtaining a substitute voucher or voucher, to options for recovery a posteriori) during the 60 days from the time the execution of the contract becomes impossible. Although in our country there was a bill that established a deadline to make such withdrawal, this project did not see the light of day so in the end we continued to depend totally on the decision-making bodies to protect consumers.

For their part, authors such as Sarria (2011), qualify the Code as a valuable innovative instrument for the protection of consumer rights, highlighting its initiative to contemplate public policies and the principles to be applied in this matter, although being the norm prior to the pandemic, it was indeed possible to see situations to be resolved from the civil norm, rather than from the point of view of the administrative procedure.

The Consumer Protection Commissions of the Indecopi Headquarters and those that operate within the Regional Offices that hold this delegation, even with the issuance of the Code, have maintained their power to elucidate disputes in consumer matters, taking into account their framework of action.

Thus, in March 2020, the date on which the State of Emergency was declared in Peru due to Covid-19, the Commission of the Regional Office of Indecopi Lambayeque with delegation in matters of consumer protection, hereinafter the Commission, had been processing complaints to safeguard the rights of consumers; therefore, I have thought it necessary to prepare this article, posing the following problem: To what extent has Covid-19 led to the filing of

complaints for unrecognized operations before the Ordinary Procedure of Indecopi Lambayeque during the period 2020 to March 2023?

During this period, the Commission has dealt with administrative complaints in which its dispute relates to the products and services offered on the market; however, the main objective of this article is to determine to what extent Covid-19 has led to the filing of complaints for unrecognized operations before the Ordinary Procedure of Indecopi Lambayeque during the period 2020 to March 2023

In order to comply with the main objective set, it is pertinent to outline as a specific objective to determine the degree of incidence represented by complaints of unrecognized operations.

Content

In the Consumer Protection System, the figure of economic agents stands out: consumer and supplier; those who fulfill specific roles in the market, the first of them is defined as the one who acquires a good or service within his personal sphere away from any economic activity, including exceptionally microentrepreneurs; and the second of them, as the one who offers products or services.

For his part, Carbonell (2018) qualifies the consumer as the agent who acquires a product or contracts a service as the final recipient; which does not imply that this status is exclusive to the person who signed the consumer contract; also considering only microentrepreneurs with information asymmetry with respect to the supplier, and those products and/or services that are not part of the line of their business.

Regarding the figure of the supplier, the Code indicates that this condition can fall on both natural or legal persons, under private or public law, who habitually and constantly carry out economic activities.

Likewise, those who act as intermediary agents are incorporated into the definition of supplier; that is, the qualification of supplier does

not correspond solely and exclusively to the one who offered the good or service, but to each of those who act within the so-called production chain; virtual position of which the reported conduct will be analyzed and its degree of participation and responsibility will be established.

In relation to habituality, it indicates that the person will qualify as a supplier, even if he or she does not carry out economic activities in public places, insofar as it is only sufficient that this work is carried out repeatedly and with the clear intention of being part of the market; specifying that this condition does not depend on a number of operations.

The ordinary procedure established by the Code

Indecopi, as the National Consumer Protection Authority, elucidates consumer disputes through two procedures: Ordinary and Summary. The competences of each of these routes are given according to the subject matter or amount, object of discussion.

The procedures indicated above have an administrative sanctioning nature; that is, if it is determined that an infringement of consumer rights has been committed, the sanctions established by law must be imposed; in addition to ordering corrective measures of a reparative or complementary nature.

Article 125 of the consumer law establishes that, through the ordinary procedure in charge of the Commissions, complaints are processed for events that involve risks to life, health and integrity; acts of discrimination or differential treatment or other effects on collective or diffuse interests and those that refer to products or services with a patrimonial value greater than three (3) Tax Units (UIT) or are not quantifiable. Likewise, its status as a second instance is recognized only with respect to the pronouncements issued in the summary procedure; that is, with the Commission's pronouncement, the administrative remedies are considered exhausted.

In this regard, Stucchi et al. (2021) point out that ordinary procedures are procedures that, given their complexity or economic impact, imply a broader framework of analysis and action; therefore, these procedures must be processed within the established period (120 working days per instance). The Specialized Chamber for Consumer Protection is established as the hierarchical superior of this instance.

In March 2020, in the context of Covid-19, our country was declared in a state of emergency; therefore, this article will describe an advance of what has been presented within the ordinary consumer protection procedure in Lambayeque.

Consumer protection in ordinary proceedings in the context of Covid-19

Riega et al. (2021) consider one of the greatest challenges of electronic contracts to be the fact that a third party can get involved and have access to the message that the sender wishes to keep confidential. It also highlights the difference between electronic signatures and handwritten signatures, pointing out that the latter implies a greater degree of security, even more so if their veracity can be verified through a graphotechnical expertise.

On the other hand, the aforementioned authors highlight that the Covid-19 pandemic has evidenced the state of vulnerability in which Peruvian society finds itself, which implies the need to safeguard digital contracting considering the benefits that it entails to carry out operations without neglecting their duty of information, which would prevent citizens from being victims of suspicious messages and aware of the real risks associated with technology.

In this regard, Flores (2021) highlights the heyday of e-commerce in our country; this in response to the beginning of the pandemic and the consequent global crisis that occurred as a result of Covid-19; a situation that evidently led to the increase of virtual platforms for the acquisition of products and services, which were implemented by suppliers; who saw the need to adapt to the new reality and strengthen their sales mechanisms they already had.

For his part, Tomillo (2021) considers it important that the rules that regulate the digital economy must place the interests of consumers at the forefront; and thus guarantee that they can take advantage of the potential of the so-called digital transformation to a greater and better extent.

Esnaola (2021) points out that a series of changes have been taking place worldwide that definitely influence consumer behavior patterns, observing greater dynamism in their consumption habits, as they seek to locate in the market the supplier that offers them a guarantee; as well as the valuable suggestions and/or comments of other consumers, which is essential to consolidate their trust in economic agents.

Likewise, Núñez et al. (2020) point out that the use of virtual platforms has originated cybercrime, which is considered as such to the extent that the intervening subject keeps his or her identity confidential, which constitutes an impediment to any investigation that may be carried out.

This research article will expose the panorama that has originated within the ordinary consumer protection procedure in Lambayeque; showing the degree of incidence represented by

complaints for unrecognized operations; and to what extent Covid-19 has led to its formulation before said decision-making body during the period 2020 to March 2023.

During the period, subject of study; that is, between January 2020 and March 2023, a total of 1191 administrative complaints were filed with the CPC, as can be seen in the following table:

Table N° 01: Complaints Filed

YEAR	NUMBER OF COMPLAINTS
2020	232
2021	402
2022	429
2023 (March)	128
TOTAL	1191

Source: ORI Lambayeque.

Along the same lines, it is necessary to highlight the most denounced economic sectors within the aforementioned period (January 2020 to March 2023); it should be noted that the banking and financial system is the sector with the highest incidence, accounting for 51% of the total number of complaints made.

What has been pointed out in the preceding paragraph can be graphed in the table below.

Table N° 02: Most Reported Sectors

YEAR	SECTOR	NUMBER OF COMPLAINTS	SUBTOTAL
2020	Banking & Finance	110	232
	Real Estate	25	
	Wholesale and retail	19	
	Insurance	18	
	Other	60	
2021	Banking & Finance	225	402
	Insurance	62	
	Real Estate	28	
	Education	15	
	Other	72	
2022	Banking & Finance	202	429
	Real Estate	43	
	Insurance	42	
	Wholesale and retail	28	
	Other	114	
2023	Banking & Finance	68	128
	Real Estate	23	
	Insurance	9	
	Education	5	
	Other	23	
TOTAL			1191

Source: ORI Lambayeque.

From the aforementioned tables, it is verified that during 2020 to March 2023, 1191 complaints were filed, of which 605 correspond to the banking and financial sector; that is, it is clearly identified as the most denounced

economic sector, representing 51% of the total complaints filed in this period.

On the other hand, for the purposes of this research, it is relevant to indicate the infringing conduct with the highest rate of controversy in this sector; as shown in the table below:

Table N° 03 Most Reported Infringing Conduct And/Or Fact

Year	Sector	Number of complaints	Most reported conduct	Number of complaints
2020	Banking & Finance	110	Unrecognized Operations	33
			Other behaviors	77
2021	Banking & Finance	225	Unrecognized Operations	42
			Other behaviors	183
2022	Banking & Finance	202	Unrecognized Operations	59
			Other behaviors	143
2023	Banking & Finance	68	Unrecognized Operations	24
			Other behaviors	44
TOTAL				605

Source: ORI Lambayeque.

From the reading of the aforementioned table, it is undeniable that the infringing conduct referring to unrecognized operations has been questioned with a significant incidence rate during the period 2020 to March 2023, while 158 complaints have been filed; that is, 26% of the cases filed in the banking and financial sector revolve around this conduct.

In this regard, the highest administrative authority of Indecopi in matters of consumer protection, through Resolution No. 201-2024/SPC-INDECOPI of January 24, 2024, when analyzing a complaint for unrecognized operations, points out that the suitability of the banking service in these cases necessarily implies having security measures; such as the duty to monitor and the duty to identify unusual consumption or with a suspicious tinge. With respect to the first of these, they specify the obligation of the entity to determine the habitual

behavior of the consumer, which would be defined according to the type of transactions that it carries out on a daily basis with each of its credit instruments. Among the criteria to be evaluated are: the geographical place of consumption, the type of establishment, the periodicity or frequency, the route or channel used; and others that can be identified from the history of operations of each consumer that the entity has registered in its various systems.

Likewise, the aforementioned resolution indicates that in order to evaluate habitual behavior, the individual amount of the transactions that the customer commonly makes with the card, which is the subject of analysis, must be considered. This behavior will be built based on the account statements or the report of balances of movements that it records. Emphasizing also that in order to qualify a transaction as usual or not, it must be evaluated

whether, previously, transactions were made with the product analyzed, for amounts equivalent to those studied by the administrative authority; this without restricting it to a track, channel or frequency. These factors must be studied in a comprehensive manner.

Finally, in the aforementioned pronouncement it has been established that in the complaints for operations charged to credit instruments, the fact that these may be the subject of fraudulent uses is not denied; However, this situation could be significantly reduced if the confidential information that only the consumer has the duty to protect (secret code) were not known. Therefore, if it is evidenced, with conclusive evidence, that the unrecognized operation has the full identification of the means of payment and the secret code, it is qualified as valid.

The Covid-19 pandemic has led to an increase in the number of transactions carried out through virtual channels in various sectors such as banking and finance, which could lead to operations by agents other than the holder of the credit instrument, causing serious damage to its economy.

From the review of the consolidated information, it is observed that Covid-19 has had a significant impact on consumer protection in the ordinary procedure in charge of the Commission of the Regional Office of Indecopi Lambayeque; verifying that in the period 2020 to March 2023, a total of 1191 administrative complaints were filed with the Commission; of which, 605 belong to the banking and financial sector, the economic sector most denounced before this instance, a figure that represents 51.00%. Within the other economic sectors we find real estate, insurance, education, commerce and others.

In addition to this, it has been observed that the fact referring to unrecognized operations in the banking and financial sector was the most questioned conduct during the period studied (2020 to March 2023), while 158 complaints have been made; that is, 26.00% of the

complaints made in the banking and financial sector have been analyzed on this issue.

In accordance with the context described corresponding to the ordinary procedure in Lambayeque, the importance of the work of INDECOPI and its duty to establish pertinent actions to reduce, to the greatest extent possible, the incidence of cases where the performance of unrecognized operations is questioned; and thereby contribute to the strengthening of the consumer protection system, whose purpose is to safeguard and defend their rights.

Conclusions

In Peru, Indecopi is the National Consumer Protection Authority; public entity attached to the Presidency of the Council of Ministers that acts taking into account the scope and foundations of the Social Market Economy Regime, an economic system contemplated in our Political Constitution of 1993.

The normative precedent in the field of consumer protection is Legislative Decree No. 716; which was subject to modifications until its subsequent repeal in 2010, with the enactment of Law 29571, Consumer Protection and Defense Code.

In the Consumer Protection System we identify the market, in which the economic agents converge: consumer and supplier; the first of them being defined as the one who acquires a good or service within his personal sphere far from any economic activity, including exceptionally microentrepreneurs; and as a supplier, one who offers goods and services in any sector.

Article 125 of the consumer law establishes that, through the ordinary procedure in charge of the Commissions, complaints are processed for events that involve risks to life, health and integrity; acts of discrimination or differential treatment or other effects on collective or diffuse interests and those that refer to products or services with a patrimonial value greater than three (3) Tax Units (UIT) or are not quantifiable.

The Covid-19 pandemic led to an increase in the use of digital platforms and with it the

increase in consumer relationships through these media. This panorama has marked a before and after in consumer behavior; who had to adapt their consumption behavior to the new reality that was presented, which implied keeping social distance.

In the period 2020 to March 2023, the banking and financial sector and conduct related to unrecognized operations were identified as the sector and the infringing event with the highest

incidence of complaints; determining that Covid-19 has generated a real impact on consumer protection in the ordinary procedure of Indecopi in Lambayeque.

Gratitude

A thank you to the Information and Documentation Center of Indecopi – CID for providing valuable bibliographic material for the preparation of this research article.

WORKS CITED

- Baca, V. (2013). Consumer protection; analysis of the functions of Indecopi in the light of the decisions of its decision-making bodies. INDECOPI.
- Carbonell, E. (2018). Analysis of the Consumer Protection and Defense Code. Carbonell O'Brien Abogados.
- Núñez, F. et al. (2020). Cybercrime in times of covid-19: The violation of constitutional rights?. *Lumen*, 18, 93-100.
- Otero, X., Santos-Estevéz, M., Yousif, E., & Abadía, M. F. (2023). Images on stone in sharjah emirate and reverse engineering technologies. *Rock Art Research: The Journal of the Australian Rock Art Research Association (AURA)*, 40(1), 45-56.
- Nguyen Thanh Hai, & Nguyen Thuy Duong. (2024). An Improved Environmental Management Model for Assuring Energy and Economic Prosperity. *Acta Innovations*, 52, 9-18. <https://doi.org/10.62441/ActaInnovations.52.2>
- Yuliya Lakew, & Ulrika Olausson. (2023). When We Don't Want to Know More: Information Sufficiency and the Case of Swedish Flood Risks. *Journal of International Crisis and Risk Communication Research*, 6(1), 65-90. Retrieved from <https://jicrcr.com/index.php/jicrcr/article/view/73>
- Szykalski, J., Miazga, B., & Wanot, J. (2024). Rock Painting Within Southern Peru in The Context of Physicochemical Analysis of Pigments. *Rock Art Research: The Journal of the Australian Rock Art Research Association (AURA)*, 41(1), 5-27.
- Masha'el Nasser Ayed Al-Dosari, & Mohamed Sayed Abdellatif. (2024). The Environmental Awareness Level Among Saudi Women And Its Relationship To Sustainable Thinking. *Acta Innovations*, 52, 28-42. <https://doi.org/10.62441/ActaInnovations.52.4>
- Kehinde, S. I., Moses, C., Borishade, T., Busola, S. I., Adubor, N., Obembe, N., & Asemota, F. (2023). Evolution and innovation of hedge fund strategies: a systematic review of literature and framework for future research. *Acta Innovations*, 50, 3, pp.29-40. <https://doi.org/10.62441/ActaInnovations.52.4>
- Andreas Schwarz, Deanna D. Sellnow, Timothy D. Sellnow, & Lakelyn E. Taylor. (2024). Instructional Risk and Crisis Communication at Higher Education Institutions during COVID-19: Insights from Practitioners in the Global South and North. *Journal of International Crisis and Risk Communication Research*, 7(1), 1-47. <https://doi.org/10.56801/jicrcr.V7.i1.1>
- Sosa-Alonso, P. J. (2023). Image analysis and treatment for the detection of petroglyphs and their superimpositions: Rediscovering rock art in the Balos Ravine, Gran Canaria Island. *Rock Art Research: The Journal of the Australian Rock Art Research Association (AURA)*, 40(2), 121-130.
- Tyler G. Page, & David E. Clementson. (2023). The Power of Style: Sincerity's influence on Reputation. *Journal of International Crisis and Risk Communication Research*, 6(2), 4-29. Retrieved from <https://jicrcr.com/index.php/jicrcr/article/view/98>
- Palao Moreno, G. (2020) International consumer protection in times of covid-19. *Actualidad Jurídica Iberoamericana* N° 12 bis, May 2020, ISSN: 2386-4567, pp. 624-633.
- Riega, Y. et al. (2021). Electronic contracting and computer crimes. In consumer protection in Peru. *Lex Magazine*, 19, 197-236.
- Stucchi, P., et al. (2021). Manual of Consumer Law applied to banking services, 122-141.
- Tomillo, J. (2021). Consumers in the face of online intermediation platforms: some reflections. *Lex Magazine*, 19, 97-132.
- Sarria, P. (2011). New way to resolve conflicts in consumer relations: The Summary Procedure for Consumer Protection. *Revista de Derecho Administrativo*, 10, 113-120.