

Research on Legal Issues of Consumer Protection in e-Commerce

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Abstract: The continuous and rapid development of my country's e-commerce has not only promoted the prosperity of the domestic consumer market and expanded the scope of residents' consumption, but also reduced logistics costs, improved circulation efficiency, and brought great convenience to residents' lives. However, due to the incomplete laws and regulations that specifically regulate e-commerce transactions, coupled with the virtual nature of e-commerce itself, the legitimate rights and interests of e-commerce consumers cannot be effectively protected. Therefore, research on the protection of e-commerce consumers' legal rights and the improvement of laws and regulations on the protection of e-commerce consumers' rights and interests has become an important issue in the field of e-commerce in various countries.

1. Introduction

Introduction

Since the 1990s, the rapid development of e-commerce has provided mankind with a brand-new way of commercial transactions-online transactions. As a brand-new business model, online trading undoubtedly has huge advantages that traditional forms of trading can't match, which are mainly reflected in two aspects of transaction cost and efficiency. Some scholars assert that the future development of e-commerce may reach the zero level of complete market competition. The assumption of transaction costs, sufficient information, and no barriers to entry. However, due to the constraints of the relevant network environment, policy and legal environment, consumer awareness, and market environment, online transactions pose new problems and challenges to consumers' rights and interests, such as the lack of security and insufficient product information. Many drawbacks. Online consumers lack confidence in the safety and reliability of online shopping, and the lack of effective legal protection of the rights of online consumers has become a bottleneck restricting online consumption and even the development of the online economy. Therefore, the protection of consumer rights under the network environment is particularly important. The core of solving these problems is to improve and perfect our country's relevant legal system, to create a safe, fair and honest consumer market for online consumers, to meet the requirements of the rapid development of the Internet economy, and to continuously enhance consumers' confidence in online consumption.

Improving the protection of consumer rights and interests in e-commerce is not only an extension of the protection of consumer rights and interests in traditional transaction models, but also a supplement to the lack of e-commerce laws in my country. The construction of these specific systems can realize the protection of dispersed e-commerce consumers. Protection of rights and interests. In the traditional transaction model, due to the asymmetry of consumption information and the lack of consumer expertise in related consumption, consumers have always been in a weak position in transactions. However, in the new transaction model of e-commerce, due to the e-commerce itself The virtual nature of consumers makes this disadvantaged position of consumers more obvious. Through the research on the protection of e-commerce consumers' rights and interests and the construction of the legal system for the protection of e-commerce consumers' rights and interests, the inclined protection of consumers is realized, and the various legitimate

rights and interests of e-commerce consumers in the transaction process are effectively protected, which can not only enhance Consumers' confidence in e-commerce transactions can also increase consumers' enthusiasm for e-commerce transactions, and encourage them to participate in e-commerce transactions more widely, thereby promoting the healthy, vigorous and orderly development of this new transaction model in my country.

2. The Concept of e-Commerce

Since the century of the century, with the rapid development of computer network technology, a business operation model that uses the Internet and conducts real transactions through network virtual space has emerged. This kind of real business activities that exist in the virtual space of the network subverts the traditional “face-to-face” negotiation and direct transaction business activities. Instead, it uses online trading platforms and Internet technology to communicate and negotiate, and then sign contracts. We are used to calling this business operation model e-commerce.

E-commerce mainly includes the following aspects: E-commerce is a process of using various electronic tools and electronic technologies to engage in various business activities; e-commerce penetrates into all aspects of transaction activities; e-commerce transaction participants include consumers, business The purpose of e-commerce is to improve the economic efficiency of enterprises and the entire society, and reduce transaction costs.

3. Specific Legal Issues Existing in the Protection of Consumer Rights and Interests in My Country's Online Transactions

Consumers' right to know is not guaranteed. Consumers' right to know is the right of consumers to know the true conditions of the goods they purchase, use, or services they receive, and it is one of the basic rights of consumers. Since it does not specifically regulate long-distance transactions, my country's “Consumer Insurance Law” only stipulates the consumer's right to know, but does not stipulate that the operator should perform the obligation of notification and reminder before the contract is concluded. The implementation of these rights of consumers to know is matched with a series of links in traditional shopping methods such as looking at goods, understanding the situation, trying out, bargaining, making transactions, and delivering goods. However, these links are used in online transactions. Except for the delivery link, everything else has become a virtual method. Consumers and operators do not meet each other, and they understand product information through online promotion, order remotely through the Internet, settle through online banking, and deliver goods by delivery agencies. Come home, wait. Then, under such circumstances, there will naturally be information about the operators that are invisible to consumers and the products that cannot be touched. Only by positively stipulating the information that operators should provide can we truly satisfy consumers' knowledge.

Consumer safety rights are difficult to protect. In society, security is the cornerstone of order, and it is the concentrated expression of a series of survival and realization values of people in the context of social conflict and suffering. If the safety of human life and property is always in the shadow of being violated, then all normal transactions in the modern market economy, and even the existence of all kind and beautiful lives will be out of the question. Compared with traditional transactions, online transactions rely more on technical support, have stronger transaction business expansibility, and can provide more comprehensive, comprehensive and personalized transaction services. Because online transactions rely more on technical support, compared with traditional transactions, transactions tend to show a more insecure state. Consumers' safety rights in traditional transactions mainly include personal safety rights and property safety rights. Consumer's property security right refers to the right of consumer's property not to be infringed. The right to personal safety refers to the safety right of consumers' life, health and personal dignity from being threatened and infringed, mainly including the right to life safety and health safety. In online transactions, the consumer's right to safety has new connotations. In addition to the above rights, network operators are also required to provide a secure transaction virtual environment and transaction process,

including the identification mechanism of the operator, the electronic payment security mechanism, the confidentiality mechanism of consumer personal data, and the validity confirmation mechanism of electronic signatures. Wait. Specifically, the security rights of consumers in online transactions are mainly reflected in two aspects. One is that consumers are vulnerable to damage to their property security rights in the electronic payment link, and the other is that consumers have a relatively high probability of personal information leakage during online transactions. High, privacy rights are infringed and become a brand-new content of consumer security rights in online transactions.

Consumers have been deprived of their right to fair transactions. Fair trade, in a general sense, means that the interests of both parties in the transaction are equal, while in consumer transactions, it means that the goods and services that consumers obtain are equal to the value of the currency they deliver. In traditional trading activities, operators and consumers are relatively in a position where they can be negotiated. In online transactions, consumers' right to negotiate is deprived in many cases. The most obvious one is business. The impact of some format clauses designed by the author on the actual fairness of the transaction. Although the format clauses bring convenience to consumers such as efficiency, convenience, economy, safety, etc., it also brings some negative effects on consumers' fair trading rights. Specifically, there are the following aspects. First, consumers' freedom of contract is greatly restricted. In the face of monopolistic operators, consumers do not have the freedom to choose the counterparty and the freedom of contracting parties. The content of the contract is also pre-drawn by the operator. Consumers only have the freedom to "accept or walk away" here. Secondly, clause providers often stipulate content that is beneficial to them, especially to reduce or exempt them from their responsibilities. Finally, clause providers use standard clauses to aggravate consumer responsibilities, restrict or even exclude consumer rights.

Consumers' right to choose freely is restricted. In traditional transaction methods, consumers' right to choose freely refers to consumers who can freely choose goods, services and transaction methods and transaction sellers. In online transactions, consumers' right to choose freely can be more fully reflected. The biggest feature of online shopping is the dominance of consumers. The willingness to shop is in the hands of consumers. They can choose according to their different wishes and choose the best. Every consumer has different tastes, hobbies and special requirements. Their shopping choices are also to meet their own needs in life, perhaps for mood needs, or to meet the needs of others. Consumers generally choose consumers based on the content of advertisements when shopping online. However, it is also very prevalent for some businesses to send commercial advertisements through email without authorization.

4. Legal Countermeasures to Protect Consumers' Rights and Interests in e-Commerce

Improve legislation to strengthen the protection of consumers' legitimate rights and interests. Online trading is a new driving force for countries to promote rapid economic development in the new century. How to formulate and implement relevant policies and laws to promote the development of online transactions has become one of the priorities of the governments of various countries. International organizations and non-governmental organizations have also issued policies and programs for various countries. Through the previous introduction and analysis of the protection of consumer rights in online transactions by relevant international organizations and countries, we can see that these countries, from a macro perspective, combined with the original legal basis, have formulated a plan to remove obstacles and pave the way for the overall development of online transactions. Road laws, and use legal forms to restrict and regulate practices and behaviors that cause harm and loss to online consumers. The practices of these countries and international organizations are worth learning from.

Establish a consumer rights protection system before online transactions. As an emerging trading model, online trading depends not only on the development of computer and network technology, but also on a suitable trading and consumption environment to a large extent, and the formation of this environment requires the efforts of all parties. Build. At present, the transaction activities

realized through the Internet are very frequent in the world. Online transactions have become the core of economic activities in the century. Countries are paying great attention to legal means to solve new problems. Whether a good consumer environment can be created for online transactions is not only related to the protection of consumer rights, but also to the success or failure of the emerging business of online transactions.

Establish a complete online credit system. The market economy is a credit economy. From a market economy to a network economy, it is more necessary to establish a complete credit system, because the network economy is more open and flexible than the market economy. This openness and flexibility will bring more business opportunities and will inevitably bring more business opportunities. With high risks, the legal system has the effect of solving after the fact, and the credit system can often achieve the effect of prevention. The establishment of a good credit system also needs the guidance of a credit culture. Credit culture is a universal and conscious state of compliance with honesty and contracts. In traditional Chinese culture, credit emphasizes personal ethics and self-discipline, and is more of a moral requirement. Under the conditions of modern civilization, credit is established on the basis of contract, which embodies the legal spirit of equality, freedom and legitimate rights. Regarding the credit situation of the enterprise, we can start from the enterprise itself, the third party subject, and the enterprise and enterprise separately.

Establish an industry self-discipline system and an online consumer right of association system. The so-called industry self-discipline means that the providers of standard contract terms or online operators form a group to formulate some transaction rules in the industry to consciously balance the interests of merchants and consumers. The field of online transactions is based on the fast-developing network technology. This feature determines that it is difficult to adjust the related issues in the network and the protection of online consumers only relying on the unilateral force of government departments. This requires businesses that provide online transaction services and operators engaged in online transactions, especially those in the same industry, to take concrete actions to design transaction rules based on the interests of consumers. In fact, the protection of online consumer rights through industry self-regulatory organizations can often achieve more significant effects than government laws, because the former is consciously conscious by enterprises, and they understand the characteristics of the industry and the needs of consumers better than the government. Compared with actual transactions, network transactions are more difficult to regulate by administrative means. We should give full play to the role of industry self-regulatory organizations, which is not only conducive to the protection of consumer rights and cultivating people's confidence in the Internet, but also conducive to the healthy development of the industry and to satisfy the pursuit of the industry's best interests.

5. Conclusion

With the rapid development of network technology, network transactions will play an increasingly important role in social development, and the protection of consumer rights in network transactions will also become an important content in the field of law. But so far, my country has not had a special law to regulate online transactions, let alone a special law to protect the rights and interests of consumers in online transactions. The level of protection of the rights and interests of online consumers in my country is still relatively low. Therefore, legislation should be improved to strengthen the protection of online consumers' rights and interests, and a specific system for the protection of consumer rights in online transactions should be established.

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