

Research on the Protection of Consumers' Rights and Interests in the Wechat Environment

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Abstract: With the widespread popularization of WeChat, shopping through “WeChat” has gradually become a regular choice for the public. Compared with traditional online shopping platforms, “WeChat” has a lower cost and a wider spread and more convenient communication methods. However, at the same time that the “micro-quotient” facilitated people's lives, some of its own problems gradually emerged. For example: “Wei commerce” is a new thing, its legal status is not clear, and there are no specific regulations specific to “Wei commerce” at the level of relevant laws and regulations. When dealing with some “Wei commerce” shopping disputes, It can only rely on certain provisions of other laws and regulations to make judgments, and not all provisions of these laws and regulations are applicable to shopping disputes in the “Wechat” mode; There are almost no after-sales services, and consumers are deceived a lot; “Wei Shang” is different from traditional online shopping platforms, there is no specialized personnel for unified management, and lack of third-party supervision; when buying goods through “Wei Shang” channels When consumers need to defend their rights, they often stop because of lack of shopping vouchers or because of their relationship with friends and relatives of merchants. In this way, the rights and interests of consumers cannot be effectively protected.

1. Introduction

As a way of trading goods, whether it is “Wei Commerce” or online Internet e-commerce, these shopping methods are essentially the same as people usually shop in real malls. These methods are the methods of operator's operation and consumer's consumption. They are an interactive behavior. They just use different methods and different ways of shopping. In addition, both “micro-business” operations and online website operations belong to the category of e-commerce, which is the use of advanced technology and network as the basic means, and commercial activities centered on commodity exchange, generally through third-party payment transaction platforms To consume, and the seller delivers goods according to the order to achieve the means of delivery of the goods. According to the difference between sellers and buyers of goods, e-commerce can be divided into B2C (Business to Customer (ie, business to consumer), C2C (Customer to Customer (ie, personal to consumer)), and B2B (Business to Business (ie, business) To business), O2O (Online to Offline), B2G (Business to Government), and many other forms. 4 Among them, B2C and C2C are mainly targeted at individual consumers. They cover a wide range. It is a way of shopping for e-commerce that most people encounter in daily life. At the same time, traditional e-commerce and “micro-commerce” coexist And compete on the main battlefield.

2. The Necessity of Protecting Consumers' Rights and Interests in the “Weshang” Environment

The right to security, also known as security protection, refers to the right of consumers to protect their personal and property safety when purchasing and using goods and receiving various services. The right to security is the most basic right for consumers, but in the “micro-business” environment, the consumer's right to security has been repeatedly violated. In the traditional online shopping model, in order to protect their safety, consumers usually shop around, and finally choose a merchant with a higher reputation and a better evaluation to conduct transactions. However, when

shopping in the “micro-business” environment, consumers cannot know the seller's reputation and some specific evaluations of the seller, so they cannot evaluate their safety effectively, which also gives some wrongdoing. An apprentice can take advantage of it. In the past two years, there have been numerous cases of personal injury caused by the purchase and use of WeChat products. For example, Ms. Wang from Wuhan once purchased Swiss imported chocolates through “Wechat”, but after eating it with her family, she had symptoms of vomiting and diarrhea. All three were admitted to the hospital. After investigation, it was found that the batch of imported chocolates had already expired. In order to reduce losses, the seller even tampered with the production date and continued to sell, causing consumers Ms. Wang to consume expired food. There was also a sensational “poisonous mask” incident that also inspired the public to comment on “Wei Qu”. A post-90s “Wei Shang Da Ren” sold a mask known as pure natural plant ingredients through a circle of friends. Skin tingling, redness and swelling appeared, and even pregnant women aborted because of using the mask. After testing, it was found that the so-called pure natural plant-based mask had a serious lead content. 6 The continuous emergence of similar cases has led to repeated violations of the personal safety of consumers who make purchases through “micro-commerce”. On the other hand, the payment method of “WeChat” is usually through WeChat direct transfer or WeChat red envelopes. However, the concealment and uncertainty of the network can easily cause hackers to invade consumers' payment accounts. After a number of cases where consumers have stolen WeChat and stolen bank cards after purchasing goods through “WeChat”, the property security of “WeChat” consumers has been greatly violated. To sum up, in the current “Wei Shang” shopping mode, both the personal safety and property safety of consumers are frequently violated. For the long-term healthy development of the “Wei Shang” industry, the most basic thing is that it must be To ensure the quality of the products and services provided before and after the transaction, to protect the safety of consumers.

3. Problems of Consumer Rights Protection Legislation in the “Wechat” Environment

In the process of the emergence and development of emerging things, various problems often appear. “Wei commerce” as a newest shopping model is constantly developing and growing. However, the most obvious problem that is present is “ The legal status of the “Wei Shang” operator has not been clearly identified. Some existing laws and regulations in China, such as: Article 10 of the latest “Consumer Rights Protection Law” stipulates that operators should comply with the relevant provisions of this law when selling goods or providing services to consumers. In addition, Article 2 11 of the current “Regulations on Individually Owned Industrial and Commercial Households” clearly stipulates the criteria for the identification of individual business. The above-mentioned legal provisions are clear and specific, and they have made clear provisions for the operators, but they are not able to cover the operators of “micro-business” and thus clarify their legal status. For the operators of “Wei Commerce”, in the end, they should be regarded as a commercial entity “to engage in the sales of goods or provide various services for the purpose of continuously obtaining profits” and be included in the “Consumer Rights Protection Law”. Regulate it and restrict it, or should it be jointly identified with the buyer as two completely equal subjects of civil conduct “causing civil relations as a result of the conclusion of the contract” to be subject to civil law for relevant identification and regulation? Judging from China's current laws and regulations and specific real cases, no clear conclusion has been reached on this issue.

On the one hand, if the operator of “micro-business” is now positioned as a purely commercial subject, then, for example, some people who lend abroad to publish purchasing information in their personal circle of friends, or some sales season through their personal circle of friends People who produce sex products are completely excluded from the “Wei Qu” ranks. But on the other hand, if the “Wei Shang” operator is limited to a subject of civil conduct, then carefully observe the active “Wei Shang” group in the circle of friends today, most of them are through various agents. Manufacturers 'or companies' goods are profitable, that is to say, the current “micro-merchant” shopping has greatly penetrated the influence of traditional commercial entities. In this case, once the rights of consumers are damaged or in the event of disputes with “WeiShang” sellers, consumers

will be at a disadvantage, and it will also greatly hinder the establishment of future industry mechanisms and industry supervision of the entire “WeiShang” industry. It is precisely because of such contradictions that whether the “Wei commerce” shopping mode should be covered by the “Consumer Rights Protection Law” and specific regulations have not been formed. This has also made consumers pass the “Wei It is quite awkward that there are no clear and specific legal provisions that can be used when the infringers want to protect their rights while shopping.

Another issue worth discussing is that traditional commercial entities must register with the relevant departments through prescribed procedures in order to conduct commercial activities in the capacity of commercial entities. This stylized procedure can not only facilitate the commercial and industrial administrative departments to conduct commercial entities. The supervision work can better clarify the legal status of the commercial subject and make it legitimate. So, for the operators of “micro-business”, is it necessary to determine their legal status through registration? There is a lot of current discussion on this issue, but it shows a very different attitude.

4. Suggestions on Protecting Consumers' Rights and Interests in the “Wechat” Environment

First of all, from the perspective of legal nature, civil law adjusts the personal and property relations between equal and private subjects, and focuses on protecting the general interests of civil subjects, mainly in the protection of the freedom of all civil subjects. The nature of civil law adjustment objects and the characteristics of adjustment methods determine that most of the provisions of civil law are ethical. The spirit of the Consumer Rights Protection Law is to regulate profit-making behaviors and maintain business. In addition to protecting the freedom and rights of business operators, the Consumer Protection Law still has to consider the interests of consumers and third parties. The “Consumer Rights and Interests Protection Law” standard is operable, technical, and advocates that efficiency is paramount, and cannot be judged simply by virtue of ethics. Both parties to a transaction under the “Wei quotient” model face varying degrees of information asymmetry. The resulting false propaganda, insecure product quality, and leakage of personal information have seriously harmed consumers' interests and threatened the sustainable development of the industry. The dominant position of “Wei Shang” in transaction activities is not enough just to adjust based on the civil law based on equality. It is necessary to fundamentally achieve fairness within the scope of the adjustment of its Consumer Rights Protection Law. .

Next, to clarify the legal status of “Wechat”, several concepts must be clarified. First, the “commercial subject” mentioned earlier is also referred to as the subject of commercial legal relations and the subject of commercial law. It refers to the ability to conduct commercial rights and conduct in accordance with the provisions of commercial law. Individuals and organizations in a relationship who have rights and obligations. Secondly, the “commercial behavior” mentioned above is a scientific concept, which specifically refers to the business behavior carried out by the commercial entity in order to continuously obtain profits. The current mainstream view on the identification of commercial entities is that commercial entities must engage in related business activities on the premise of continuous gains.

Next, we will specifically introduce it into the shopping model of “WeChat” for analysis. Most of the “WeChat” operators who are active in the WeChat circle of friends every day are always engaged in this industry in order to obtain income. The operators of “Wei Shang” promote their products daily in the circle of friends and earn considerable profits by selling them. In fact, they are engaged in business activities on the premise of continuous gains. Consumers who shop on Weibo are basically to meet their various needs in daily life. Therefore, the relationship between the two buyers and sellers in the “micro-business” environment is the relationship between the operator and the consumer usually discussed within the scope of economic law. The operators of “Wei Shang” mainly display their products or activities to consumers by publishing pictures or texts in the circle of friends. These behaviors and the purposes to be achieved by these behaviors can be covered in the field of economic activities. In essence, the essence is the commercial behavior carried out by commercial entities to obtain profits.

5. Conclusion

It is also necessary to rectify the various problems existing in the entire “micro-business” industry. Aiming at the problem of the unclear legal status of the “Wei Commerce”, the legal status of the “Wei Commerce” operator can be clarified through registration. A large reason for the frequent status of the “Wei Commerce” industry is that there is no systematic and comprehensive industry mechanism. WeChat platforms should establish a series of specific and effective industry mechanisms for “Wei Commerce”, such as the “Wei Commerce” real-name authentication system, credit evaluation, and blacklist The list system and the advance payment system within the scope of faults, etc., are used to regulate the behavior of the “micro-business” practitioner group. It is also necessary to strengthen supervision in various aspects, so that various parties such as WeChat platforms, industrial and commercial administrations and consumer associations can participate in the supervision of “WeChat” through different forms.

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