

Analysis on Legal Regulation of Internet Transaction Fraud Behaviors

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Abstract. with the development of internet information technology in recent years, internet consumption has gradually become an important consumption mode in current society. However, internet fraud behaviors run wild in current society, seriously damage consumers' legal interest and generate adverse impacts on market competition order and even inhibit the growth of consumption. Thus, it is very necessary to implement corresponding legal regulation for internet consumption fraud behaviors and implement strict management of internet fraud behaviors from civil law, economic law and economic law.

Introduction

As information technology is universally applied in the whole society, internet transaction generates subversive influence on shopping mode. As times goes on, internet transactions has gradually become a main consumption mode in the society. In internet transaction environment, consumers' acquisition of commodity information often depends on the pictures and texts offered by operators, so authenticity and objectivity cannot be guaranteed. In such case, internet fraud behaviors occur. Under the guidance of wrong information, consumers may be tricked easily, and their legal interest is damaged. Thus, in order to maintain stable operation of market economy, it is very necessary to manage internet transaction through legal means so as to completely eradicate internet transaction fraud behaviors to the largest extent and maintain consumers' legal interest.

Definition of internet transaction fraud behavior

Before defining internet transaction fraud behavior, the concept and judgment of internet transaction fraud behavior should be specified. Specifically speaking, internet transaction refers to a kind of commercial trade which is conducted through computer technology and internet information system under current social background. Internet transaction basically includes three major types: 1) internet transaction between enterprises; 2) internet transaction between enterprise and consumer; 3) internet transaction between consumers. Each type of internet transaction behavior differs from traditional face-to-face transaction, and elusive property and uncertainty of internet transaction are more obvious. Especially under the condition of information asymmetry, internet fraud behavior may occur very easily. The detailed explanation of fraud in the civil law of China is that where one party informs false information to the other party deliberately, or conceals some actual situations to the other party to induce the party to make a wrong decision, fraud behavior forms. In the explanation of economic law, fraud refers to the behavior of stating corresponding false fact or concealing real situation on purpose in event explaining process in order to make others caught in the mistake. For internet transaction fraud behavior, the research emphasis lies in the fraud, i.e. internet fraud behavior in commercial activities. Correct legal regulation can be implemented in combination of fraud behaviors, the occurrence of fraud behavior can be avoid and the damage of internet transaction fraud to consumers' legal interest can be reduced only when the fraud behavior is mainly analyzed in the research.

Basic legal features of internet transaction fraud behavior

Internet transaction fraud behavior has certain elusive property

Since internet transaction is usually conducted in virtual environment, consumers and merchants cannot communicate and exchange face to face about commodity transaction problems. Thus, internet fraud is often concealed in the commodity or service description. Under the condition of information asymmetry, consumers often generate purchase behavior due to the lack of understanding of real conditions of commodity and under the induction of merchants' commodity description, and thus suffer transaction fraud. It is very difficult to find out such transaction fraud behavior in time, because it is implied in the commodity and service. Thus, internet transaction fraud behavior has strong elusive property.

Internet transaction fraud has strong universality

Influenced by internet transaction features, one-to-one relationship between both parties of internet transaction does not exist. Anyone who operates at the other client of server may form the other party of transaction, and consumers can achieve transaction through clicking OK button according to internet transaction rules. Such feature causes that consumers may easily suffer fraud. Even, multiple consumers may suffer the fraud of the same store. Thus, internet transaction has strong universality and can generate certain damage in a large range.

Internet transaction fraud has strong technicality

Internet transaction fraud with the help of network information technology has certain technicality. The deceiver needs to closely combine transaction behavior and internet information technology. Thus, it is generally hard to discover fraud behaviors in internet transaction in internet security inspection. Then, the deceiver carries out fraud behavior by utilizing the defect of think knowledge about internet fraud. Technical feature of internet transaction increases the difficulty in preventing internet fraud behavior to certain extent. Thus, internet fraud behavior will inevitably bring about great influence and damage consumers' legal interest^[1].

Internet transaction fraud has certain simplicity

As internet information technology popularizes, the public increasingly use internet for transaction. Such transaction is simple and fast, with high efficiency. But internet fraud also utilizes these advantages of internet transaction to greatly enhance simplicity of fraud behaviors. High profit can be gained at a low cost. This to some extent promotes the spread of fraud. Thus, it is very necessary to enhance legal regulation of internet fraud behavior, control internet transaction fraud from legal level, create a healthy consumption environment for consumers and maintain consumers' legal interest.

Concrete measures for legal regulation of internet transaction fraud behaviors

Based on legal characteristics and hazard of internet transaction fraud, legal regulation should be conducted from such aspects as civil law, economic law and criminal law, reduce internet transaction fraud behaviors to the largest extent, maintain consumers' legal interest and drive internet economy to gain better development in the new period.

Civil law regulation measure

Civil law is a basic law used to manage and restrain market economy. Its application in market economy can properly adjust personal relationship and property relationship among equal subjects. Thus, during actual application of civil law, it is required to maintain equal status of consumers and operators, and make sure consumers and operators can stick to equality principle and trade under the preconditions of free will, fairness, credit and honesty. In such trade activity, consumers are the civil subjects, and their civil rights and interests will certainly be protected by corresponding law. Under current environment of socialist market economy, market subjects own the role attribute of broker. In

other words, the rationality and validity of pursuing profit maximization by relevant market subjects in development process are admitted. But for internet transaction behavior, if the merchant's internet operation has formed certain fraud or infringement act for consumers and breaks through the restriction of law, the legal liability of relevant operators should be investigated as per laws. As the economy further develops, modern society has started to present the feature of consumer society. In most cases, operators and consumers construct a contract relation based on consumption behavior in actual consumption process. To be more specific, if an internet transaction operator tricks consumers to sign relevant consumption contract by fraudulent means, and some articles in the contract damage consumers' interest, consumers have the right to institute legal proceedings to the court or arbitral authority, change contract content or affirm the contract is invalid so as to maintain consumers' legal interest^[2]. Meanwhile, written contract will not be concluded generally in internet transaction behaviors. If the dispute about consumer rights and interests occurs as per the contract offered by the operator, relevant rules in the contract law should be introduced to maintain consumers' legal interest. When there is certain dispute about the understanding of standard terms, usual understanding should prevail. If there are two explanation thoughts for uniform standard terms, the explanation which damages the interest of contract provider should be made. When standard terms and non-standard terms differ, the analysis should be conducted by using non-standard terms to finally maintain the interest of vulnerable group in civil law regulation.

Economic law measure

The analysis of legal regulation implementation for internet transaction fraud behavior from the level of economic law contains three aspects:

First of all, legal regulation of anti-unfair competition law. Seeing from legal level, internet transaction fraud behaviors violate consumers' rights and interests and also belong to unfair competition behaviors in market economy. Anti-unfair Competition Law properly regulates internet transaction fraud behaviors: consumers and operators are contrasted; consumers have the disadvantage of information asymmetry in internet transaction behavior; some operators utilize such disadvantage and adopt unfair competition means to gain certain competitive edge in market economy competition process; such behavior not just seriously damages consumers' legal interest, but also belongs to unfair competition in the market and generates certain adverse impacts. Thus, except investigating legal liability of operators with fraud behavior as per relevant rules of anti-unfair competition law, it is also required to properly expand the range of liability subjects according to actual conditions, enhance market competition management and effectively maintain consumers' legal interest^[3].

Secondly, legal regulation of consumer's interest protection law. Seeing from relevant articles of consumer's interest protection law, operators have the responsibility to disclose their identity, place of valid registration of operation unit, license number, certificate number in internet transaction, valid contact information and legal person etc. to consumers, and offer guarantee for maintaining consumers' right of information and the right of fair trade. On in this way, consumers' legal interest can be maintained in internet transaction, and the function of legal regulation can be exerted fully.

Finally, legal regulation of product quality law. Product quality is the problem that consumers concern most in the consumption process, and even influences consumers' personal safety and property safety to some extent. Thus, to avoid serious damages of internet transaction fraud behavior to consumers' rights and interests, legal regulation of product quality law for internet transaction behavior should be stressed. Product quality should be maintained by legal means to create a good internet transaction environment for consumers. Generally speaking, legal regulation of internet transaction fraud behavior by product quality law should include the following contents: product operators are required to disclose information about the commodity and service, such as manufacturer, date of manufacturing, period of validity, purpose, specifications, register, certificate of quality and after-sales service etc.; besides, product operators should guarantee product quality, maintain consumers' legal interest, resist and prevent internet transaction fraud behavior to the largest extent.

Criminal law regulation

During restraining and managing internet transaction fraud behavior from the perspective of criminal law regulation, it is required to notice that criminal law regulation punishes the operators with fraud behavior as per the crime of swindling. Contract fraud as a new form of crime generally owns three major attributes: serious damage to social order, criminal feature and inevitable punishment by criminal law. From the perspective of crime constitution, the crime of contract swindling mainly involves the following elements: this crime violates ownership of public goods and the order specified in the contract; objectively, the crime is reflected in that fraud behavior exists in contract signing and performance process; subjectively, this crime shows the doer's deliberateness, and contract signing aims to accroach the property; this crime involves relatively large financial amount, so the crime of contract swindling forms only when the amount reaches certain degree. To be more specific, to regulate internet transaction fraud behavior from the aspect of criminal law, it is required to legally restrain operates'operation behaviors in internet transaction, judge large-scale fraud behavior and implement corresponding criminal management and regulation as per relevant provisions of crime of contract swindling.

To further improve internet transaction legislation

Thorough legal system is important foundation of implementing legal regulation for internet transaction fraud. For internet transaction fraud problems and actual development of internet transaction, the following measures may be adopted to enhance improvement of internet legislation work. Firstly, to establish sound legal regulation mechanism for internet transaction, solve the problems and defects in legal regulation process and achieve better protection of consumers'legal interest. Secondly, to pay attention to technicality of internet transaction in internet transaction legislation process. For example, with regard to legislation improvement of perpetuation of evidence, the provisions about gaining case evidence with technical means should be proposed to offer good assistance for rationally solving internet disputes. Finally, internet transaction legislation should attach importance to connection with international legislation. Internet education has strong transnational property. Consumers'legal interest can be better maintained after internet fraud behavior occurs only when legislation is connected with international legislation. Meanwhile, this can promote optimal exertion of the function of legal regulation.

Conclusion

In conclusion, based on the impacts of internet transaction fraud behavior and the damages to consumers'legal interest, relevant departments should further enhance attention to legal regulation of internet transaction fraud behavior, implement comprehensive legal regulations from civil law, economic law and criminal law, effectively crack down on transaction fraud existing in internet society, maintain consumers'legal interest and finally create positive and healthy internet transaction environment.

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