

Legal Problem Research on the Protection of Consumer Rights in Electronic Commerce

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Keywords: Legal protection, Consumers rights, Electronic commerce

Abstract. Electronic commerce is a modern trading mode in the daily life, having a rapid development in recent years. However, the protection problems of the rights of consumers in e-commerce have impeded the development process. This paper analyzes the infringement of consumer's right to know, consumer's right to fair trade, consumer's right of privacy and consumer's right to claim. Based on the analysis, the paper puts forward the corresponding solutions in order to provide some references for the relative researchers.

Introduction

Electronic commerce can be regarded as a kind of commercial activity which is carried out by electronic means. And the exact legal meaning of e-commerce, there is no unified understanding. Generally speaking, there are broad sense and narrow sense. The broad sense of e-commerce refers to all the electronic means of business activities, that is, the use of electronic tools to engage in business or activities. These tools include from the primary telegraph, telephone, radio, television, fax to computers, computer networks to the national information infrastructure, information superhighway, global information infrastructure and other modern systems. The business activity is the reasonable and legitimate consumption of the goods after the removal of the typical production process of all activities. At present, China's online shopping has become more and more popular. But when we enjoy shopping at the same time, also encountered a lot of violation of consumer rights and worry about headaches, which calls for China's relevant departments issued the relevant measures as soon as possible, clearing away the obstacles for the development of online shopping, the establishment of a fresh and green environment for online shopping. Survey shows that nearly half of Internet users have never heard of or concerned about the integrity of the site issued by third parties. This shows that e-commerce is like a double-edged sword. On the one hand, with its low cost, high efficiency and fast speed, it is more and more widely recognized by consumers in the increasingly competitive business environment. On the other hand, in the process of network transactions, the damage to the interests of consumers has become a serious obstacle to its development. Therefore, the judicial organs and the relevant government departments need to develop legal, illegal and criminal behavior by means of the effective measures for the crackdown against the rights and interests of users, in order to safeguard the healthy development of e-commerce market.

Legal Problems Facing the Protection of Consumer Rights in Electronic Commerce

Infringement of the Right to Know. Based on the virtual characteristics of e-commerce, from the selection of samples, the two sides to negotiate, to confirm the order to pay the money, are carried out on the network platform. In the course of the transaction, consumers cannot see the kind.

Therefore, it is difficult to identify the authenticity of goods and operators, the serious asymmetry of information to a certain extent, against the consumer's right to know and the right to fair trade. But because of the virtual network, the prices of many commodities, origin, producer, uses, performance, specifications, grade or service contents, standards and costs of businesses through pictures, text, dialogue network platform to show consumers, lack of physical proof and face-to-face communication effect. A person's evaluation criteria and acceptance of space is different, the recognition and satisfaction of the goods are different; two other consumer evaluation of online reputation is no lack of false brush praise. And most consumers rely on pictures, business use of consumer psychology, beautify the commodity pictures from the perspective of transaction use, inflated commodity advantage and weakening commodity disadvantages, advertising in marketing creates a false composition affects consumers' grasp of the real situation of goods. This sentence often makes the consumers to follow human rights is very difficult.

Infringement of the Right of Fair Trading. Based on the characteristics of e-commerce automation, operators generally take the form of contract in order to save time, consumers can only passively accept or reject. There is no room for discussion. These formats are almost all favorable to the seller's disclaimer, and a high degree of concealment. The contents of many consumers do not have the patience to read, or fuzzy content consumers unintelligible. In the network transaction consumers can not personally feel the quality of the goods, the seller only through the release of the goods or service information to judge, some unscrupulous businesses will use the virtual network to mislead consumers, causing consumers to buy and not really wanted goods or services. More importantly, the network transaction mode, the characteristics of both parties to the transaction contract generally has the format of the contract terms of format, and more content and obscure, consumers are often too lazy or failing to carefully read and understand the meaning, agreed to the shopping agreement to infringement.

Infringement of the Right of Privacy. Open characteristics based on e-commerce, not to increase the regulations about consumer privacy risk of consumer privacy has been infringed the current consumer protection law, the traditional consumption mode, generally do not involve privacy protection but, compared with the traditional consumption patterns, online shopping consumers to fill out the basic personal information, including name, address, the status of the property, because of Internet infringement regulation difficult, concealment, some operators and banks easily for their own interests, the disclosure of consumer information to third parties, profit from. The operators and their staff members shall strictly keep confidential the personal information collected by consumers, and shall not disclose, sell or illegally provide to others. In real life, the consumer online shopping will be their personal information and their preferences are left with commodities in cyberspace, information by using some businesses, through the analysis of data of the Internet, some marketing activities by this way to consumer harassment. In general, our mobile phones will be flooded with similar goods or services purchased similar commercial information, and even call life. Because of the irrational disclosure of personal information of consumers, consumers will not be able to obtain personal privacy protection.

Infringement of the Right to Claim. The consumer receives the service or the purchase commodity time receives from the property or the human body's violation, enjoys the right of compensation according to law. The right of claim is the main way for the consumer to get relief, but it is difficult to realize the right in the electronic commerce environment. It is difficult for consumers to protect their legitimate rights and interests through litigation. Especially when the two sides in different regions and even cross-border transactions, will involve the different countries of the trading habits and legal issues, or litigation costs are too high. This cross regional and

cross-border trading activities, breaking the traditional way of commercial regulation, is not conducive to safeguarding the interests of consumers. For example, some of the shop itself does not have a fixed place of personnel and funds, the violations occurred after is unable to find the real businesses; the e-commerce virtual, electronic data easy to be tampered with, the consumers and the relevant departments of evidence is difficult; the network makes between consumers and operators of the distance, consumers can not be informed of specific operators the address and the litigation judicial organs, resulting in electronic commerce litigation difficult.

Legal Countermeasures of the Protection of Consumer Rights in Electronic Commerce

Improve Law System. In the context of electronic commerce, the legislature need to focus on consumers to establish a comprehensive legal protection system of consumer rights, expand the scope of protection of consumers' rights and interests, and to the privacy of consumers regret right clear. In the existing consumer protection law, can set up a special chapter to regulate the electronic commerce consumer rights protection, provide a standardized guidance so as to protect the interests of the consumers. As to the problem of the dispute of the electronic commerce network, it is clear that the legal liability and legal obligation of the service provider of the trading platform in the existing legal provisions. On the one hand, the identification of electronic signature is the issue of electronic signature and legal jurisdiction to make clear legal provisions. On the other hand, it is necessary to establish an authoritative, professional and neutral evaluation institution of goodwill to conduct a comprehensive evaluation of the business conduct of the business operators. E-commerce legislation has formed a draft law. In the field of electronic commerce, it is a great progress in legislation.

Punish Online Dishonesty. To strictly control the environment of e-commerce transactions, through the establishment of special rules, to strengthen the governance of the false advertising, to provide consumers with a fair trading platform, the relevant departments should strengthen supervision, the implementation of regular inspection and reporting prize system, the false advertising, e-commerce transaction fraud information, false propaganda the content of specification, to allow the operator to guarantee the authenticity and validity of advertising. At the same time, the culture of consumer fraud and their awareness, when consumers in electronic commerce and business consumer disputes, the relevant departments to deal with, in order to reduce the burden on consumers, reduce the cost of the complaint, to allow operators to bear the burden of responsibility, and establish a perfect system of complaints, let in the interests of consumers have been infringed, you can make a complaint through the network complaints system. At the same time, the relevant departments should be strong to consumers shopping refund difficult problems and payment difficulties, strengthen supervision and establish relevant system reasonable. The quality of customer service urges the operators to safeguard the legitimate rights and interests of consumers.

Strengthen Privacy Protection. In the aspect of the protection of consumer's right of privacy, we can learn the advanced system of privacy protection in the world, learn from the advanced privacy protection legal system, and determine the basic principles of the protection of personal information. The first is to inform the principle those e-commerce operators in collecting personal information of consumersto tell consumers what information is collected, and the use of means of collecting information, and how to protect the confidentiality of information. Then there is the principle of prior consent, operators in the collection of information not only to inform the principle, as well as in the collection of information must go through the consent of consumers. Third, the principle of security protection, the protection of the personal information of consumers is the

operator must do. In order to achieve the purpose of the collection of the consumer's personal information for the purpose of a certain business, to achieve the purpose of the least, the collection of information and use of information. The right to privacy of electronic commerce mainly includes the identity, address, telephone and so on, so the consumer's right of privacy should be protected by the manager. China's newly revised consumer protection law, although it will not infringe the privacy of consumers to join them, but also stay in the provisions and systems, and did not implement the rules. We propose the establishment of a special network of personal data protection law, strengthen the punitive damages system, for violations of the legitimate rights and interests of consumers in the online shopping for the investigation of the main criminal responsibility. At the same time to strengthen the self-construction of online shopping, as an effective complement to self-discipline law; strengthen the government regulatory flexibility to enhance consumer protection of network privacy awareness, strengthen individual to maintain their privacy of network education. It is important to improve consumer rights, shopping need to be cautious, to choose a certain degree of visibility and credibility of the shopping platform.

Reduce Activism Cost. After the infringement of the rights and interests of online shopping, the road is often more complex rights. The general legal disputes, usually requires the use of evidence and testimony, to ensure judicial rationality and rigor. But online shopping is both chat and screenshots, is precisely the lack of physical evidence, at the same time in the process of rights, the need for lawyers, daily transportation cost is a cost, after consumers pay a lot of time, energy and money, will not be able to obtain satisfactory results, The loss outweighs the gain. Consumers and sellers argue, poor, often face the litigation cost and the choice. In view of these situations, can the introduction of talents in the network trade platform, increase the identification and identification of electronic evidence, in order to reduce consumer evidence the helpless; but also in some developed areas of pilot public interest litigation, by the Consumer Association consumer litigation role, safeguard the interests of consumers. Honesty and legal mechanism are two basic mechanisms to maintain the orderly operation of the market. The economic activity will not run properly.

Conclusion

As the online shopping goes into thousand families, it brings convenience to people as well as some negative impact on consumers. In this case, we must strengthen the legal consciousness from the ideological, strengthen the legal self-discipline from the action to improve and perfect the system of the protection of consumer rights in the process of electronic commerce.

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