

# Research on the Application of Civil Law in the Sharing Economy: Taking the Internet Special Vehicle as an Example

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**Abstract.** With the development and popularization of Internet technology, the sharing economy based on Internet platform has been greatly developed. The sharing economy represented by Internet special vehicles has impacted the traditional taxi industry and caused many regulatory difficulties. This link for information technology, realize the separation of ownership and use right of the new mode of economic and social resources, can not only flexible idle, and satisfy the current and potential demand, with a glorious prospect of development. But, as a new sharing economy also exist many problems in the process of development, correctly the appropriate to solve these problems, will be shared economy can get great progress in our country, the premise of this article to regulate the angle of economics, with Internet car as an example, try to discuss the specification development of shared economic problems, some policy suggestions are given. It aims to provide some theoretical help for its normative development.

## Advantages and Disadvantages of Shared Economy

The characteristic of the sharing economy is that the merchants rent their products to the customers through the trading platform of the shared economy products and obtain the rent. In essence, sharing economy is to integrate the needs of different consumers to consume among them, and then reduce the extensive waste of resources and realize the maximum economic benefits.

**The Advantages of a Shared Economy.** First, to facilitate the sharing behavior of both sides with temporary and scattered willingness to supply and demand. Sharing companies provide information to both sides through Internet technology, which reduces transaction costs and avoids the waste of traditional economic models, which mainly rely on purchases to meet temporary and decentralized needs. This is the optimal combination of social resources, conducive to the best use of materials, the best use of people, saving social resources[1].

Second, it satisfies the temporary problem of decentralized employment and employment. For example, "special car" drivers can decide whether to accept a car offer or not according to their own wishes, and passengers may not have to hire a driver for a long time and purchase a car to meet their scattered vehicle needs. This model not only reduces the cost of both sides, increases the welfare of both sides, but also brings a great deal of employment flexibility.

Third, can be used as the government to achieve the redistribution of social wealth means. The temporary and decentralized supply and demand characteristics of the sharing economy make it possible that everyone is both a consumer and a supplier. This provides more flexible employment opportunities for the poor, increases their incomes, and helps the poor to obtain what they need in this way, reducing significant expenditures. At the same time, the sharing economy also has great demand potential in the rich class, the government can provide the middle and high end of goods and services to the rich by encouraging them to use for a short time, can achieve the redistribution of wealth.

**The Defect of Sharing the Economy.** First, there are shortcomings in the protection and distribution of the rights and interests of consumers. First, the transaction only needs to be

completed by clicking on the screen of the smart phone. The consumer is too late to assess the security situation, and it is difficult to prevent the accident. It is impossible for a responsible non professional to join in. If there is an unforeseen emergency, it is impossible for them to provide protection for consumers undefined needs.

Second, labor regulation and security loopholes. On the one hand, the network market model provided by the shared company increases the flexibility of the employer undefined bargaining and employment. The purpose of the two sides is to complete a brief transaction, not to be strictly restricted by the labor law. On the other hand, not all labor regulations are purely guaranteed. Workers who protect workers may also protect public safety. For example, the restrictions on the driving time of a truck driver contain the protection of public safety. The relevant laws and regulations are aimed at preventing traffic accidents caused by fatigue driving and causing harm to third people. This requires social benefits as the standard and the sale of services through a shared company. Set the most basic restrictions.

Third, there are defects in the information feedback and trust mechanism. The sharing company platform needs to establish the trust mechanism through continuous information feedback. The main method of the online information feedback is to give the consumer "good praise" or "bad comment" on the service they accept, which is effective in the trade of goods and services in the traditional economy. In the sharing company, what is the problem when the supplier and the supplier need to evaluate each other? Both buyers and sellers need the other party to give "praise" to obtain the favorable or other support of the platform company, and a "bad comment" will make it impossible to get service or the best trading conditions. The comparison can be seen in Table 1.

Table 1 The comparison between the advantages and disadvantages of shared economics

Advantages	Disadvantages
Facilitate a Shared action by both parties with a short and scattered desire to supply and demand	Information feedback and trust mechanisms are flawed
The means of redistributing social wealth	There are deficiencies in the protection of consumer rights and responsibilities
It satisfies the temporary problem of scattered employment and employment	Insufficient understanding of the externalities of market competition
Social services can be provided	There are loopholes in labor regulation and safety
It facilitates the activation of idle social resources	It could threaten economic security and social stability

### **Legal Problems of Sharing the Economy**

How to standardize and govern the various problems brought by the shared economy and ensure its healthy and orderly development has been urgent. To solve these contradictions, the sharing company should cooperate with the local government, bear the corresponding social responsibility, tax duty and industry governance responsibility, establish a legal management model to gain more long-term income; at the same time, it should be built. It means that a mixed regulation mode should be established, that is, the cooperation supervision of the platform company and the local government plus the self-regulation of the platform company. The combination of the two regulatory models can match the legal structure of the shared company well, which can prevent the platform from the platform[2].The illegal growth of the company can also avoid the lack of government supervision, thereby ensuring the healthy and orderly development of the shared economy.

**The Actual Experience Problem of the Product.** All the development models belonging to the shared economy have a basic feature, that is, the right to use the idle resources temporarily, which is different from the actual occupancy of the online shopping. The products of the shared economy

focus on providing a one-time service experience. In the network shopping, the consumer can return the goods once the product quality problems can be returned. In the mode of sharing the economy, the interests of the consumer will be difficult to protect. For example, for sharing a single car, the consumer finds the position of the idle shared bicycle by sharing the app and other online platforms provided by the single car enterprise, and it is necessary to find a single car for a certain amount of time and energy.

**The Problem of Defaulting Payment on Shared Platform.** The sharing platform is the third party platform used by both the supply and demand parties in the process of the idle resources. After using the shared products, the consumers perform the legal obligation to pay for the shared platform. However, in the actual operation, the payment transactions of both the supply and demand sides have a great instability. The providers of the sharing platform have the difficulties of operating[3]. Or other factors lead to enterprise bankruptcy, property freezing, and money consumption, which leads to consumers undefined deposit in the consumer platform that can not be returned on time. The problem of platform chasing and accusations is becoming more and more serious.

**The Problem of user Privacy Disclosure.** As the intermediate platform for both the supply and demand of the idle resources, the sharing platform needs both the supply and demand of the idle resources to register in real name for the supervision. In the case of the motorist, the consumer wants to use the motorbike single vehicle to provide its own name, identity card number, telephone number and other private information on the motorbike software platform. The company has a large number of consumer personal information. Once the system network of the company fails, a large number of users undefined personal information may be leaked or maliciously exploited, which will inevitably damage the interests of the consumers.

## **The Relationship between Shared Economy and Legal Regulation**

**Analysis of Legal Relations in the Shared Economy.** The sharing economy requires people to trade based on the premise of honesty and trustworthiness, but it does not mean that every transaction is safe and credible, not fraudulent. At present, transportation, catering tourism and medical education are involved in the leading areas of economic development in our country.[3]The necessary conditions for the emergence of shared economy are: first, the needs of consumers are not available. Secondly, the resources of the supply side are idle, and the third, the information asymmetry between the supply and demand sides. The legal relations among the parties include four categories: the rights and obligations relationship between the parties and the parties of the supply and demand; the rights and obligations relationship between the supply and demand parties and the platform operators.

**The Problem of credit in Sharing the Economy.** Sharing the economy is a highly credit - dependent economic model, without credit, it is hard to imagine that a consumer will be relieved to ride a stranger undefined car or live in a stranger undefined home. This kind of interpretation, I do not dare to differ, it is true that through the network credit evaluation system can quickly query the user undefined evaluation records, but the orderly development of each industry, growth, depends on the clear rights and obligations set up by laws and regulations, the basis of the exercise of rights and the fulfillment of obligations is the principle of honesty and credit[4]. It is also the embodiment of the normalization and gain of the law.

**Analysis of the Urgency of Improving the Integrity Principle in the Shared Economy.** In practice, we should not only actively participate in the sharing of the economy according to the provisions of the legislation, but also pay full attention to the value of the judiciary. As Cai Zhanglin said, the principle of honesty is abstract and abstract, without color and colorless and transparent. It contains a wide range, larger than the other general terms. Therefore, it is in the face of the operation of the shared economy. All kinds of contradictions and problems arise. We consider it from two aspects of legislation and judicature. It is of great significance to balance the balance of interests of all parties. [4]As an example, private car owners can exercise their rights and fulfil their obligations according to the agreement of honest and trustworthiness when the private car owners offer services and passengers. At present, there is no consistent policy in the supervision of special

vehicle services.

## **The Innovation and Development of Sharing Economic Related Laws and Regulations**

### **Recognizing the Shared Economic Pattern and Establishing Market Norms in Legislation.**

Although the form of shared economy has caused the impact on the traditional economic form, it provides a new economic growth point from its objective effect, and the sharing economy provides effective and high quality services for people to eat, live and conduct by raising the utilization rate of social resources, which is in line with the direction of economic and social development. At present, the problem that needs to be solved is to contribute to the legal identity of the company and the legitimacy of the economic behavior. Therefore, it is suggested to give the sharing company a certain kind of economic activity. As an example, take the network about car platform company as an example, the legislation should liberate the taxi monopoly management policy and open the market.[3] At the same time, we should fully pay attention to the risk control of the shared company. From the situation of nearly three years, the network platform company has gone down a lot, of which the important reason is the capital.

**Standardize the Labor Employment of the Shared Company.** From the current Internet rental market, the private car owners or drivers and the network around the car platform between the formation of non labor. Not to mention that the driver undefined labor income can not be effectively guaranteed, and, more importantly, the professional atmosphere. Risk may damage the interests of ordinary passengers. It is well known that only strong insurance is mandatory for private car insurance, and commercial insurance has no compulsory requirements. Although in practice, many network platforms require "special car" owners or drivers to pay higher commercial insurance, but this is only a kind of self-consciousness, and no legal norms are formed.[4] In other words, the Internet "special car" may face high compensation in the event of damage to other people undefined vehicles, pedestrians or other property. In order to protect the rights and interests of others, it is necessary to impose compulsory requirements on the vehicles in the Internet rental market. In addition, the insurance coverage for passengers and drivers in accordance with the business insurance regulations of private cars.

**Standardize Competitors of the Same Kind.** The rapid development of the Internet car rental market not only brings the impact to the traditional taxi industry, but also causes the vicious competition within the Internet "special car" drivers. Therefore, these two kinds of markets must be standardized. From the current situation, the taxi market is also necessary. The reason is that taxi drivers are special. The personnel engaged in the transportation service industry have formed a realistic professional group, which is an important labor market for the country. The Internet "special car" drivers are mostly part-time personnel, and the common saying is "soy sauce", the profit space is dry, no profit space to exit the market. In order to avoid "to avoid". In addition, it is more complex that many taxi drivers themselves have become "car" drivers on some network platforms. It is necessary to coordinate the need to maintain the convenience of the passengers or to maintain the development of the interconnected car rental market. [4]

**To Standardize the Law Enforcement of Transportation Department.** At present, the regulation of the Internet car rental market depends mainly on the administrative law enforcement of the local traffic and transportation departments. From the feedback from various places, the law enforcement of the transportation management department is not exactly the same. Generally speaking, the executive is holding a strike attitude. There are more and more law departments.[4] Fundamentally, this is the phenomenon of law enforcement confusion caused by the lack of legislative norms. In theory, "law is not prohibited," "freedom", "no law is no administration" and other jurisprudence prohibits law enforcement departments from enacting the law enforcement norms that are different from law or state policy. Therefore, the reasonable practice of the transportation management department should be to establish the standard of promoting the Internet rental market. In order to work hard, instead of blindly taking selective law enforcement means, the expedient plan of the transportation management department should be to implement the existing legal norms to combat the traffic regulations that are clearly illegal and to maintain the existing

travel market. The process can be seen in Fig. 1.

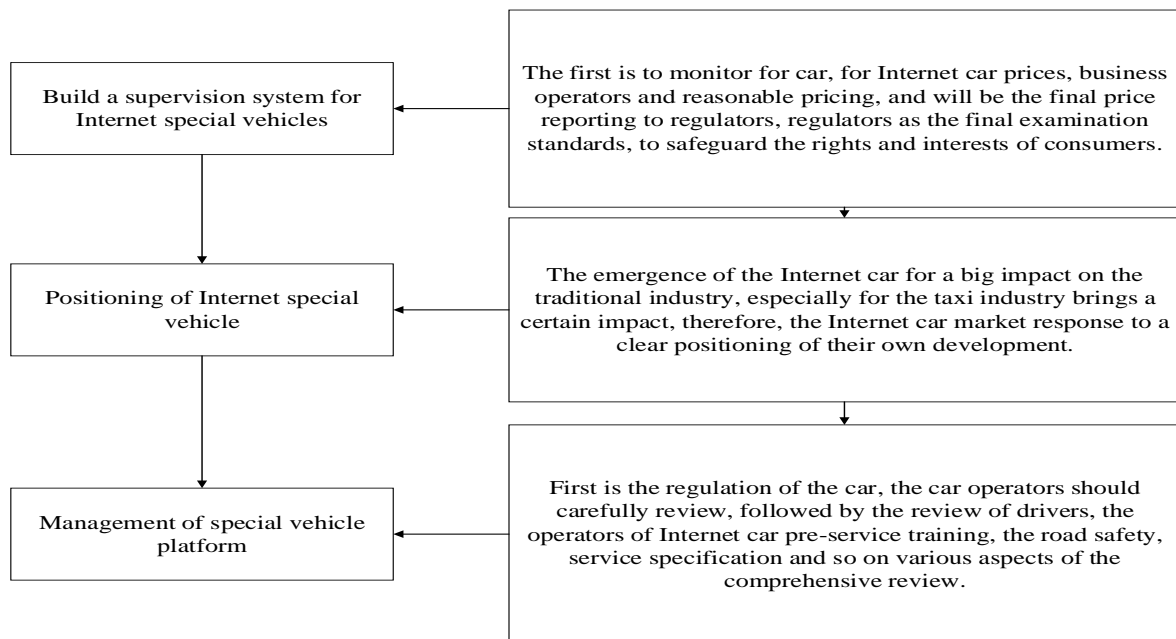


Figure 1. Finite The regulation path selection of Internet special vehicle

## Conclusions

The shared economy model is a kind of market innovation based on the unique transaction mode. In the face of this innovation, it is necessary to innovate the relevant laws and regulations in order to adapt to the development of social economy. In the process of legal regulation innovation, taking the sharing platform as the focus of supervision and combining with the corresponding basic regulation system can effectively solve the problems in the development mode of shared economy. At the same time, legal regulation should adapt to the pace of economic and social development, pay timely attention to the new problems that appear in the society, and constantly innovate and develop itself, in order to better serve the economic and social development.

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