

# On the Legal Issues of the Protection of Consumer Rights and Interests in E-commerce

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## Abstract

With the rapid development of e-commerce, consumers are becoming more and more used to online shopping. In transactions, consumers are easy to be deceived by false publicity, and personal information is easy to divulge, so we should further explore the protection of consumer rights and interests in the legislative field of e-commerce law.

**Keywords:** E-commerce law, know the true right, consumer rights and interests protection

## 1. Introduction

### 1.1 Research Background

The rapid development of Internet technology in the current era has promoted the prosperity of e-commerce, and people's life is greatly convenient, but at the same time, it has also brought many problems. In 2018, the *E-commerce Law of the People's Republic of China* was issued, which restricted e-commerce activities, reflecting the country's importance it attaches to the protection of consumers' rights and interests in e-commerce activities.

### 1.2 The Purpose and Significance of the Study

Consumers have the right to know their true feelings, guarantee their safety, and seek compensation according to law. Nowadays, there is much false propaganda in the neighborhood of e-commerce. The quality of goods is unqualified, personal information and transaction security cannot be effectively protected, and the cost of consumer rights protection is high. Protecting the rights and interests of consumers in the field of e-commerce has both economic and social benefits, so it is necessary to further regulate the protection of consumer rights and interests in the field of e-commerce, and promote the improvement of China's e-commerce law

### 1.3 Research Methods

#### 1.3.1 Literature Research Method

By finding collect reading about short video secondary creation in the rational use and tolerance of related literature, the analysis of the literature, using content analysis, to find the literature content objective, systematic description, to the original literature recombination, sublimation, combined with the actual situation, to find new problems and put forward reasonable suggestions.

The literature research method is the most basic and widely used method to collect data. It is not restricted by the environment, learning plan and other factors. It can be studied in learning time or in working time, and the time can be flexibly arranged. This paper will use the literature review method to take a large number of literature data as the basis of the research, collect a large number of relevant articles, carefully read the literature, and sort out the integration and extract. Mainly by consulting and sorting out the relevant problems and methods at home and abroad, fully obtaining the reference value and enlightening information, learn from the research results of

others, to provide a reference for the research of this paper.

### 1.3.2 Empirical Analysis

The project team will collect various references and related cases to explore the mainstream views and development trends in the current judicial practice from the perspective of empirical analysis, so as to conduct a comprehensive understanding and analysis of the research theme and make the research results more accurate and more convincing.

## 2. The Legal Environment for the Protection of E-commerce Rights and Interests in China

E-commerce has the characteristics of low cost, efficiency and convenience, but existing under the rule of law environment, e-commerce has its limitations, expand the contradiction between operators and consumers, due to e-commerce online, paperless, trading, trading space span is large, with diverse, complex trading characteristics, consumers are always in a disadvantageous position in the transaction.

Existing electricity field to protect consumer law including “contract law”, the consumer rights and interests protection law “electronic commerce law” “civil code”, etc., the electronic commerce law after five years of legislation and four amendments, for the particularity of e-commerce made some relevant provisions, with the development of The Times, solve some problems, some shoddy, good default check, not return the deposit is checked, conditional format returns into invalid format terms, consumer unconditional return choice, if the dispute, the operator first compensation liability. But even so, the infringement of consumer rights and interests still occurs in the process of online transactions.

### 3. The Infringement That Consumers May Suffer from:

#### 3.1 Damage to the Right to Know

as everyone knows. In the principle of good faith in civil law, consumers should enjoy fully and truly understand the right of commodity information, but if businesses online false propaganda, consumers will only be able to understand what businesses want them to know, some businesses online false propaganda, shoddy, exaggerate the function of goods, on the Internet can only through pictures to the rough judgment of products, consumers can not feel.

In addition, many platforms are not strict enough to supervise the merchants, all kinds of merchants are mixed, the qualification examination of the merchants is not strict enough, and it is difficult to effectively track the source of the commodities. Most buyers do not have the ability to identify whether the goods are genuine or not, and they are easy to buy fake goods.

#### 3.2 Personal Information Security Issues

E-commerce platforms mainly rely on virtual platforms for payment. In transactions, personal information is difficult to protect. The Internet increases the concealment of sellers and greatly increases the difficulty of supervision.

#### 3.3 Improper Performance of the Contract

In the process of transaction, improper performance of online transaction contract, including the following aspects: 1. Late performance, many merchants delivery, slow logistics, making goods delivered on time, shortage and timely inform consumers; 2. defective products, merchants use consumers cannot understand accurate information of goods, deliver defective products; 3. After-sales problems can not be effectively solved. The main after-sales obligation of network sellers is mainly reflected in the compulsory obligation given by law. Online operators often take advantage of the characteristics of buyers and sellers not meeting to shirk a certain obligation.

#### 3.4 Format Terms Trap

Consumer infringement, also includes various terms of infringement, online shopping, buyers lack understanding of the relevant legal system, difficult to identify the fairness of format terms, when buying many cheap goods, many buyers afraid of trouble, difficult to find an effective way to rights, so some consumers take laissez attitude, feel it doesn't matter to effective rights protection, encourage the infringer.

## 4. The Practical Dilemma of Consumer Rights and Interests Protection in the Field of E-commerce in China

(1) False publicity and product quality. With the boom of live streaming, the development of e-commerce is more rapid. Due to the stimulation of huge profits, the competition in the field of e-commerce is also very fierce. E-commerce has brought the convenience of information exchange. In order to gain a competitive advantage, all businesses focus on product marketing, and pay less attention to the quality of the product itself.

Under the exaggerated publicity of some businesses, the quality of goods and the publicity effect are gradually

separated, which greatly affects the reputation of e-commerce. Article 8 of the *Consumer Rights and Interests Protection Law* stipulates that consumers have the right to know the real situation of the goods they buy and use or the services they accept. The protection of consumers' right to know needs e-commerce to make further regulation of relevant systems.

(2) Personal information and transaction security, personal information protection is a problem is very concerned, people's security awareness, e-commerce virtual sex is closely related to personal information security, in this Internet era, due to many technical loopholes and people with ulterior motives, cause personal privacy is difficult to be effectively protected, at present, the field of e-commerce in our country personal information and transaction security-related legislation is still improving.

(3) Consumers unreasonable reason to return rights is not sound, consumers enjoy getting goods after seven days without reason to return, but the regulation is not specific enough, the use of the right has no specification, if malicious random return, or after buying goods damage after the return, this problem is not a good solution, may be detrimental to the development of the market.

(4) Consumer rights, the traditional sales model, consumers can directly to sellers rights, but e-commerce due to its virtuality, has brought new challenges to consumer rights protection, e-commerce rights difficult, cost increase, hindered the consumers to exercise their legal rights, but also not conducive to the development of the electricity industry, the essence of consumer rights of consumer claims according to law, to fundamentally solve the plight of consumer rights, to further specification for e-commerce field.

## 5. Genetic Analysis

### 5.1 The Relevant Institutions Are Not Being Set up Perfectly

Although our country has legislation to protect the rights and interests of consumers, but for the lack of specialized rights and interests in the field of electronic commerce, resulting in the authority of various departments, mutual responsibility, makes the consumer in the process of rights has been effectively solved, the problem has been shelved, many people in the face of some small infringement, often because the rights protection process difficult and choose the patience.

### 5.2 Some Content of the Consumer Rights Protection Law Is out of Touch with The Times

With the rapid development of The Times, the rich material life, the emergence of much emerging consumptions has brought many endless problems, the consumer rights and interests protection law modification and update, has been unable to apply to solve some problems, some businesses with ulterior motives will drill the loopholes of the text, infringed on the legitimate rights and interests of consumers.

### 5.3 The E-commerce Law Does Not Protect Consumers' Rights and Interests Strongly Enough

Paper law on the rights and interests of consumers and protection, but in practice such problems have their own reality, false information, personal privacy leakage, virtual online transactions, such problems always not an appropriate solution, online payment using online banking, credit card, with the development of technology, the personal information security more vulnerable to illegal attacks, our country has become one of the most serious countries under cyber attacks.

## 6. The Necessity to Protect Consumer Rights and Interests in the E-commerce Field

(1) To promote the protection of consumer rights and interests, the development of the e-commerce industry, the field of consumer rights and interests protection become an urgent problem, the development of consumer rights and interests protection, consumers' right to know, false publicity, personal information and security, high cost of various problems to be solved, through relevant legislation and industry regulations, consumer rights and interests protection.

(2) With the rapid development of e-commerce and the endless emergence of all kinds of businesses, it is difficult to distinguish the true and false, and it is difficult to guarantee the reputation of the e-commerce industry, which is not conducive to the development of the industry, improve the protection mechanism of consumer rights and interests, is conducive to the improvement of industry norms and platform construction, and promote the benign development of the industry.

(3) Economy and legal construction have always been closely related, and economic and social construction also promotes the legal construction to a certain extent. The protection of consumers' rights and interests in the field of e-commerce is of great significance to the rule of law and the economy. It can not only promote the development of the economy and society, but also play great significance in the *E-commerce Law* and the *Consumer Rights and Interests Protection Law*. In the field of the rule of law, it is helpful to improve the industry norms, improve the level of the rule of law in China, and promote the dual development of the social economy and social rule of law.

## 7. The Countermeasures and Suggestions on the Protection of Consumer Rights and Interests in the Field of E-commerce in China

(1) The first to regulate the relevant laws and regulations, consumers enjoy the truth, security, compensation according to law, the three rights is the important rights of consumers, in the consumer rights protection law, the e-commerce law is involved, to improve the relevant laws, help to solve the practical problems of the above three rights. We need to further refine and improve the punishment of false publicity, the protection of personal information, the accountability of unfair competition and marketing for sellers, solve the practical difficulties in the current environment, and promote the regulation of relevant laws in the field of e-commerce.

### 7.1 Give Sufficient Protection to Consumers' Personal Privacy

On the basis of the existing law, we should increase the content of consumers' rights and interests protection in the field of e-commerce, protect consumers' privacy rights, and punish the infringement.

### 7.2 To Promote the Performance of Network Contracts

Network contracts delay the performance of the contract time, inappropriate performance, after-sales service does not conform to the relevant laws and regulations, e-commerce breaks the time and space, so it is difficult to determine the identity of operators, resulting in a series of after-sales problems

### 7.3 Ensure the Security of Electronic Payment

In the process of electronic payment, because it is inevitable to use the electronic currency for payment, there will be risks in this process. The electronic payment system may leak users' personal information, or the database may be attacked by hackers, resulting in unknown illegal consumption by users. In order to protect the rights and interests of consumers, consumers not only need to improve their awareness of information security protection, but also need to regulate the responsibilities of business operators and financial institutions from the legal level.

### 7.4 Strictly Rectify the Phenomenon of False Publicity

In China's "Advertising Law", online commercial advertisements and commercial advertisements published through other media should ensure their authenticity and reliability, and shall not appear to exaggerate product quality, false promises and other content. Once found false propaganda deceives consumers behavior, severely punished.

### 7.5 Specification Standard Terms and Content

Today, with the rapid development of the network, the contract system is also becoming more and more perfect on the network. When the merchants provide standard terms, they should comply with the relevant provisions of China's Civil Code.

(2) The government should play the corresponding functions, in the market transaction, the government plays an important role, and the relevant departments should take responsibility, under the development of electronic commerce, many transactions and development show new characteristics, so requirements in practice constantly adapt to the new development, make effective management, in promoting the steady development of e-commerce at the same time, the platform for the targeted management of loopholes, build a strong barrier for consumers. Article 83 of the *E-commerce Law* stipulates that for platform operators who fail to take necessary measures for infringing on the legitimate rights and interests of consumers, or for platform operators who fail to examine the qualifications or fulfill the safety obligations of consumers, the market supervision and administration department shall order them to correct within a time limit.

In the author's opinion, the primary protection of consumer rights and interests is the management of sellers. With the continuous development of e-commerce platforms and the expanding number of operators, relevant platforms should strengthen supervision and should not allow all kinds of violations to occur. Review the qualification of merchants in advance, control the product quality, supervise the transaction process, protect the safety of consumers' personal information and property, after the event, provide a sound after-sales and security system, to provide an effective way for consumers to protect their rights.

(3) The protection of consumers' rights and interests is not only for the whole society, but also for individual consumers. The specific measures to protect consumers' rights and interests are also as follows:

For small litigation convenience procedures, small transactions occupy a large proportion in e-commerce, according to the general procedure, consumers will produce higher rights costs, leading to the consumers in fear of trouble psychological giving up rights, encouraging bad business improper behavior, disrupting the market order, so improve the legislation on the small procedure, provide convenient and flexible program is of great significance.

The protection of consumer rights and interests in e-commerce is a complex issue that cannot be left to one

department to solve it. Therefore, whether a joint litigation center can be set up to resolve disputes, and multiple departments can work together, simplify the complaint process and reduce costs.

E-commerce is a form of online, so whether can establish an online small solution system, currently many platforms have their own solution platform, but the platform is not enough, the lack of powerful solutions, mostly in the form of buyers and sellers negotiating to solve, if you can further improve supervision and enforcement measures, some businesses bad behavior may be killed in the cradle.

## 8. Epilogue

It is imperative to strengthen the protection of consumer rights and interests in the field of e-commerce in China. At present, there are still many problems in the protection of consumer rights and interests in our country, such as false publicity of businesses, disclosure of personal information, and difficulties in consumer rights protection are all practical problems. Promoting the protection of consumers 'rights and interests in the field of e-commerce is of great significance to the development of China's e-commerce industry, so as to drive China's economic and social development and the construction of the rule of law, further relevant laws and regulations, promote government participation, and enable the relevant public to participate in building a healthy and good e-commerce trading platform.

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