

2024 International Conference on Educational Information Technology, Scientific Advances and Management (TSAM 2024)

Research on Legal Issues of Protection of Rights and Interests of Internet Consumers in China

Yulong Fu¹

¹ Southwest Minzu University, Datong 037000, Shanxi, China

Received: May 21, 2024

Accepted: June 24, 2024

Online Published: August 03, 2024

doi:10.22158/mmse.v6n2p14

URL: <http://dx.doi.org/10.22158/mmse.v6n2p14>

Abstract

This paper explores the current status and issues of China's laws regarding the protection of consumer rights in online transactions, aiming to analyze challenges in their implementation and propose reform recommendations. Firstly, it reviews China's existing legal framework, including major legislative provisions and judicial interpretations. Subsequently, through an analysis of ambiguities in legal application, challenges in regulatory enforcement, and barriers to consumer rights protection, it exposes the primary issues in current legal implementation. Finally, based on these findings, specific reform suggestions are proposed to clarify legal applicability, enhance regulatory efficiency, and improve mechanisms for consumer rights protection, aiming to enhance the effectiveness and fairness of consumer protection in China's online environment.

Keywords

Consumer rights protection, legal framework, legal application, regulatory enforcement, consumer rights, reform recommendation

1. Introduction

With the widespread adoption of the internet and the rapid development of e-commerce, the protection of consumer rights in online transactions has become a global focus of legal and policy attention. In China, as consumers increasingly rely on online shopping and digital services, new challenges and demands are emerging for the protection of consumer rights. Protecting consumer rights is not only about safeguarding individual consumer interests but also about fostering a healthy market economic order and building consumer confidence. This paper aims to delve into the current status and issues of China's laws regarding the protection of consumer rights in online transactions, and to propose targeted reform recommendations. Firstly, it will review and analyze the current legal framework in China,

including the Consumer Rights Protection Law and relevant regulations and judicial interpretations, exploring their applicability and effectiveness in the online consumer environment. Secondly, by analyzing major issues in legal implementation such as ambiguities in legal provisions, limitations in regulatory capabilities, and deficiencies in consumer rights protection mechanisms, it will highlight the challenges and limitations of the current legal system in practice. Finally, based on the analysis, specific suggestions will be proposed to improve the current legal framework and enhance the effectiveness of legal implementation, aiming to further refine and implement laws protecting consumer rights in China (Zhao, 2023). Through this research, it is hoped that theoretical support and policy recommendations provided in this paper will contribute to strengthening the formulation and implementation of laws protecting consumer rights in China, promoting the enhancement of consumer protection levels to adapt to the increasingly complex and diverse online consumer environment.

2. Overview of Legal Framework for Protecting Consumer Rights in Online Transactions

The legal framework for protecting consumer rights in online transactions is crucial for safeguarding consumers' lawful interests and promoting the healthy development of the online consumer market. This section provides a detailed overview of China's current legal framework, focusing particularly on key laws and related regulations concerning the protection of consumer rights in online transactions (Cheung, 2016).

2.1 Overview of Current Legal Framework in China

China's legal framework for protecting consumer rights in online transactions is primarily centered around the Consumer Rights Protection Law of the People's Republic of China, enacted in 1993 and subsequently revised multiple times. Its key provisions include, but are not limited to, the following aspects:

Basic Principles and Rights Protection: The law explicitly outlines consumers' basic rights such as the right to information, choice, and safety, providing legal protection for consumers' rights in online shopping and services.

Responsibility of Entities and Obligations: The law stipulates the responsibilities and obligations of online sellers, service providers, and other operators, including legal liabilities concerning product and service quality, truthfulness of information, and after-sales services.

Supervisory Mechanisms: The law establishes relevant supervisory mechanisms, defining the roles and powers of government departments in overseeing online consumer transactions to ensure effective implementation of the law and maintaining sound market order.

Judicial Implementation and Dispute Resolution: The law specifies avenues and procedures for consumer rights protection, including litigation and mediation, enabling consumers to effectively safeguard their rights. Additionally, judicial interpretations, departmental regulations, and the Supreme People's Court's judicial practices and guiding opinions in handling online consumer cases complement and interpret the Consumer Rights Protection Law.

A comprehensive overview of China's current legal framework enables a better understanding and assessment of the applicability and effectiveness of the law in the actual online consumer environment, providing a theoretical foundation and empirical support for

analyzing legal issues in subsequent chapters (Zhou, Mo et al., 2024).

2.2 Comparative Analysis of International Legal Frameworks

Internationally, various countries have diverse and distinctive legal frameworks concerning the protection of consumer rights in online transactions. Through comparative analysis, valuable references and insights can be gleaned to enhance and refine related laws in China. In the European Union, directives such as the Consumer Rights Directive establish unified standards for consumer protection among member states, covering detailed provisions on online consumer rights, return policies, and false advertising, while emphasizing the need for cross-border consumer protection. In the United States, consumer protection laws encompass federal and state laws, addressing multiple aspects from false advertising to online data privacy protection, with a focus on safeguarding consumer information security and rights through legal means. In the Asia-Pacific region, Japan and South Korea have detailed legal provisions in areas such as e-commerce and consumer contract protection, promoting stable development in online markets and building consumer confidence through clear legal frameworks. In-depth analysis of international comparative legal frameworks reveals legislative approaches and solutions adopted by different countries in addressing similar issues. This not only aids in understanding international best practices and legal innovations but also provides beneficial experience and policy recommendations for further refining laws protecting consumer rights in China's online environment (Palmer, 2012). In conclusion, the international comparative perspective enriches the theoretical basis of China's legal framework and offers extensive policy support and empirical references for subsequent chapters concerning in-depth analysis of legal issues and specific reform recommendations.

3. Legal Issues Analysis

In the practical implementation of protecting online consumer rights, China's current legal framework faces multiple real-world challenges, including complexity in legal application and enforcement. Specifically, the practical issues of legal application manifest in several aspects.

3.1 Issues in Legal Application

The ambiguity in legal application is a major challenge in current law enforcement. Despite provisions in laws such as the Consumer Rights Protection Law regarding basic consumer rights and responsibilities of operators, uncertainties persist in how legal provisions should be specifically applied in different online consumer scenarios. For instance, disputes between consumers and operators over the interpretation of legal texts complicate and delay the process of rights protection. Furthermore, with the continuous development of e-commerce and digital services, emerging consumer patterns and technological means present new challenges to legal application, such as cross-border online shopping and virtual goods transactions. Addressing how to ensure fairness and reasonableness in legal application under such circumstances requires further exploration and refinement. In conclusion, the issues in legal application not only affect the effective protection of consumer rights but also impact the

healthy development of market order. Future research and reforms should focus on enhancing clarity in legal application and operational feasibility to ensure the fairness and effectiveness of the law, thereby enhancing consumer confidence in online consumer rights protection (Ni, 2014).

3.2 Challenges in Regulatory Enforcement

During the implementation of online consumer rights protection, regulatory enforcement faces multiple challenges and difficulties. Despite China establishing a comprehensive legal framework and regulatory system, operational issues persist. Firstly, regulatory authorities face limitations in resource allocation and capacity building. Despite efforts to strengthen supervision and management of the online consumer market, rapid technological advancements and market changes often outpace regulatory capabilities to timely respond to emerging issues and illegal activities concerning consumer rights. For instance, in handling large-scale online consumer complaints and cross-border consumer disputes, regulatory authorities often lack sufficient investigation and enforcement capabilities, increasing the difficulty for consumers to seek redress and resulting in unsatisfactory regulatory outcomes. Secondly, inadequate regulatory tools and methods pose another challenge to enforcement. Despite regulatory agencies issuing a series of policies and guidance documents, the lack of effective technical tools and data support complicates precise and efficient regulatory actions. For example, in issues such as data privacy and online false advertising, regulatory agencies lack adequate technical means for effective monitoring and early detection of illegal activities, thereby affecting regulatory effectiveness and consumer rights protection. In conclusion, enhancing regulatory enforcement efficiency requires improvements in regulatory capacity building, optimization of regulatory policies and tools, and strengthened collaboration with industry stakeholders. Future research and policy reforms should focus on enhancing technological and data capabilities in regulation, optimizing regulatory processes and mechanisms to achieve effective implementation of laws protecting online consumer rights and promoting the healthy development of market order (Wu et al., 2011).

3.3 Barriers to Consumer Rights Protection

In the online consumer environment, consumers face numerous challenges in asserting their rights, primarily stemming from issues related to legal awareness, cost of rights protection, and limitations in available avenues for redress. Firstly, insufficient legal awareness poses a significant barrier to consumer rights protection. Despite the extensive protection provided by laws like the Consumer Rights Protection Law, ordinary consumers often lack comprehensive understanding of legal provisions and avenues for asserting their rights when disputes arise, thereby increasing the difficulty in effectively utilizing legal protection. Secondly, the high cost of rights protection is another major obstacle for consumers. In cases involving cross-border transactions or significant disputes, consumers often bear high costs associated with legal fees, litigation expenses, and time, which limits their ability to effectively seek redress. These costs restrict ordinary consumers' capacity to protect their rights effectively, leading some to forgo seeking redress or settle for less satisfactory resolutions, thereby impacting the effective protection of consumer rights. Lastly, limitations in available avenues for

redress also pose a significant challenge to consumer rights protection. Despite legal provisions offering multiple avenues for redress such as complaints, mediation, and litigation, consumers often encounter issues such as restricted access to effective channels and inefficient resolution processes. For example, the complexity involving multiple legal jurisdictions in cross-border consumer disputes makes it challenging for consumers to select and implement appropriate avenues for redress effectively. In conclusion, enhancing the effectiveness of consumer rights protection requires improvements in multiple areas, including strengthening legal education and awareness, reducing the cost of rights protection, optimizing avenues and mechanisms for redress, among others. Future research and policy reforms should prioritize enhancing consumer legal awareness, refining support systems for rights protection, and bolstering consumers' ability to protect their rights in online transactions.

4. Legal Reform Recommendations

The implementation of laws protecting the rights of online consumers faces numerous challenges and issues. To enhance the effectiveness and implementation of these laws, reforms and improvements are needed from various perspectives.

4.1 Strengthening Legal Implementation Recommendations

To strengthen the effectiveness of laws protecting the rights of online consumers, reforms are recommended in the following areas: Firstly, enhance the capabilities and technical support of regulatory authorities. Regulatory departments should strengthen their monitoring and early warning capabilities over the online consumer market by adopting advanced technological tools and data analysis. At the same time, enhance cooperation with industry entities to establish effective information sharing and joint enforcement mechanisms to address emerging issues such as cross-border consumer disputes and online consumer fraud. Secondly, optimize legal provisions and regulations to clarify applicability and operability (Zhao, 2017). Addressing common legal disputes and challenges in online consumption requires timely revisions and supplements to relevant legal provisions to specify consumer rights and business responsibilities, making legal provisions more specific and convenient to implement. Thirdly, enhance legal education and consumer awareness to improve consumer protection and empowerment. Through activities such as legal lectures and the dissemination of legal interpretations, enhance consumer knowledge of their legal rights and increase their self-protection awareness and capabilities when facing consumer disputes. Additionally, establish multi-channel complaint and consultation platforms to provide convenient legal assistance and guidance to consumers. In conclusion, strengthening legal implementation requires concerted efforts from government departments, industry entities, and consumers. Through technological upgrades, optimization of legal provisions, and increasing public awareness, effective implementation of laws protecting online consumer rights can be promoted, thereby achieving genuine consumer protection and fostering healthy market development.

4.2 Improving Consumer Rights Protection Mechanisms

To enhance consumer rights protection and effectiveness in online consumption, measures should be taken to improve consumer rights protection mechanisms: Firstly, establish a multi-tiered, multi-channel rights protection service system. Establish a nationwide unified consumer rights protection hotline and online complaint platform to provide 24-hour legal consultation and complaint handling services. Simultaneously, set up consumer rights protection institutions and assistance centers locally to offer face-to-face legal aid and dispute mediation services, effectively reducing the cost of litigation and improving the efficiency of rights protection. Secondly, promote the establishment of cross-regional and cross-departmental cooperation mechanisms for rights protection. Strengthen collaboration among local governments, industry associations, consumer organizations, and other parties to facilitate information sharing and joint law enforcement, integrating and optimizing resources for handling major consumer disputes and cross-border consumer issues. Thirdly, enhance consumer legal awareness education and training. Through activities such as popularizing knowledge of consumer rights protection laws and enhancing consumer rights protection capabilities, increase public understanding of the law and improve their ability to protect themselves and use legal remedies effectively in online consumption. Lastly, actively advocate and promote third-party consumer evaluation and complaint platforms. Encourage businesses to establish robust mechanisms for handling consumer complaints, accept third-party evaluations and oversight, improve service quality, enhance corporate credibility, and promote positive interactions and honest transactions between consumers and businesses. In summary, improving consumer rights protection mechanisms requires joint efforts from governments, businesses, and society. Through measures such as establishing comprehensive rights protection systems, promoting cross-departmental cooperation, enhancing consumer legal education, and encouraging corporate self-regulation, consumer legal rights and a favorable consumption environment can be safeguarded effectively in online markets.

4.3 Strengthening International Cooperation and Experience Sharing

With the deepening globalization and the increasing transnational nature of online consumption, strengthening international cooperation and experience sharing becomes crucial. In the realm of protecting online consumer rights, international cooperation not only facilitates the sharing of successful experiences among countries but also enables joint responses to cross-border consumer disputes and challenges in international consumer rights protection. Firstly, international cooperation can promote the coordination and harmonization of legal standards. Differences in legal systems and uncertainties in legal application across countries pose unnecessary legal risks and costs to consumers and businesses. Through international cooperation, alignment and coordination of international legal standards can be advanced, leading to the formulation and promotion of unified consumer protection rules and standardized legal frameworks globally, thereby enhancing the level of legal protection for consumers worldwide. Secondly, international cooperation contributes to building cross-national consumer rights protection cooperation mechanisms. Faced with issues like cross-border e-commerce

platforms and transnational trade of virtual goods, single-country legal and regulatory efforts often prove insufficient (Zou, 2023). Establishing international cooperation mechanisms for cross-national consumer rights protection can facilitate collaborative handling and sharing of cross-border consumer complaint resolutions, enhancing the capability and efficiency of addressing cross-border consumer disputes and promoting consumer confidence and protection in global markets. Lastly, international cooperation fosters technological innovation and coordinated regulatory development. With the rapid advancement of information technology, consumer-business transaction modes and patterns are becoming increasingly diverse and complex. International cooperation can facilitate the global sharing and application of technological innovations, promoting coordinated development among regulatory authorities in managing information technology and protecting consumer rights effectively against challenges posed by emerging technologies. In conclusion, strengthening international cooperation and experience sharing holds significant importance in enhancing global protection of online consumer rights. By promoting the harmonization of legal standards, establishing cross-national consumer rights protection cooperation mechanisms, and advancing technological innovation and regulatory coordination, effective responses to challenges in global online consumption can be achieved, ensuring a safe, fair, and sustainable development of the global online consumer market.

5. Theoretical Framework and Conceptual Discussion

5.1 Legal Theoretical Framework

In the legal domain of protecting online consumer rights, the legal theoretical framework refers to the core concepts and principles that guide and support the legal system. These frameworks not only influence the formulation and application of laws but also directly impact the practical effectiveness and feasibility of consumer rights protection. Firstly, the efficacy of laws is a key factor in assessing the effectiveness and operability of legal provisions in practice. In the realm of protecting online consumer rights, laws must ensure that their provisions are clear and specific, allowing consumers to understand and exercise their rights under the law. For instance, do legal provisions clearly define consumer rights and business obligations? How do regulatory agencies ensure comprehensive and fair enforcement of these legal provisions? Are limitations in regulatory tools and resources affecting the effectiveness of legal implementation? Secondly, the universality and specificity of legal application are also crucial considerations within the legal theoretical framework. Universality refers to the general applicability and scope of legal provisions across different times and locations, ensuring that consumers can enjoy legal protection in various situations. However, in specific consumer contexts or special groups, the special applicability of laws needs to consider specific legal requirements and environmental conditions. For example, legal provisions regarding internet consumption or cross-border e-commerce may require flexibility and adaptability to address rapidly changing technologies and business models. Therefore, this chapter will delve into the substance of these legal theoretical frameworks and their significance in protecting online consumer rights. Understanding how these legal theoretical frameworks influence law

enforcement and the protection of consumer rights is crucial for further legal reforms and international cooperation, aiming to enhance the effectiveness of legal frameworks protecting consumer rights.

5.2 Core Concepts of Consumer Rights Protection

Consumer rights protection is a vital component of legal systems, aimed at safeguarding consumers' lawful rights and interests in market transactions. This section will explore several core concepts that form the foundation of the legal framework for protecting online consumer rights, profoundly impacting the relationship between consumers and businesses. Firstly, consumer rights and responsibilities are central to consumer rights protection. Rights consumers enjoy during transactions include rights to information, choice, safety, and complaint redress, among others. These rights ensure that consumers can freely choose products and services in the market and receive adequate information and protection during the purchasing process. At the same time, consumers also have responsibilities, such as fulfilling payment obligations according to contract terms and responsibly using purchased products within reasonable limits. Secondly, balancing fairness and efficiency is a fundamental principle of consumer rights protection. Legal frameworks aim to ensure fair and equitable market transactions while promoting efficient market operation. Protecting consumer rights in a fair competitive environment helps prevent market monopolies and price manipulation, shielding consumers from unfair business practices. Additionally, legal frameworks encourage businesses to enhance service quality and innovation capabilities, thereby improving market efficiency and consumer welfare. When discussing these core concepts, it's essential to consider how legal frameworks vary between countries and regions and how they address challenges posed by emerging technologies and market models. Understanding these core concepts helps deepen comprehension of the legal framework for protecting online consumer rights, providing theoretical support and practical guidance for further legal reforms and international cooperation.

6. Conclusion

This paper has conducted an in-depth study and analysis of the legal issues concerning the protection of online consumer rights in China. Through an overview of the current legal framework in China, we can observe that the country has established a certain legal foundation and system for protecting online consumer rights. However, in practical application, we have also identified numerous challenges in legal application, regulatory enforcement difficulties, and various obstacles facing consumer rights protection. Addressing these issues, this paper proposes a series of legal reform recommendations. Firstly, we suggest enhancing the clarity and operability of law enforcement by simplifying legal procedures and reducing the cost of safeguarding rights, thereby strengthening consumers' ability to protect their rights. Secondly, we advocate for improving consumer rights protection mechanisms, including enhancing institutional safeguards and the legal environment to foster more effective protection of consumer rights. Additionally, this paper emphasizes the importance of international cooperation and experience sharing. In the context of globalization and informatization,

strengthening international cooperation can not only promote the coordination and harmonization of legal standards but also establish cross-border mechanisms for consumer rights protection cooperation, driving technological innovation and coordinated regulatory development to comprehensively enhance global protection of online consumer rights. In summary, this paper has explored and analyzed various dimensions of the legal issues surrounding the protection of online consumer rights in China, proposing practical reform recommendations and outlining future development directions. It is hoped that these discussions will provide theoretical and practical insights and support for enhancing China's legal framework for protecting online consumer rights, promoting the healthy development of the online consumer market.

References

- Cheung, M. (2016). The e-commerce revolution: Ensuring trust and consumer rights in China. *Handbook of Cultural and Creative Industries in China*. Edward Elgar Publishing, 412-430. <https://doi.org/10.1109/ICASI.2016.7539867>
- Ni, X. (2014). Research on the Legal Protection of Consumer Rights on Mobile Internet. *Advanced Materials Research*, 926(2014), 2622-2625. <https://doi.org/10.4028/www.scientific.net/AMR.926-930.2622>
- Palmer, M. (2012). The emergence of consumer rights: Legal protection of the consumer in the PRC. *Consuming China*. Routledge, 56-81.
- Wu, Y. F. et al. (2011). A comparative study of online privacy regulations in the US and China. *Telecommunications Policy*, 35(7), 603-616. <https://doi.org/10.1016/j.telpol.2011.05.002>
- Zhao, L. X. (2023). A Study on the Protection of Consumer Rights and Interests in Online Shopping. *Studies in Law and Justice*, 2(2), 76-84. <https://doi.org/10.56397/SLJ.2023.06.12>
- Zhao, Y. X. (2017). Regulation and supervision of internet finance and consumer protection in China. *Consumer Law and Socioeconomic Development: National and International Dimensions*, 383-401. https://doi.org/10.1007/978-3-319-55624-6_26
- Zhou, M. M. et al. (2024). Understanding Chinese Internet Users' Perceptions of, and Online Platforms' Compliance with, the Personal Information Protection Law (PIPL). *Proceedings of the ACM on Human-Computer Interaction* 8.CSCW1, 1-26. <https://doi.org/10.1145/3637415>
- Zou, H. L. (2023). Civil Law Protection of Online Consumer Privacy. *International Journal of Education and Humanities*, 9(1), 30-33. <https://doi.org/10.54097/ijeh.v9i1.9033>