

A Study on the Protection of Consumer Rights and Interests in Online Shopping

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Abstract

With the rapid development of today's social and economic landscape, the internet has become an integral part of people's lives. People increasingly use internet technology to facilitate their daily activities. Online shopping, as a new shopping model, is particularly welcomed by consumers due to its convenience, affordability, and speedy delivery. However, given its characteristic virtuality, openness, and sharing, consumers' personal privacy information may be compromised, and their rights to fair trade and claims can be difficult to enforce. Consequently, ensuring and protecting consumers' rights and interests in online shopping has become a critical issue. This paper investigates consumer rights and interests in online shopping, and proposes effective strategies to protect consumers' rights and interests. The aim of these recommendations is to achieve a balanced and healthy online shopping environment that will contribute to both social and economic development.

Keywords: online shopping, consumer rights, protection of rights and interests

1. Introduction

Nowadays, with the rapid development of economy and science and technology, people's consumption level and consumption ability have undergone earth-shaking changes. Online shopping has become a major way of shopping in daily life. Online shopping not only brings convenience to people, but also has a series of adverse consequences. The infringement of consumers' legitimate rights and interests is a hot issue that attracts much attention at present. In order to better protect the legitimate rights and interests of consumers in online shopping, we must constantly improve the relevant laws and regulations, strengthen the network

supervision system, and promote the development of social economy.

2. Characteristics of Online Shopping

2.1 Online Shopping Is Virtual

Online shopping refers to the online shopping consumers with the help of online trading service platform, through the form of online payment to obtain the goods or corresponding services provided by the other side of the transaction. Generally speaking, e-commerce operators display their products or services on the network service platform, and the trading platform charges the fees for using the platform. Consumers choose the goods or services they want to buy independently, and then purchase

them on the same platform to complete the online shopping transaction.

Compared with the traditional shopping mode, virtuality is an important feature of online shopping. Online shopping is a mode of using virtual software in the online world to attract consumers to buy products through pictures, videos or other ways to show the features of products, unlike in real life, where products can be actually watched or tried.

2.2 Online Shopping Is Convenient

The progress of science and technology has driven the rapid development of online shopping. Now online shopping has become an important part of People's Daily life. Compared with the traditional shopping mode, online shopping facilitates people's life and saves a lot of time and cost. People can use mobile phones, computers and other trading platforms at any time by searching keywords to buy the goods they want to buy, at the same time, they can also shop around, to better protect consumers' independent choice. In addition, the process of logistics service is becoming more and more perfect. Consumers only need to fill in the harvest address and personal information in the online transaction, and after submitting the order, they can deliver the goods to the door, truly realizing the completion of commodity transaction without leaving the house.

2.3 Online Shopping Is Risky

The whole process of online shopping is carried out on the basis of the Internet. When choosing goods, people must fill in their personal information and specific address and so on. On the basis of convenient people's life, it also increases a lot of unsafe factors, such as the leakage of personal information, theft, personal items are transferred, or fraud in the process of payment. Therefore, according to the current view of the network environment of the relevant laws are not perfect, the process of online shopping also emerges in an endless stream of uneasiness, so online shopping is a certain risk.

3. The Status Quo and Existing Problems of Online Shopping Consumer Rights and Interests Protection

3.1 The Status Quo of Protection of Online Shopping Consumers' Rights and Interests

3.1.1 Current Situation of Legislation

Chinese e-commerce has developed rapidly in recent years, and online shopping mode has

occupied the trading market rapidly. While online shopping brings convenience to people, there also appear many factors that infringe on the rights and interests of consumers. At present, the protection of the rights and interests of online consumers in China lags far behind the development of the network environment. If the network environment is not fully protected, a series of problems often occur, such as consumer personal information leakage, consumers' right to know is difficult to be protected, and consumers' right to compensation is not compensated. Throughout China's relevant laws and regulations, the second chapter of the newly revised "Protection Law on the Rights and Interests of Consumers" in 2013 stipulates that consumers have the right to personal safety, the right to know, independent choice, the right to fair trade, the right to compensation, the right to association, the right to relevant knowledge, the right to supervision and criticism, etc. The Protection Law of Consumer Rights and Interests also makes relevant provisions on the issues of return and exchange of goods and responsibility in online transactions, which greatly alleviates the rights and interests disputes in the process of online shopping. In addition, the E-commerce Law, which came into effect on January 1, 2019, is mainly aimed at the e-commerce system. It clarifies the main identity of e-commerce operators and e-commerce platform operators, and lists punitive measures for violations of the rights and interests of online shopping consumers, which has made a significant contribution to the effective control of the e-commerce system. Chapter II of the Measures for the Administration of Online Transactions issued by the State Administration for Industry and Commerce sets forth the obligations of online commodity operators and related service operators. The measures are specifically aimed at the management of commodity and service transactions on the Internet, and are also a great step forward (Li Min, 2021) in protecting the rights and interests of online shopping consumers. In addition, other Chinese laws and regulations do not directly make specific and clear provisions on the protection of the rights and interests of online shopping consumers, which does not fit well with the rapid development of the current network environment.

3.1.2 Current Situation of Supervision

In the process of online shopping,

administrative supervision plays a crucial role. The faster the development of online shopping, the more disputes and rights protection problems will arise for consumers. In order to provide consumers with an orderly and safe shopping environment, the supervision department of online shopping environment should give full play to its supervisory role. So far, the regulatory functions of the administrative regulatory departments have not been clearly established by law, and the connection between various departments is not close, which leads to the phenomenon of buck-passing and kicking among various departments, so that the legitimate rights and interests of consumers can not be timely relief. In addition to the administrative regulatory departments, the third-party platforms of network management also have unshirkable responsibilities. Article 36 of the Tort Liability Law stipulates that if an Internet user uses an Internet service to commit an infringement, the infringed shall have the right to notify the Internet service provider to take necessary measures such as deleting, blocking or disconnecting the link. If the network service provider fails to take necessary measures in time after receiving the notification, it shall be jointly and severally liable for the expanded portion of the damage to the network user. That is to say, Internet service operators use the Internet to infringe on the legitimate rights and interests of online shopping consumers. If the online trading platform is aware of the infringement but does nothing, it shall be jointly and severally liable (Zhang Yue, 2020) with the Internet service operators. However, in the actual online transaction, the third party of the online platform is too procedural in the supervision of the online transaction, and even avoids its responsibility through the “safe haven principle”, which makes its regulatory responsibility virtually useless.

3.2 Problems Existing in the Protection of Online Shopping Consumers' Rights and Interests

3.2.1 Insufficient Protection of Consumers' Privacy Rights

Privacy is the legitimate rights and interests of citizens. It is a natural person's right to enjoy a peaceful private life and to independently control and control private space, private activities and private information and other security interests of private life that he does not want to be known by others, without being

harassed by others.

When online shopping consumers visit online trading platforms, they will inevitably disclose their personal information on the electronic platforms, such as ID number, home address, contact telephone number and interests and so on. Therefore, network operators will have access to a large number of consumers' personal information, and some of these bad merchants will sell a large number of consumers' personal information to others for their own personal interests, or sell it to criminals, who use the information to engage in illegal violations of consumers' legitimate rights and interests. The casual disclosure or sale of personal privacy information has become an indirect means of profit between businesses, and the privacy security of consumers is worrying. In addition, consumers generally choose online banking to pay for online shopping transactions, that is, after the buyer pays for the goods, the money will be transferred to a third party for safekeeping, and the third party will transfer the money to the seller after confirming receipt of the goods, such as Alipay payment. This kind of online payment software generally requires registration before use, filling in personal information, interests, etc., and there may be some “overbearing clauses” in the registration process, such as forced acceptance of advertisements or unable to block spam information, etc. Once consumers choose to refuse to accept these stipulations, registration will not be completed, which will bring difficulties to the transaction security of consumers. Infringed on the legitimate rights and interests of consumers.

3.2.2 Consumers' Right to Know Is Restricted

Article 8 of the Law on the Protection of the Rights and Interests of Consumers stipulates the right of consumers to know, that is, the right of consumers to know the real situation of the commodities they purchase or use or the services they receive. A consumer shall have the right, in light of the different circumstances of a commodity or a service, to request a business operator to provide the price, origin, producer, use, performance, specifications, grades, main ingredients, date of production, period of validity, inspection certificates, instructions for use, after-sales service, or the content, specifications and cost of the service.

In the process of online shopping transactions,

consumers usually can't see the actual situation of the commodity. They can only understand the appearance characteristics and performance of the commodity by browsing the "modified" videos and exquisite pictures taken by merchants. Some bad merchants use the performance of fictitious products to attract the attention of consumers, and by exaggerating the quality of the goods or beautifying the appearance of the goods to induce consumers to conduct online transactions, so as to increase the trading volume and seek to maximize the benefits; There are even some operators in order to defraud illegal earnings, set up false stores, upload fictitious product information, fabricate false production sites and other means to defraud customers to buy their "products". This behavior will undoubtedly limit the consumers' right to know and cause the loss of consumers' property.

3.2.3 Consumers' Right to Fair Trade Is Infringed

The right to fair trade means that the seller and the buyer enjoy equal rights and have equal status in the process of trading. When the legitimate rights and interests are infringed, both of them are equally protected by law. Article 10 of the Law on the Protection of the Rights and Interests of Consumers stipulates that consumers shall have the right to obtain fair trading conditions such as quality assurance, reasonable price and correct measurement when purchasing commodities or receiving services, and shall have the right to reject compulsory trading activities of operators.

In the process of online shopping, consumers' right to fair trade is also vulnerable to infringement. There are many standard terms in the process of product trading. Operators often put the terms that are not conducive to consumers in an inconspicuous position, and consumers often ignore them when buying goods, which gives some operators the opportunity to evade their responsibilities. Article 24 and Article 25 of the Law on the Protection of the Rights and Interests of Consumers also provide for the right of retraction of consumers. Except for certain special products, consumers have the right to return the goods within 7 days after receiving the products, and do not need any reason. Operators usually use the exception clause in the exception clause to stipulate that "according to the nature of the commodity and the consumer after the purchase of the commodity

is not suitable for return or exchange of the commodity, not applicable to no reason for return or exchange." To circumvent the exercise (Peng Yanjiao, 2020) of the consumer's right of reprisal. This "exception rule" infringes consumers' right of retraction to a certain extent, and affects the exercise of consumers' legitimate rights and interests.

3.2.4 It Is Difficult for Consumers to Protect Their Right to Claim Compensation According to Law

The right of consumers to claim compensation according to law is known as the last line of defense of consumer rights and interests protection. Article 11 of the Law on the Protection of Consumer Rights and Interests stipulates that consumers who suffer personal or property damage due to the purchase or use of commodities or services shall have the right to compensation according to law.

In the process of online transaction, when consumers buy commodities they do not like or the quality is defective, they have the right to return or exchange the goods through the process of return and exchange on the online platform within 7 days after receiving the commodities. However, in online shopping, consumers are difficult to communicate with the operators in real time, and most of them protect their rights by chatting and uploading photos and videos. In the process of claim, consumers sometimes encounter the situation that the merchants intentionally do not reply or solve the problem or provide false return address to hinder the completion of the return and exchange transaction, and sometimes they are threatened by the merchants to make false comments or withdraw the bad rating, which are often encountered in daily life. As a result, many consumers give up the protection of their legitimate rights and interests, thus limiting the right to seek compensation according to law. In addition, when consumers choose commodities, there will be a lot of the same style of price gap is too large, so although it provides consumers with a larger choice, but also caused a certain amount of trouble. Since many businesses produce inferior products with the same appearance as high-grade goods at a lower production cost to serve as genuine goods for sale, consumers often choose relatively cheap goods because of different prices. When consumers make claims after receiving shoddy products, they need to collect the

anti-counterfeiting verification results related to the products. At the same time, it will cost a certain amount of economic losses and time costs, which is too high for consumers to protect their rights, resulting in most consumers are forced to choose to accept the products.

4. The Improvement Strategy of Online Shopping Consumer Rights Protection

4.1 Establish a Complete Personal Information Protection System

The protection of consumers' personal information is one of the most important factors in the process of online shopping. In order to promote the development of the Internet commercial market, the Chinese legislature is also continuously improving the legislation in the field of online shopping, and establishing a complete legal system to protect the privacy of individuals. The development of China's privacy system is not long. In 2020, China announced the first civil public interest lawsuit on infringement of privacy through Internet. This case was held in private by Baoding Intermediate People's Court of Hebei Province, where 65 people, such as Zhang Xuedong, used software to invade other people's cameras and peep. The court of first instance ruled that the defendant Zhang Xuedong and others uninstalled and terminated the use of the infringing software involved; Stop selling the infringing software and eliminate the impact caused by the selling; Clear and delete videos, pictures and other information and data obtained by using the infringing software involved, stop all acts of using the above information and data, and eliminate the influence caused by the acts of saving and using; Make a public apology in the national media. The Consumer Rights and Interests Protection Law currently in effect only stipulates the obligations of operators and consumers in online shopping. In addition to operators and consumers, there are also operators of e-commerce platforms, supervisors of online shopping platforms, and service providers in the logistics industry in the process of e-commerce transactions. The Consumer Rights and Interests Protection Law does not specify the rights and obligations of such people, nor does it clearly define their responsibilities. (Zhang Ke, 2018) In the process of online transactions, in addition to the operators intentionally divulging consumers' personal information, platform operators and supervisors also have the fault of failing to fulfill

the audit obligation, resulting in the dissemination of consumers' personal information without restraint; Logistics service providers will also leak the specific address of customers, contact telephone numbers to obtain illegal earnings.

In order to protect the legitimate rights and interests of consumers and promote the sustainable development of the network environment, the Supreme People's Court and the Supreme People's Procuratorate's Interpretation of Several Issues concerning the Application of Law to the Handling of Criminal Cases involving infringement of citizens' Personal Information have further detailed the sentencing standards for the crime of infringement of citizens' personal information. This is the beginning of the continuous improvement and improvement of relevant laws to promote the protection of personal privacy. First, the relevant rules of the protection law of consumer rights and interests are refined to clarify the obligations and responsibilities of the operators, the credit and behavior of the operators are checked and verified, and the operators should bear the corresponding legal responsibility for the behavior of disclosing consumer personal information in violation of their obligations. Second, specific privacy protection policies should be formulated to provide legal guidance for all parties involved in online transactions to solve online shopping disputes and ensure that their rights and interests can be protected in accordance with proper procedures. Not only that, consumers themselves should also strengthen their awareness of privacy protection, do not fill in personal information on online platforms, do not easily believe in "preferential activities" on online platforms, do not fall into the trap of consumerism, and protect their legitimate rights and interests from infringement at the source. In addition, to build a complete privacy protection system, not only needs to standardize the operators' behavior, but also needs to restrict the online shopping platform supervisors and logistics industry service providers. The third is to establish a model of online transaction self-discipline, taking the participation degree of logistics service providers as the standard, taking every performance of a certain number of online transaction consumption contracts as self-discipline rules, and rewarding them with honors and publicizing them. If the rights and

interests of consumers are damaged due to their fault and can not be timely relief, should be punished. This mode is mainly formed by the awareness of the parties involved in online transactions. Only by starting from their whole can they consciously protect the security of the network market, make the network environment more effectively guaranteed, and consumers' rights and interests will not be infringed.

4.2 Improve the Online Information Disclosure System

The protection of the rights and interests of online shopping consumers is a comprehensive issue, and the exercise of consumers' right to know online transactions should be based on the understanding of related products or services. In the process of online shopping, it is difficult for consumers to actually understand their feelings about the product itself, so they can only further understand the product itself through the description of the merchant, photographing and other ways. Therefore, it is very important for operators to disclose product information to consumers. Improve the online information disclosure system, for consumers themselves, can have a deeper understanding of the real information of the product, better realize the right to know; For online shopping operators, they can regulate their obligations more specifically and better protect the trust and interest relationship with customers.

To improve the online information disclosure system, first, the personal information of online shopping operators must be true and accurate, can be implemented for operators real-name registration system, before the operation should go through the relevant procedures to obtain a business license in accordance with the law, and make public. Second, it should also disclose the real and specific information of the products or services sold by online shopping operators. It should not exaggerate the performance of the products or induce consumers with false publicity. It should ensure that consumers can have a clear understanding of the characteristics and performance of the products when buying products, and judge whether to buy them according to their own needs, so as to fully protect consumers' right to know. Third, before the purchase transaction, consumers should also be informed in advance about the exercise of the right to rescind the contract and the right to claim according to law and other relevant ways and procedures, so that consumers know what

way to solve the problems encountered in the process of transaction. If the standard terms need to be signed in the process of online shopping, consumers should be suggested to pay attention to the terms that exempt or reduce their responsibilities in a reasonable way at the time of signing, so as to protect consumers' right to know. Fourthly, in online shopping consumption, consumers' personal information will also be exposed on the electronic platform. Operators should obtain the consent of consumers before carrying out consumption activities in the process of information processing and information transfer, so as to avoid the harassment of consumers by short messages such as advertisements from other merchants. Fifthly, establish the verification and exposure system, combine the exposure system with the credit evaluation of the merchants, and resolutely expose the verified infringement of rights and interests. In addition, the online information disclosure system not only includes operators and consumers, but also third-party platform operators should be involved. In the platform shopping and trading activities, the third-party platforms should also clearly inform consumers of the way and process of rights protection, or timely protect consumers' rights and interests through legal remedies when their rights and interests are infringed.

4.3 Improve the Supervision Mechanism of Online Shopping Transactions

At present, the way of online shopping transaction is still in the development stage, and there are still many deficiencies in network supervision. Due to the strong virtuality and professionalism of online shopping, China lacks a special management system for online shopping transaction, so the establishment of a special regulatory body or regulatory system for online shopping transaction is conducive to the stability and progress of China's online shopping transaction market. It can also protect the rights and interests of consumers more effectively.

To strengthen the supervision mechanism of online shopping, first of all, it is necessary to establish a special online transaction management organization, formulate a professional and specific work system according to the status quo of online shopping transactions and combined with the actual situation, divide the specific work scope, and clarify the job responsibilities and power use of regulators, so

as to better improve and supervise the order of the online market (Chen, 2021). Secondly, it is necessary to strengthen the supervision responsibility of the third party of the online trading platform. There are many online trading market platforms, and the third-party supervision and management standards of each platform vary, which will cause the uneven cost of fair trading for consumers when protecting their rights. In daily life, no matter on JD, Tmall, Taobao, Pinduoduo and other e-commerce platforms, platform operators should adopt effective examination means to supervise and manage the illegal behaviors of bad merchants. The state may, through the exercise of public power, formulate a set of online shopping market access procedures and qualification certification system, grant online trading platforms the right to third-party qualification examination, strictly require online service operators to provide business information and qualification information as well as the quality of trading products, review the credit status of merchants, random check and test commodity conditions. Operators who fail to pass the inspection will be punished accordingly. At the same time, the coordination mechanism of third parties on the platform should also be strengthened, and transaction disputes between operators and consumers should be handled fairly, justly and reasonably to ensure that the legitimate rights and interests of consumers are safeguarded. In addition, the third party of the trading platform should clarify its responsibilities and avoid the platform using the “red flag principle” and “safe haven principle” to evade and evade responsibilities. In addition to establishing a special administrative body to expand the power of online third-party platforms, it is also possible to set up an online shopping transaction supervision committee, which has a similar regulatory role to the consumer association. In the “Consumer Rights and Interests Law” pointed out the statutory functions of the consumer association, such as “supervision and inspection of goods and services”, “complaints involving the quality of goods or services, can be applied to the relevant departments for identification” and so on. Therefore, in the online shopping transaction, the online shopping transaction supervision committee can be set up. It will not have the national coercive force like laws and regulations, so it can better adapt to the flexibility of online

transaction and be closer to consumers’ lives. The supervision committee will coordinate the disputes arising in the process of online shopping transactions, handle the conflicts between the two parties, and feed back the problems that often occur in online shopping transactions to the government regulatory departments, so that the government can know more real information, so that all parties can make adjustments. It can also pass on certificates or notices issued by government departments to operators and consumers, which can reduce the working pressure of government departments on the premise of maintaining the order of online shopping market.

4.4 Expand Channels for Consumers to Seek Redress According to Law

Consumers’ right to seek compensation according to law is the legitimate rights and interests enjoyed by consumers according to law. However, in the process of online shopping, it is a difficult process to seek legal relief according to law. Combined with the current situation of online shopping, the significance of exercising the right to obtain compensation is not obvious, consumers choose a single way to seek compensation according to law or the high cost of rights protection limits the legitimate rights and interests of consumers. Therefore, it is a very important task to expand the channels for consumers to seek compensation according to law.

First, a dispute settlement mechanism for online shopping should be established on the platform of online shopping. Nowadays, consumers generally choose to protect their rights through litigation when they encounter rights violations, and litigation not only takes a lot of time but also costs a certain amount of litigation costs, which is not a good choice for most consumers. Therefore, the establishment of online shopping dispute settlement mechanism, through the online way to solve disputes. When the rights and interests of consumers are infringed, they can immediately appeal to the dispute platform center. The dispute platform will conduct forensics review with the help of network technology, punish the merchants with fraudulent behaviors and selling shoddy goods, and feedback the result to the consumers, which greatly reduces the unnecessary time of dispute settlement. It also relieves the pressure on the judicial organs in China. Second, the establishment of a legal mechanism for small

amounts of litigation, according to the transaction volume in the process of online shopping, most of the transactions are small contracts and the litigation cost is too high when disputes occur, which is unfavorable to the protection of consumers' rights and interests. In addition, the small amount of filing and simple procedures for small litigation procedures provide convenience for consumers to protect their rights. Third, the merchant credit evaluation system can also be set up in the process of online shopping. When browsing online commodities or services, many merchants, in the pursuit of immediate benefits, use network technology to collect likes, collect praise and other brushing behaviors, which brings chaos to the market order and induces consumers to choose wrong judgment, mistakenly thinking that the quality and function of the commodities are worth the money and carry out online transactions. Therefore, it is necessary to set up a merchant credit evaluation system to standardize the real state of the merchant's commodity publicity and consumer feedback, and to provide reference for other consumers; It is also necessary to collect business information of merchants and verify whether the registration is real, so as to avoid some merchants closing their stores and opening a new one under a different name. If there is false evaluation and confusion, they should be punished. Fourth, a liability deposit system can also be established, whereby online transaction operators pay the liability deposit according to a certain amount of contract transaction volume, which is then uniformly collected and managed by government departments and specialized agencies. If the rights and interests of consumers are infringed, the liability deposit is used to make compensation in advance to ensure the transaction safety and rights relief and compensation of consumers (Yan Xiuzhu, 2017). Fifth, consumers are not sure which court to file a lawsuit to when they are litigating their rights. Therefore, it is very necessary to establish a jurisdiction system that is beneficial to consumers. Usually, lawsuits will be filed to the court where the defendant is located in accordance with the principle of "plaintiff versus defendant". However, in the process of online shopping, consumers cannot foresee the jurisdiction of the court, which is at a disadvantage for consumers. Therefore, through the exercise of national public power, a system

conducive to consumer jurisdiction can be developed to safeguard the rights and interests of consumers in litigation relief. In addition to the above five points, due to the uneven age, education, social experience and other consumers, the ability to protect their rights and the degree of implementation of measures will also be different. Therefore, in the network environment, not only legislation is needed to protect the rights and interests of consumers, but also consumers themselves need to independently improve their awareness of rights protection and legal common sense. In the process of the rapid development of the Internet, more teenagers and middle-aged and elderly people are attracted to register information for online shopping. However, the awareness of rights protection of teenagers and middle-aged and elderly people is not mature enough, so relevant departments can publicize consumers with weak legal awareness by carrying out offline online law popularization education activities, or set up special security training of online trading market. To interpret the legal knowledge to consumers, so as to improve the awareness of online shopping consumers themselves to protect their rights, and create a more civilized and orderly environment for online trading.

5. Summary

In the context of online trading, the protection of consumers' rights and interests in online shopping is a relatively important issue. Protecting consumers' rights and interests is not only the requirement of the development of The Times, but also the need of the construction of China's law-based society. Faced with various problems existing in online shopping, we should not only rely on the public power of the state to improve the laws and regulations system, but also rely on operators, third-party platforms, special management agencies, supervision committees and other forces to work together, through strengthening the audit to protect consumer privacy, improve information disclosure, optimize the supervision mechanism, expand relief channels and so on to maintain the order of online shopping market. Accelerate the pace of online shopping transactions to promote the development of China's economy and society.

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