

# *The Necessity and Implementation of Measures to Protect Consumer Rights and Interests under the Background of Digital Economy*

**Boting Jiang<sup>1,2</sup>**

<sup>1</sup>*Tongling University Law School, Tongling, Anhui, 244000, China*

<sup>2</sup>*Woosong University Endicott Institute of International Education, Daejeon, 300718, Republic of Korea*

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**Abstract:** With the globalization of Internet coverage, cloud computing, artificial intelligence and other technologies have continuously expanded their development fields. When information technology leads people's life and work, the digital economy emerges as the times require, bursting with strong vitality. The characteristics of the digital economy: concealment and virtuality, it is easy to bring certain economic risks to consumers and cause economic impacts to consumers. In this regard, this paper takes the digital economy as the background of the era, studies and thinks about the protection of consumers' rights and interests, and discusses the necessity and measures to protect consumers' rights and interests in the consumption environment of the new era.

## **1. Introduction**

In recent years, online consumer rights issues have frequently occurred. For example, on February 2, 2021, Douyin filed a relevant lawsuit against Tencent through the Beijing Intellectual Property Court, because Tencent and its products have been against Douyin for three years. Products have been subject to continuous sharing restrictions and bans, resulting in anti-monopoly phenomena and affecting the legitimate economic rights and interests of other products; on October 8 of the same year, Meituan received a penalty from the State Administration for Market Regulation for abusing its dominant market position. The fundamental reason for these things is that in order to obtain greater benefits, various large Internet platforms have achieved by infringing the interests of platform merchants and abusing their market dominance. However, at this stage, people's lives and work are inseparable from these platforms. Therefore, in order to protect the rights and interests of consumers in the digital economy era, we need to think and take measures from many aspects.

## **2. The Necessity of Protecting Consumer Rights in the Era of Digital Economy**

Today, under the development of economic globalization, the digital economy has emerged as the times require with the development of network information technology, and has become an important part of promoting my country's economic development; The live broadcast rooms of major e-commerce platforms, comprehensive entertainment platforms, and online consumption

platforms bring consumers affordable services and convenience, but at the same time, they also pose certain risks to consumers [1]. There are many consumer groups, making their own data more abundant and powerful. In this case, the platform always occupies the advantage of consumer rights. They can turn users' data into resources and become a means of attracting users, even through the information promotion of the platform. It has an impact on consumers' preferences, thereby guiding consumers to shop and weakening consumers' rights and interests. First of all, the digital economy has the characteristics of virtuality. In the traditional business model, people's shopping is mainly based on offline physical stores as the main sales channel and sales method; while online trade in the digital economy is in electronic form. Second, the characteristics of the digital economy are more insidious. In today's digital economy, information technology is a very critical information technology. Since data itself is of a commercial nature, coupled with the individual characteristics of the audience, when consumers use the Internet, a large amount of information is often collected, stored and even used. With the rapid development of the digital economy, it has provided convenient and convenient services for people's lives, and it has also had a certain impact on my country's legal system and legal system construction [2]. In today's digital economy, the Consumer Rights Protection Act, as a regular consumer protection law, does not play an obvious role. In the context of the digital economy, consumers' rights are faced with huge threats, and the existence of these dangers has prompted the relevant departments to make corresponding regulations. We should be the “gatekeeper” for the rights and interests of the majority of users, and strengthen the crackdown on illegal activities in the digital industry by improving relevant laws and regulations and strengthening law enforcement methods. Thus safeguarding consumer rights and creating a green economy in the digital age.

### **3. Reasons for the Protection of Consumer Rights and Interests in the Context of the Digital Economy**

#### **3.1 Legislation is Inconsistent with the Actual Social Situation**

The Consumer Law is centered on the interests of consumers. Although the Chapter on Responsibilities of Business Operators clearly states the collection of personal information and the standard terms and conditions, due to the rapid development of technical information and the ever-changing Internet environment. In comparison, my country's current “Consumer Law” shows a certain lag in protecting the interests of consumers.

#### **3.2 The Third-Party Service Provider Fails to Perform the Responsibility of Supervision and Inspection**

In the digital economy, network technology is still a large part. Due to the virtual and extensive characteristics of Internet platforms, the reputation of third-party platform merchants plays a pivotal role when users choose to shop. Stores with higher evaluations indicate that they have a high degree of credit. In the minds of potential customers, their products have a better reputation and stronger purchasing power. In order to achieve this sales purpose, some operators often illegally use credits such as swiping and cashback for positive reviews to obtain greater profits [3]. As a third party, it provides online transaction platforms for merchants and users. Its establishment is based on their respective contracts, and it has the corresponding right of independent choice and the right to formulate transaction rules and regulations. However, in practice, on the one hand, it is restricted by technical conditions, and on the other hand, due to its own market attributes, it is bound to be driven by its own interests. In order to seize the market and open up the market, a series of neglect strategies are adopted, and many fraudulent consumption by merchants are adopted. The behavior

of consumers is “turning a blind eye”, and even from the point of view of the business, ignoring the complaints of consumers, resulting in the infringement of consumers' legitimate rights and interests.

### **3.3 It is Difficult and Costly for Consumers to Protect Their Rights**

First, there is information asymmetry among consumers. In today's digital economy, users need to register on the APP. The registration of this information greatly improves the efficiency of the platform to collect and utilize massive amounts of information [4]. Although some software will indicate when registering, the user's information is limited to this, and consumers at a disadvantage have no way to know that their information is being used. Therefore, the information and feedback collected by the platform are not completely symmetrical, which makes consumers more disadvantaged in the competition, and the asymmetric information also makes it difficult for consumers to carry out effective legal proceedings. Second, the cost of claims is high, and consumers' awareness of rights protection is not strong. In the digital economy, the number of infringement cases involving each consumer is relatively small, and most of them are not densely distributed. In addition, in the digital society, the protection of consumers and even consumers' rights and interests is often at a disadvantage in evidence collection, and it is difficult to identify them, because some data can only be obtained by legal institutions, which makes consumer rights protection more difficult.

## **4. Analysis of the Specific Measures of Protecting Consumer Rights and Interests under the Background of Digital Economy**

### **4.1 We Need to Strengthen the Improvement of the Legal System**

Under the development mode of digital economy, the economic operation is complex and systematic, facing various market traps. It is not enough to rely only on the Consumer Protection Rights Law, and at the same time, we should strengthen the application of laws and regulations. First of all, in order to protect the rights and interests of consumers, we need to build perfect laws and regulations. In 2021, in view of the data economy and consumer rights and interests, the relevant departments built the personal information protection law “data security law”, and constantly improve the rules and regulations, this is in the face of consumer rights protection measures, although can give certain protection from consumer individual information, but failed to cut from the source of consumer rights and interests, big data “kill” occurs frequently in today's network society. There is consumer price fraud, price discrimination and the theoretical theory of algorithms. Therefore, the perfection of the price Law also needs to give due attention. Secondly, we should clearly realize the relevant concepts and divide the responsibilities of the management subject of the development of market economy clearly. In terms of consumer certification obligations, China, there is not a clear division of consumer certification obligations in the substantive law, and in the litigation process, the court still adopts the basic principle of “who claims, who proves”, but due to the particularity of network technology, it is difficult for consumers to obtain strong evidence, resulting in the failure of proof. According to the relevant laws of the E-commerce Law, consumers should bear the obligation of proof, but it is very difficult for consumers to provide consumers with the necessary evidence, as well as the qualification audit of the company in the process [5]. The function of the law is to maintain the substantive justice, but if the substantive law of “who proposed and who to prove” is upheld, it is bound to cause the problem of substantial injustice, reducing the victim, the burden of proof, to bear the burden of proof, which can be reduced to ensure the fairness and justice of the law.

## 4.2 Expand the Regulatory Path of Consumer Consumption

The digital economy in the new era is very different from the traditional business model. Therefore, it is necessary to break the conventional management ideas, and constantly carry out supervision and innovation to improve the efficiency of supervision. First, the innovation of the regulatory path. First of all, professional supervisory agencies should be established to give businesses or platforms public law enforcement power when they damage their rights and interests. The establishment of professional regulatory departments can effectively avoid the shirking of responsibilities between cross-departments due to the unclear division of responsibilities. In the network environment, the network service platform needs to protect the legal rights of users through technical means. Secondly, we should carry out the reform in the means and methods of supervision, based on the network, strengthen the supervision channels, pay attention to the regulatory measures, and implement the regulatory departments as the actual management departments, rather than just the “formal existence departments”. At present, China's credit governance in consumption is not perfect, we should strengthen the management of Internet transactions, under the guidance of regulatory agencies, to establish an information sharing online trading system, so that its integrity is exposed to the clear. Create consumer report way is directly listen to consumer voice channels, can the most real understanding of consumer infringement problem, although there are some platform set up consumer report function, but due to the pressure of capital or other factors, many consumers report is not able to respond, thus, therefore. In this regard, the relevant departments need to pay attention to, pay attention to the voice of consumers to listen to, do not fear the pressure of authority, fair law enforcement, for the people out of the “harm”. In addition, we should strengthen the self-discipline of industries and pay attention to the combination of industries. Industry self-discipline enables regulators to better grasp the needs and trends of the market, thus making the effective operation of regulators more flexible and more effective. In China, we should vigorously develop industrial self-discipline, rely on the self-supervision of industrial associations, and strengthen self-discipline. Finally, we pay attention to the transaction management of the platform. As a third-party platform, the merchants and users of the platform are connected. Therefore, there is no doubt that the responsibility of transaction management cannot be ignored. The third-party trading platform should establish norms to regulate the behavior of the platform merchants, for example, to review the identity of the subject when the operator logs on the Internet; to help the relevant government departments to conduct the quality and safety inspection of the products on the platform, and to create a favorable environment for them to assist in the management of consumers' rights [6].

## 4.3 Expand Channels for Consumers' Rights Protection and Encourage Consumers to Actively Protect Their Rights

Consumer rights protection is an important way to protect consumers' own rights and interests. The purpose of the Protection Law of Consumer Rights and Interests in China aims to improve the legal awareness of the rights and interests of consumers, provide consumers with legitimate rights and interests, and reduce the cost of safeguarding their rights. To protect the rights and interests of consumers, first of all, we should make full use of information technology, actively function network functions, and improve the scientific protection of consumers' rights and interests. For example, the 12315 platform of the State Administration for Industry and Commerce, by promoting the establishment of an online consumer dispute handling mechanism, constantly updates the concept of consumer rights and interests protection, highlights regional characteristics, and enriches the construction content. Secondly, the protection of consumer rights and interests depends on education. Strengthen consumer consumption rights protection concept, strengthen consumer social

sense of responsibility, specific way: the relevant units can regularly education of complete laws and regulations about digital economy, consumer self rights way propaganda, through legal publicity and education to guide consumers to improve digital economy era under the network products to buy true and false identification ability, improve self consumption rights and interests protection consciousness, and in the face of economic infringement at the same time know legal weapons safeguard basic rights and interests, thus less consumer rights infringement incidents.

## 5. Conclusion

Under the background of hidden and virtual consumption, digital economy environment is very easy to grasp the information of consumers, compared with the past store sales model. In addition, consumers, as buyers, are in a passive position, making it difficult to defend their rights. However, relying solely on the existing consumer rights protection system and supervision model is difficult to protect the actual rights and interests of consumers. Therefore, in the development of the digital economy, it is necessary to strengthen the construction of the legal system, innovate the path of government supervision, and strengthen industry self-discipline, so as to create a harmonious economic society.

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