

The Safety of Network Shopping and the Improvement of the Laws and Regulations System

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Abstract: With the arrival of the network era, the network shopping has become a main mode of consumption. In order to guarantee the real rights of consumers, the safety of network shopping and the perfection of laws and regulations system are of great significance, and provides legal guarantee for consumer network shopping rights protection. This paper first expounds the necessity and importance of network shopping safety and its legal and legal system, and then analyzes the current situation and the existing problems of the network shopping safety and its laws and regulations, and analyzes the causes of the problems of network shopping safety and its laws and regulations. Finally, the paper tries to explore the countermeasures of the network shopping safety, to perfect the legal and legal system

1. Introduction

The research on network shopping safety and its legal issues has increased greatly in recent years. Shaoping Liu (2006) pointed out that there are many legal problems in network shopping, there are some difficulties in confirming the subject of responsibility, the right of online shopping consumers to know online products is limited, and it is easy to cause product quality disputes, etc., and there are also certain procedural laws and regulations. It is difficult for litigation jurisdiction courts to confirm, high litigation costs, and difficult to obtain evidence. It is suggested that relevant laws and regulations should be established and improved. It provides for the subject of liability, contract mode, interpretation right, right and obligation, dispute settlement mechanism, compensation way and so on. Xin Liu (2016) pointed out that there are various types of violations of consumers' right to know in online shopping, the main Paul commodity information is false, whether businesses provide after-sales service is not clear, merchants false credit and other issues, the relevant laws of our country for online shopping consumers' rights protection is insufficient, legislation, judicial relief, administrative supervision and other links have seriously affected the protection of the rights and interests of network shopping consumers. It is suggested that the protection of consumers' rights and interests in online shopping should be strengthened from the legislative level. Yuli Ma (2017) pointed out that the rapid development of information technology and the Internet has brought important changes to people's work and life and the development of various fields of the country, at the same time, it has also brought a series of hidden dangers. It is urgent to establish and improve the legal system of Internet security, protect the development of the country, and support the "umbrella" of network security for the people. A large number of literature review and research have laid a profound theoretical foundation for the study of this paper.

2. The necessity and importance of perfecting the safety of network shopping and its laws and regulations

2.1 The necessity of perfecting the safety of network shopping and its laws and regulations

With the emergence of e-commerce transactions, online shopping has changed from fashion trend to people's daily consumption mode. With the popularization, diversification and frequency of network shopping, the number of consumers suffering from infringement is also increasing. Hidden

behind this is not only the lack of morality, but also the various problems of network shopping infringement and protection. The security problem of online shopping not only hinders the development of online shopping day by day, but also infringes on the legitimate rights of consumers from time to time. However, there are no laws and regulations specifically aimed at the safety of network shopping in our country. Therefore, it is particularly necessary to perfect the security of online shopping and its laws and regulations.

2.2 The importance of perfecting the safety of network shopping and its laws and regulations

From the point of view of legal economics, one of the main functions of law is to reduce transaction costs, reduce risks and ensure the security of transactions. Perfecting the security of online shopping and its legal system, bringing the new legal problems and new legal relations in online shopping into the legal system of consumer rights and interests protection in time, can effectively adjust all the behaviors arising from online shopping, promote the protection of the legitimate rights and interests of consumers in online shopping, ensure the sustainable development of online shopping in the long run, and realize the stability and harmonious development of society.

3. The safety of network shopping and the current situation and existing problems of its laws and regulations

3.1 The safety of network shopping and the current situation of its laws and regulations

At present, the laws and regulations on network shopping security in China mainly include the Contract Law of the people's Republic of China, the Consumer Rights and Interests Protection Law of the people's Republic of China, the Anti-unfair Competition Law of the people's Republic of China, the Trademark Law of the people's Republic of China, the Advertising Law of the people's Republic of China, the Tort liability Law of the people's Republic of China and the Electronic signature Law of the people's Republic of China. However, there are no clear regulations on online shopping, and this field still needs to be improved by law. There are already administrative laws and regulations for the safety of network shopping. In order to standardize online commodity trading and related services, protect the legitimate rights and interests of consumers and operators, and promote the sustained and healthy development of the network economy, the measures of the people's Republic of China on the Administration of online transactions have been formulated, but no national laws have yet been formed.

3.2 The safety of network shopping and the problems existing in its laws and regulations

With the rapid development of e-commerce transactions in China, network shopping has become a major consumption pattern in recent years, but the laws and regulations regulating its behavior cannot keep up with the pace of its development, resulting in problems such as infringement judgment, there is no way to protect rights and so on. With the popularization and application of electronic commerce in the Internet environment, network shopping is gradually becoming a fashionable and convenient way of shopping. Many consumers have found a new shopping paradise on the Internet. But at the same time, many fake sellers are gradually transferring fake platforms to the Internet, and a new fake paradise is taking shape. Compared with the traditional shopping, the virtual, liquidity, openness and non-direct trading mode of online shopping makes consumers face many new problems, such as online fraud, the restriction of the right to know, the leakage of personal information, the lack of after-sales service and the difficulty of obtaining evidence, etc., and the legitimate rights and interests are infringed and threatened.

4. The causes of the problems existing in the safety of network shopping and its laws and regulations

Due to the rapid development of electronic commerce and the relative lag of relevant laws and regulations, there are some problems in the security of online shopping and its laws and regulations.

4.1 The development of electronic commerce is rapid

E-commerce is the product of the integration of information technology and business activities. It is characterized by online, digitization and intelligentization. It has the advantages of openness, low cost and high efficiency. It represents a new productive force and development direction, drives China's economic supply-side structural reform and consumption upgrading, and also injects new kinetic energy into world trade. In recent years, the average growth rate of e-commerce transactions in China has exceeded 35%, and the market size is the first in the world. Electronic commerce continued to develop rapidly in 2017, and the scale of transactions continued to expand, with the total transaction volume reaching 29.16 trillion yuan, up 11.7 percent from 26.1 trillion yuan in 2016. In 2011, the total amount of e-commerce transactions in China was only 609 million yuan, which increased nearly 5 times in seven years, with an average annual compound growth rate of 29.8 percent. The rapid development of electronic commerce legislation is imperative.

4.2 The relevant laws and regulations is lag

With the rapid development of e-commerce, network shopping safety and its laws and regulations lag behind, as well as regulatory gaps have been concerned by all walks of life. Because of the lag of the law itself, our original laws and regulations cannot regulate and adjust these problems in time, which causes the merchants to question the reliability and security of the network transaction. As a special economic activity, the emergence of network transaction has greatly accelerated the economic development of our country and promoted the process of information globalization. However, in its specific operation process, due to the shortcomings and defects of the current laws and regulations in our country, it cannot get healthy and stable development. Our government and the relevant legislature should be aware of such problems and reform and perfect them.

5. The safety of network shopping and the improvement of the system of laws and regulations.

In order to ensure the safety of network shopping, the government needs to better perform the supervision function, supervise and standardize all kinds of behavior of online shopping, speed up the establishment and improvement of the legal system of online shopping, further standardize the order of online market, and enhance the international adaptability of online shopping law in our country.

5.1 To give full play to the functions of the government

The government should establish a system of laws and regulations suitable for network shopping, crack down on fraud existing in online shopping, and improve the integrity and security system of the online market in our country. We should establish a new management industry supervision and system led by the main departments and clear responsibilities of each management department, through the overall planning layout and supporting electronic commerce means, technical support construction, to realize the government's exploration of scientific, transparent and standardized management of enterprises in online shopping.

5.2 To speed up the establishment and perfection of the network shopping laws and regulations system

Focusing on the problems closely related to the safety of online shopping and the urgent demand, referring to the laws such as Consumer Rights and interests Protection Law, personal Privacy Protection Law, Trade Secret Protection Law, contract Law, ticket Law and other laws, this paper studies, formulates, practices and perfects the protection of the rights and interests of the corresponding network consumers, network personal privacy, network enterprise trade secrets, electronic contracts, electronic invoices, and the management and service of the main body of the network market, network market information management and service, network credit information management and service and other regulations or interim regulations.

5.3 To further standardize the order of network market

In conjunction with relevant departments, we will earnestly implement laws, regulations and regulations such as contract Law, Product quality Law, Consumer Rights and interests Protection Law, Post Law, Foreign Trade Law, Auction Law, Electronic Signature Law, Internet Administration regulations, Foreign Trade operators record Registration Administration regulations, Futures Trading Administration regulations, Unlicensed Business Investigation and Enforcement Measures, etc., to improve the network market supervision system. We will severely crack down on the use of the Internet to sell illegal publications, contraband, fake and shoddy commodities, prohibit illegal financing, disguised futures, credit card cash, network fraud, network pyramid selling, endanger national interests, and provide consumer information for profit.

5.4 To strengthen the international adaptability of network shopping law in China

Business disputes in the traditional transactions, we often encounter some business disputes and online transactions because they are not subject to geographical restrictions, buyers and sellers cannot communicate face to face, in the encounter of business disputes, it is difficult to deal with them, it is difficult to resolve them properly. Moreover, many of the online transactions cross national boundaries, so its handling and solution should not only pass the corresponding laws and regulations of our country, but also adapt to the international provisions and be widely recognized. Otherwise, the penalty can only take effect in our country according to the laws and regulations of our country. Therefore, as far as this point is concerned, the current laws and regulations of our country still need to be reformed and improved. Only by adapting to the national conditions and in line with the international standards, can we really safeguard the rights and interests of all people in the network transaction and control the network transaction within the scope of security and legality. Because of the heterogeneity and non-directness of network transactions, the commercial disputes in network transactions are increasing. According to the characteristics of these transactions, the laws and regulations of network transactions should be issued targeted laws and regulations.

6. Conclusion

In a word, with the continuous development of network society in our country, network shopping is a new thing in the development of economy and society. The healthy and safe development of online shopping is of great significance. The relevant laws and regulations on online shopping security in our country are constantly improved, to protect the security of online shopping from many aspects, and to protect the rights and interests of online shoppers. However, online shopping is different from the traditional shopping mode. The legal and legal system of online shopping security needs to constantly combine the actual consumption mode, enhance the security of online shopping, establish and improve the organizational security system and working mechanism, organize and implement according to local conditions, ensure the effectiveness of online shopping security work, make consumers' rights in online consumption effectively avoid infringement, and promote the construction of legal society.

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