

Legal Business Development Model in Shared Economy

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Abstract: In recent years, the business development model enterprises in the shared economy, represented by shared bicycle, drip-drip special vehicle and Renren loan, have risen rapidly all over the world. Their unique and innovative trading structure and operation mechanism have subverted the traditional industries and impacted the traditional businesses, and are affecting and changing people's production and production. Living style. Therefore, the study of business development model under the shared economy has realistic value and epochal significance for us. Through practical investigation and empirical analysis, it is found that the business development model under the shared economy is a kind of market innovation. However, under this kind of market innovation, due to its imperfect self-development and the relative lag of the law, the protection of the trusted interests of the demanders, the supervision of default payment risk of the shared platform, supply and demand are protected. Both parties'tort liability, risk control of supplier sublease, regulation of monopoly and unfair competition, risk supervision of personal privacy and information security, and risk supervision of social and national security have become legal problems under the existing system. Facing the legal risks and legal problems of the business development model under the market innovation of the shared economy, it is necessary to carry out relevant institutional innovation and build a system matching the shared economy model, so as to promote the healthy development of the shared economy.

1. Introduction

Nowadays, the rise of the shared economy is irresistible. In the real world, enterprises with business development model under the shared economy have sprung up and existed in large numbers. They involve all fields of production and life. Whether Uber (involving transportation), Airbnb (accommodation), We-work (office) and Lending Club (finance), or domestic drip trips around us, living in hundreds of homes, ant short rent, travel around the world, Youhao Workshop, 58 to home, small e housekeeper, Renren Loan and so on, have already produced one in their respective fields. The power of subversion [1]. With the emergence of mobile interconnection, big data, mobile payment and other technical means, people can rent cars, boats, beds, clothes, personal time, skills, money, and even tangible or intangible assets such as machine tools, high-end precision instruments, crowdsourcing, crowdsourcing and so on directly through such services on the Internet. It is also the product of the shared economic and commercial development model. The business development model under the shared economy originates from the value discovery of idle resources and the maximization of excess capacity. For some traditional industries with excess capacity and manufacturing industries with heavy assets, the development model of shared economy and Commerce will also bring profound changes. The business development model of shared economy has been developing rapidly since it came into being. Its market scale has now exceeded 100 billion US dollars. At present, the business development model of global shared economy is developing rapidly. It has become a new way to stimulate economic growth. Innovation through sharing and collaboration has lower threshold and cost. Smaller, faster, which is conducive to expanding new areas of shared economic and commercial development model, so that more people can participate in [2]. It can be seen that the mode of shared economic and commercial development is reconstructing people's way of production and life, profoundly influencing and changing the future

world. Therefore, the platform of shared economic and commercial development mode needs to build a set of effective, controllable, fair, open and transparent legal mechanisms, including payment, evaluation, customer service communication, elimination, insurance claims and other legal credit system, in order to ensure the trust interests of specific participants in the shared economic and commercial development mode.

The concept of shared economy (business development model) was first proposed in 1978 by Professor of Sociology at Texas State University and Professor of Sociology at the University of Illinois Spence. In 2010, the model of shared economy (business development) was also called "cooperative consumption" or "collaborative consumption" in Rachel Bootsman's book *Mine Is Yours: The Rise of Cooperative Consumption*. In the book, she divides "collaborative consumption" into three modes: first, product and service based on sharing and leasing, which is actually the transfer of right of use between specific resources under the control of the same owner and different demanders, such as car rental network, short rental network of houses; second, cooperative living party based on asset and skill sharing. In essence, it is the sharing of intangible assets such as time, knowledge and skills. For example, Liquid Space replicates Airbnb model to find and share the best office space for travelers in the local area, and presents information to users through location-based mobile applications. These locations include office areas, business centers and many other places with WiFi but low usage rate, thus low cost and less waste. In addition, this form also includes the use of leisure time to provide services for the other side; the third form is based on the second-hand transfer of products circulation, essentially the same goods in turn between different needs to achieve ownership transfer. From theory to practice, the business development model of shared economy began with Robin Chase. Since 2000, she has founded Zipcar, GoLoco, and Buzzcar, a P2P car rental company. She has also written "Shared Economy - Reconstructing Future Business Model" to launch the global shared economy. The exhibition has played an important role in promoting, and therefore is known as the "ancestor of the shared economy", its purpose is to achieve faster, better and cheaper.

There are many legal research results on business development model under the shared economy. This paper lists the relevant legal issues arising from the tort liability of both suppliers and demanders. To this end, besides pre-qualification examination (mainly setting certain access threshold for idle resource providers, such as providing non-criminal records to reduce risks), it can also be used. It is necessary for our country to formulate and implement the access and security review system for related sharing platforms by purchasing personal and property insurance for both parties in advance to guarantee risks. Shared economic and commercial development model liberates a large number of productive forces, releases a large number of excess capacity, and makes full use of idle resources, which benefits both individuals and countries.

However, things have two sides. As a new thing, the mode of shared economic and commercial development has not been perfected, and based on its unique legal structure and operation mechanism, the existing legal system can not be fully applied or covered, so it faces certain legal dilemmas and exists. There are many legal issues. This paper puts forward some suggestions on the relevant legal issues under the contemporary shared economy. For example, in 2016, a rental house in Airbnb was stolen by tenants. In September 2017, a Uber driver in San Francisco wrestled with a passenger over his driving route and broke his head with a hammer. In China, there have also been incidents of sexual assault on female passengers by drivers [5]. At the same time, we also analyze people's understanding and concern about the legal issues related to the business development model under the shared economy through questionnaires, and draw a conclusion that people have not strong legal awareness and wide popularity in this respect.

2. Method

2.1 Contrast Literature Method

Through literature review, we can understand the current legal research methods of business development model of shared economy, which proves that there are a series of problems and

shortcomings in the current law of business development model of China's shared economy, and puts forward corresponding suggestions for a series of problems and shortcomings. It also preserves the relevant documents, collects the documents related to the research topics, and reflects the legal activities, people, affairs and theories of the contemporary shared economic and commercial development model.

2.2 Questionnaire

Release questionnaires to social workers, fill in them on the spot and collect them on the spot. Interested Internet users can be sent by e-mail.

3. Experiments

In the course of the experiment, 500 people were surveyed with questionnaires from real life. Men accounted for 54% of the total number, while women accounted for 46% of the total number. Between the ages of 18 and 65, 500 questionnaires were distributed and 450 questionnaires were collected. The recovery rate was 90%, 400 valid questionnaires were valid, and the validity rate was 80%.

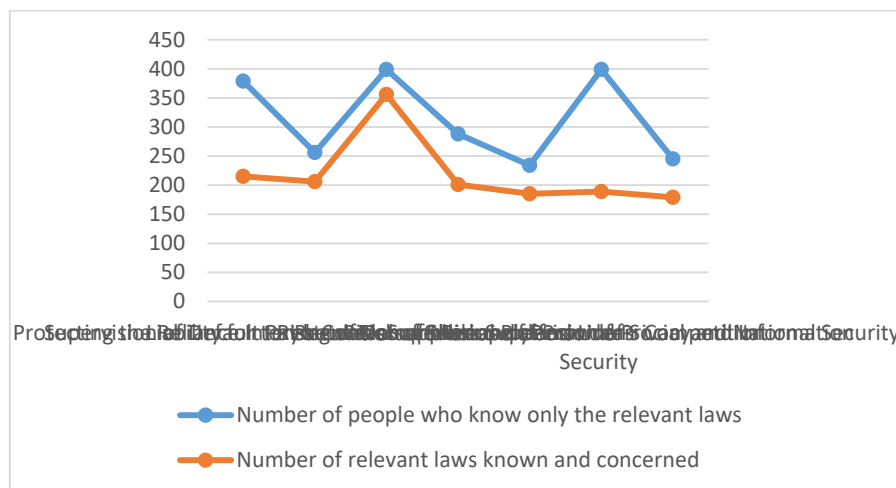


Figure 1. Questionnaire of Legal Personnel Relevant to Business Development Patterns in a Shared Economy

In this paper, the sources of legal research on business development model under the shared economy are the Contract Law of the People's Republic of China, the Network Security Law of the People's Republic of China (draft), the Consumer Rights and Interests Protection Law, the Tort Liability Law and the Administrative Licensing Law of the People's Republic of China.

4. Results and Analysis

4.1 Questionnaire Survey and Analysis

Most people do not know enough about the legal issues related to the business development model in the shared economy. They do not have a strong awareness of legal rights protection, limited legal popularization, and even fewer people are concerned about it. For example, the supervision of default payment risk of shared platform, the regulation of monopoly and unfair competition, the risk supervision of personal privacy and information security, the risk supervision of social and national security and so on, which involve groups, have little knowledge and concern, and mainly rely on the strength of the state and the government to supervise. Individuals are mainly concerned about the responsibility of tort between suppliers and demanders and the protection of the trusted interests of demanders. Therefore, our country needs to establish good legal norms, social structure and ideology.

4.2 Basic System of Regulation

Based on the legal risks and difficulties of sharing economic and commercial development model under the existing system, this paper argues that the following basic systems should be constructed: First, the market access system. Before entering the relevant market, business entities, whether companies, partnerships or individuals, must accept the qualification examination from relevant administrative departments such as industry and commerce, health supervision, safety supervision or quality supervision through registration and filing. In addition to formal examination in general sense, business entities engage in special business. When it comes to industries and special fields, it is often necessary to pass the relevant administrative examination and approval of the state and conduct more stringent substantive examination, such as the financial industry and the real estate industry, in order to ensure the steady development of social economy and the effective protection of consumers' rights and interests. However, the model of shared economy seems to break this point to some extent. First of all, there is no doubt that as a typical business entity, the enterprises of shared platform must be subject to the supervision of relevant departments, but the idle resource providers under its domination and matching evade the country in a loose organizational form. Home supervision, instead, the market access conditions and modes of individual idle resource providers are set and regulated by the sharing platform. Because the sharing economic model emphasizes scale and loses a certain organizational scale, it loses the momentum of development and progress. Therefore, in order to attract users (idle resources supply). Sharing platforms tend to lower the threshold of entry and exit of power source - idle resource providers, so as to seek scale benefits, and through the credit evaluation mechanism of both sides of sharing platforms to achieve the natural survival of the fittest in the relevant market. From the point of view of the free development of the market, this is reasonable, but compared with the protection of consumer rights and interests and the overall consideration of social and public interests and the national economic order, there is a certain deviation under the existing legal system framework. Therefore, it is necessary to set up a certain market access mechanism for idle resource providers under the mode of shared economy in order to protect consumers' rights and social public interests, and maintain a sound and healthy development of social and economic order. Based on the legal issues related to the business development model in the shared economy, this paper argues that the principle of distinguishing criteria around the legal subject status of idle resource providers can provide ideas for the establishment of market access mechanism [6].

Thirdly, the insurance system. Through the analysis above, we can see that there are many legal risks in the mode of shared economic and commercial development, some of which can be regulated and controlled by government departments through supervision, while others are potential and difficult to evade in the trading structure of shared economic and commercial development model, although the laws in the trading structure are clearly defined through legislation. The status of legal subject makes the rights and responsibilities under the relevant risks defined, but from the perspective of victim damage relief, the relevant insurance system is still needed to protect; in addition, from the perspective of the sharing platform, based on the characteristics of the sharing economic model, which emphasizes the scale effect, the sharing platform assumes additional responsibilities even if it undertakes supplementary responsibilities. The cost is huge. Therefore, it is necessary to establish relevant insurance system in order to disperse transaction risk and realize the protection and relief of damage. So who should bear the cost of insurance further? This paper argues that the distinction should still be based on Principle: Providers of idle resources should be responsible for the safety of the goods or services they provide, and bear the responsibility for it. It is necessary for the sharing platform to set up a corresponding security fund to guarantee its own security obligations and responsibilities [7].

Then, information registration and inquiry system. This is mainly aimed at the problems mentioned above, such as sublease risk. The purpose is to protect the right to know and the right to security of the idle resource demanders as consumers. First, for leisure The State shall limit the property relationship between the idle resources and the providers, if the providers are not the places where the idle resources are located. When the owner is the user of idle resources, the state

should further clarify the form of liability and risk taking under such circumstances. It also establishes relevant compulsory disclosure system so that consumers' rights and interests can be protected [8].

Finally, security review system. The main aim is to implement cross-border by means of network under the mode of shared economy. Operational situation. The reason why Uber has been banned in many countries around the world is because of the country's own economy. The protection of social security and even economic sovereignty has nothing to do with [9]. As cross-border operation under the mode of shared economic and commercial development involves multiple factors of national political security, economic security and social security, it is necessary to establish a special security review mechanism. In addition to the relevant measures taken on the basis of the forthcoming Network Security Law mentioned above, it should also be established. Specialized censorship and entry system can only be qualified for operation through relevant censorship, and information security, monopoly and major security matters involved in its operation should be dynamically monitored in order to maintain the legal order of the shared economy [10].

5. Results

The defects and risks of the business development model under the shared economy need to be constantly self-improvement in the process of development. They can not be separated from the guidance of relevant laws and regulations of the state and the government. They need to be carried out in the dimension of institutional innovation based on human rights, social and public interests and balanced interests. Therefore, this is a systematic and complex process. This paper analyses and explains the grand project only from a few limited aspects, and further refines and fully demonstrates the basic system construction of the legal regulation of the shared economic model.

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