

A Comparative Study of Information Security Laws under the Shared Economy Model

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Abstract: With the continuous development of "Internet +", the sharing economy has emerged as a new economic model. With its unique and innovative business economic model, it has rapidly developed and become the darling of the economic society in the new era. However, due to its rapid development, due to the lag of new forms of law and the imperfection of the system, it has also caused many problems for local governments and courts to judge such incidents. Based on this, this paper first explains the meaning of the sharing economy model, and secondly, the existing deficiencies and risks of the existing laws and laws have been improved to a certain extent, thus promoting the healthy development of the sharing economy.

1. Introduction

The sharing economy is based on the development of the Internet. This is a new economic concept. This economic concept is based on sharing and is a new strategy for property rights transformation. The sharing economy is an economic activity that shares the fully utilized assets and obtains monetary or non-monetary benefits on a shared basis. At present, China's shared economic development is in a good state of affairs. By 2015, China's sharing economy has exceeded 190 trillion yuan, and in the future, the sharing economy is growing at a rate of 40% every year. It is undeniable that at present, the sharing economy model It has become a new bright spot and a new model for China's economic growth. At present, the government is supportive of the development of the sharing economy and is very recognized for the new economic growth model of shared economic growth. At present, the sharing economy has played an important role in people's lives. For example, the sharing of Baidu resources, information sharing of related social software, etc., sharing mode has played an important role in social development. However, it should be noted that in the development of recent years, there are still some new development problems in the sharing economy. For example, the problem of false information in the sharing process, due to the issue of good faith, the security of the real thing is difficult to be guaranteed, etc., we must be able to understand the sharing economy in a dialectical manner, and be able to continuously innovate and solve the problems existing in the development of the sharing economy. Promote a healthy development of the shared economy [1].

In the development of the sharing economy, the most prominent problem is the problem of imperfect laws [2-3]. At present, the government of the sharing economy has not yet established its perfect laws and regulations specifically for its healthy development. This has led to the development of the sharing economy, which is difficult to be governed by the law and the lack of legal support for its healthy development. The development of the sharing economy involves a wide range of issues, such as the value creation of enterprises, the issue of consumer trust, the issue of consumer rights and obligations, etc. These are the problems faced by the development of this emerging industry, and the problems that the law needs to regulate.]. Insufficient laws in the sharing economy directly lead to difficulties in achieving norms and constraints on supplier and user behavior. In the sharing economy, the supplier is quite special. It is not a free resource of the enterprise. The supplier is an outsourced social resource. Moreover, this social resource is not concentrated enough, and it is relatively scattered, which makes it difficult to achieve The

management of this social resource is standardized. The economy is different from the traditional economy. This economy does not require the demand side, does not need to find a customer, but needs to be able to connect the supply side with the demand side by providing a link, realize the transaction, and achieve the rational allocation of social resources. This kind of economy is a cold-starting economy. In most cases, the sharing economy needs to provide subsidies to suppliers and demanders to create markets in this way. However, the lack of relevant laws makes it difficult to effectively regulate and constrain the behavior of suppliers and users.

The sharing economy as a new thing is not recognized and accepted by the traditional industry, and is marginalized and even considered to be unfair competition. At the same time, the lag of law and the imperfection of the system caused the lack of government supervision and the confusion of court judgment [5]. In addition, there is no clear division of rights and responsibilities for the participants in the sharing economy model, so there are many legal risks. Under the combined influence of various factors of policy and market, China's shared economic development can be said to be both opportunities and risks. Although China has tried to innovate related systems, it is still in the pilot stage. The legal system of the shared economic model is still not perfect, and there are many government policies. The rules of the local regulations do not dictate the process of sharing the economic business practices. Presenting new trends and characteristics, all of which add uncertainty to the future of the shared economy. Therefore, strengthening the research on the legal issues of the shared economic model is of great significance for guiding the sharing of economic development, promoting the circulation of social resources, and realizing the common development of social subjects.

2. Method

2.1 Improve the Legal System for the Protection of Practitioners' Rights and Interests

The new type of labor relationship that emerged under the shared economy model is a subversion of traditional labor relations. It is certainly outdated to adopt past labor standards and regulatory ideas. Therefore, it is imperative to speed up the reform of labor legislation. In the new type of labor relations, laborers and platforms are more inclined to cooperate [6]. They do not have personal attachment and have certain freedom of independence. If they are not satisfied with the sharing platform, they can be uninstalled at any time and exchanged for another platform company. We must regulate the new labor relations according to different standards through labor legislation, and also prevent the employer from using the new model to evade the employer's responsibility, outsourcing the employees of the unit and damaging the legitimate rights and interests of the workers. Establish an innovative social insurance system. China's social insurance system recognizes labor relations based on personnel files and labor contracts. Only employees who become enterprise units can pay corresponding social insurance. Such a system excludes flexible employees. Although the current social insurance laws and regulations stipulate that flexible employees can: insured at their own expense, such voluntary and excessive payment standards and administrative barriers everywhere make flexible employees discouraged. In this regard, differential management can be based on whether the participant is a main business or a part-time job. The platform can be networked with the social insurance agency to check the social security account of the practitioner. For example, if the participant is mainly engaged in this business and has no formal work, the platform company will pay social security for it in accordance with the provisions of the Social Insurance Law, so that it has basic survival protection. If the participants do not formally work, the platform company will pay social security in accordance with the provisions of the Social Insurance Law, so that it has basic survival protection. If the participant has a fixed formal job, the unit pays social security for it, supplemented by the platform, or purchases commercial insurance such as accident insurance and property insurance [7]. We must play the role of the market as well as the government. There is a clear information asymmetry between the platform and the practitioners, and they must maintain their legitimate rights. Benefits require the relevant government departments to play a role. The shared platform enterprise should establish the correct

business philosophy and business strategy, and assume social responsibility, although it increases the operating cost of the enterprise in the short term, but it is conducive to the sound development of the entire market in the long run. Only by satisfying the rights and interests of the participants, solving the worries of the future, and educating them, can maintain the survival of the enterprise and help the enterprise and the sharing market continue to grow. If platform companies and traditional industries exploit the loopholes in the shared economic model, using the sharing economy as a means of evading the main responsibility of the employer is tantamount to drinking and quenching thirst.

2.2 Improve the Legal System for Consumer Rights Protection

In order to protect the legitimate rights and interests of consumers, we should clearly define the sharing platform company privacy system, stipulate basic privacy principles and effective enforcement mechanisms, and implement and implement privacy protection. It should be ensured that appropriate and adequate privacy and security measures are incorporated into the law. Mainly includes: Shared platform companies should only collect and process the personal data necessary to achieve legitimate business purposes. Such data should not be disclosed or used for other purposes unless explicitly agreed by the consumer. Special reminders should be made in the electronic contract provided, and the user's freedom of choice is guaranteed [8]. The nature and extent of the collection and use of customer personal data should be clearly and significantly identified and communicated to consumers at the time of collection or prior to collection. The shared platform company should clearly state how to retain and share the user's data and provide a clear selection or exit mechanism to ensure that the user has the right to access and correct the personal data held by the platform. Appropriate administrative, physical and technical safeguards should be implemented and tested regularly to protect user personal data from unauthorized access, theft, destruction, use, modification or disclosure. Access to sensitive private data, such as geographic location and financial data, should only allow authorized individuals to conduct limited and well-defined legal business. If the consumer profile is shared by the platform company and a third party, the platform company shall take the necessary hardware equipment and management measures to ensure the security of such data and shall obtain explicit permission from the consumer to use the data. Multinational companies should obtain periodic assessments of their privacy and security management by independent third-party market entities to ensure compliance with the above requirements [9-11]. Data leak notifications should be sent promptly to application users when data leaks. A clear punishment and elimination mechanism should be established for platforms that abuse consumer information disclosure. Strictly punish the abuse of monopolistic market dominance, vicious price competition, and damage to the legitimate rights and interests of consumers. Nowadays, many sharing platforms take advantage of the first-mover advantage of preempting market share. After cultivating customer loyalty, they arbitrarily change service prices and service standards. There are also acts such as deposits and margin misappropriation, which have caused bad influence on financial order and market order. The benign development of the shared economic model. Therefore, it is necessary to strengthen the tracking and supervision of the sharing platform and improve the consumer complaints and rights protection mechanism. Clearly share the responsibility of the sharing platform and service providers, and effectively protect the legitimate interests of consumers through mechanisms such as commercial insurance [12].

2.3 Defining the Legal Relationship between Idle Resource Providers and Shared Platforms

Regarding the legal relationship between idle resource providers and sharing platforms, there are several viewpoints: (1) According to the understanding of the traditional Internet industry, the sharing platform should only serve as an information intermediary, emphasizing that the sharing platform is in legal significance. The specific sharing service is not directly provided, and the two are considered to be independent in legal relationship; (2) the labor relationship between the two is labor contract, and the idle resource provider is the employee of the shared platform and has the right to labor security. The sharing platform shall bear the labor law obligations to the idle resource provider, and shall bear the employer's responsibility for the fault of the idle resource provider. (3)

The relationship between the two should be regarded as an adjacency relationship. It is considered that in the event of a dispute, if the affiliated unit obtains benefits from the operation of the anchor, it should bear appropriate civil liability. The author believes that, firstly, according to the shared platform mentioned above, the dominant position in the transaction structure, it can not be simply regarded as information intermediary, which will greatly avoid the responsibility of the shared platform, which enjoys such a dominant dominance. How can power and rights not bear more obligations and responsibilities. Second, according to the basic characteristics of the shared economic model, if the legal relationship between the two is regarded as the labor contract relationship between the employer and the employee, it is conducive to the smooth resolution of the problem in the event of a dispute, but it is contrary to the loose membership of the Communist economic model organization. Characteristics, well, and on the basis of the emphasis on the scale effect of the shared economic model, will greatly increase the burden and pressure of the sharing platform, the sharing platform will be overwhelmed by the influx of a large number of idle resource providers, and the excessive labor and social security Obligations and employers' no-fault and noble forms will make the development of the sharing economy difficult. Thirdly, it is reasonable to determine the legal relationship between the shared platform and the idle resource provider as a relationship and to assume responsibility according to the principle of benefit, but the form of responsibility is still not clear enough, and it is a form of responsibility outside the system. Further legalization. Therefore, the author believes that the legal relationship between the idle resource provider and the shared platform can be based on the determination of the anchor relationship, based on the principle of equity and the principle of rights appearance, and refer to the responsibility of breaching the security obligation in the Tort Liability Law. The form of commitment determines that the shared platform, because of its dominant dominance, assumes additional responsibility for the loss of the demander's rights caused by the fault of the idle resource provider, and not the employer's responsibility.

2.4 Risk Regulation of Social and National Security

In the shared economy mode, the sharing platform occupies a dominant and core position. The unfamiliar idle resources supply and demand sides are based on the trust of the shared platform, and the transaction method, conditions, price, fee payment, relevant information provided by both parties and liability for breach of contract. The form and content of the commitment are determined by the sharing platform unilaterally. The idle resources supply and demand sides do not even participate in the formulation and bargaining opportunities under the specific sharing platform. Only accepting can enter the transaction, which may lead to compulsory trading, mandatory tying, Unlawful behavior such as price alliances, resulting in great damage to user rights and may eventually destroy the entire market. The offline transactions between the supply and demand sides of the idle resources are entirely carried out by means of the "infrastructure" provided by the online sharing platform. The sharing platform enjoys enormous power in the transaction structure by virtue of its absolute superiority. It will inevitably disrupt the market economic order and affect economic and social stability. In addition, the shared platform will continue to expand under the support of big data and cloud computing Internet technology. Based on the characteristics of the Internet across time and space, Imagine if a large number of users' personal information gathering is controlled by foreign sharing platform service providers. If this situation is not regulated by setting appropriate market access, it may involve national security. According to the latest cybersecurity law (draft), the "infrastructure" provided by the shared platform is recognized as "critical infrastructure", and the shared platform service provider must be stored in the operation in China. Important data such as personal information collected and generated by citizens: If it is necessary for business needs to be stored overseas or provided to an organization or individual outside the country, a safety assessment should be conducted. The shared platform serves different areas, and the "criticality" of the "infrastructure" provided by it is different. The establishment of "critical infrastructure" is conducive to the protection of national security and the stable development of the economy and society. In this regard, it is necessary for China to formulate and implement an access and security

review system for relevant shared platforms.

3. Conclusion

The information security law of the sharing economy model needs to be continuously self-improved in the development process. It is also inseparable from the guidance of relevant laws and regulations of the state and the government. It needs to be based on human rights, rooted in social public interests, and balanced by interests. Under the dimension of institutional innovation, this is a systematic and complex grand project. This paper only analyzes and explains from a limited number of aspects, and needs further improvement and refinement in the basic system construction of the legal regulation of the shared economic model. And full argumentation.

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