

# Research on the Innovation and Improvement of Civil and Commercial Law System Facing E-commerce

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**Abstract:** With the rapid development of e-commerce, traditional civil and commercial law systems face many new challenges and opportunities. The virtual nature, cross-regional nature, and information asymmetry of e-commerce transactions pose new requirements for the existing legal framework. How to ensure transaction security and consumer rights protection in the e-commerce environment through legal innovation and system improvement has become an urgent problem to be solved. This paper deeply analyzes the particularities and challenges faced in protecting consumer rights in e-commerce and proposes specific suggestions for improving e-commerce legal systems. Through legal system innovation and improvement, we can effectively address the special challenges in the e-commerce environment, promote market order regulation and transaction fairness, and provide a solid legal guarantee for the sustainable and healthy development of e-commerce.

**Keywords:** E-commerce; Civil and Commercial Law; Legal Innovation; Consumer Rights Protection; Electronic Contracts; Personal Information Protection

## 1. Introduction

With the rapid development of information technology, e-commerce has become an important part of the global economy. The popularization of the Internet and technological advancements have removed geographical and time constraints on the trading of goods and services. The rapid growth of e-commerce has not only promoted economic growth but also provided consumers with more convenience and choices. This paper will start with the legal nature and legal relationships of e-commerce transactions, focusing on the

legal innovation measures for protecting consumer rights in e-commerce, aiming to provide comprehensive legal protection for the healthy development of e-commerce.

## 2. Theoretical Basis

### 2.1 Overview of E-commerce: Definition, Characteristics, and Development Trends

E-commerce conducts transactions of goods and services through the Internet and is an important part of the modern economy. Its definition can be summarized as the use of information technology for commercial activities, including transactions, payments, and delivery[1]. E-commerce has significant characteristics such as virtuality, globality, convenience, and immediacy. These characteristics not only improve transaction efficiency but also break the traditional time and space limitations of transactions, enabling businesses to operate globally. In recent years, e-commerce has developed rapidly and has shown a trend of diversification. For example, the rise of cross-border e-commerce has promoted international trade, the popularity of mobile e-commerce has changed consumer shopping habits, and social e-commerce has enhanced user stickiness and interactivity through social networks. The development trends of e-commerce show characteristics of intelligence, personalization, and socialization, and will continue to profoundly impact the global business landscape in the future.

### 2.2 The Role and Function of Civil and Commercial Law in E-commerce

Civil and commercial law provides the basic legal framework for e-commerce activities,

ensuring the legality and regulation of transactions. By clarifying the legal effectiveness of electronic contracts, civil and commercial law guarantees the safety and credibility of online transactions. Civil and commercial law plays an important role in protecting consumer rights. In the e-commerce environment, consumers face increased risks and challenges, such as false advertising and substandard product quality. Civil and commercial law, through the formulation of strict consumer protection clauses, regulates the behavior of platforms and merchants, safeguarding consumers' legitimate rights and interests. Civil and commercial law also has an important function in mediating e-commerce disputes. The high incidence and complexity of e-commerce disputes require the law to provide efficient dispute resolution mechanisms, such as online arbitration and mediation. Through regulating transaction behaviors, protecting legitimate rights, mediating disputes, and promoting market order, civil and commercial law provides strong legal guarantees for the healthy development of e-commerce.

### **3. Legal Nature and Relationships of E-commerce Transactions**

#### **3.1 Definition of the Legal Nature of E-commerce Transactions**

In e-commerce, parties to a contract reach an agreement through electronic offers and acceptances, a process that meets the basic requirements for contract formation under contract law. Electronic contracts are usually manifested in the form of online orders, email confirmations, and other formats. Their legality and validity are widely recognized and protected within international and domestic legal frameworks. The contractual relationships in e-commerce transactions are not limited to traditional sales contracts but also include service contracts, agency contracts, logistics contracts, and other forms[2]. The virtual and cross-regional characteristics of

e-commerce transactions make their legal nature more complex. For instance, cross-border e-commerce transactions involve the application of international laws, requiring consideration of both private international law and international conventions. Therefore, clarifying the legal nature of e-commerce transactions helps effectively regulate and protect them in legal practice, ensuring that all parties conduct fair and legal transactions within the legal framework.

#### **3.2 Sorting Out the Legal Relationships in E-commerce Transactions**

The legal relationships in e-commerce transactions are complex and diverse, mainly involving buyers and sellers, e-commerce platforms, payment service providers, and logistics service providers. The legal relationship between buyers and sellers is the core of e-commerce transactions, primarily including the purchase, payment, and delivery of goods or services. E-commerce platforms, as intermediaries, provide trading platforms and services to both parties, assuming the roles of information intermediary and credit guarantor. Their legal relationships with both parties are mainly reflected in service contracts and platform rules. Payment service providers are responsible for the flow of transaction funds, forming payment service contract relationships with both the trading parties and the platform. Logistics service providers handle the transportation and delivery of goods, forming logistics service contract relationships with the sellers[3]. Legal relationships among parties may also involve intellectual property, data protection, and consumer rights protection. Therefore, comprehensively sorting out the legal relationships in e-commerce transactions helps clarify the rights and obligations of all parties and promotes the standardized development of e-commerce.

#### **3.3 Formation, Performance, and Termination of E-commerce Contracts**

The formation, performance, and termination of e-commerce contracts are crucial legal issues in e-commerce transactions. The formation of contracts must meet the provisions of the Contract Law regarding offers and acceptances. In the e-commerce environment, contracts are usually concluded electronically through online platforms, with electronic offers and acceptances having the same legal effect as traditional written contracts. The performance of contracts includes the delivery, payment, and acceptance of goods or services, which must comply with the contractual agreements and relevant laws and regulations. Due to the virtual and cross-regional nature of e-commerce transactions, disputes often arise during performance, such as issues with product quality and logistics delays. These problems need to be resolved through clear contractual terms and legal provisions. The termination of contracts involves the termination rights of both parties, and the conditions and procedures for termination must comply with the Contract Law and relevant laws. For instance, consumers enjoy the right to return goods without reason under certain conditions. By clarifying the rules for the formation, performance, and termination of e-commerce contracts, we can effectively protect the legitimate rights and interests of both parties, promoting the stability and development of the e-commerce market[4].

### **3.4 Legal Effect and Recognition of Electronic Evidence**

The legal effect and recognition of electronic evidence are key to ensuring fair transactions and resolving disputes in e-commerce. According to the Electronic Signature Law of the People's Republic of China and relevant judicial interpretations, lawful electronic signatures, electronic contracts, and other electronic data have the same evidential effect as written forms. Electronic evidence includes emails, electronic orders, transaction records, and payment vouchers. In practice, the validity

of electronic evidence depends on its authenticity, integrity, and verifiability. This requires e-commerce platforms and parties to properly preserve relevant electronic records during transactions, ensuring they are not tampered with or lost[5]. Courts need to consider the legality and security of the generation, transmission, and storage of electronic evidence when examining e-commerce disputes. Improving the legal regulation and technical safeguards for electronic evidence can enhance its credibility and applicability, thereby better maintaining the legal order of e-commerce transactions and protecting the legitimate rights and interests of all parties involved.

## **4. Legal Innovations in Consumer Rights Protection in E-commerce**

### **4.1 Particularities and Challenges of Consumer Rights in E-commerce**

The virtual and non-face-to-face nature of e-commerce transactions prevents consumers from directly inspecting products, making them susceptible to false advertising and product quality issues. When shopping online, consumers rely solely on images and text descriptions, often leading to discrepancies between the expected and received products. The cross-regional and international characteristics of online transactions pose additional obstacles and complexities in consumer rights protection. For instance, in cross-border e-commerce transactions, consumers must navigate different countries' laws and regulations and address language barriers and cultural differences. Consumers may not have comprehensive information about the actual condition of goods or services, leading to unfair transactions. Merchants might exaggerate product performance or conceal unfavorable information, causing consumers to make erroneous purchasing decisions. The risks associated with electronic payments and logistics services further complicate consumer rights protection. Issues like the security of consumers' funds

during electronic payments, the protection of personal information, delays, losses, or damages in logistics services increase the uncertainty and risks consumers face in e-commerce. Therefore, protecting consumer rights in e-commerce requires specific laws and regulations to address these unique challenges and ensure consumers' legitimate rights are effectively safeguarded in the virtual environment.

#### **4.2 Recommendations for Improving the Legal System of Consumer Rights Protection**

Specialized e-commerce consumer protection laws and regulations should be formulated, clearly defining the responsibilities and obligations of e-commerce platforms and operators. Inspired by the EU's General Data Protection Regulation (GDPR) and Consumer Rights Directive, a Chinese version of the e-commerce consumer protection law should be developed. This law should enhance the regulation of issues like false advertising and product quality, ensuring consumers' rights to information and choice during the purchasing process. The responsibilities of e-commerce platforms should be strengthened, requiring them to strictly verify the qualifications of merchants, establish comprehensive consumer complaint handling mechanisms and credit evaluation systems. As intermediaries, e-commerce platforms should assume more regulatory and guarantee responsibilities to ensure transaction fairness and transparency. Legal cooperation in cross-regional and cross-border e-commerce should be enhanced, establishing international cooperation mechanisms to address issues of legal applicability and jurisdiction in cross-border transactions. Bilateral or multilateral agreements can be signed to strengthen judicial cooperation between countries, ensuring cross-border transaction disputes are resolved promptly and effectively. The legal norms for electronic

payments and logistics services should be improved to ensure the security of payment processes and the timeliness and reliability of logistics services. Electronic payment security standards and logistics service regulations should be developed, requiring payment service providers and logistics companies to adopt appropriate security measures to protect consumers' funds and the quality of goods delivery. Legal education and awareness campaigns should be conducted to enhance consumers' legal awareness and rights protection capabilities. Consumers should be educated on protecting their rights through legal lectures, distribution of informational materials, and other means to increase their legal literacy and awareness. When treated unfairly, they should be able to use legal tools to protect themselves effectively. Comprehensive legal protection for consumer rights in e-commerce can be achieved through multi-faceted system improvements.

#### **4.3 Application of Personal Information Protection and Privacy Rights in E-commerce**

With the development of e-commerce, large amounts of personal information are collected, stored, and used during transactions, increasing the risks of information leakage and misuse. E-commerce platforms and merchants should inform consumers about the purpose, scope, and use of information collection before collecting it and obtain consumers' explicit consent. Supervision of e-commerce platforms and merchants should be strengthened, requiring them to adopt technical and management measures such as data encryption and access control to protect personal information. Government regulatory agencies should establish strict review and supervision mechanisms, regularly checking whether e-commerce platforms and merchants' information protection measures are in place and severely punishing violations. Consumers' rights to information, choice, correction, and

deletion should be clearly defined, giving consumers control over their personal information. For example, consumers should have the right to request the deletion of unnecessary information or the correction of incorrect information by e-commerce platforms. A comprehensive information protection complaint and dispute resolution mechanism should be established to ensure consumers' rights in personal information protection are promptly and effectively safeguarded. E-commerce platforms should set up dedicated personal information protection departments to handle consumer complaints and disputes, providing convenient complaint channels and efficient handling mechanisms. By improving the legal application of personal information protection and privacy rights, consumer trust in e-commerce can be enhanced, promoting the healthy development of e-commerce.

#### **4.4 Optimization of Return, Refund, and Dispute Resolution Mechanisms**

Return, refund, and dispute resolution mechanisms are crucial to consumer rights protection, especially in e-commerce, where return and refund issues are prominent. Legal measures should be implemented to regulate and guarantee these processes. The e-commerce return and refund system should be improved, clearly defining the conditions, procedures, and time limits for returns and refunds to protect consumers' return rights. For example, the seven-day no-reason return right stipulated in the Consumer Rights Protection Law should be strictly enforced in practice to ensure that consumers can easily and quickly return goods and get refunds if they are dissatisfied with their purchases. Efficient and convenient online mediation, arbitration, and litigation mechanisms should be established to ensure timely and effective resolution of consumer disputes. E-commerce platforms should set up dedicated dispute resolution departments, providing convenient complaint channels and diversified dispute resolution methods. Online mediation

platforms can quickly resolve disputes between consumers and merchants, reducing the time and cost of consumer rights protection. A comprehensive arbitration mechanism should be established, encouraging consumers to resolve disputes through arbitration, reducing the complexity and high costs of litigation. Supervision of return, refund, and dispute resolution processes should be strengthened to ensure transparency, fairness, and justice, preventing unreasonable return refusals and refund delays. Government regulatory agencies should establish detailed return, refund, and dispute resolution norms, regularly checking the implementation status of e-commerce platforms and warning and punishing problematic platforms. A consumer rights protection supervision mechanism involving various social sectors should be established to create a multi-party participation protection system. Blockchain technology can be applied to record all transaction stages to ensure the authenticity and immutability of transaction information, enhancing the transparency and credibility of dispute resolution. By optimizing return, refund, and dispute resolution mechanisms, consumer satisfaction and trust can be effectively improved, promoting the sustainable and healthy development of the e-commerce market.

#### **5. Conclusion**

This paper delves into the innovation and improvement of civil and commercial law systems in the e-commerce environment. By analyzing the legal nature and relationships of e-commerce transactions, it clarifies the legal characteristics of e-commerce transactions as contractual relationships and outlines the complex legal relationships involving buyers, sellers, e-commerce platforms, payment service providers, and logistics service providers. It also addresses the particularities and challenges of protecting consumer rights in e-commerce and provides specific recommendations for improving the legal system. A

comprehensive and systematic improvement of the civil and commercial law system in e-commerce can effectively address the unique challenges in the e-commerce environment, ensure the fairness and legality of transactions, protect consumers' legitimate rights and interests, and promote the standardization and sustainable development of the e-commerce market. Future legislative and judicial practices should continue to monitor the development dynamics of e-commerce, promptly adjust and improve relevant legal systems, and provide a solid legal guarantee for the prosperity of e-commerce.

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