Practical Dilemmas and Improvement Paths of Consumer Rights Protection in Live-streaming Sales Scenarios

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Abstract: As a new form of platform economy, live-streaming sales have sprung up rapidly supported by digital technologies, profoundly reshaped consumption patterns, and become an important driving force for high-quality economic development. Nevertheless, this model has gradually brought to light difficulties in consumer rights protection, with frequent irregularities such as false publicity and exaggerated marketing. In addition, due to inadequate supervision, limited consumer capacity and cumbersome remedies for rights protection, consumers' legitimate rights and interests are prone to infringement. To promote the long-term and sound development of the industry and safeguard consumer rights and interests, we should clarify the deficiencies of the consumer protection mechanism for live-streaming sales. By refining legal norms, establishing a diversified supervision system and smoothing rights-protection channels, the conduct of all relevant parties can be regulated, and the consumer rights protection system in live-streaming sales can be improved.

Keywords: Live-Streaming Sales; Consumer Rights and Interests Protection; Live Streamer; Digital Economy

1. Current Development Status and Charact-Eristics of Live-Streaming Sales

In recent years, the rapid development of online live streaming and e-commerce has attracted widespread public attention and gradually become an important choice for consumers [1]. As a new business model, live-streaming sales has grown rapidly thanks to its interactivity and real-time engagement, evolving into a national-level consumer market. It has not only revolutionized and diversified consumers' shopping channels, but also brought them afresh shopping experience. However, issues s-uch as inconsistent product quality and false advertising have gradually emerged under this model, reflecting a series of governance challenges in the live-streaming e-commerce industry.

1.1 Development Status of Live Broadcast Sales

Since 2016, the "live broadcast + platform + content" sales model was first introduced in Mushroom Street, and the live broadcast models of traditional large-scale Internet platforms such as JD.COM and Tmall have also been launched. In 2018, short video platforms, such as Tik Tok and Aauto Quicker, also followed the pace and launched live streaming mode. According to the "Online Survey Report on Consumer Satisfaction of Live E-commerce Shopping", the e-commerce market has reached 433.8 billion yuan in 2019. With the emergence of the epidemic in 2020, the sales of live webcasts have become more intense, and the demand for residents to buy goods without leaving home has increased rapidly, and the scale of users has expanded rapidly. The 55th Statistical Report on China's Internet Development released by China Internet Network Information Center shows that by the end of 2024, the number of Internet users in China has exceeded 1.108 billion, and the penetration rate has climbed to 78.6%, including 974 million electronic payment users, with a remarkable penetration rate of 87.9%. At the same time, a large number of consumer groups have laid a solid market foundation for the development of live e-commerce. In order to respond to consumers' shopping needs, not only the mainstream e-commerce platforms continue to exert their strength, but also the social media platforms that are good at short videos are gradually laid out in depth, attracting a large number of market players to compete for investment, extensively carrying out platform cooperation and actively opening live broadcast sales, forming a business picture in which all people participate. At the same time, the live broadcast sales model has also promoted social multi-party linkage and cooperation, injected

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strong vitality into the platform economy, and promoted the rapid development of logistics enterprises such as express delivery. During the epidemic period, official media such as CCTV and Li Jiaqi, Viya and other red-headed anchors jointly launched a number of live sales of poverty alleviation and assistance to Hubei, which further expanded the scale and influence of the live sales model.

However, behind the explosive growth of the live-streaming sales model, certain flaws have gradually come to light. According to the "Analysis Report on Consumer Complaints in the Live-Streaming E-commerce Industry," current consumer complaints regarding live-streaming sales in China primarily center on issues such as false advertising, product quality, and coercive sales practices. Some merchants, in an effort to boost sales, engage in "fake orders" to attract traffic and gain a competitive edge [2]; some live streamers, in an effort to boost sales, make exaggerated or even false claims about the products they promote. Furthermore, the roles of various parties involved in live-streamed e-commerce are poorly defined, making it difficult to assign responsibility. When after-sales issues arise, parties often shift blame onto one another, causing significant harm to consumer rights. As a result, some consumers have begun to question and boycott live-streamed sales. Although subsequent regulations such as the "Advertising Law" and the "Consumer Rights Protection Law" have helped curb some of the chaos in live-streaming sales, legislative gaps and regulatory gaps still exist regarding the allocation of responsibilities among live-streaming e-commerce platforms, live-streamers, and operators; the legal status of live-streamers; and avenues for consumers to protect their rights.

1.2 Characteristics of the Development of Live-Stream Sales

In the traditional e-commerce mode, the purpose of consumers' online shopping is to buy their favorite goods, but with the intervention of live broadcast sales, consumers' shopping behavior has gradually become a comprehensive behavior of "shopping + entertainment + watching live broadcast", which also means that live broadcast sales are not only to meet consumers' shopping needs, but also to meet their entertainment and emotional communication needs. At the same time, in addition to traditional producers, sellers and consumers, live broadcast sales have also joined platforms, anchors and their groups, which makes the division of subjects and responsibilities among all parties more complicated. As a result, webcast sales have many different characteristics from the traditional e-commerce marketing model.

The first is interactivity. As a new marketing model in the information age, the biggest advantage of webcasting sales is that consumers can interact with anchors in real time. On the one hand, consumers can ask questions about products, bargain with anchors, send barrage or give gifts for entertainment. At the same time, on the other hand, anchors can also rely on their unique personal charm and popularity to stimulate consumers' desire to buy. However, in the traditional e-commerce shopping mode, consumers can only stare at the mechanical product interface, which has the separation of time and space and less intuitive feeling of goods.

The second is immediacy. Live sales completely revolutionized the inherent pattern of traditional e-commerce. In the past, goods could only be presented to consumers by static picture display and abstract text description. Now, online live sales use modern Internet transmission technology to live broadcast goods sales in real time, and vivid try-on, tasting and detailed explanation by anchors bring consumers an intuitive experience. Answer consumers' questions in time during the live broadcast, so that consumers can have a deeper understanding of the products compared with the traditional marketing model. However, it is worth noting that due to the immediacy of the live broadcast process, consumers are often attracted by the set live broadcast content when they consume under certain circumstances, and make decisions in a hurry instead of using screenshots and videos to save evidence. When the received commodity names are not true, it is difficult to prove them when seeking judicial solutions.

The third is the diversity of subjects. The traditional online shopping model involves a small number of related subjects, and usually only involves the tripartite relationship among merchants, platforms and consumers. There is a network service contract relationship between merchants, platforms and consumers, and there is a sales contract relationship between merchants and consumers. Generally speaking,

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the legal relationship is relatively clear. However, in the mode of live webcast sales, the complexity of the subject has increased significantly. In addition to the traditional tripartite subject structure, it is also possible to add anchors, MCN institutions and other subjects. At the same time, it is worth noting that the anchor, as the basis of the live broadcast sales model, has not been clearly defined in the current laws and regulations, and in practice, its status and role are different under different live broadcast models, which also makes the legal relationship more complicated.

1.3 Driving Factors for the Rapid Development of Live-Stream Sales

Since the live-streaming sales model "emerged onto the scene" in 2016, this consumption pattern has been widely favored by consumers. However, its success did not come "out of thin air"; rather, it is the product of a combination of multiple factors.

First, it is technology empowerment. An important factor for live broadcast sales to replace traditional TV advertisements to promote shopping and online shopping lies in the breakthrough of technical barriers [3]. Traditional shopping is only to insert advertisements on TV or set up virtual shops by storing electronic data on the server provided by the network platform. Consumers log in to the shops from Internet terminal devices to find goods, read instructions and complete transactions through electronic payment. Webcast sales creatively introduce the network video live broadcast technology on the online shopping platform, that is, by setting up signal acquisition and production equipment, digital signals are converted into streaming media signals, and then uploaded to the broadcasting platform for people to watch through the Internet [4]. At the same time, the live video also includes a communication and feedback system, that is, communication technology, to facilitate the interaction between consumers and anchors, as well as entertainment through rewards.

Second, it is the boost of traffic. The joining of movie stars, internet celebrities and even government officials has brought huge network traffic and attention to the live broadcast sales model. In this information age, stars have become "synonymous" to attract people's attention. A little trouble caused by it will cause network vibration. Whenever there is a star guest live broadcast with goods, huge traffic and sales also follow, boosting the rapid development of live broadcast sales. During the epidemic in 2020, in order to alleviate the crisis of local goods hoarding, many officials also went to live broadcast platforms such as Taobao and JD.COM to promote local specialty goods. Their performance is also impressive: selling 100 melons in 10 seconds; Sell more than 8,000 copies of hot sauce in 5 minutes; Sell out 5000 copies of Dangshan pear paste in 30 minutes [5].

Finally, there's the matter of understanding consumer psychology. In live-stream sales, many consumers tune in hoping to "snag a bargain." It's undeniable that sometimes, through interaction and haggling with the host, they can secure the "lowest price online," creating a win-win situation for both the consumer and the host. More often than not, however, the host holds the upper hand, using phrases like "only 100 left" or "act now or wait until next year" to spur consumers' desire to buy. In this "scarcity marketing" strategy, hosts skillfully leverage the psychological "scarcity effect," subtly creating a sense of psychological pressure that compels consumers to make impulse purchases.

1.4 Governance Dilemmas of Consumer Protection in Current Live-Stream Sales

While the popularity of webcasting sales continues to rise, many sales chaos are also common, such as quality fraud, price fraud and difficulties in after-sales rights protection. Behind these sales chaos are violations of consumers' legitimate rights and interests such as safety rights, information rights, choice rights and fair trade rights [6].

1.4.1 False Advertising and Impairment of the Right to Know

The Law on the Protection of Consumers' Rights and Interests stipulates that "consumers have the right to know the real situation of the goods they buy or use or the services they receive", but in the actual process of commodity trading, most of the commodity information obtained by consumers is decided by the operators. Operators have the right to monopolize this information to some extent, and this kind of commodity information released by operators may have an adverse impact on consumers' consumption interests, such as the "Bird's Nest in Sugar Water" incident triggered by Aauto Quicker anchor Simba [7], which realizes the realization

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of flow through the fiction of product components. In addition, in order to promote consumers to place orders, anchors often exaggerate the use or quality of goods and consciously downplay the defects of the goods themselves. These false information will make it difficult for consumers to fully understand the actual quality of goods, which makes it difficult to guarantee their right to know. Due to the interference of false information, consumers often make wrong judgments in the shopping process, which also infringes on consumers' right to choose independently to some extent.

1.4.2 Poor Product Quality and Difficulty in Safeguarding the Right to Safety

In the current sales mode of live broadcast with goods, there are quality control loopholes in the circulation of goods, which opens the door for defective goods to enter the market. Relying on the live broadcast sales model of the network platform, the circulation threshold of inferior goods is lowered to a certain extent. After consumers complete the instant purchase behavior, there is a significant difference between the goods actually received and the objects displayed live [8]. Moreover, the current online sales platform still lacks strict examination of the qualifications of network anchors and the quality of the products they sell, which has increased. Unscrupulous merchants cheat consumers and infringe on the legitimate rights and interests of consumers by shoddy, fake and genuine products, and passing off unqualified products as qualified products [9]. In addition, the products sold by webcasting are diverse, including daily necessities, clothing and other aspects. Different kinds of fake and inferior products have hidden dangers to consumers' personal and property, which makes social risks gradually caught off guard in daily life.

1.4.3 Product Price Fraud, Unfair Trading Rights

The Law on the Protection of Consumers' Rights and Interests stipulates consumers' right to fair trade. However, in online live sales, price fraud occurs frequently, which makes it difficult to guarantee consumers' right to fair trade. Price fraud refers to the behavior that operators use false or misleading price forms or price means to deceive and induce consumers or other operators to trade with them. Whether the anchor abuses the slogan of "the lowest price in the whole network" to promote sales at a low price in live broadcast sales, or the commodity operators deceive consumers by using false discounts or violating price commitments to induce them to buy, it can constitute price fraud.

1.4.4 Post-Sales Rights Protection Difficulties and Challenges in Realizing the Right to Compensation

The right to claim compensation, as the core legal right of the consumer as a subject, grants consumers the legal status to claim compensation and relief when their rights are infringed. Although the "Consumer Rights Protection Law" clearly stipulates the right to claim damages, in practice, due to various reasons, consumers often find it difficult to truly exercise this right. On one hand, consumers' awareness of rights protection is not strong, but the main reason is that the right to claim compensation is difficult to realize. In the actual process of rights protection, the costs involved, including time and money, may already exceed the price of the goods; and due to the timeliness of live-stream sales, consumers' evidence collection and proof presentation are in a difficult situation, and most consumers thus give up rights protection. On the other hand, in the live-stream sales model, the status of all parties shows a more complex trend, and the current law has not yet clearly defined the legal status of the hosts. Due to the lack of professional knowledge, the high cost of lawyers, and the lack of litigation experience of most consumers, even if they hope to seek relief through judicial means, they cannot file lawsuits against the appropriate partie.

2. Analysis of Consumer Rights Protection Issues in Live Streaming Sales

As the live-streaming sales model has rapidly expanded, issues such as consumer rights violations resulting from live streamers’ falsified data metrics and misleading advertising have become increasingly prominent. At the same time, the inefficiency of consumer rights protection mechanisms has emboldened unscrupulous merchants. The root causes of this situation include the lag in legislation, the limitations of existing regulations, and the inadequate implementation of oversight mechanisms by government enforcement agencies—all of which contribute significantly to the lack of protection for consumer rights. At the same time, consumers’ own purchasing psychology and habits also play a major role in the infringement of their rights.

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2.1 Gaps in Relevant Laws and Regulations

For the protection of consumers' rights and interests in the case of live broadcast sales, the current special laws and regulations are not perfect. Although the Guiding Opinions of the General Administration of Market Supervision on Strengthening the Supervision of Online Live Broadcasting Marketing Activities are instructive, their regulatory effectiveness is still insufficient for the complex and ever-changing online business environment. At the same time, although laws and regulations such as Consumer Protection Law, Advertising Law and E-commerce Law can be a great weapon for consumers to protect their rights, their norms are mostly general rules and there are legislative gaps, and there is no basis for the regulation of special circumstances in live broadcast sales, and there are shortcomings in legislation.

2.1.1 Inadequate Implementation of Legal Liabilities for the Information Disclosure System and the Protection of Consumers' Right to Know

Consumers' right to know gives consumers the right to obtain transaction information when purchasing goods or receiving services, which constitutes the legal premise of consumers' rational decision-making, and its core is to ensure consumers to fully know the real situation of the transaction target and related risk factors. Among the existing laws, the consumer protection law is the most typical one to protect consumers' right to know in online live broadcast sales. Article 8 of this law stipulates that consumers have the right to ask operators to provide commodity-related information. At the same time, Articles 20, 21 and 28 stipulate the information disclosure obligations of operators, and explicitly require them to provide consumers with various information, including but not limited to business address, contact information, quantity and price of goods, and at the same time, it is necessary to remind them of safety precautions. However, it is worth noting that although consumers' right to know and operators' obligation to disclose information are stipulated, there is little mention of the specific legal responsibility for violating this obligation. Only in the case of specific fraud as stipulated in Article 56, a fine of less than 10 times, a fine of less than 500,000 or a license revocation penalty will have little effect on regulating the behavior of operators. In the Electronic Commerce Law, Articles 15, 10 and 17 stipulate the information disclosure obligations that operators should abide by, and at the same time emphasize that e-commerce operators must act in strict accordance with relevant regulations, and must not exaggerate the service or quality of goods, and must not intentionally mislead or conceal information related to goods. Moreover, Article 78 stipulates that if an e-commerce operator fails to perform or fails to fully perform its information disclosure obligations according to law, the administrative organ may make a fine decision, and may impose a maximum fine of not more than 500,000 according to the seriousness of the case. However, according to the data of e-commerce sales, 500,000 yuan can be described as nine Niu Yi cents. Therefore, it also encourages some obligors to evade the obligation of information disclosure in disguise. Article 4 of the Advertising Law also clearly stipulates the operators. Publishers and other related subjects should abide by the law and carry out advertising truthfully, and must not resort to deceit. Those who make false advertisements or mislead consumers may bear administrative responsibility and criminal responsibility. This provision is relatively general, and the boundaries between civil responsibility, administrative responsibility and criminal responsibility are vague, so it is difficult to really carry out the responsibility in practice. In short, China has initially established an institutional framework to protect consumers' right to know and operators' information disclosure obligations, but the overall structure is still relatively simple. In particular, the implementation of responsibility for violating information disclosure obligations is relatively general on the one hand, and the punishment intensity does not match the operators' income, so it is difficult to form a higher regulatory intensity, which needs to be put in place by subsequent legislation.

2.1.2 Unclear Subject Qualification and Definition of Conduct of Online Streamers

The network anchor is in the core position in live broadcast sales. Determining the legal status of the anchor is conducive to clarifying the rights and obligations of all parties, improving the efficiency of the transaction and promoting the settlement of disputes and responsibility. However, the current legislation has not yet clarified the legal status of sales anchors, and the current academic circles' identification of their legal status mainly includes "advertising

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spokesperson theory" and "intermediary theory". "Advertising spokesperson theory" is highly praised by most scholars. Compared with the traditional celebrity advertising endorsement, the online live broadcast sales also promote and sell goods, and the anchor's own popularity plays a greater role in it. The live broadcast behavior actually fits the legal definition of some advertisements. Although webcasting personnel are not advertising spokespersons in fact, their live sales behavior can be classified as advertising behavior in essence, that is, commercial activities that directly or indirectly introduce the goods or services they sell through certain media or forms as stipulated in the Advertising Law. Another part of scholars support the "intermediary theory". According to Article 961 of the Civil Code, it can be concluded that an intermediary is a person who reports the opportunity to conclude a contract to the client or provides media services for concluding a contract. This part of scholars believe that the network anchor is only an intermediary to provide opportunities for merchants and consumers to conclude commodity sales contracts. However, there are obvious shortcomings in this theory. The network anchor and the merchant sign an entrustment contract instead of an intermediary contract, and even if the contract is not concluded, they can still get remuneration from the merchant. At the same time, because online advertising exists in virtual space, its production, publishing and operation become simple, and most of the time the operators integrate the three, which makes the boundaries between advertisers, advertising operators and advertising publishers gradually blurred. Most of the time, webcasts are also operators, but sometimes they are only employees of the webcasting platform. The complexity of the sales subject of webcasting makes it more difficult to identify the legal status of the anchor. In addition, the unclear legal position of the anchor also affects its responsibility and compliance with the norms. From the perspective of Advertising Law, Article 56 provides a clear joint and several liability mechanism; From the perspective of contract law, when investigating the responsibility, the anchor can get away from the consumption dispute based on the relativity of the contract, which reduces his professional risk but also reduces the prudence and standardization of his professional behavior.

2.2 Absence of Regulatory Mechanisms

With the rapid iteration of the live broadcast e-commerce format, the government supervision system gradually shows the lag of governance. At present, most of the regulations on live broadcast sales activities still follow the traditional supervision framework of online shopping, and the special administrative supervision system for live broadcast scenes is in short supply. At the same time, China's multi-level collaborative supervision model with multi-party participation of platforms and industry associations has exposed governance dilemmas such as blurred boundaries of powers and responsibilities and distorted supervision signals in practice. Regulatory failure has become an important incentive for frequent cases of consumer rights infringement in the field of live broadcast sales, which is embodied in:

2.2.1 Weak Administrative Supervision System

The rhythm of the live broadcast sales model is fast, and the transaction volume is huge. Thousands of goods will be snapped up in a few minutes, and the sales chaos will also occur in such high-density live broadcast sales. If it is allowed to grow wildly, it will inevitably lead to disorderly economic development. At present, China's administrative supervision over the online live broadcast sales model is limited, and most of them follow the traditional online shopping supervision method. Live sales mostly use home office or live broadcast in other venues, and it is very difficult to obtain evidence through on-site administrative inspection. At present, it mainly relies on traditional supervision methods such as netizen reporting and manual spot check, which gradually cannot keep up with the rapid change of live broadcast, and the supervision efficiency is low and the standardization effect is limited, which can not play a preventive and regulatory role. At the same time, although the Law on the Supervision and Administration of Online Transactions implemented in 2021 stipulates that the video of live broadcast sales should be kept for at least three years, there may be some problems such as deletion and false records in the hands of operators, which are difficult to find in the existing technology and bring difficulties to law enforcement. At the same time, the field of webcasting sales is supervised by the General Administration of Market Supervision, the

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National Internet Information Network Office and other departments according to their respective functions and powers, and there is a situation of "multi-head supervision", and the joint supervision force between various departments has not yet formed, which leads to low efficiency and is not conducive to effectively achieving the purpose of supervision. Moreover, live broadcast sales are mainly realized through the Internet, and the places where illegal acts occur may involve multiple regions, and the actual business places and residences of operators may also be widely distributed. There are governance problems of cross-regional supervision, and it is difficult to form regulatory coordination and synergy.

2.2.2 Weak Industry Supervision

Industry associations are non-profit legal persons that operate in a non-governmental, non-official manner, with the aim of safeguarding the common interests of their industry [10]. They provide various services to industry participants and conduct self-regulatory oversight within the rule-of-law framework [10]. Under the “market–social intermediary–government” framework established by economic law, economic actors can be classified into market entities, social intermediary entities, and government-led economic administrative entities. As a member of the social intermediary layer, an industry association connects the market on one side and corresponds to the government on the other, thereby serving as a link between the market and the state.Industry associations are mainly composed of industry insiders. Compared with government authorities, they typically possess a deeper understanding of the relevant professional knowledge and internal market conditions. Nevertheless, weak oversight and regulatory failure on the part of industry associations in China remain significant. Industry associations can only regulate market irregularities by issuing advisory guidelines and mediating market disputes. Lacking the coercive and punitive backing of public authority, they can play only a limited auxiliary role in market regulation. Moreover, because industry associations take the interests of their members as their starting point and aggregate the interests of numerous industry participants, their nature may, to some extent, weaken regulatory intensity and thus tacitly permit exaggerated or vulgar live-streaming practices.

2.2.3 Formalization of Online Platform Supervision

In the era of digital economy, the network platform is the carrier of the virtual storefront of commodity operators and the bridge connecting commodity operators and consumers. A network platform may have a large number of operators, including many shops and a large number of goods. This determines that it is impossible for the government to fully supervise everything, and it is bound to cost a lot to fully supervise it. However, there is a direct relationship between the platform and the operators, and regulating the operators' behavior through its supervision can improve the supervision efficiency and reduce the supervision cost. And the platform bears part of the government's regulatory rights, which is actually the process of the government returning to the society [11].However, there are big defects in the supervision of the live broadcast sales model on the current Internet platform.

The platform is more formal in reviewing the qualifications of operators and anchors, and the entry threshold is lower. In the transaction of live broadcast e-commerce, the platform party undertakes the dual functions of trading hub and information intermediary [12], thus, its prior supervision of merchants or anchors is an important part of the supervision link. Whether to carefully examine the information of merchants or anchors and their business qualifications beforehand is directly related to the protection of consumers' legitimate rights and interests. Article 44 of the Consumer Protection Law also stipulates the obligation of qualification examination in advance in disguise, that is, when the rights and interests of consumers are damaged, the online platform can not provide effective information such as the real name and address of the seller or service provider, and consumers can also ask for compensation from the online platform. However, in practice, online platforms tend to "muddle through" information that does not require real-name authentication, and do not substantially review specific information such as whether the product quality is qualified or not and whether it has a business license [13] .At the same time, the platform's industry threshold rules for live broadcast anchors with goods are also vague, which makes the moral quality and professionalism of many anchors uneven and has become a criticism of many consumers. When a consumer dispute occurs, the platform will shift

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the responsibility to the merchant, either asking the consumer to submit a pile of complicated evidence, or imposing a slight punishment such as short-term current restriction on the offending merchant, which will eventually make the dispute incident sloppy and unable to form a real shock to the illegal behavior.

2.3 Poorly-Functioning Rights Protection Mechanisms

The focus of protecting consumers' rights and interests in webcasting sales is not only to ensure consumers' substantive rights in live shopping, but also to provide relief when their rights are actually violated. However, under the current webcast sales model, the consumer dispute resolution mechanism is still not perfect, which is embodied in the following aspects:

The first is the lack of judicial protection. In dealing with traditional online shopping disputes, there is a defect of insufficient judicial guarantee, which continues to the dispute settlement under the current online live broadcast sales model. On the one hand, in online shopping dispute resolution, consumers tend to choose a way that is beneficial to the platform. For consumers, compared with the price of goods, the time and money cost of defending rights in reality may be much higher than the price of goods. Considering the cost and benefits of defending rights, consumers often give up defending rights. On the other hand, when assuming the burden of proof, the current Consumer Protection Law only stipulates the inversion of the burden of proof for durable goods, and the overall evidence system is still the mode of "whoever advocates the burden of proof". In the mode of live broadcast with goods, some live images have the characteristics of immediacy, and there is no playback function. When consumers find that the received goods are "misnamed" and want to protect their rights, they have already missed the time for taking screenshots and videos, making it difficult to provide valid evidence in litigation, which increases the litigation risk of consumers. At the same time, although consumers can apply to the court for operators to provide live video, and the Law on the Supervision and Administration of Online Transactions implemented in 2021 stipulates that live video should be kept for at least three years, the audio-visual materials of live sales may be deleted in the hands of operators, which is difficult to find in the prior art and makes it more difficult for consumers to prove.

Second, non-litigation dispute resolution channels are not functioning smoothly. Non-litigation dispute resolution channels for consumer rights include settlement, mediation, complaints, and arbitration. Among these, the most common avenue of redress for consumers in live-stream sales is seeking assistance from the sales platform, primarily through filing complaints. However, regarding platform complaints, the service efficiency of customer service representatives on China’s online shopping platforms is generally low. Furthermore, the specific management measures for handling customer complaints on most online platforms lack practicality; customer service representatives are often reluctant to accept consumer complaints or, after accepting them, fail to handle them properly. This limits the effectiveness of complaints as a dispute resolution mechanism and, overall, fails to safeguard consumers’ legitimate rights. Some consumers turn to industry associations for help; however, as mentioned above, these associations primarily serve an advisory role and lack actual enforcement power or disciplinary authority. The measures they take have little binding effect on platform operators, and their regulatory impact is limited. Therefore, when handling consumer disputes, they mostly act as mediators or refer cases to relevant authorities for resolution. Overall, China’s consumer dispute resolution mechanism has not yet formed a comprehensive system, and there remains significant room for institutional improvement.

2.4 Limitations of Consumers Themselves

Online shopping is a transactional behavior involving two-way interaction between business operators and consumers. Live-streaming e-commerce, relying on real-time information transmission technology, elevates this transactional interactivity to a new level. Unlike traditional transaction models, the two-way information output characteristic of live streaming enhances consumers' sense of immersion. Features such as continuous visual presentation, real-time interaction, and targeted Q&A further boost consumers' sense of participation and experience. While facilitating high-frequency communication between operators and consumers, this model also makes the limitations of consumers' own cognitive

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levels more prone to exposure.

On the one hand, related research points out that consumers' cognitive ability has inherent defects, and it is usually impossible to maximize their own utility in the decision-making process [14] .Therefore, consumers' consumption behavior is not completely rational, but influenced by various factors, especially in the live broadcast sales model, consumers are more susceptible to irrational factors. Related research shows that happiness and arousal can positively and significantly affect online impulsive purchase intention [15]. The interactivity and vividness of webcasting sales have a significant impact on consumers' purchasing desire and impulse. In addition, activities such as countdown to live broadcast and limited-time discount on live broadcast have also brought psychological hints and pressure to consumers to some extent. Time has compressed consumers' thinking time, and it is easy for people with weak minds to make irrational impulse purchases.

On the other hand, consumers' awareness of rights protection is weak. Consumers' awareness of rights protection is mainly manifested in their awareness of their own rights related to consumption and their willingness to safeguard their rights when their rights are infringed [16] .The maintenance of rights depends on the realization of rights protection. However, at present, the weak awareness of rights protection exposed by consumers whose rights are damaged by webcasting is, in the final analysis, due to the blocking of consumer rights protection channels mentioned above. First of all, the cost of realizing rights through judicial channels is high, time-consuming and labor-intensive, and the legitimate rights and interests maintained are not as good as the cost consumption. Secondly, because of the immediacy of live broadcast sales, consumers often don't save evidence by screen capture when buying, which makes it difficult to prove. Finally, non-litigation rights protection channels, such as complaints, arbitration and other dispute resolution mechanisms, are not smooth. In short, under the dual effects of reality and immanence, consumers' awareness of rights protection needs to be gradually improved while legislation is perfected.

3. Construction of the Consumer Rights

With the rapid development of information technology, the live-streaming sales model has emerged as a key driver of the platform economy’s rapid growth. However, it has also given rise to a series of sales irregularities that have harmed consumer rights. If left to grow unchecked, this trend will inevitably lead to economic regression and social instability. Therefore, it is necessary to take a two-pronged approach—regulating live-streaming sales practices and protecting consumers’ legitimate rights and interests—to further establish a comprehensive institutional framework, build a diversified regulatory system, and ensure smooth channels for consumers to protect their rights.

3.1 Soft and Hard Combined Regulatory Governance

The protection system of consumers' rights and interests is a normative system that combines public law, private law and other norms. It includes both a "rigid" system with mandatory force formulated by legislators and a "soft" mechanism with flexible guidance formulated by industry subjects themselves, but its ultimate goal is the same, that is, to protect consumers' legitimate rights and interests in an all-round way. At present, there are still shortcomings in legislation, and the self-discipline system and norms of industry norms need to be further improved.

First of all, clarify the positioning and obligations of the anchor in the live broadcast sales model. In the live broadcast sales model, according to the relationship between the anchor and the operator, it can be divided into self-operated and other-operated. In the self-operated sales, the anchor is both the operator and the anchor, and can be held accountable according to the provisions of relevant laws and regulations on the operator; However, in other marketing, the identity of the anchor is more complicated, sometimes it is just an individual invited by the operator to gain traffic temporarily, and sometimes it is an employee of the live broadcast company. There is insufficient legislation to define its legal status and behavior. The author believes that the latter should be attributed to the category of advertising spokespersons. In the live broadcast sales mode, the anchor describes the goods in language and recommends the goods and services in his own name or image, which is in line with the advertising behavior stipulated in the Advertising Law to a great extent. The

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responsibility clause of the advertising spokesperson can be applied by analogy or a special responsibility clause can be formulated to implement the responsibility system. At the same time, it should be clear that the anchor should bear the obligation to convey commodity information clearly and accurately to consumers. In addition, the anchor has close contact with the merchants, and usually has higher professional discrimination ability than consumers, and it is also due to the obligation to review the quality of goods in advance.

Second, the information disclosure accountability system should be improved to safeguard consumers' right to know. To effectively protect consumers' right to know in live-streamed e-commerce, it is essential to clarify disclosure obligations and the entities responsible for disclosure through legislation, while also increasing penalties for violations of these obligations. Relevant general provisions of the "Consumer Protection Law" should be elaborated upon, or specific regulations should be enacted to refine these provisions and ensure the effective implementation of the accountability system. Penalties for violations should be strengthened, with fine amounts potentially based on the profits derived from such violations. At the same time, it is necessary to refine the provisions regarding consumers' right to know and right to choose, implement a mechanism for holding online platforms accountable for violating information disclosure obligations, and strengthen regulations governing the professional conduct of live-streaming hosts during broadcasts. Additionally, provisions related to "live-stream sales" could be incorporated into the *E-Commerce Law* to further clarify the status of live-streaming hosts, thereby enabling more specific and targeted regulation of their conduct and the implementation of an accountability system, which would enhance the systematic nature and coordination of the e-commerce legal framework.

Finally, improve the platform self-discipline system and give play to the industry regulation function. As the carrier of webcasting, the live broadcast platform is the leading link to prevent live broadcast chaos, standardize anchor behavior and strengthen product quality supervision, and should shoulder the corresponding regulatory obligations. To this end, it is of great significance for e-commerce entities such as e-commerce platforms and live broadcast platforms to formulate corresponding industry norms to ensure product quality, standardize anchor behavior and protect consumers' legitimate rights and interests. On the one hand, through the formulation of anchor professional access criteria, anchor professional ethics and code of conduct, high-quality industry talents will flow into the e-commerce platform, create a civilized online live broadcast sales atmosphere, and create an orderly live broadcast sales order. On the other hand, it is necessary to formulate corresponding punishment and sanctions to implement the responsibility for violating the rules, such as issuing warnings to violators and canceling their platform entry qualifications.

3.2 Establishment of a Multi-Dimensional Regulatory System

As live-streamed sales have evolved, numerous issues have come to light, sparking intense debate over whether this sales model should be subject to specific regulatory oversight. The author believes this is inevitable. The newly released "Guiding Opinions on Strengthening the Regulation of Online Live-Streaming Marketing Activities" has already established preliminary regulatory requirements for online live-streaming sales, covering areas such as advertising violations and food safety violations. However, the regulatory provisions outlined therein are largely general in nature; while they highlight key regulatory priorities for the online live-streaming sales industry, there are still gaps in the regulatory framework that require further refinement. To this end, the following aspects should be considered in developing a regulatory framework:

First, build an effective platform supervision system. It is difficult for the government to regulate the main body of the industry, and the economic situation is becoming more and more complicated under the market economy system. Comprehensive regulation is not conducive to economic development, but also increases the cost of regulation. At the same time, we must realize that the market plays a decisive role in resource allocation, and the government only plays a normative role when the market fails. There is a direct connection between the platform and the operators and anchors. At the same time, its own algorithm advantages have great advantages in finding violations and

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stopping them in time, which can achieve efficient supervision. Moreover, because the platform has a certain manager status for merchants, it has a considerable constraint on their behavior regulation. Therefore, we can seize these "key minorities" and severely punish them, increase the punishment for poor supervision of network platforms, and urge them to exercise their regulatory obligations.

Secondly, improve the administrative supervision system. The market supervision department can set up a special team to supervise the live broadcast sales, and can adopt independent supervision or station platform for supervision. On the one hand, the establishment of the supervision team is to supervise the sales behavior of the anchors and operators under the network live broadcast sales mode, and on the other hand, it is also to supervise the platform, which can urge the platform to fulfill its supervision obligations, regulate the live broadcast sales behavior and maintain the network order.

Finally, build a supervision system for the public. The social masses are the direct audience under the live broadcast sales model, and they know the situation best under this sales model. Therefore, on the basis of mass supervision and platform supervision described above, a dual and dual supervision system can be constructed, that is, the combination of prior supervision and timely supervision. The social masses perform the function of prior supervision, that is, when watching live sales, they find that the anchor has illegal and improper behavior, and immediately report the situation to government departments or platforms while taking screenshots and videos. Post supervision is mainly reflected in the fact that merchants and platforms fulfill the obligation of retrospective evidence. For the live broadcasts received, the government supervision department can ask merchants or platforms to provide live videos of the factory, so as to judge whether there are any problems and make a decision.

3.3 Smoothing Rights Protection Channels

To some extent, the obstacles to the relief of consumers' rights in the live webcast operation are determined by their weak position. On the one hand, consumers have weak ability to collect evidence under the live broadcast sales model and cannot face highly organized companies alone; At the same time, the high cost of safeguarding rights also hinders consumers' motivation to safeguard rights. In this regard, it is necessary to optimize the current rights protection path and regulations, and improve the enthusiasm of consumers for rights protection.

First, the simplified litigation system for consumers can be improved. Live-streamed sales are characterized by convenience, quick transactions, and small transaction amounts; the time and financial costs consumers incur by pursuing ordinary litigation are often disproportionate to the benefits they stand to gain. To address the current judicial challenge of high litigation costs in consumer cases, Internet courts have been established in Beijing, Hangzhou, and Guangzhou to handle disputes arising from online transactions. However, the number of Internet courts is limited, and they only handle online disputes within specific geographic areas, which still poses challenges in serving consumers from across the country. To address this, the scope of simplified litigation procedures could be expanded to cover consumer rights protection cases. Additionally, consumers whose rights have been infringed could file complaints with the court in their place of residence, thereby reducing litigation costs and improving judicial efficiency.

Second, the advance compensation system and burden of proof regime should be improved. Article 44 of the Consumer Rights Protection Law stipulates the platform’s advance compensation liability: where false publicity occurs in live streaming sales and the live streaming platform fails to provide the seller’s information, the platform shall make advance compensation and may recover the payment from the seller thereafter. However, the subjects liable for advance compensation are overly restricted. Liability should not be limited to platforms but also apply to operators to regulate the conduct of all relevant parties. Meanwhile, as mentioned above, consumers usually lack awareness of capturing screenshots or screen recordings while watching live sales, which gives rise to difficulties in discharging the burden of proof. Accordingly, it is necessary to follow the principle of substantive fairness under the Consumer Rights Protection Law and grant preferential protection to consumers. The burden of proof may be reversed to offset consumers’ insufficient evidence. Alternatively, the platform’s evidence preservation regime shall be enforced: upon a consumer’s application, the

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court may order the platform to produce relevant videos or materials.

Thirdly, build a consumer class action system. From the point of view of reducing the litigation cost of consumers and coping with the pressure of operators, it is necessary to build an orderly consumer class action system. In this process, we can consider giving play to the public welfare function of consumer associations, and take the lead in bringing class actions against a certain type or a specific operator, which not only saves judicial and law enforcement resources, but also avoids turning class actions into disorderly lawsuits or mass incidents.

Finally, implement and expand the non-litigation dispute resolution mechanism. In real life, consumers' rights protection channels are mostly solved by reflecting problems to platforms or businesses and through customer service negotiation, and only by suing the market supervision department or the people's court for problems that cannot be negotiated. And negotiation and complaining to the platform are cheaper and more convenient than litigation. Therefore, it is necessary to implement and improve the smooth channels of non-litigation rights protection such as consultation and complaint. To implement the responsibility of the platform, the law enforcement department has the right to impose a fine on the network platform that is lazy in safeguarding consumers' rights and interests, and in serious cases, the business license can be revoked.

4. Conclusion

Live sales is a new business model that is born from the deep integration of digital economy and real economy. While releasing the consumption potential, it also exposes some governance problems, such as false propaganda, blurred boundaries of rights and responsibilities, and difficulties in protecting consumers' rights. The protection of consumers' rights and interests in live broadcast sales is a systematic project, and it is difficult to achieve the governance goal by relying solely on a certain subject. Therefore, in order to protect the legitimate rights and interests of consumers and the orderly development of live broadcast sales, it is necessary to improve the existing legal norms, clarify the division of responsibilities of anchors, platforms and operators, optimize disciplinary rules, improve the multi-collaborative supervision mechanism, strengthen the linkage between administrative supervision, industry autonomy and social supervision, and at the same time, smooth the channels of judicial and non-litigation rights protection, and lower the threshold of consumer rights protection through the optimization of evidence rules. In short, the healthy development of the live broadcast sales model and the effective protection of consumers' rights and interests cannot be achieved by a single subject, but a multi-governance pattern of "legal protection, strong supervision, industry self-discipline and consumer participation" needs to be built. Only by adapting the institutional rules to the innovation of business format, covering the whole process of the industry, adhering to the bottom line of market players and having the ability to defend rights, can we resolve the dilemma of rights protection in live broadcast sales. Thus, under the premise of fully safeguarding the legitimate rights and interests of consumers, the live broadcast e-commerce industry will be promoted to high-quality development, and industrial benefits and people's livelihood will be coordinated.

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