

Study on the Legal Collaborative Effect of Consumer Protection in Cross-Border E-Commerce from the Perspective of Educational Philosophy

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Abstract

Research on legal synergies of consumer protection in transnational e-commerce from the perspective of educational philosophy. This paper explores the significance of legal synergy in safeguarding consumer rights in transnational e-commerce from an educational philosophy perspective. It begins by summarizing the current state of transnational e-commerce development, highlighting the necessity of consumer protection, and analyzing the role played by CISG (United Nations Convention on Contracts for the International Sale of Goods) and international private law in protecting consumers' interests. The paper proposes a consumer protection model centered around education and supported by law, with the aim of promoting healthy growth in transnational e-commerce. By examining the synergies between CISG and private international law, as well as incorporating educational philosophy into consumer protection practices, this paper underscores the importance of knowledge dissemination, internalization of ethical and legal norms, practical synergy, international cooperation, and uniform standards. Furthermore, it discusses self-regulation mechanisms within e-commerce platforms and demonstrates how applying legal synergy can effectively address practical issues through case analysis from an educational philosophy standpoint. Lastly, this article presents several legal recommendations to enhance the application of CISG, modernize international private law frameworks, and establish multilateral cooperation mechanisms for consumer protection.

Keywords

Educational Philosophy; Transnational E-Commerce; Consumer Protection; Synergistic Effect.

1. Introduction

1.1. Development Overview of Cross-Border E-commerce

In the past five years, China's cross-border e-commerce import and export scale has shown a growth trend. In the first three quarters of 2023, China's cross-border e-commerce import and export scale reached 1.7 trillion yuan. In 2022, the total scale of China's cross-border e-commerce import and export increased by 7.1% year-on-year, with the export scale growing by 10.1% and the import scale decreasing by 0.8%.

Currently, cross-border e-commerce is in a stage of rapid development, showing a diversified and innovative development trend. The global e-commerce market continues to expand, driven by the widespread adoption of the internet, widespread use of mobile devices, the perfection of online payment systems, and the advancement of logistics technology. The overall development trend of cross-border e-commerce is positive, but it also needs to address challenges such as fierce market competition, increasing compliance requirements, and changes in the

macroeconomic environment. With continuous technological innovation and the tapping of market potential, it is expected that cross-border e-commerce will continue to be an important part of global trade and will show a broader development prospect.

1.2. The Importance of Consumer Protection

At present, cross-border e-commerce globally has entered a new stage of rapid development, with the growth of global internet users providing a vast potential consumer base for cross-border e-commerce. In 2022, approximately 2.56 billion people participated in online shopping, and e-commerce retail sales exceeded 5 trillion US dollars, accounting for about one-fifth of the total retail sales.

In the rapid development of cross-border e-commerce, approximately 2.56 billion people worldwide participated in online shopping in 2022. Among them, the proportion of internet users in East Asia, South Asia, and Southeast Asia is relatively high, indicating that these regions are expected to become emerging markets for cross-border e-commerce.

In business activities, most operators face a large number of consumers. Based on their own interests, operators are prone to exploit consumers' lack of information and experience, intentionally or unintentionally harming consumer rights. Consumers often find themselves in an asymmetric information position in e-commerce transactions, making them vulnerable to fraud and unfair trading practices. Therefore, ensuring the effective protection of consumer rights is not only related to the direct interests of consumers but also key to maintaining market order and promoting the healthy development of e-commerce.

Consumer protection involves multiple aspects, including but not limited to: ensuring transaction security, protecting consumer privacy, providing transparent product information, ensuring consumer rights to be informed and to choose, and establishing effective dispute resolution mechanisms. Governments and international organizations worldwide are working together to provide consumers with a safer and fairer e-commerce environment by enacting relevant laws and regulations, strengthening supervision and enforcement, and promoting international cooperation.

1.3. Legal Synergy from the Perspective of Educational Philosophy

The philosophy of education emphasizes the unity of knowledge, morality, and practice, advocating for the promotion of individual comprehensive development and overall social progress through education. From this perspective, the synergy of law is not just a simple superposition of legal rules, but a deep, systematic integration.

1.3.1. Synergy between CISG and Private International Law

(1) Popularization of Unified Legal Rules: CISG provides a set of internationally recognized legal rules, while private international law helps determine the applicable law. From the perspective of educational philosophy, popularizing these rules is crucial for enhancing the legal awareness of consumers and merchants.

(2) Integration of Morality and Law: The synergy between CISG and private international law is reflected not only on the legal level but also on the moral level. They collectively emphasize moral principles such as contract justice and consumer rights protection, promoting the integration of moral norms with legal rules.

(3) Synergy in Practice: In cross-border e-commerce, the synergy between CISG and private international law is translated into specific practical actions through ensuring the fulfillment of contracts, resolving disputes, and providing cross-border judicial assistance, thereby protecting consumer rights.

1.3.2. Application from the Perspective of Educational Philosophy

- (1) Enhancing Consumer Legal Awareness: Through education and outreach activities, increase consumers' understanding of CISG and private international law, enabling them to be aware of their rights in e-commerce transactions.
- (2) Cultivating Merchants' Legal and Moral Responsibility: Educate merchants to understand and comply with the provisions of CISG and private international law, fostering their respect and protection for consumer rights.
- (3) Building a Collaborative Educational Environment: Create a collaborative environment that includes governments, educational institutions, e-commerce platforms, and consumers, to jointly promote the popularization of legal knowledge and the protection of consumer rights.
- (4) Strengthening International Cooperation: Encourage different countries and regions to enhance the synergy of law in the field of e-commerce through international cooperation under the guidance of educational philosophy, to jointly improve the level of consumer protection.

2. Organization of the Text

2.1. Legal Framework of Cross-Border E-Commerce

2.1.1. Legal Challenges of E-Commerce

- (1) Data Protection and Privacy: With the globalization of e-commerce, data flows across borders, and there are differences in legal requirements for data protection and privacy among countries. Enterprises need to comply with the laws and regulations of each country, such as the General Data Protection Regulation (GDPR) of the European Union.
- (2) Intellectual Property Protection: Products sold online may involve intellectual property issues, including copyright, trademarks, and patents. It is necessary to ensure that intellectual property rights are properly protected in cross-border transactions.
- (3) Consumer Rights: Consumers may face language barriers, unfamiliarity with foreign laws, and difficulties in defending their rights in cross-border transactions. There is a need for a clear mechanism to protect consumer rights.
- (4) Tax Compliance: Differences in tax laws among countries require e-commerce businesses to understand and comply with the tax regulations of each country, including Value Added Tax (VAT) and customs duties.

2.1.2. Overview of International Legal Framework

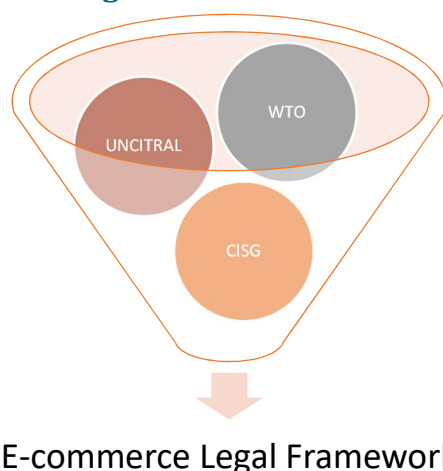


Figure 1. Legal Framework of E-Commerce

(1)World Trade Organization (WTO) Rules: The rules of the WTO cover various aspects of international trade and provide an international legal basis for e-commerce transactions.

(2)United Nations Commission on International Trade Law (UNCITRAL): International legal instruments formulated by UNCITRAL, such as the Model Law on E-commerce and the Model Law on Electronic Signatures, provide internationally recognized legal standards for e-commerce.

(3)CISG: The United Nations Convention on Contracts for the International Sale of Goods provides unified legal rules for the sale of goods contracts in cross-border e-commerce.

2.1.3. Legal Issues Applicable to E-Commerce

(1)Contract Law: E-commerce transactions require clarity on the establishment, performance, and breach of contract, among other issues. CISG provides significant guidance in this area.

(2)Electronic Signatures and Authentication: Issues of electronic signatures and authentication in e-commerce transactions require ensuring the security and validity of transactions.

(3)Cross-Border Payments: Cross-border e-commerce involves various currencies and payment methods, necessitating the resolution of legal issues related to cross-border payments, including anti-money laundering regulations.

(4)Product Liability: If products sold through e-commerce cause damage, it is necessary to clarify the attribution of product liability, which is regulated differently in different countries' laws.

2.2. Research on the Legal Synergy Effect of Consumer Protection from the Perspective of Educational Philosophy.

2.2.1. Interaction between CISG and Private International Law

The CISG provides unified rules for international sales contracts of goods, while private international law is responsible for determining the applicable law, including the CISG itself. When the CISG serves as the applicable law, it interacts with private international law to jointly guide the interpretation and performance of contracts. The main purpose of the CISG, as a unifying law for international sales contracts, is to provide a set of rules commonly adhered to in international trade to reduce legal conflicts arising from differences in the laws of various countries. Private international law addresses transnational legal issues, including determining applicable legal rules and resolving conflicts between different legal systems. In the field of e-commerce, the interaction between CISG and private international law is mainly reflected in: private international law points to CISG as the applicable law through conflict rules; when CISG is not applicable or insufficient to resolve certain issues, private international law provides supplementary guidance.

2.2.2. Application of Educational Philosophy in the Protection of Consumers in Cross-Border E-Commerce

Educational philosophy emphasizes the transmission and popularization of knowledge. In cross-border e-commerce, consumers need to understand the legal principles of consumer rights protection in different countries and international conventions such as CISG. Through education, consumers can better understand their rights and obligations, as well as the ways to resolve issues when they arise. Educational philosophy advocates for the internalization of moral education and legal norms. In e-commerce, this means that businesses and platforms need to adhere to high standards of business ethics and legal regulations. Education can promote businesses' understanding of the importance of principles such as integrity and fair trade, and internalize them into business practices. Educational philosophy considers education as a mechanism for preventing social problems. In cross-border e-commerce, educating consumers on how to identify fraudulent behavior, protect personal information, and make secure payments can prevent damage to consumer rights. Educational philosophy holds

that education bears the social responsibility of cultivating responsible citizens. E-commerce platforms and businesses, as participants in education, have the responsibility to provide transparent information, educational resources, and protection measures to help consumers make wise consumption decisions.

2.3. International Legal Practice in Consumer Protection

2.3.1. Consumer Protection Practices in Different Jurisdictions

Countries and regions have established diverse consumer protection legal frameworks based on their legal systems and market environments.

(1) European Union (EU)

The EU has established a comprehensive consumer protection framework through a series of directives and regulations. Key laws include the Consumer Rights Directive, ensuring basic rights for consumers when purchasing goods and services, such as the right to return without reason within 14 days; the General Data Protection Regulation (GDPR), providing strict personal data protection standards to safeguard consumer privacy; and the Product Safety Directive, ensuring products sold on the market meet safety standards.

(2) United States

Consumer protection laws in the United States are scattered across federal and state laws and are enforced by multiple agencies, including the Federal Trade Commission (FTC), responsible for enforcing laws that protect consumers from unfair and deceptive business practices; the Consumer Product Safety Commission (CPSC), regulating consumer product safety to prevent injuries; and the Food and Drug Administration (FDA): ensuring the safety of food, drugs, cosmetics, and medical devices.

(3) China

In recent years, China has strengthened the legal protection of consumer rights. The main laws include the Consumer Rights Protection Law: covering basic consumer rights, obligations of operators, dispute resolution mechanisms, etc.; the E-commerce Law: specifically addressing consumer protection issues in the field of e-commerce, such as network transaction security, consumer personal information protection, etc.

2.3.2. The Role of International Organizations in Consumer Protection

(1) United Nations (UN)

The UN promotes the adoption and implementation of consumer protection policies by countries through its agencies such as the United Nations Conference on Trade and Development (UNCTAD) and the United Nations Industrial Development Organization (UNIDO). The UN also provides member states with guidelines and best practices for consumer protection by issuing documents such as the "Guidelines for Consumer Protection."

(2) World Trade Organization (WTO)

The WTO indirectly affects consumer protection through its trade agreements. For example, the WTO's Technical Barriers to Trade Agreement (TBT Agreement) stipulates product safety and quality standards to protect consumer health and safety. In addition, the WTO's dispute resolution mechanism can also be used to resolve trade disputes involving consumer rights.

(3) International Organization of Consumer Unions (IOCU)

The IOCU is a global non-governmental organization representing the interests of consumers, promoting consumer rights through advocacy, education, and research. The IOCU carries out activities worldwide, including raising consumer awareness, promoting consumer protection legislation and standards, and monitoring corporate behavior.

(4) Organisation for Economic Co-operation and Development (OECD)

The OECD formulates guidelines and policies on consumer protection through cooperation among its member countries. The OECD also conducts research on consumer issues, such as online privacy protection, consumer credit and debt issues, and cross-border consumer protection.

(5) European Commission

The European Commission plays a central role in consumer protection by formulating and implementing EU-level consumer protection laws, such as the Consumer Rights Directive and the Unfair Commercial Practices Directive. The European Commission also supervises member states' consumer protection measures and provides financial and technical support to strengthen consumer protection capabilities.

(6) International Organization for Standardization (ISO)

ISO indirectly affects consumer protection by setting international standards. These standards cover aspects such as product quality, safety, the environment, and social responsibility, providing a framework for consumer protection and helping businesses ensure their products and services meet international consumer protection requirements.

(7) World Bank Group

The World Bank Group helps developing countries strengthen their consumer protection legal and regulatory frameworks through its technical assistance and training programs. The World Bank also provides loans and grants to support projects aimed at improving consumer protection capabilities.

International organizations play a multifaceted role in consumer protection, promoting the improvement of global consumer rights through various means. With the development of globalization and digitization, the role of international organizations has become more important as they can provide a cross-border platform to coordinate the actions of various countries and jointly address consumer protection challenges in transnational business activities.

2.3.3. Self-Regulation Mechanisms of E-commerce Platforms

(1) Transparent and Public Transaction Rules

E-commerce platforms usually formulate a set of detailed transaction rules that clarify the rights and obligations of buyers and sellers. These rules cover aspects such as product information release, transaction processes, payment methods, logistics and delivery, after-sales service, etc., ensuring the transparency and fairness of the transaction process.

(2) Seller Qualification Review

To protect consumers from fraud and low-quality products, e-commerce platforms review the qualifications of sellers. This includes verifying the seller's business information, business licenses, tax registration, etc., and assessing the seller's reputation and historical transaction behavior.

(3) Product Quality Control

E-commerce platforms control the quality of products sold on the platform through a series of measures, such as requiring sellers to provide quality inspection reports for products, implementing random spot checks, and taking products with many consumer complaints off the shelves.

(4) User Review System

The user review system is an important part of the e-commerce platform's self-regulation mechanism. By allowing buyers to rate sellers' products and services, it can provide references for other consumers and motivate sellers to provide high-quality products and services.

(5) Consumer Rights Protection Policy

E-commerce platforms formulate consumer rights protection policies, such as "return without reason within seven days" and "compensate three times for fake products," to ensure that consumers' rights are protected during the shopping process.

(6)Dispute Resolution Mechanism

To resolve disputes between consumers and sellers in a timely and effective manner, e-commerce platforms establish online dispute resolution mechanisms. This usually includes customer service intervention, complaint handling, mediation, arbitration, and other methods.

(7)Data Security and Privacy Protection

E-commerce platforms adopt technical and managerial measures to protect the security of users' personal information and transaction data, complying with relevant data protection regulations, such as the EU's GDPR.

(8)Intellectual Property Protection

E-commerce platforms establish intellectual property protection mechanisms to combat infringement. This includes cooperating with rights holders, establishing rapid response mechanisms, taking infringing products off the shelves, and taking measures such as account suspension for sellers who repeatedly infringe.

(9)Compliance with Laws and Regulations

E-commerce platforms need to ensure that their operational activities comply with the laws and regulations of the country or region where they operate, including consumer protection laws, e-commerce laws, advertising laws, etc.

(10)Social Responsibility and Sustainable Development

More and more e-commerce platforms are beginning to pay attention to social responsibility and sustainable development, such as promoting environmentally friendly packaging, supporting fair trade, and participating in public welfare activities.

The self-regulation mechanisms of e-commerce platforms not only help to improve consumer experience and satisfaction but are also key to the platform's sustainable development. With the rapid development of e-commerce, the platform's self-regulation mechanisms are also continuously improving and developing to adapt to the changing market environment and consumer needs. At the same time, the platform's self-regulation mechanisms interact with external factors such as government regulation, laws and regulations, and international standards, to jointly build a healthy and orderly e-commerce ecosystem.

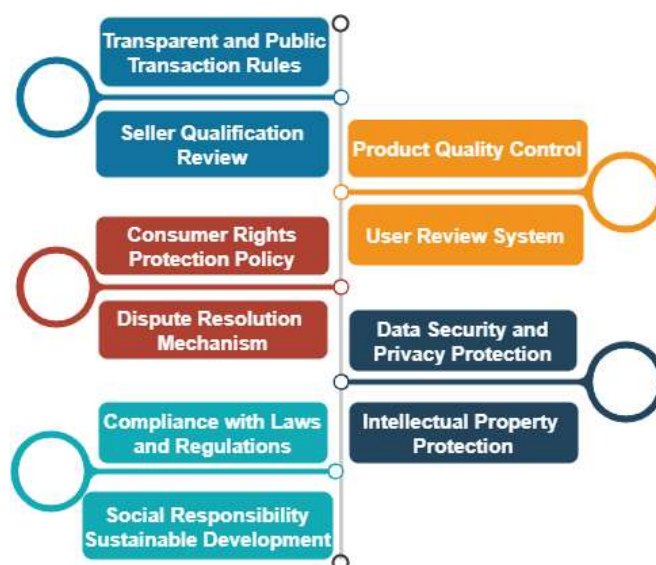


Figure 2. Self-Regulation Mechanisms of E-commerce Platforms

2.4. Case Analysis

2.4.1. Background of the Case

Alice, a consumer residing in the European Union, purchased a smartwatch advertised with advanced health monitoring capabilities from BestDeals, an online retailer registered in China, through GlobalShop, an e-commerce platform registered in the United States. However, the product Alice received did not function properly and did not match the advertised features. After unsuccessful attempts to contact BestDeals for a refund or exchange, Alice faces a cross-border consumer rights dispute.

2.4.2. Issues in the Case:

- (1) Determination of Applicable Law: It is necessary to determine which country's laws apply to this dispute.
- (2) Consumer Rights Protection: As a consumer, under which country's laws should Alice's rights be protected.
- (3) Jurisdiction Issues: To which country's court should Alice file a lawsuit.
- (4) Difficulty in Enforcement of Cross-Border Judgments: Even if Alice wins the lawsuit, how to ensure that BestDeals in China complies with the judgment.

2.4.3. Analysis of Legal Synergy from the Perspective of Educational Philosophy

- (1) Knowledge Popularization and Education: The Alice case highlights the need for consumers to understand legal knowledge in cross-border e-commerce. Educational philosophy emphasizes the importance of education, thus it is necessary to enhance consumers' awareness of CISG, private international law, and consumer protection laws of different countries through education.
- (2) Internalization of Morality and Legal Norms: From the perspective of educational philosophy, businesses and e-commerce platforms should internalize moral norms that protect consumer rights. BestDeals should adhere to the principles of fair trade, and GlobalShop, as a platform provider, should also take responsibility for supervision and assisting in dispute resolution.
- (3) Synergy in Practice: Educational philosophy advocates for the transformation of knowledge into practice. In this case, CISG and private international law provide the legal basis for contract enforcement and dispute resolution. It is necessary to coordinate these two legal systems to ensure that Alice's rights are properly handled.
- (4) International Cooperation and Unified Standards: Educational philosophy considers education a socialization process that requires international cooperation. In this case, international legal cooperation is needed to address consumer protection issues in cross-border e-commerce and to establish unified consumer protection standards.
- (5) Exploration of Technological Solutions: Educational philosophy encourages innovation and lifelong learning. Technologies such as blockchain and smart contracts can improve transaction transparency, provide tamper-proof evidence for disputes, and simplify the cross-border enforcement process.

2.4.4. Conclusion of the Case:

Alice's case reveals the complexity of consumer protection in cross-border e-commerce. From the perspective of educational philosophy, consumer protection needs to be strengthened through the popularization of legal knowledge, internalization of moral norms, synergy of legal practices, international cooperation, and technological solutions. This requires the joint efforts of e-commerce platforms, regulatory agencies, lawmakers, and international organizations to build a safer and fairer e-commerce environment. Through the synergy of education and law, consumer legal awareness can be enhanced, businesses' sense of morality and legal

responsibility can be promoted, and international cooperation and unity in e-commerce consumer protection can be advanced.

3. Legal Recommendations

3.1. Enhancing the Application of CISG in the Field of E-commerce

Update the interpretation and practice of CISG to adapt to the characteristics of digital transactions as e-commerce evolves.

Clarify the applicability of CISG in contracts involving the delivery of digital products and online services.

Consider expanding the scope of CISG to include B2C (business-to-consumer) e-commerce transactions to provide more comprehensive protection for consumers.

Develop guidelines and model laws for e-commerce transactions to help standardize practices and reduce legal uncertainties.

Enhance the dissemination and education of CISG to increase awareness of its role and benefits in e-commerce among businesses and consumers.

3.2. Modernization Reform of Private International Law

Establish clear rules for determining the applicable law in cross-border e-commerce transactions to reduce legal conflicts.

Update conflict of law principles to reflect the characteristics of e-commerce, ensuring adequate consideration of consumer rights.

Promote international legislative coordination through cooperation to align e-commerce consumer protection laws across countries.

Strengthen online dispute resolution mechanisms to make them more efficient, transparent, and aligned with private international law rules.

3.3. Building Multilateral Cooperation Mechanisms for Consumer Protection

Establish or strengthen international consumer protection organizations to promote the protection of consumer rights across borders.

Include consumer protection clauses in multilateral agreements, such as e-commerce chapters in free trade agreements.

Enhance international regulatory cooperation to jointly oversee cross-border e-commerce activities and combat illegal and unethical business practices.

Promote the establishment of international consumer protection standards on data protection, privacy rights, product safety, etc., and encourage their adoption globally.

Increase consumer participation by encouraging consumer organizations to be involved in the formulation of international e-commerce policies.

Facilitate information sharing and the exchange of best practices by establishing platforms for sharing experiences in consumer protection in e-commerce.

4. Conclusion

This article emphasizes the importance of legal synergy in consumer protection in cross-border e-commerce from the perspective of educational philosophy. By analyzing the role of CISG and private international law, combined with the principles of educational philosophy, a new model of consumer protection is proposed. This model is centered on education and safeguarded by law, which helps to enhance consumers' self-protection abilities and promotes the healthy development of e-commerce. With the advancement of globalization and digitalization, international organizations play an increasingly vital role in promoting the improvement of

global consumer rights. Moreover, technological progress, especially emerging technologies like blockchain and smart contracts, offers new possibilities for solving legal applicability issues and strengthens consumer protection. In summary, through the synergy of education and law, the legal awareness of consumers can be effectively enhanced, the sense of morality and legal responsibility of businesses can be promoted, and international cooperation and unity in e-commerce consumer protection can be advanced.

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