

**ОТВЕТСТВЕННОСТЬ ОНЛАЙН-ПЛАТФОРМ В
ПОТРЕБИТЕЛЬСКИХ СПОРАХ: ПРАВОВАЯ ПЕРСПЕКТИВА**

Аннотация: С быстрым развитием интернет-технологий онлайн-платформы стали основным носителем современного потребления, но проблема определения их ответственности в потребительских спорах становится все более заметной. Платформы играют множество ролей, таких как поставщики информации и агрегаторы сделок, и неоднозначность их правовых атрибутов привела к проблемам в защите прав и интересов потребителей, таким как распространение контрафактных товаров, ложная пропаганда и различные стандарты определения ответственности платформ. В данной работе анализируются роль платформ в потребительских спорах, виды ответственности (нарушение договора, деликт и социальная ответственность), критерии определения ответственности (принципы присвоения, составляющие элементы и освобождение от ответственности) с правовой точки зрения, а также предлагаются систематические рекомендации по совершенствованию законодательства и нормативных актов, усилению надзора и правоприменения, а также саморегулированию платформ. Исследование направлено на обеспечение баланса между правами и интересами потребителей и здоровым развитием платформ, а также на теоретическое обоснование и практические рекомендации по созданию справедливой и эффективной потребительской среды в Интернете.

Ключевые слова: Онлайн-Платформа, Потребительские Споры, Юридическая Ответственность, Закон Об Электронной Коммерции, Защита Прав Потребителей

LIABILITY OF ONLINE PLATFORMS IN CONSUMER DISPUTES: A LEGAL PERSPECTIVE

Abstract : With the rapid development of Internet technology, online platforms have become the core carrier of modern consumption, but the problem of defining their responsibilities in consumer disputes has become increasingly prominent. Platforms play multiple roles such as information providers and transaction aggregators, and the ambiguity of their legal attributes has led to challenges in the protection of consumers' rights and interests, such as the proliferation of counterfeit goods, false propaganda, and different standards for determining the responsibility of platforms. This paper analyzes the roles of platforms in consumer disputes, the types of liability (breach of contract, tort, and social liability), and the criteria for determining liability (principles of attribution, constitutive elements, and exemptions from liability) from a legal perspective, and puts forward systematic recommendations for improving laws and regulations, strengthening supervision and enforcement, and self-regulation of platforms. The study aims to balance the consumer rights and interests and the healthy development of platforms, and to provide theoretical support and practical reference for the construction of a fair and efficient online consumer environment.

Keywords: online platform, consumer disputes, legal liability, e-commerce law, consumer rights protection

Introduction

With the rapid development of Internet technology, network platforms have become an important carrier in the field of modern consumption, profoundly changing the traditional transaction mode. Network platforms have greatly promoted the prosperity of the consumer market by providing a convenient trading environment, a rich selection of goods and efficient information transfer. However, the rapid development of online platforms has also brought many challenges,

especially in consumer disputes, the problem of defining the responsibility of the platform has become increasingly prominent.[1] As online platforms play multiple roles in the transaction process, including information provider, transaction aggregator, and rule maker, the boundaries of their legal responsibilities are often ambiguous, leading to difficulties in the protection of consumer rights and interests. For example, the operators within the platform sell counterfeit and shoddy goods, false propaganda and other problems occur frequently, and whether the platform should bear joint and several liability has become the focus of controversy in legal practice.

In this context, the study of the responsibility of network platforms in consumer disputes has important theoretical value and practical significance. From the theoretical level, clarifying the scope of responsibility of the network platform helps to improve the platform liability system and provide theoretical support for relevant legislation and judicial practice; from the practical level, reasonably defining the platform responsibility helps to balance the relationship between consumer rights and interests protection and the healthy development of the platform, and promotes the sustainable development of the network economy. Therefore, this article will start from the legal perspective to explore the types of responsibility, determination standards and improvement paths of network platforms in consumer disputes, with a view to providing reference for the construction of a fair and efficient network consumption environment.

The Role of Online Platforms in Consumer Disputes

The legal attributes of the network platform and its role in consumer disputes is the premise to clarify the scope of its responsibility. Regarding the legal attributes of online platforms, there are two main views in the academic circles, namely, “traditional intermediary” and “new market subject”. Traditional intermediary that the network platform only provides technical support and transaction matching services, its role is similar to the traditional intermediary institutions, should not bear excessive legal responsibility. On the other hand, the new market entity theory emphasizes that online platforms are deeply involved in the transaction process

through algorithmic recommendation and rule making, which is beyond the scope of traditional intermediaries and should be regarded as independent market entities and bear the corresponding legal responsibilities.[2] China's legal definition of the nature of network platform tends to compromise, “Electronic Commerce Law” defines the platform as “for the transaction between the parties or more than one party to provide network business premises, transaction aggregation, information dissemination and other services,” the subject, not only recognizes its intermediary attributes, but also to give it a certain degree of management obligations.[3]

In consumer disputes, network platforms play multiple roles. As an information provider, the platform needs to ensure the authenticity and integrity of commodity information; as a transaction aggregator, the platform should ensure the fairness and safety of the transaction process; as a rule maker, the platform through the user agreement and the platform rules on the restraint of the transaction behavior; and finally, as a dispute resolver, the platform through the complaint handling mechanism and dispute mediation function to participate in the resolution of consumer disputes. These roles reflect both the technical attributes of the platform and its market management function, providing an important basis for clarifying its legal responsibilities.

Types of Liability of Online Platforms in Consumer Disputes

The types of responsibilities of online platforms in consumer disputes mainly cover breach of contract, tort and social responsibility, and the definition of these types of responsibilities is of great significance in clarifying the legal obligations of the platforms and protecting the rights and interests of consumers. Liability for breach of contract is the legal consequence that the online platform has to bear for violating the contractual agreement between the platform and the consumer or the operator within the platform. The platform service agreement and platform rules are an important basis for restricting the behavior of all parties. If the platform fails to fulfill the obligations agreed in the agreement, such as providing a safe trading environment or handling consumer complaints in a timely manner, it constitutes a breach of contract. The unfairness or unreasonableness in the formulation and

implementation of the platform rules may also lead to a breach of contract. If the platform unilaterally modifies the rules to the detriment of consumers' rights and interests, it will be liable for the corresponding breach of contract. Tort liability is the legal responsibility of the online platform for violating the legitimate rights and interests of consumers. Consumers enjoy basic rights and interests such as the right to know, the right to choose and the right to fair trade in online transactions. If the platform fails to fulfill its auditing obligations, resulting in the proliferation of false information or counterfeit goods, or restricts consumers' choices by means of algorithmic recommendations, it may constitute an infringement of consumers' rights and interests. According to the E-Commerce Law and other relevant laws, platforms are jointly and severally liable when they fail to take the necessary measures despite knowing or should have known of the infringing behavior of the operators on the platform. This provision aims to strengthen the platform's obligation to supervise the behavior of operators in order to better protect consumer rights and interests. Social responsibility is a non-compulsory obligation that online platforms, as important participants in the market, should undertake. While pursuing economic interests, platforms need to maintain the order of fair competition and prevent monopolization and unfair competition. Platforms also have the responsibility to protect the security of consumers' personal information and prevent data leakage and abuse. In terms of consumer dispute resolution, platforms should actively fulfill their mediation obligations and promote the rapid and proper resolution of disputes in order to maintain consumer trust and market order.

The types of responsibilities of online platforms in consumer disputes are diverse, including breach of contract responsibilities based on contractual relationships and tort responsibilities based on infringement of rights and interests, while also covering social responsibilities to maintain market order and protect consumer rights and interests. Clarifying these types of liability will help build a reasonable platform liability system and promote the healthy development of the network economy.

Determination of Liability of Online Platform in Consumer Disputes

The responsibility of online platform in consumer disputes needs to be

comprehensively analyzed from three aspects: the principle of attribution of responsibility, the elements of responsibility and exemptions. The principle of attribution is the basis for determining the responsibility of the platform. In the traditional civil law theory, the principle of fault liability requires the perpetrator to be responsible for the damage caused by subjective fault, while the principle of strict liability requires the perpetrator to bear the responsibility for damages regardless of the existence of fault.[4] China's laws have adopted a differentiated approach to the principle of liability attribution for online platforms. The E-Commerce Law stipulates that the platform is jointly and severally liable when it knows or should know that the operator on the platform has infringing behaviors but fails to take the necessary measures, which reflects the principle of fault liability; while in the field of protection of consumers' personal information, the platform may apply the principle of strict liability in the event of damages caused by data leakage.[5] This differentiation reflects the protection of consumer rights and interests, but also takes into account the development needs of the platform. The elements of liability are the core elements for determining the liability of the platform. Specifically, it includes four aspects: illegal behavior, damage facts, causality and subjective fault. Illegal behavior refers to the platform's violation of laws and regulations or contractual agreements, such as failure to fulfill the audit obligation or failure to handle complaints in a timely manner; the fact of damage refers to the actual loss suffered by consumers due to the platform's illegal behavior; causality requires that there is a direct link between the fact of damage and the platform's behavior; and subjective fault refers to whether the platform is intentional or negligent in its behavior. In judicial practice, the determination of causality is often complicated, especially in disputes arising from platform algorithmic recommendation or data management, which need to be comprehensively analyzed in light of the specific case. Exemptions are an important basis for the platform to exempt or reduce responsibility. Force majeure, third-party fault and consumers' own fault are common exemptions. Force majeure means that the platform is unable to fulfill its obligations due to unforeseeable and unavoidable events such as natural disasters, policy changes, etc.; third-party fault means that the

damage is mainly caused by the third party's behavior; and consumer's own fault means that the damage is caused by the consumer's own behavior. In specific cases, the platform needs to provide sufficient evidence to prove the existence of exemptions from liability, in order to exempt or reduce liability. The responsibility of the online platform in consumer disputes should be determined in combination with the principle of attribution of responsibility, the elements of responsibility and exemptions from liability, in order to realize a fair and reasonable distribution of responsibility.

Suggestions for Improving the Liability System of Online Platforms in Consumer Disputes

In order to effectively deal with the responsibility of online platforms in consumer disputes, it is necessary to put forward systematic suggestions in three aspects: improvement of laws and regulations, strengthening of supervision and law enforcement, and enhancement of platform self-regulation. Improving laws and regulations is the basis for building a reasonable liability system. Currently, there are still ambiguities in China's relevant laws defining the legal status and scope of responsibility of online platforms, leading to different standards for determining responsibility in practice. The legal attributes of platforms and their liability boundaries in different consumption scenarios should be further clarified through legislation, and the liability determination standards and exemptions should be refined. For disputes caused by platform algorithmic recommendation, data management and other emerging technologies, special provisions should be formulated to regulate them and ensure that the legal provisions can adapt to the needs of the rapidly developing network economy. Strengthening supervision and law enforcement is the key to ensure the effective implementation of the liability system. Regulatory authorities should increase the penalty for illegal behavior of network platforms and increase their illegal costs, thus forming an effective deterrent.[6] At the same time, a sound credit evaluation system for network platforms should be established, the responsibility fulfillment of platforms should be included in the scope of credit rating, and the platforms should be guided to standardize their operation

through an open and transparent credit information disclosure mechanism. Regulators should also strengthen collaboration with platforms, utilize big data and other technical means to improve regulatory efficiency, and timely identify and deal with potential risks of consumer disputes.

Strengthening platform self-regulation is an important supplement to the implementation of the liability system. As an important player in the market, platforms should take the initiative to assume social responsibility, establish a sound internal management system, and improve consumer complaint handling mechanisms and dispute mediation procedures. By formulating fair and reasonable platform rules, it regulates the behavior of operators within the platform and reduces the occurrence of consumer disputes. Encourage platforms to actively participate in mediation of consumer disputes and explore the establishment of diversified dispute resolution mechanisms, such as the introduction of third-party mediation organizations or online arbitration services, to provide consumers with more convenient and efficient channels to protect their rights. By improving laws and regulations, strengthening supervision and enforcement, and enhancing platform self-regulation, the construction of a scientific and reasonable online platform liability system will help to realize the dual goals of consumer protection and healthy development of platforms.

Conclusion

The liability of online platforms in consumer disputes involves various types of liability such as breach of contract, tort liability and social liability, and its determination needs to be combined with the principle of attribution of responsibility, the constituent elements of liability and exemptions to make a comprehensive judgment. At present, China's relevant laws on the definition of platform liability still exists a certain degree of ambiguity, the practice of liability determination standards vary, resulting in the protection of consumer rights and interests facing challenges. Therefore, it is necessary to construct a scientific and reasonable liability system by improving laws and regulations, strengthening supervision and law enforcement, and reinforcing platform self-discipline. In the future, with the further development of

network economy, the platform liability system should pay more attention to the balance between technology neutrality and fairness, and at the same time, explore the regulatory model adapted to the development of emerging technologies, so as to realize the dual goals of consumer rights protection and healthy development of platforms. By continuously optimizing the liability system, online platforms will play a more active role in consumer disputes and provide a strong guarantee for building a fair and efficient online consumer environment.

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