

Research on the Administrative Legalization of Property Rights of Social Network Accounts in Civil Law

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ABSTRACT

The core of the civil field is the principle of autonomy of will, and freedom is the soul of the civil field. Number rights "are essentially a civil legal relationship between users and equal entities of the company. The logic behind the viewpoint of the "number right" rule is to introduce too many mandatory norms into the logical system of civil law. With the development of society, in order to achieve the goal of diverse values, more and more phenomena of "civil law bureaucratization" are emerging. Excessive occurrences of similar phenomena can lead to excessive coercion, which not only fails to truly achieve legislative goals, but also undermines the inherent logical system of civil law. This article conducts a logical analysis from two aspects: the effectiveness of legal acts and the principle of proportionality. It is believed that the active "intervention" of the state should be limited to the scope of urgent danger to social legal interests. Legislators should not underestimate the regulatory power of civil law on equal subjects, and the normative logic of civil law still needs to focus on autonomy of will.

KEYWORDS

Civil Law; Autonomy of Will; Civil Law Administrative Legalization; Principle of Proportionality.

1. INTRODUCTION

With the continuous development of the internet age, account property rights have also emerged, attracting people's attention. Many account owners face judicial difficulties in safeguarding their rights when encountering large online companies. Many experts and scholars have proposed an administrative legal protection path for account property protection, which fundamentally solves private law problems through public law logic. It is particularly important for administrative law to protect the property rights of accounts and to take measures to protect them. To fill this gap, this article discusses the differences between administrative legal acts and civil legal acts, and explores the reasons and significance of administrative law's intervention in the field of civil law, in order to make a modest contribution to protecting the property rights of online accounts.

At the same time, the body can obtain a clear value of the web account from a particular classification of Web accounts and the content of the reference, which is the key to the user to acquire a particular service. Comparing the network accounts and conventional rights and public benefit theories in terms of social demand and legal protection, the similarities and differences between network accounts and virtual assets, and dual attributes of identity and ownership of network accounts, can be estimated. Therefore, the legal protection of an online account must simultaneously target the interests of individuals and property. Virtual property and information ownership are basically the same, according to the analysis of the superiority of information property and privacy right to the concept of virtual property. Therefore, virtual property must include within the scope of information protection. Private interests increasingly appeared in the accounts on the net, and contradictions

among traditional legal protection were drawn. If the legal concept of a virtual entity is established, it will help you norm network accounts, personal assets, interests, and build a comprehensive network account protection system.

2. AN ANALYSIS OF THE ADMINISTRATIVE LEGALIZATION OF ACCOUNT PROPERTY RIGHTS FROM THE PERSPECTIVE OF THE EFFECTIVENESS OF LEGAL ACTS

In the present civil law system , the limit of the effect of the company's action is not clearly defined, but it is not clear that the scope of the civil acts and the capacity of civil acts is largely unknown. The historical process of the development of the legal system of the Chinese Continental Law Corporation shows that the change in the normative limitation of the nation to the civil rights of the corporation and the performance of the civil action is caused. It should be noted that the civil acts of corporations are not restricted to the scope, scope of activities, statutes, establishment objectives or requirements of duties, as they explain the meaning of existing related legislation and apply such supplemented "property defect" methods. Like his own man, he has the rights and obligations of the public in all civil law. However, this does not mean that he has the ability to acquire civil rights through his acts in all civil activities and have civil acts to fulfill civil obligations. The effectiveness of civil acts implemented in accordance with the above provisions is consistent with legislation, and the effectiveness of civil actions in addition to the above provisions depends on factors such as different types of corporations and whether they are entrusted with the state or the law.

To analyze the administrative legalization of property rights protection for online accounts, the first thing to analyze is the connection and difference between administrative law logic and civil law logic. Only by recognizing the legal characteristics of administrative law and civil law can we understand the logic behind the proposed viewpoint. Understanding the judgment logic of the effectiveness of administrative law acts and the judgment logic of the effectiveness of civil law acts is necessary for better application of "power".

2.1. Civil Legal Acts and Administrative Legal Acts

Civil legal acts refer to the actions taken by equal civil subjects to establish, modify, and terminate civil legal relationships through the expression of their will. Administrative legal acts are legally binding actions taken by administrative agencies against administrative counterparts. There is a significant gap between the two. Firstly, there are significant differences in the expression of intent. Civil legal acts are often the expression of intent by both parties, while administrative legal acts are unilateral.

Secondly, the subject status of the two is different. In civil legal relations, the status of both parties is equal. In the process of administrative law, there is often a relationship between management and being managed. Thirdly, in the process of establishing legal acts, civil legal acts often do not need to follow specific legal procedures, as long as both parties reach an agreement. But in administrative legal acts, the making of an administrative legal act often follows strict legal procedures. If the procedure is illegal, the administrative act is often invalid or can be revoked. In the "Number Authority" rule, users and internet companies are equal civil subjects, and their contracts are civil legal acts. The internet company provides the service of accounts. In the viewpoint to be analyzed, administrative coercive measures are administrative actions, and the logic behind them is to use administrative law thinking to intervene in civil law logic in order to protect the legitimate rights and interests of users.

2.2. Criteria for Determining the Effectiveness of Civil and Administrative Legal Acts

For administrative law, there are several conditions for determining effectiveness: firstly, whether the subject of public power exceeds its scope of responsibilities. Without authority, one cannot act with power, and once done, administrative laws become invalid. Secondly, whether an administrative law act meets the statutory factual requirements, and whether an administrative law act made without factual basis can be revoked. Thirdly, administrative actions must comply with legal procedures, and administrative actions that seriously violate legal procedures may be revoked. Fourthly, whether the administrative action is supported by relevant laws and regulations. If not, it usually constitutes a revocable reason. Fifth, examine whether the administrative actions of the administrative agency are reasonable, violate the authorized purpose of the law, are clearly unreasonable, and the use of power that is illegal is also a revocable reason. For civil law, there are several conditions for determining effectiveness: first, it depends on whether the subject making the expression of intention is qualified. For civil legal acts, the influence of qualification authority is relatively small. As long as the appearance has a "qualified" appearance, the effectiveness of the act can be recognized. Secondly, it depends on whether the expression of intention is true. If both parties make an expression of intention that is different from their true intention and do not wish to have legal effect on this expression, then this act is considered an invalid civil legal act. Thirdly, civil legal acts cannot violate mandatory provisions of the law or have harmful effects on social interests, otherwise the act is invalid. Fourthly, civil legal acts must have a certain degree of reasonableness and legitimacy. The judiciary has more discretionary power over the rationality and legitimacy of civil law than administrative law, because administrative actions are more professional, and judicial organs cannot directly regulate such actions. For example, in degree granting, judicial organs cannot replace the education department to assess whether the student has the corresponding level, but can only review whether the decision made by the education department at that time conforms to legal procedures, and can only reject the applicant's lawsuit request. In the process of reducing the penalty for breach of contract, the judicial authorities can directly make a decision.

2.3. Analysis of the Effectiveness of Legal Acts from the Perspective

Firstly, legalizing account rights into civil and administrative law will increase the difficulty of users' rights protection. After the user account is banned, if the user disagrees with the decision, they can only file an administrative lawsuit or review. As mentioned earlier, the judicial authorities have a relatively narrow discretion over administrative relations compared to civil law, which can provide better remedies for the rights of parties involved after the ban. Secondly, the administrative legalization of the Civil Code of the State Council will lead to obstacles in market transactions and have a negative impact on the development of the online market economy. Because the administrative legalization of account rights requires administrative licensing for administrative entities with the power to make administrative coercion, this is a complete set of "account rights" rules. The authorizing entity can only be the administrative agency with the power to make "account rights". Once other agencies authorize "account rights", it is an invalid administrative legal act. In real life, many account registration functions are entrusted to third parties, which facilitates users, improves their user experience, and diversifies the market. Thirdly, it invisibly increases unnecessary workload and difficulty challenges for administrative agencies. As mentioned earlier, the making of an administrative action requires strict legal procedures. Under the existing legal system in China, the Consumer Rights and Interests Protection Law has already stipulated relevant measures for consumer protection by administrative agencies, and consumers can also protect their rights through civil litigation. Consumers can use administrative or civil means to safeguard their legitimate rights and interests, and there is no need to further expand the intervention of administrative law in the logical system of civil law. There are many cases of online account rights protection, and if every case needs

to be regulated by administrative law and resolved through strict legal procedures for "account rights" cases, it will invisibly waste administrative resources and fail to achieve the desired results for users.

2.4. The Reasons and Significance of the Intervention of Administrative Law in the Field of Civil Law

In recent years, in civil transactions, the company as a civil subject has developed rapidly, and in the case perspective, account network companies are also considered as this subject. The rapid development of companies has made the equal subjects regulated by traditional civil law different. The difference in economic strength and professional ability between the two parties in the transaction has disrupted the traditional concept of equal status and balanced interests under civil law. Consumers are at a disadvantage on the side of operators, and modern transactions require some external intervention to maintain a balanced position between the two parties, which is administrative law. In modern transactions, often in the digital age, online accounts not only involve users' personal privacy, but also have corresponding payment functions. From this perspective, the case viewpoint is proposed.

The mutual coordination between administrative law and civil law is an inevitable trend in the development of law. The administrative legalization of civil law is the control of civil law's freedom of will by administrative law, aimed at safeguarding public interests and restricting pure autonomy of will. Legislators need to judge which public interests need to be restricted by administrative law.

3. AN ANALYSIS OF THE ADMINISTRATIVE LEGALIZATION OF ACCOUNT PROPERTY RIGHTS IN CIVIL LAW BASED ON THE PRINCIPLE OF PROPORTIONALITY

Since the administrative legalization of civil law is an inevitable trend in legal development, what kind of cases require intervention from administrative law is the focus of this article. Whether the viewpoint of "authority" meets the requirements of the administrative legalization of civil law will be further discussed in the following text.

Human data sharing means that personal data has an analysis and prediction value only at a fixed scale. It is derived from the cognitive function of the symbol world. However, the origin and generation of personal data can not be legitimate reasons for the user to share the value of personal data: sharing personal data is not only a remuneration of the data service contract service, even if the user's act constitutes the contract of the contract, infringing the exclusive rights to the value of the user's personal data unless the user generates it alone. Exclusivity of data ownership does not conflict with the disclosure of personal data because personal data affects the formation of data ownership rather than content. Businesses must use the proprietary benefits of personal data unless the data is entirely generated by the user. In the field of data rights, the right to resources is intended to control the analysis and prediction value of collected personal data, the right to process and use is the right, and the right to use the product is the result of data processing. Separation of data rights is lacking in the necessity of normative and should not be accounted for by the rights and block grouping theory.

3.1. The Principle of Proportionality Should Be Applied to the Administrative Legalization of Civil Law

This article argues that the administrative legalization of civil law requires the application of the proportionality principle of administrative law. Analyzing hot topics using the logic of the "three-level" proportionality principle can help determine the necessity of legalizing civil law into administrative law.

The principle of proportionality originates from the principle of administrative law, and its logic is to balance the relationship between "purpose means". The basic requirement of the principle of

proportionality is that when the state's public power interferes with the individual rights of citizens, it should pay attention to appropriateness, moderation, and proportionality. Its functions derive three sub principles: appropriateness, necessity, and balance.

The principle of appropriateness requires that administrative actions contribute to the achievement of goals, and the relationship between "purpose and means" must be appropriate. If the use of administrative actions to interfere with individual actions is not conducive to the realization of public interests, it violates the principle of appropriateness.

The principle of necessity refers to the fact that administrative actions, after meeting the principle of appropriateness, should choose the method that minimizes the infringement of citizens' rights among various means.

The principle of balance refers to the proportionality between the means used by the state's public power to intervene in individual power and the goals to be achieved.

In summary, to evaluate whether administrative law intervenes in the field of civil law, the administrative act should be screened using the three principles mentioned above and evaluated separately. If the administrative act violates the principle of proportionality, it is not advisable for the administrative act to intervene in the civil field.

3.2. An Analysis of the Administrative Legalization of Account Property Rights in Civil Law based on the Principle of Three Natures

1) Analysis of the principle of appropriateness

The case perspective can be seen as a restriction imposed by state power on the personal domain based on considerations of public order. Adopting an administrative enforcement approach to safeguard the rights of ownership has many disadvantages for the interests of parties, market transaction safety, and trust protection. In the case where civil law can provide users with a way to protect their rights, further promoting the interference of administrative law in the civil field is not conducive to achieving greater goals. At the same time, administrative law should have limited interference with operators at the macro level, so this viewpoint lacks appropriateness in the case.

2) Analysis of the Principle of Necessity

The principle of necessity emphasizes the balance of diverse interests and requires the adoption of the least harmful means among various legal measures for the parties involved. The case viewpoint only stands from the user's perspective, depriving the account company of its power through administrative law enforcement measures, making it difficult for the company to take effective measures in a timely manner to avoid its own losses when the user violates the rules and regulations by using the account, resulting in a serious imbalance of equal subjects. At the same time, when the company illegally blocks accounts, users can freely choose to file a civil lawsuit or call the consumer hotline to file a complaint. Once the viewpoint in the case is established, users will only

The ability to pursue administrative litigation or reconsideration to protect one's own rights and interests also deprives users of their corresponding litigation rights. The viewpoints presented in the case have caused significant losses to both the company and its users, which does not comply with the principle of necessity.

3) Analysis of the Principle of Balance

The principle of balance requires that the means used have a balanced effect on the burden imposed on the rights holder and the desired goal pursued. The purpose of the case viewpoint is nothing more than to protect one's account from being arbitrarily seized by online companies and ensure account security. It cannot be denied that due to the strict legal process of administrative agencies, it will indeed have a certain effect and impact on the protection of "authority". However, due to the frequent

occurrence of online account cases, if a one size fits all approach is adopted, all "account rights" risk control measures will need to be adjusted through administrative actions, which will bring great workload to administrative agencies and result in significant waste and loss of administrative resources. If administrative actions are regulated in detail to every individual case, the administrative system will also be overwhelmed, adding unnecessary pressure, and the cost of the purpose and means will not be proportional, so the case perspective is not balanced.

3.3. The Significance of Restricting the Abuse of Administrative Law

The principle of improper contact prohibition in administrative law is derived from the method of judicial review, and it is intended to prevent administrative organs from exercising voluntary authority and guarantee the rights and legal interests of the people. Based on theory, this principle derives from the principles of law and principles of administrative rationality. With regard to the basic content, this principle requires that the administrative agency's administrative actions maintain substantial correlates with the established administrative objectives and formally eliminate other elements that are not related to the administrative objectives. In principle, this principle has the legal status of the basic principles of administrative law and is clearly different from other principles such as administrative compliance and equal treatment. It is necessary to establish the principle to prohibit the unfair connection in the administrative law and to deepen the system of the administrative law basic law of our country, to deepen the practice of the administrative law and to promote the modernization of the national government.

4. CONCLUSION

In today's diversified value orientation, the subject and content of traditional civil law regulation are rigid and unable to solve various social problems that arise. In order to solve this problem, the idea of administrationalization of civil law emerged. Civil law autonomy and administrative law aimed at regulation are intertwined through mandatory norms as a medium, working together to achieve the dual goals of autonomy and regulation.

Adhering to the rule of law in responding to emergencies through administrative means is a measure of a society's level of rule of law. Within the administrative law system, based on the fundamental demand of the state, society, and the public to value survival and security, administrative emergency actions play an indispensable role in ensuring social stability and defending public rights, and their position in administrative law is crucial. Administrative emergency measures, as specific means of implementing administrative emergency actions, play an important role in preventing and reducing the harm and losses caused by emergencies, ensuring the stability of social security and the safety and interests of the people. However, using administrative measures to protect the property rights of online accounts violates the temporal requirement that administrative measures should be implemented in emergency situations. The expansion of power leads to measures that go against their original purpose, exceed necessary limits, and deviate from the main purpose of implementation. Therefore, the principle of proportionality should be introduced into the administrative protection measures for online accounts to limit and supervise them. The principle of proportionality requires that the measures selected must have appropriate objectives, the means adopted must correspond to the objectives and have minimal harm, and the measures selected must be commensurate with the extent to which the goals achieved are limited by citizens' rights. In this situation, it becomes extremely important to correctly apply the principle of proportionality when adopting administrative protection for online accounts.

While affirming the positive significance of diversified rule of law, it is also necessary to avoid excessive restrictions and interference of administrative law on civil law. The boundary of autonomy of will needs to be constrained by the values of "order, security" in administrative law. At the same time, if administrative law intervenes too much or improperly in public law, as in the case, it will not

only fail to achieve the desired good wishes, but also affect the order of market transactions. The personal rights of citizens bring certain impacts. Adopting the three-stage principle to logically distinguish cases can help legislators clearly understand how to apply the concept of administrative legalization of civil law, provide good space for the concept of civil law autonomy, and maximize the regulatory role of administrative law, so as to deeply instill the concept of rule of law in people's hearts.

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