BEYOND E-COMMERCE: SOME THOUGHTS ON REGULATING THE DISRUPTIVE EFFECT OF SOCIAL (MEDIA) COMMERCE

ÀLÉM DO COMÉRCIO ELETRÔNICO: ALGUMAS REFLEXÕES SOBRE A REGULAÇÃO DOS EFEITOS MALÉFICOS DO COMÉRCIO SOCIAL (MÍDIA)

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ABSTRACT: This article deals with the development of social commerce that brings benefits and challenges for consumers and legal operators, defining the new roles of consumers and suppliers in the Digital Economy. How to regulate new forms and channels of consumption in an increasingly trans-border world?

KEYWORDS: Consumer Law – Ecommerce – Social media – Consumer vulnerabilities.

RESUMO: O presente artigo trata do desenvolvimento do comércio social que traz benefícios e desafios para consumidores e operadores do Direito, passando pela definição dos novos papéis de consumidores e fornecedores na Economia Digital. Como regular novas formas e canais de consumo em um mundo cada vez mais transfronteiriço?

PALavras-Chave: Direito do Consumidor – Comércio eletrônico – Mídias sociais – Vulnerabilidades do consumidor.

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decided to adopt. By and large, many countries already have legislation in place to control electronic commerce, some of which can directly apply to social commerce. However, the nature of social commerce brings challenges and the law may require some adaptation. For example, the question of the platforms’ liability may need revisiting at least in as much as it is time to perhaps expand it to transactional elements and not just to illegal content or harmful content as well as trademark owner protection. In the meantime, this nevertheless leaves public enforcement as the main tool to achieve better consumer protection in social commerce, providing the enforcers have the right tools at local level and can liaise effectively with international counterparts. Indeed, much improvements seem necessary to improve the enforcement machinery especially across border and improve the technical capabilities of enforcers. As it stands, social commerce further magnifies what we already knew of cross-border e-commerce: it is an extremely difficult area to police to protect consumers.

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