

Thoughts on Economic Law of Public Interest Litigation

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Abstract: Along with the gradual acceleration of China's economic and social development, all areas of China have been unprecedentedly developed. But many of the problems that come with it have gradually emerged. Under the current social and economic background, China's social economy has made tremendous progress, but the problems, for instance, the rights and interests of consumers are not effectively protected, and the ecological environment cannot be used well, have gradually become prominent. How to protect consumers' rights and interests and improve environmental protection ability has gradually become an important part of public interest litigation. However, under the current social background, China's public interest litigation in economic law still has certain deficiencies and shortcomings, which need to be further improved to adapt to the current economic society. This paper analyzes the related concepts and current situation of economic public interest litigation in the current economic society, and explores how to construct public interest litigation system based on economic law in China.

With the continuous development of China's economy and society, China's market economy continues to develop and progress, leading the rapid development of society. However, the rapid development of the economy has also brought about corresponding problems. The rapid development has exerted tremendous pressure on China's ecological environment. At the same time, due to the rapid economic development, the protection of the rights and interests of consumers in our country can not be kept pace with the development. In recent years, the voice of doing a good job in economic public interest litigation has been growing. This paper analyzes the status quo of our economic public interest litigation mechanism construction combining the current social background, and explore the relevant strategies for the construction of economic law for public interest litigation for reference.

1. An Overview of Definition of Economic Public Interest Litigation and Analysis of Its Relevant Characteristics

1.1 Definition of economic public interest litigation

The concept of economic public interest litigation has been put forward on the basis of the relevant problems in the current economic society. For those who break the norms of economic law or violate the social and economic interests, legitimate citizens or organizations of our country can conduct litigation of such violations according to economic laws, and the investigation will be carried out by the court to investigate the legal liability of the offender according to legal

procedures. Under the current social background of our country, economic public interest litigation plays an important role in safeguarding the legitimate rights and interests of citizens and the public interests of society. In our country, all qualified citizens and organizations enjoy the right of economic public interest litigation. The main object of the lawsuit of economic public interest litigation is usually the violation of consumer rights and interests caused by economic illegality and the environmental hazards. Under the current situation, there are still some deficiencies and shortcoming in the legislation of our country's economic public interest litigation. In the new historical period, the establishment of our country's economic public interest litigation system has a long way to go.

1.2 Analysis of relevant characteristics of economic public interest litigation

1.2.1 Economic public interest litigation has the nature of public welfare

Different from other types of litigation, economic public interest litigation aims at publicity and public-welfare, which is the product of ensuring social justice and fairness. The economic public interest litigation is mainly to safeguard the legitimate rights and interests of citizens and implement environmental protection to safeguard the national interests. Therefore, it has the nature of public welfare.

1.2.2 The process of litigation is characterized by openness.

Different from other types of litigation, such as civil litigation and criminal litigation, the plaintiff of economic public interest litigation can not only be acted by the party or social organization infringed by economic violations, but also be acted and supervised by the legitimate citizens or organizations not infringed. Every citizen has the right to supervise and sue for acts that harm the public interest of the social economy.

1.2.3 The process of litigation is strict.

The publicity and public-welfare of economic public interest litigation leads to its nature tending to safeguard national interests, and further requires the strictness of the litigation process, which must be carried out in accordance with legal procedures to ensure the fairness and justice of the process. Among them, an important principle is that once the economic public interest litigation begins, it is not allowed to withdraw the lawsuit at will. This principle also restricts the power of the subject of litigation to a certain extent, and guarantees the authenticity and effectiveness of litigation and the standardization of legal procedures.

1.2.4 The effect of litigation is preventive.

In view of the results of economic public interest litigation, in addition to recovering their own losses, litigants can further regulate actions with potential harmful consequences, which is also an important benefit of economic law and has preventive effect. In this way, potential hazards in the economic market can be effectively avoided, as well as the losses of public, and the interests of the group can be safeguarded.

1.2.5 The validity of litigation is extensive.

For the characteristics of illegal behaviors in economic behavior, it is generally broad, which determines the scope of effectiveness of economic public interest litigation. It also has a wide range of characteristics, ensuring that the effectiveness of judgments is applicable to a wide range. The

consumption of related resources can be greatly saved through economic public interest litigation, and it is applicable to common social behaviors. In the current socio-economic background, the illegal activities usually result in a large number of victims. From the perspective of saving litigation resources and social costs, the social benefits generated by economic public interest litigation are more prominent.

2. Strategies for Constructing Economic Public Interest Litigation System in China

2.1 Paying attention to creating a public interest litigation system that adapts to the economic development with Chinese characteristics

Since the founding of the People's Republic of China, China has always adhered to its own characteristic development path, which has also led to China's economic and social development has its own characteristics. Therefore, while building economic law, a public interest litigation system that suits China's development must be built based on China's characteristic economic society. Different from most western countries, the development of our industry came to be relatively late. Although great achievements have been made at present, there are still many shortcomings. The experience of China's industry is short, and its development is relatively inadequate. Western economic law can not meet China's development of economy and society, and its economic public interest litigation can not effectively judge China's economic and social phenomena.

Therefore, relevant departments should fully combine China's current national conditions and the status quo of economic development, and explore ways to create an economic public interest litigation system that suits our economy and society, and carefully study and protect consumers' rights, environmental pollution, and rights can be taken into account to create a relatively complete litigation system.

2.2 Further strengthening the plaintiff's rights in the economic public interest litigation system and broadening its qualifications

In order to ensure the effectiveness of economic public interest litigation, based on the current economic and social situation in China, we must further strengthen the construction of the plaintiff's basic rights and broaden the scope of qualifications in economic public interest litigation, and get rid of the restriction of the plaintiff's scope in the basic types of litigation. In economic public interest litigation, citizens and legitimate social organizations should be fully integrated to guarantee that the right of economic public interest litigation can be applied to the whole society, and take into account more aspects. Under the current situation, the construction of our economic public interest litigation system must be built on the basis of the reality. In the current legislation of public interest litigation in economic law, it is necessary to strengthen the trend of the expansion of subject qualifications to ensure that the legitimate rights and interests of litigants can be effectively protected, and divide the plaintiff qualification system in detail to ensure the extensiveness and diversity of the economic public interest litigation system.

2.3 Paying attention to the reform of courts at all levels and promote the progress of judicial needs

Building a good and effective economic public interest litigation system can not be separated from the reform and innovation of the court work to promote the development of economic public interest litigation. First of all, the court should actively keep pace with the development of the times and actively accept the new judicial needs. In view of the prominent and novel cases that appear in

the society, the relevant parts of the cases can not be effectively explained and solved in the current legal provisions, and the cases of economic and public interest disputes that are widely concerned in the society, the courts should maintain a positive attitude, study similar classical cases according to legislative purposes, and seek the common participation of all sectors of society, and make reasonable analysis and handling of cases to ensure that they receive adequate judicial protection. At the same time, such cases will be well documented, and the relevant excellent handling methods will be summarized and incorporated into the relevant bills for reference. Moreover, in the face of cases with great influence and heated social disputes, the court needs to fully introduce experts and relevant legal talents to support, analyze and discuss the cases together, and make decisions independently based on the comprehensive reference opinions reflected by the society. Our economic public interest litigation system can be improved.

2.4 Focusing on creating strict operating mechanism of evaluation

In order to ensure the validity and rationality of economic public interest litigation, it is also necessary to restrict the rights of litigants to a certain extent. Therefore, to create a strict evaluation mechanism to reward and punish the actions of the litigant subjects provides an important guarantee for the effectiveness of the litigation mechanism. In the current economic public interest litigation cases, there are many problems, such as long litigation cycle, difficulty in obtaining evidence and great difference in professional knowledge. Therefore, establishing an effective evaluation mechanism can provide corresponding incentives to the plaintiff winners to ensure the motive force of the litigation, and fully mobilize the enthusiasm of the public to participate in economic supervision. In addition, by the evaluation operation mechanism, to a certain extent, it restricts the attempt to infringe on the rights and interests of others through legal loopholes. Through the effective evaluation and analysis of lawsuits, the authenticity and validity of lawsuits can be determined. For those who do not meet the relevant standards, severe punishment should be given to crack down on such acts of drilling legal loopholes. It is very important to build a reasonable and effective evaluation mechanism for improving the system of economic public interest litigation, which effectively guarantees the completeness of economic law under public interest litigation.

3. Conclusion

Under the current social background, it is necessary to establish a public interest litigation system for the economy to ensure the legitimate rights and interests of consumers and the ecological environment. It is a long process, which requires the participation of all sectors of society to provide corresponding standards and to safeguard social and public interests.

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