

On the Protection of the Rights and Interests of Vulnerable Groups in International Commercial Law

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ABSTRACT. International commercial law is a kind of private international law, which aims to adjust the relationship between commercial subjects in different countries. There are some international conflicts and disputes in international trade. In international commercial law, legal protection is provided for vulnerable groups to protect their legitimate rights and interests, which helps to maintain the stability of the international community and avoid certain international conflicts caused by the differences of laws in different countries. China also needs to take the vulnerable groups as the guidance according to the relevant provisions of international commercial law on the protection of vulnerable groups, gradually improve foreign-related commercial laws and regulations, provide strong legal aid for our citizens, and protect the legitimate rights and interests of vulnerable groups. This paper mainly expounds the research status of international commercial law on the protection of vulnerable groups, analyzes its importance and necessity, and discusses the effective path of protection.

KEYWORDS: International commercial law, Vulnerable groups, Protection

1. Introduction

The vulnerable group is a common group in the society, which affects the social stability and economic development. Due to the differences in commercial law among countries, in international trade, it is difficult to protect the legitimate rights and interests of vulnerable groups with the help of domestic laws in case of conflicts. This situation has aroused extensive international attention. In view of the protection of the legitimate rights and interests of vulnerable groups in international trade, detailed provisions are made in commercial law, which provides strong protection for vulnerable groups.

2. Research Status of Vulnerable Groups Protection in International Commercial Law

In the international trade activities, the subjects involved belong to different nationalities and their cultures and traditions are different, and they do not understand each other's other things except economic cooperation, which leads to the occurrence of contradictions and disputes in international trade. Some of the vulnerable groups themselves are in a weak position. In addition, due to their remote location, the national laws and regulations can not provide long-term sustainable protection for them, resulting in the infringement of the legitimate rights and interests of vulnerable groups. International commercial law is formulated to adjust the legal provisions among countries. It belongs to a higher level of regulation. Over the years, through continuous exploration and practice, the provisions on the protection of vulnerable groups in international commercial law are more detailed. It can be considered as a regulatory mechanism, which can ensure the realization of wide range of freedom and equality, and implement the legal provisions in international trade.

3. Necessity and Importance of Protection of Vulnerable Groups in International Commercial Law

3.1 Necessity

3.1.1 Law Has a Long-Term Nature as Order Protection

The law itself has a certain stability and long-term nature. People have accumulated a lot of experience through long-term attempts, and put a lot of energy into the revision of the law to make it more suitable for vulnerable groups and protect the legitimate rights and interests of vulnerable groups. This is the experience of human long-term practice.

In the new era, it is an inevitable choice to take the law with long-term stability as a means to protect the rights and interests of vulnerable groups.

3.1.2 An Inevitable Requirement for Maintaining the International Social Order

Due to the different legal systems among countries, there are also great differences in the relevant provisions of commercial law. International trade involves the interests of different nationality transaction subjects. Once there is a conflict, the protection litigation may be invalid, unable to pursue responsibility for relevant subjects. The legitimate rights and interests of vulnerable groups are infringed and the civil rights are deprived, seriously affecting the stability of the international community. The international commercial law, a higher level of regulation, can effectively improve this matter, provide certain solutions for trade conflicts, and protect the legitimate rights and interests of transaction subjects. It can be seen that the protection of vulnerable groups in international commercial law is an inevitable requirement for maintaining the international social order.

3.2 Importance

3.2.1 Conducive to Maintaining the Stability of International Community

Law is more easily accepted by the public, and has a certain degree of dignity. Therefore, in international trade conflicts, protecting the interests of vulnerable groups is not only long-term and stable, but also conducive to maintaining the order and stability of the international community, avoiding the impact of international conflicts on international relations and ensuring the normal operation of the international community.

3.2.2 Conducive to Balancing the Strengths and Weaknesses of International Commercial Parties

For a long time, people have protected the vulnerable groups in various ways, summed up countless experiences, and provided important basis for the formulation of international commercial law. In the international trade, the vulnerable groups have always been in a disadvantageous position. Using international commercial law to protect the vulnerable groups and improve their status can make the vulnerable groups occupy sufficient advantages in the transaction and balance the strengths and weaknesses of the international commercial parties.

3.2.3 Conducive to Regulating the Application of Laws in Different Countries

The relevant parties involved in international commercial law belong to different nationalities, and there are great differences in the provisions of commercial law in different countries. Therefore, there is no applicability of the law and there are certain conflicts. Moreover, due to the long distance, it is impossible to implement sustainable protection, and relevant litigation may be also difficult to implement. After the enactment of international commercial law, some legal protection has been given to the vulnerable groups in international trade, and the application of laws in different countries has been regulated. Moreover, international commercial law is a higher-level regulation mode, which can effectively eliminate the existing contradictions.

4. Effective Ways to Protect Vulnerable Groups in International Commercial Law

4.1 Using International Factoring Legal System

In international commercial law, international factoring system is a kind of settlement method and legal system. In the new era, the application of international factoring legal system is more extensive, which can meet the needs of the new era. In the international trade, the factoring system is mainly manifested in import and export factoring, which provides legal protection for import and export related trade. This legal system can provide strong legal support and basis for the implementation of international factoring business, and protect the legitimate rights and interests of vulnerable groups in import and export business. Only by protecting the legitimate rights and interests of vulnerable groups can we promote the smooth progress of international trade, obtain greater economic benefits and build a good cooperative relationship.

4.2 Using Substantive Provisions of International Product Liability Law

The substantive provisions of international product liability law mainly include international conventions on product liability, product principle provisions and product liability damages system. Different countries formulate different product liability systems according to their own national conditions and economic conditions. In international

commercial law, substantive provisions on international product liability can provide certain legal protection for various product liability accidents in the process of production, transportation, packaging, sales, consumption, etc., and build a perfect legal system to protect the legitimate rights and interests of vulnerable groups in product liability accidents.

The product damage compensation system has made relevant provisions for personal injury or other goods damage caused by the defects of products in the circulation process. However, there are great differences in the provisions of compensation liability in different countries. In the international commercial law, there are unified provisions on the product damage compensation system to protect the legitimate rights and interests of vulnerable groups in these accidents, refine the relevant provisions in the law, and clarify the main responsible person for product damage compensation.

4.3 Protection of Vulnerable Groups in International Commercial Conflicts

In view of the protection of civil rights and interests in international commercial conflicts, international commercial law has clear choices and provisions, which provides strong protection for the legitimate rights and interests of vulnerable groups. The international commercial conflict law is the premise and the most basic criterion for the protection of vulnerable groups in international commercial law. It is limited to the protection of vulnerable groups on the premise of fairness between the parties. If it is the responsibility of the vulnerable groups, the vulnerable groups must be responsible and bear their own mistakes. When the status of the two parties is unequal, the international commercial conflict law can be used compulsorily. If the provisions cause serious losses to one party, it can effectively maintain the international commercial order by using the relevant legal norms to make a reasonable ruling.

5. Matters Needing Attention in Formulating Foreign Related Commercial Laws and Regulations in China

5.1 Principle of Applicability of Law

When there are contradictions and conflicts in international business, it is necessary to solve the problem of the applicability of law to solve the problem by means of law. China's foreign-related commercial law construction is not perfect, in view of the relevant provisions of international commercial law on vulnerable groups, China can learn from the experience and provisions, make up for the relevant provisions in China's foreign-related commercial law, improve the legislation, pay attention to the role of law in balancing social interests, pay attention to people-oriented, so that it can give full play to its effectiveness in international trade and protect the legitimate rights and interests of our citizens.

5.2 Taking the Protection of Vulnerable Groups as the Basic Orientation

In the international business exchanges, due to the differences in economic strength between countries, the two sides of the transaction also have a certain degree of strength and weakness. In this case, the vulnerable groups are in a disadvantageous position. The protection of vulnerable groups in international commercial law is specified in detail, which reflects humanistic care. In order to further improve the foreign-related commercial laws and regulations, China should also pay attention to the protection of vulnerable groups as the orientation, gradually improve the relevant systems and principles on the protection of vulnerable groups, and effectively coordinate the distribution of interests in all aspects.

6. Conclusion

In a word, in the international commercial law, a number of laws and regulations have been formulated for vulnerable groups to clarify the responsibilities of both parties in the transaction disputes, so as to protect the interests of vulnerable groups from infringement. It has effectively solved the international trade conflicts and maintained the international order. With the continuous improvement of China's competitive position in the international market, international trade activities will be more and more frequent in the future, and there will inevitably be some international trade conflicts. With the help of international commercial law, we can protect the legitimate rights and interests of vulnerable groups and eliminate international contradictions. It is not only conducive to the stability of the international community, but also can promote the development of China's economy.

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