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## The requirements for filing a consumer public interest litigation in China

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**Abstract:** This article explores the requirements for filing a consumer public interest litigation (CPIL) in China. The legal provisions surrounding consumer public interest litigation were reviewed to understand how these requirements are applied and understood differently and how they lead to different consequences for cases before the courts. Therefore, this study's main research question is, to what extent would the scope and interpretation of the conditions for applying for CPIL in China affect the court's filing and acceptance? China has enacted a clear and effective law that may be a bit restrictive for interpretation and theoretical advice by the courts. Moreover, the concept of 'public interest' is relatively large. Clarifying the requirements for consumers to file lawsuits in the public interest can help claimants make the right arguments and protect consumers' interests as much as possible.

**Keywords:** consumer protection; public interest litigation; law; China.

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## 1 Introduction

China's consumption habits, structure, and concepts have undergone tremendous changes in the past two decades, and new issues regarding consumer rights protection have emerged (Peterson, 2013; Yan, 2021). The USA began PIL (Shu, 2013). In general, PIL entails utilising the legal system of a country to effect public change (Lu, 2013). PIL has been defined as aiming to achieve social change through court orders on a global scale (Crawford and James, 2002). Litigation is designed to go beyond individual cases and direct clients (Kim et al., 2021; Macgregor et al., 2020). Court-driven approaches to producing significant legal reform assist individuals representing social representatives or members of disadvantaged groups in making systematic policy changes in society (Goldston, 2006). Globally, PIL aims at promoting social change; it is most frequently associated with constitutional rights, socio-economic rights, or the promotion and preservation of the rights of society's most disadvantaged populations (Thelle, 2013). PIL seeks only to remedy victims but also to seek solutions to broader social or general issues highlighted in specific cases. Therefore, public interest law bridges the gap between ethics and law by translating moral claims into legal rights. As mentioned earlier, PIL relates to social and economic rights, consumer interests, and environmental issues. All citizens are generally protected, not just vulnerable groups (Burnier et al., 2021).

The goal of this study's method is to look at Chinese civil litigation law and, more specifically, Chinese public interest litigation law. More specifically, in law, PIL is the responsibility of individuals, organisations, or institutions to prevent harmful actions, including actions of citizens, legal persons, and organisations that may cause unreasonable harm to civil society or personal interests, and to investigate their corresponding responsibilities (Mingde and Fengyuan, 2011; Carpenter-Gold, 2015). In recent years, The rapid development of China's economy and the country's large and dense population has resulted in a slew of social and environmental issues (Brandt et al., 2014). Due to the lack of PIL, it is not easy to seek remedies for human rights, consumer

welfare, and the environment (Hu and Cheng, 2013). Both Article 55 of the Civil Procedure Law and Article 47 of the Consumer Protection Law (CPL) are applicable in China (Thomas, 2018). Stipulate CPIL rules (Zhongshun, 2017), which stipulate to infringe on customers' legitimate rights and interests (Xu, 2019). China's provinces and autonomous areas have formed consumer associations and organisations (Zhou et al., 2010). A lawsuit may be filed in the people's court by municipalities directly under the Central Government (Lu et al., 2015). The National People's Congress (NPC) Standing Committee first passed the CPL in October 1993 (Thomas, 2017). and entered into force in early 1994. This law generates consumer rights and brings business operators positive responsibilities (Binding, 2014).

Chinese law also provides for PIL in environmental affairs (Carpenter-Gold, 2015). The Environmental Protection Law was revised and promulgated (Zhang et al., 2016). The law gives organisations registered at the municipal government affairs office or above five years to file PIL (Liu, 2015) to the PIL studied in this article is a lawsuit against consumers. As a result, define what consumers are useful in China (Zhiwu, 2003); Article 2 of the Consumer Rights Protection Law (CRPL) stipulates the legal definition of consumers in Chinese law (Wei, 2020a). This article limits the scope of consumer designation to those who purchase goods (Thomas, 2014) or services to meet consumer needs in daily life (Warde, 2005). In a market economy, consumers are indispensable market participants (Thomas, 2014); consumers, on the other hand, are at a disadvantage in terms of information and economic power due to the rapid development of science and technology, as well as the expansion of commercial organisations (Meyer-Clement, 2015). It is important to define the conditions for initiating consumer public interest litigation (CPIL) in China because beforehand the implementation of the CRPL (Jiang et al., 2020), the courts immediately rejected most PIL related to consumer rights (Fu and Cullen, 2008). Therefore, it is interesting to study how Chinese law provides mechanisms to prevent courts from being overwhelmed by potentially illegal litigation. In contrast, how does a country with a long history of public interest litigation, such as Pakistan, prevent flooding (Xu, 2011).

This article aims to determine the conditions for initiating PIL in China, especially to determine the extent to which these conditions (Chu, 2018). Their interpretation of the law and the court's acceptance of the principle has affected how it is used in China and in cases that protect the rights of consumers (Kessler et al., 2006), assert at last. The first reason is that the conditions required to initiate a lawsuit are the basis and purpose of another case (Stern, 2013). Indeed, by explaining all the necessary factors for filing a lawsuit, we understand the legitimate reasons for such a lawsuit and the social needs and purpose of filing a lawsuit. In addition, the study of the conditions for filing a lawsuit shows the concentration of the legislator and the degree of control over the management of the case (Tanner, 1994; Khaskheli et al., 2020). The second reason for choosing this topic is the different regulations made by one country and another to improve each other (Stern and Liu, 2020). China's legislation on CPIL predates other countries. However (Balzano, 2011), China has already implemented the provisions on class actions before implementing public interest litigation, so compared with other countries, experienced group litigation is more abundant (Xie and Xu, 2020). Finally, the third reason for comparison is to compare several legal concepts, such as public interest, consumers, collective prejudice, and so on (Carpenter-Gold, 2015). This comparison will show how to understand legal concepts from one country to another and, more specifically, its

possible consequences for initiating PIL, whether it is stricter or leaving more room for litigants (Yuan et al., 2020).

The research includes a literature review. The research applied in this study looked at research published in English in peer-reviewed journals on the aforementioned databases, PubMed and Web of Science, as well as the following key words: consumer protection, public interest litigation, law, China, and case studies.

## **2 China's towards dispute settlement litigation on the belt and road**

It argues that the Chinese people's historical aversion to litigation is linked to the government's preference for informal and private conflict resolution systems (Sum, 2019), such as the Belt and Road Court (BRC) (Mollengarden, 2019). The essential interpretive trajectory must be pursued from China to the international stage (Wu et al., 2020). The political economy school of thought, on the other hand, says that China's approach to settling business disputes around the world has the same main goals and requirements as any other country's approach. The Chinese Government's policies are always self-serving responses to issues, including corporate operations, security concerns, and growth aspirations (Dittmer and Wu, 1995; Zhang and He, 2014). As long as these things are affected by constant changes, know dispute resolution policies of China would flow commensurately (Gu, 2018). The basic interpretation trajectory is to enter China from the international stage; the regulations on certain issues concerning the establishment of international commercial courts were issued by China's Supreme People's Court (Huo and Yip, 2019), these provisions were made immediately after the statement issued by the Central Leading Group for Comprehensively Deepening Reform. In January, it planned to establish a dispute settlement mechanism for China's Belt and Road initiative (BRI) (Zhang et al., 2018). These regulations confirmed that the press quickly branded it. The BRC would include three international commercial courts regarding the analyst's discipline or affiliation. It will reply to the original suggestion that the agenda laid out in the provision reflects China's long-standing differences in the interpretation of commercial dispute resolution policies (Wang, 2014). An intermediate path-a method that usually explained China's commercial dispute resolution policy and established BRC in exceptional, both a continuity and a product of change, and affected as much by internal forces as external commands with international commercial court and Chinese characteristics (Jinping, 2017) (see in Figure 1).

## **3 Improving connectivity to the consumer**

Shipping goods from China to Central Europe currently takes about 30 days, with most items being shipped by sea. While exporting products by rail can cut journey time in half, it is much more costly (Lorenzo, 2021). There is a trade-off between saving time and money; every day an item is delayed from the production gate to the Consumer is expected to lower commerce by 1%. Increased cross-border trade leads to increased investment (Chen and Lin, 2020). Improved railway capacity, network, and other transportation infrastructure could lead to higher growth in BRI economies; regional infrastructure improvement partnerships are essential. Projects supported by the BRI. It

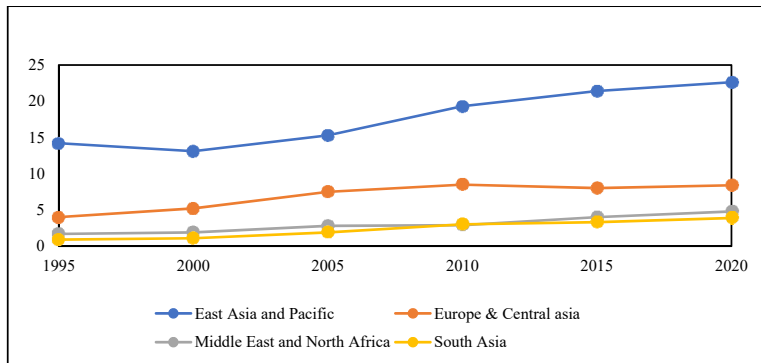
has the potential to facilitate trade in some of the world’s most important economic corridors if it is successful (Figure 2) (Ruta, 2018).

Figure 1 BRC (see online version for colours)



Source: Afzaal (2022)

Figure 2 The contribution of BRI countries in the last two decades (see online version for colours)



Source: World Bank, <https://data.worldbank.org/indicator/BX.GSR.TOTL.CD>

### 3.1 Civil pursuit litigation filed by the consumer association

Chinese laws provide that consumer associations and organisations are the only bodies empowered to take legal action relating to the public interest of consumers (Zhang et al., 2015). Explain the conditions under which these bodies can be assigned to take legal action in the two countries and how the legislator intended to give these associations a certain legitimacy by representing the interests of all consumers (Koppell, 2008). First, it will explain how the China Consumers Association and local consumer organisations have gained legitimacy over the years and in light of recently revised legislation to characterise and defend the rights and interests of consumers (Deephouse et al., 2017).

### 3.2 *The increasing of the China consumers association*

The CPL explicitly provides that only the China Consumer Association and local approved organisations can represent the public interest of consumers to file for PIL (Thomas, 2018; Wahn, 2019) (Figure 3). The approval process and scope for those organisations, the ties with the state, their ability, and their growing efficiency to represent (Steenkamp, 2019). The Civil Procedure Act empowers the organisations concerned to bring legal proceedings on behalf of specific individuals or small groups of citizens when the public interest is harmed (Wong, 2017), thus without showing harm to one or more members (He et al., 2019). Social groups, private non-profits, and foundations are significant in China (Wang and He, 2004). However, there are many relevant organisations in China that the law should assume clearer descriptions to consider which groups have the authority to launch public-interest lawsuits (Minzner, 2011).

Moreover, the law does define what a legal institution or organisation is. Among those organizations, ‘social groups’, non-enterprising entities, and non-governmental organizations are examples of organisations that must be registered with the Ministry of Civil Affairs and registered with an administrative under Article 47 of the Consumer Protection law (Hervieu-Léger, 2004; Thomas, 2018). The CCA is entitled to file for the CPIL (Wu et al., 2019). The State Council founded the CCA in the 1984. Roughly, a decade before the Consumer Protection Act was enacted in response to a joint proposal from three central government agencies (Kostka, 2019).

**Figure 3** Understand consumer protection and rights (see online version for colours)



Source: <https://www.chinalawtranslate.com/consumer-protection-law-including-2013-amendments/>

The CCA, on the other hand, remains autonomous from government entities. The importance of the CCA and other local consumer groups is recognised in the Consumer Protection Act, which includes a unique chapter dedicated to consumer organisations (Wen and Qin, 2014). According to Article 36 of the CPL, the main goals of the CCA

and local organisations are to perform social oversight over commodities and services and defend consumers' lawful rights and interests (Benney, 2013).

CCA and other consumer organisations aim to provide consumers with consumption information and advisory services, enhancing their ability to protect their lawful, legitimate interests and guide consumption in a civilised and healthy way through resource preservation and environmental defence (Liu et al., 2018). Participate in the formulation of consumer rights and interest laws and regulations (Li et al., 2018), to participate, There is in the supervision and inspection of commodities and services performed by relevant administrative departments to report or inquire about issues relating to consumers' lawful rights and interests to the appropriate authorities, and to offer suggestions to accept consumer complaints and investigate or mediate complaints (Authority, 2013), for infringement of consumers' legal rights and interests; to assist victims in filing lawsuits; or, in accordance with this law, to file lawsuits; to expose and criticise acts infringing on consumers' rights through the media (Gellhorn, 1971).

Consumer organisations will be provided with the required operating funds and other support by the people's governments (Saich, 2000). Moreover, The general requirement that the group is registered with the authorities at a certain level will ensure the organisation is carrying out legal operations (Kuusi et al., 2020) if registration was troublesome in the past for many organisations due to officialdom (Huang et al., 2020). China's Civil Ministry then updated administrative procedures governing the registration of NGO (He, 2013). As a result, NGOs simply require approval through the registration process. Following current trends in China toward a direct registration system both locally and nationally, the registration process allows organisations and groups to better comply with the requirements of the CPL. The general registration requirement already considers the government's principal concerns in ensuring that the relevant group is legal and requires that the organisation be specifically registered at the city level or higher. However, some authors argue that eliminating the requirement for an association to be duly authorised would involve greater representation of consumers' and local interests. Indeed, there are only 32 national and provincial level consumer rights defence commissions to carry out community interest litigation for consumers, which is considered insufficient to shoulder all the responsibilities (Unger and Chan, 1995).

#### **4 Represent consumers through the association**

Individuals excluded from this list of legitimate entities can file litigation. In addition, on that point, China shares common features with most other countries the situation is different. However, this exclusion causes an issue with Article 2 of the 1982 Constitution of the People's Republic of China (PRC) (Jones, 1985), which delivers that all influence in the PRC belongs to the people. Therefore, as citizens are not allowed by the law to stand to enforce China's laws, their rights are restricted by Article 55 of the Civil Procedure Law and by Article 47 of the CPL (Gao and Teets, 2020). According to traditional political theory, the Government is supposed to represent social and public interests. However, administrative actions frequently fail to result in general advantages (Mingde and Fengyuan, 2011). In China, the Procuratorate is the foremost qualified legal monitoring authority and is believed to represent all public social interests. The essential interpretive trajectory must be pursued from China to the international stage. On the other hand, the political economy school of thought says that China's approach to settling



business disputes around the world has the same main goals and requirements as any other country's approach (Xu, 2011). Only allowing duly authorised consumer associations to file for public interest litigation arbitrarily tapers down the pool of litigants to the disadvantage of the public (Liu, 2015).

However, unregistered groups and individuals of the public should be able to file cases with the CCA and have those matters brought before the courts by the CCA. Indeed, unregistered organisations may be enticed to seek assistance from the CCA rather than go through the registration procedure because of the CCA's knowledge and extensive resources. It would be gain time and administrative papers. The role of the Consumer is quite ambiguous in PIL indeed, usually the plaintiff has no interest relationship with the case regarding proceedings and litigations charges. However, underneath the Civil Procedure Law, the plaintiff has the right to withdraw the case (Sung, 2020). Therefore, we can wonder if in PIL the plaintiff can withdraw a case by himself or if this right given to the consumer association. Li Shu tried to find a balance by deciding that the plaintiff should be limited in some significant ways, such as withdrawing a case and negotiating a settlement (Haibo, 2010).

#### *4.1 Consumer associations play a more active role in China*

Article 5 of the CPL (Thomas, 2018), the Chinese Government retains the authority and responsibility to safeguard consumers; therefore, the legitimate actor to protect consumers' rights is the Chinese Government (King and Gao, 1991a). However, understanding the huge responsibility of covering all the Chinese consumer rights, the Government has gotten some help, as provided by Article 6 of the CPL "the whole society shall bear responsibility for the protection of consumers' legal rights and interests." With this article, the law entitled the CCA to protect consumers' rights. Although it is not specifically mentioned in the article (Khaskheli et al., 2018). It must be recognised that the CCA has become the primarily autonomous enforcement body under this CPL, even though the CCA still has State support and linkage, which enables the government to have control over consumer issues and policy (Fan et al., 2020). In June 2015, the CCP Central Committee passed a decision enabling as a pilot project Chinese Procuratorate to file suit on behalf of the public good (Wenjia, 2018), but only in the areas of pollution, food, and drug safety. But those areas of the protection of consumer rights mainly remain in the hands of the CCA (Guo, 2020).

That CPL used to limit the action of CCA to only four categories of activities: the research of disseminating information to the general public, resolving consumer disputes, and providing recommendations to the government on consumer-related matters. Before the CPL revision in 2019, the CCA lacked effective disciplinary because official state organs held the regulatory authority (Zhao, 2002). When it discovered a thoughtful violation of consumer rights, CCA could only refer this discovery to appropriate government administrative agencies. Now, Article 37 of the CPL gives CCA and other consumer organisations the right to file for public interest litigation, extending their powers (Binding, 2014). Since its creation, the CCA has greatly educated consumers about their rights. Indeed, meanwhile in 1996, the CCA had received over three million complaints, with 97% being satisfactorily resolved. Those figures show how necessary CCA action needed.

Furthermore, the government wants the CCA to play a more dynamic role in consumer protection and policy development, rather than just a mediation and advisory

role. However, it has been pointed out that two requirements setup by the law may turn out to be costly and problematic for the CCA, the law requires preliminary evidence that public interest is damaged to prove the necessary harm, and the CCA will need to manage the over-all case which would be especially costly. Indeed, with a large number of potential consumer product claims, the evidence collection can be proven costly for the CCA (Wigley, 2015),

#### *4.2 Consumer's public interest in China in the clear scope*

To file for a CPIL (Zhang and Mayer, 2017), the CCA and other local consumer associations must provide preliminary evidence that the public interest is damaged. It is then important to know whether or not the consumer public interest has been infringed (Yip and Hsiao, 2014). To that extent, the notion of public interest in China must be understood, and the rights covered by the consumer public interest must be identified as the Consumer Protection provided (Wei, 2020b).

#### *4.3 Understand China in-to concept of public interest*

Authors have a very general approach to the definition of public interest in China (Saks, 1995). Liu Tagging, for example, considers that the conceptual function of public interest is to solve conflicts of interest and that the purpose of provisions of the Constitution and the laws or statutes on public interest is to provide accordance in making choices in conflicts of interest (Shang, 2020). The author also explains that the initial provision of the Constitution on public interests in China is Article 13 of the 1954 Constitution as follows. In the public interest, the state might purchase, requisition, or nationalise urban or rural land or other means of product according to the law. Therefore, according to this provision, it is understood that public interest works as a tool for solving interest conflicts between holders of urban or rural land or other means of production and other people represented by the state. The state may use the public interest to sacrifice the holders' and property rights to protect the public's interest. Public interest is a tool to supersede individuals' interests (Taigang, 2013). In China, public interest can also be defined by its function, which is meant for consumers' rights and environmental protection (Tong et al., 2020).

#### *4.4 Restriction on legitimate rights, interests of Chinese consumers*

Consumer rights in China are not a single right but a bundle of rights. As a result, when Article 47 of the CPL states that public interest litigation is permissible when there is an infringement on the lawful rights and welfares of the consumer public, it appears necessary to define those rights and interests in order to define the scope of application of CPIL under Chinese law (Fu and Cullen, 2008). Article 11 of the CPL says that if a consumer gets hurt or loses something, they have the right to ask for compensation (Khaskheli et al., 2018). Other legal rights that consumers enjoy include the right to privacy, remorse, credit, reputation, demonstration, and expression. The internet, banking, insurance, legal, medical, transportation, education, entertainment, and tourism are all areas where consumer groups expand their protection (Thomas, 2018). In addition to the CPL, consumer rights have developed through more specific laws and administrative rules. For instance, the Product Quality Law stipulates that manufacturers

and retailers are responsible for the quality of consumer products (Vogel, 2011). Food Safety Law and the Drug Administration Law are designed to protect consumers and provide food and drugs for safe consumption (Xu, 2011). Besides the applicable laws, Local rules from the province, autonomous regions, and municipalities also play a role in establishing consumer rights and interests. Those laws and regulations cover all elements of consumer life and provide a relatively comprehensive level of protection (Liu, 2020).

#### *4.5 The need for a collective consumer bias*

The other main condition to file for CPILs is the existence of prejudice against the consumer public interest (Croteau et al., 2006). Regarding that matter, argue whether the discrimination should be personal to the association or consumers, how prejudice could be related to the consumer public interest, what should be the infringements causing such a collective prejudice, and when Chinese law simply requires an infringement to the law (Goldston, 2006).

## **5 Easy as pie requirement of an infringement by Chinese law**

The CPL delivers that a breach of the lawful rights and welfare of the consumer public is one of the conditions to file for CPIL. Therefore, it remains necessary to identify the infringement's nature and then explain its possible consequences in qualifying a collective prejudice enabling to file for CPIL (Fu and Cullen, 2008).

### *5.1 The CPL of the infringement*

This CPL gives much space to the understanding of the infringements, which can lead to requesting public interest litigation (Ho and Sin, 1988) and constitute preliminary evidence; indeed, the infringements related to the rights of consumers are multiple. The PRC contract law covers commercial advertisements, standard term commercial contracts, damages, exemption clauses, and required contract responsibilities (Zheng et al., 2021). Therefore, the consumer public interest is harmed through a contract violation or fraud if the commercial advertising used by the operator is false or if the operator fails to fulfil his obligations under the advertisement's content. Chinese law protects consumers against abusive clauses in standard terms (Lin et al., 2020). The party providing the contract must adhere to the standards of fairness and good faith in the parties' rights and obligations and draw the other party's attention to the terms (Hongdo et al., 2019), which limit or exclude liabilities. Since supplying words excluding one's party's liability or increasing the other party's penalties, or depriving the material rights of the other party constitute an infringement of the contract law and the rights of consumers, it should be considered that consumer associations and organisations could request that standard term to be invalidated in PIL. However, public interest litigation would have more consequences, as it would enable associations to solicit, for example, the cancellation of all the similar abusive standard terms offered by a company to consumers and not just for one contract for one specific consumer (Xie and Xu, 2020). The same would apply to exemption clauses; indeed, contract stipulations that limit parties' future responsibilities are known as those clauses. Those clauses are invalid if they exempt a party from personal injury liability, culminating in property damage due to

intentional or extreme negligence. The legislation regarding defective products, the Product Excellence law of the PRC, may also apply to defend the rights of consumers by granting them social and supervision rights and its provisions are then within the scope of PIL (Wang et al., 2020b).

### *5.2 The Tort Law of the PRC: consequences of Infringement*

Article 20 of the Tort Law of the PRC also references consumer protection; indeed, it delivers that the infringement of somebody's rights and benefits causes property loss (Wang, 2020). Therefore, according to the estimated losses suffered, the CCA and other consumer organisations can seek compensation for property damage on behalf of the consumer public interest. However, defining the actual loss of the injured consumer public interest is complicated (Overby, 2005), that is why the law provides that compensation can be sought according to the gain (Hongdao et al., 2018; Hongdo et al., 2019). If both amounts cannot be determined, the court will determine an amount based on the specific situation (Jiang, 2020). The compensation for emotional damage for consumers was recognised on August 5, 1999. When the People's Congress's Guangdong Province Standing Committee ratified the Guangdong Province Provision on Implementation of the PRC's Consumer Rights and Interests Protection Law, it became the first province in the world to do so. For the first time, municipal rules stated that the minimum criterion for emotional damage compensation was RMB 50,000. Other regions, such as Zhejiang and Chongqing, soon enacted similar local regulations with corresponding provisions (Zhiwu, 2003). Due to the upswing of emotional damages demands, on February 26, 2001, The Supreme People's Court granted the Supreme People's Court Interpretation on Problems in Ascertaining Compensation Liability for Emotional Damage for Civil Torts (Liebman, 2020). The Supreme People's Court interpretation clearly defined the scope of the emotional damage compensation standards and the corresponding body of law. Its protracted disability compensation and unlawful death compensation to all areas of own injury.

Consequently, it is not at all longer complicated for a consumer to be requested emotional damages recompense, and therefore for the consumer associations and organisation to request emotional damage to the consumer public interest (Overby, 2005). Authors and practitioners agree to state that collecting evidences in public interest litigations is tricky and difficult (Wang et al., 2020a). This is the reason why the last revision of China's CPL switched the burden of proof from the consumer to the operator. China's environmental law tried to make the evidence collection easier by reversing the burden of proof, which gives a favourable frame of reference (Hao et al., 2020).

### *5.3 Implantations and Improvement in The Civil Law*

At the 1677th supreme people's court meeting, interpretation on several issues concerning the application of the law in hearing consumer civil public interest litigation cases was adopted (Xie and Xu, 2021). It came into force on May 1, 2016. The following interpretation is published in instruction to appropriately apply the administrative litigation law of the PRC (Jiangqiu and Li, 2021), updated during the national people's congress's standing committee. Article 1 states that people's courts must file cases that meet the standards for filing a complaint and follow the law to preserve the parties' rights. According to Article 51 of the administrative litigation law of the PRC, people's

court must accept printed criticism from the bashes (Liu, 2022). The case is immediately docketed if the complaint criteria are met for filing. The case must be docketed if the people's court cannot decide whether a complaint is filed within seven days. People's court must notify all parties of any needed supplements, modifications, and period constraints if a complaint is incomplete. If the additions and corrections would timely filed and the filing requirements are completed, it will be heard by the supreme people's court. "The people's court may refuse to docket the case and record the reasons if the parties waste to submitted additions and changes if grounds for the filing a complaint were still not to seen. Suppose those who are unhappy with the decision can file an appeal", Article 12 citizens (Judge, 2022), businesses, and other groups who say that an administrative agency has changed or cancelled an agreement without their permission should refer to the civil law regulations that set the time limit for filing a complaint, while Article 14 (Jiandong et al., 2021), administrative litigation law of the PRC, judicial interpretations will be used by the people's courts in determining jurisdiction to matters concerning administrative agreements (Zhang, 2021; Rusakova and Wang, 2021). The people's court may use civil law provisions that do not infringe administrative law (Rusakova and Wang, 2021). Or would the mandatory necessities of the administrative litigation law of the PRC in addition to the administrative law provisions (Young, 2021; Yiyu and Dapeng, 2019). 15th paragraph, the plaintiff can ask the people's court to rule on the agreement's legitimacy and order the defendant to keep performing it (Keyes, 2020; Tsang, 2020), with the critical content of the other performance indicated. If the plaintiff had had a good purpose of seeking revocation confirmation of agreement's the invalidity, the people's court would be issuing a revocation or confirmation order and plan based on applicable law, such as contract law (Zhang, 2019). "The people's court must determine a direction to the defendant to reimburse the plaintiff if the defendant unilaterally amends or cancels the agreement for public interest or other legitimate reasons". Article 15 of the plaintiff may be requested that the people's court rule in the legitimacy of agreement and order the defendant to continue to fulfil that (Chen, 2020).

The defendant must reimburse the plaintiff if the defendant unilaterally amends or cancels the agreement for public interest or other lawful reasons. Article 16 (Cui, 2020; Köstner and Nonn, 2021), "Court expenses will be computed using the civil case standard if a complaint is filed against an administrative agency that has failed to act under the law and an agreed-upon arrangement" (Han and Cai, 2020). "The standard for administrative matters can calculate court fees in administrative cases". Article 17 of the PRC administrative litigation law says that requests for concurrent adjudication of civil disputes should be made before the first trial. They can also be made during a court investigation if there is a good reason. In the following cases, the people's court says no to settling civil issues simultaneously and tells the parties to look for other legal options (Chitov, 2021; Determann et al., 2021).

- The administrative agency is required by law to handle the dispute first.
- Trying to settle civil disputes simultaneously is against the Civil Procedure Law of the PRC's exclusive jurisdiction provisions or a mutually agreed upon jurisdiction clause.
- A request for arbitration or civil lawsuit is now ongoing.
- Civil disputes entail concurrent adjudication, adjudicating other civil conflicts that are not amenable to concurrent adjudication.

Article-18 People's court (Fan, 2019), a civil issue should be docketed separately from an administrative case for judgment by the same bench. If the people's court decides the civil case simultaneously, the point is not kept separate. Article-19 people's court adjudicating a civil issue (Chen, 2021), contrary to the law, should apply the applicable civil law requirements. "The settlement of the party's civil rights and interests during mediation cannot be utilized to question the administrative action's legitimacy. Disputes in the administrative and civil realms should be judged separately". As long as you appeal the administrative or civil ruling, you cannot change the outcome of your case. The whole record should be sent to the second instance people's court for administrative review by the first instance people's court. Suppose a mistake in an unappalled verdict is discovered by the people's court of another instance. In that case, the cases must be retried under trial supervisory, Article 21 (Cai and Kolieb, 2020), an illegal regulatory document, may be used by a people's court to determine the lawfulness of administration action. When a people's court issues a practical judgment, it must send copies to the regulation document's enacting authority and the administrative agency directly above it. If the plaintiff's claim is genuine, a people's court can require a defendant to undertake specific statutory tasks or responsibilities within a certain time frame under Article 72, the administrative litigation act of the PRC (Lijiang, 2019; Haibo, 2018), Article 22. When a plaintiff's claim against some defendants for failure to execute its statutory obligations and responsibilities is justified, and the defendant refuses to perform or react within the time limit without justifiable cause, the plaintiff may sue the defendant (Qi et al., 2020; Altehenger, 2020). People's court may, under Article 72 PRC Administrative Litigation Act (Chen and Li, 2016; Cai, 2016), within a specified period, the court may order the defendant to perform the statutory duties or responsibilities requested by the plaintiff. "A people's court may enter a judgment forcing the defendant to pay the pension," minimum subsistence, or social insurance payments if the plaintiff has a solid justification for claiming them under Article 73 (Zhu and Pan, 2017; Shuo, 2016).

## **6 Conclusions**

The Law on the Protection of Consumer Rights and Interests stipulates that infringement of the legitimate rights and interests of consumers is one of the conditions for filing consumer public interest lawsuits. In just a few decades, China has transformed from a country with little room for consumption to one with the world's largest consumer market. Previously, only a handful of consumer public interest cases had been brought. The authors and analysts are optimistic that this may be the calm before the storm or that demand for it will grow due to consumer concerns. It might just be a matter of time. The CCA and the court would call because the law covers it up. In the Shanghai People's Court, the Shanghai Consumer Rights Protection Commission filed a presumptive lawsuit against smartphone makers Samsung and Oppo for preinstalling mobile apps on their devices without properly notifying consumers that they were unable to delete them. Preinstalled apps must provide clear information about preinstalled apps and instruct customers on how to remove harmful software.

The lawsuit is expected to be the first successful legal action in China to defend the interests of consumers through public interest litigation. The court dismissed the first case against the Shanghai Railway Bureau. The country's CPIL regulations lack

implementation guidance, the Supreme People's Court's interpretation has not yet been issued, and there are no previous cases for lawyers and judges to refer to. Courts are expected to provide stronger guidance on important matters, such as filing a lawsuit and dealing with compensation. In this regard, the author suggests improving the country's public interest litigation system. The first is to get more people involved in the proceedings. Individuals are excluded from the category of legal entities capable of suing. Also, China has a common feature at this point, and like most other countries, the situation is different. However, this exclusion causes an issue with Article 2 of the 1982 Constitution of the PRC.

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