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PECULIAR FEATURES OF CONSUMER PROTECTION IN THE REMOTE METHOD OF SELLING GOODS

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ABSTRACT. In recent years, both in the world and in Russia, high rates of growth in the volume of online commerce have been noted, which indicates a shift in consumer preferences towards a gradual increase in purchases in online stores and a certain reduction in the purchase of goods in traditional retail chains. The article analyzes the number and subject of citizens' appeals, which shows that the work carried out in the Department of Rospotrebnadzor in the Leningrad region serves to identify the causes of violation of the rights and interests of citizens, to study public opinion, to improve the work of the organization. An increase in the number (from 18.72 to 38.46%) of complaints regarding violations of consumer rights to FDT was noted, while the number of inspections carried out at FDT was relatively small. The analysis of informing consumers and entrepreneurs according to the data taken from the official websites of the Departments of the subjects of Rospotrebnadzor in the Northwestern Federal District allows to conclude that information on the means to protect citizens, issues of clarifying legislation in the field of distance trading does not allow to sufficiently increase the level of consumer literacy. As part of the study, we conducted a questionnaire to assess the quality and demand for remote purchase of goods by the population, as well as to identify problems faced by citizens when receiving services. 42% of respondents noted that the purchased goods were of poor quality. 55.7% reported refund of the goods. Only 3.3% of respondents applied to Rospotrebnadzor for help in a conflict situation. 64.3% of respondents noted that there is "too much information difficult to understand". These studies allowed us to formulate recommendations for solving problems related to consumer protection in the FDT: to create a specialized Internet resource to improve digital literacy of consumers, to make a proposal to improve the State Information Resource on consumer Protection, the need for timely coverage of topical issues of consumer protection in the field of FDT on the official websites of the departments of Rospotrebnadzor.

KEY WORDS: consumer protection; online purchases; refund of goods; Rospotrebnadzor; informing the public.

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ОСОБЕННОСТИ ЗАЩИТЫ ПРАВ ПОТРЕБИТЕЛЕЙ ПРИ ДИСТАНЦИОННОМ СПОСОБЕ ПРОДАЖИ ТОВАРОВ

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РЕЗЮМЕ. В последние годы и в мире, и в России отмечены высокие темпы прироста показателей объема интернет-торговли, которые свидетельствуют об изменении потребительских предпочтений в сторону постепенного увеличения покупок в интернет-магазинах и сокращении приобретения товаров в традиционных торговых сетях. В статье проведен анализ количества и тематики обращений граждан, который показывает, что проводимая в Управлении Роспотребнадзора по Ленинградской области работа служит выявлению причин, вызывающих нарушение прав и интересов граждан, изучению общественного мнения, совершенствованию работы организации. Отмечено увеличение количества (с 18,72 до 38,46%) обращений по вопросам нарушения прав потребителей в сфере дистанционной торговли (СДТ), при этом количество проводимых проверок в СДТ было невелико. Анализ информирования потребителей и предпринимателей по данным с официальных сайтов Управлений субъектов Роспотребнадзора по Северо-Западному федеральному округу позволяет сделать вывод, что объем информации о способах защиты граждан, вопросам разъяснения законодательства в СДТ не позволяет в достаточной мере повысить уровень потребительской грамотности. В рамках исследования нами было проведено анкетирование для оценки качества и востребованности дистанционной покупки товаров населением, а также для выявления проблем, с которыми сталкиваются граждане при получении услуги. 42% опрошенных отмечали, что приобретаемые товары были некачественными, 55,7% сообщили, что возвращали товар. Только 3,3% респондентов обращались в Роспотребнадзор за помощью в конфликтной ситуации. 64,3% респондентов отметили, что информации «слишком много, сложно разобраться». Данные исследования позволили нам сформулировать рекомендации для решения проблем по вопросам защиты прав потребителей в СДТ: создать специализированный интернет-ресурс по повышению цифровой грамотности потребителей, внести предложение об усовершенствовании Государственного информационного ресурса по защите прав потребителей, своевременно освещать актуальные вопросы защиты прав потребителей в СДТ на официальных сайтах управлений Роспотребнадзора.

КЛЮЧЕВЫЕ СЛОВА: защита прав потребителей; покупки в Интернете; возврат товаров; Роспотребнадзор; информирование населения.

INTRODUCTION

Population health is an integral indicator of the quality of life in its objective manifestations. It reflects biological, demographic and social processes of society. Social and economic factors (standard of living, security and income of the population) play a leading role

² Управление Федеральной службы по надзору в сфере защиты прав потребителей и благополучия человека по Ленинградской области. 192029, Российская Федерация, г. Санкт-Петербург, ул. Ольминского, д. 27

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in influencing the health of the population. The impact of these factors is estimated at 30–40% [6, 10]. Distance selling of goods carries an increased risk of purchasing low-quality goods by consumers, which creates a threat of harm to the life and health of citizens. Remote purchasing of products requires additional protection of a consumer, since he acts as a weak side of a deal [7]. Consumers might suffer both from material losses, and find themselves hostages of the situation. Currently, business entities are seeking to use various options for online sale of goods and provision of services to expand their activities in all possible spheres. A similar trend is observed in the market of medical devices and pharmaceuticals through Internet pharmacies. This phenomenon is uncontrollable and ambiguous, because [8] remote selling often provides consumers with low-quality or falsified goods. Unfortunately, there is no single federal law that would regulate their circulation at the moment. These circumstances allow us to conclude the importance of further development of legal regulation of public relations related to the implementation of distance selling of goods and remote ways of rendering services [2]. Due to the lack of time, the current system of normative-legal acts is not able to fully regulate various relations in the field of distance trade (FDT) of goods and services. Changes made to legislative and other normative legal acts do not provide a timely response to exiting problems in the field [6, 8]. Analysis of citizens' appeals concerning remote selling of goods and informing the population will allow to identify pressing problems in this segment of trade.

AIM

To identify problems of consumer protection in the field of distance trade (FDT) by analyzing citizens' appeals, informing the population and offering recommendations for their solution.

OBJECTIVES

- 1. To analyze the system of regulatory and legal acts in FDT.
- 2. To analyze citizens' appeals in FDT according to the data of the Department of Rospotrebnadzor for the Leningrad Region.
- 3. To analyze the information for consumers provided on official websites of the territorial

authorities of Rospotrebnadzor in the North-West Federal District (NWFD).

- 4. To conduct a questionnaire survey of the population concerning FDT.
- 5. To develop recommendations for improving consumer protection activities of Rospotrebnadzor in relation to FDT.

MATERIALS AND METHODS

There have been analyzed following documents: normative-legal acts in the field of consumer protection concerning distant trade (DT), the results of Rospotrebnadzor Departments' activities in the North-West Federal District in the field of consumer protection of DT, the results of questionnaire survey of the population by means of Google-form. 300 respondents took part in the survey: 185 women (61.7%) and 115 men (37.3%). 204 (68 %) were working, 42 (14%) were studying and working, 40 (13.3%) were not working, 14 (4.7%) were studying. Respondents were selected by flow sampling method [1].

RESULTS AND DISCUSSION

The system of normative and legal acts in FDT includes the Law of the Russian Federation dated 7 February 1992 N 2300-1 "On Protection of Consumer Rights" and the Decree of the Government of the Russian Federation dated 31 December 2020 N 2463 "On Approval the Rules for the sale of goods under a retail sale agreement, the list of durable goods, which are not covered by the consumer's demand for free provision of goods with the same basic consumer properties, for the period of repair or replacement of such goods and the list of non-food goods of proper quality, which are not subject to the repair or replacement of such goods" [3, 7, 9]. There are certain gaps in terms of FDT legal regulation, especially in the field of turnover of goods on the Internet. They include the lack of uniform rules for the electronic commerce market, the need to form a simplified system of dispute resolution between participants of distance commerce, the lack of a legally enshrined concept of electronic contract [2, 4]. According to State reports on consumer rights protection in the Russian Federation, there is a growing number of citizens' appeals to territorial bodies of Rospotrebnadzor regarding retail trade and DT in particular. The share of appeals on DT has increased 4 times in 5 years (Table 1).

Table 1

The number of appeals, received by territorial administrations , inspections carried out and violations detected in the SDT in 2016-2020

Таблица 1 Количество обращений, поступивших в территориальные управления, проведенных проверок и выявленных нарушений в СДТ в 2016–2020 годах

Количество обращений, проведенных проверок, выявленных нарушений / The number of appeals, inspections carried out and violations detected	2016 г.	2017 г.	2018 г.	2019 г.	2020 г.
Общее количество обращений / The total number of requests	332 179	322 862	326 369	368 980	431 040
из них по розничной торговле / out of them for retail trade	146 196	134 719	136 839	157 985	167 192
из них по ДТ / of these, DT	8774	11 649	16 174	24 624	37 534
% обращений по ДТ / % of requests for DT	6	9	11,8	15,6	22,4
Проведено проверок по ДТ / Checks on DT carried out	290	72	85	355	47
Выявлено нарушений по ДТ / Violations of DT revealed	822	562	663	620	290

Примечание: ДТ — дистанционная торговля.

Note: DT — distance trading.

Table 2

The number of appeals received by the territorial Department of Rospotrebnadzor in the Leningrad region, inspections carried out and violations detected in the sphere of distance trading in 2019–2021

Таблица 2

Количество обращений, поступивших в территориальные управления Роспотребнадзора по Ленинградской области, проведенных проверок и выявленных нарушений в сфере дистанционной торговли в 2019—2021 годах

Количество обращений, проведенных проверок, выявленных нарушений / The number of appeals, inspections carried out and violations detected	2019 г.	2020 г.	2021 г.
Обращения о нарушениях прав потребителей / Complaints about consumers' rights violations	4077	5399	6757
Из них по розничной торговле / Of these, by retail trade	2596	2708	3894
Из них по ДТ / Of these DT	486	714	1498
% обращений по ДТ / % of requests for DT	18,72	26,37	38,46
Проведено проверок по ДТ / Checks on DT carried out	12	0	7
Выявлено нарушений по ДТ / Violations of DT revealed	36	0	56

Примечание: ДТ — дистанционная торговля.

Note: DT — distance trading.

In 2020, an overall decline in consumer activity and retail trade has led to emergence of problems that require the development of mechanisms to protect economic interests of consumers: trading in social networks, related online services, dangerous transactions, dubious content, etc. The

structure of appeals was determined by such behavioral risk factors as distance shopping, online transfers [5, 8].

The research has analyzed the number of appeals received by the Department of Rospotrebnadzor for the Leningrad Region (LR)

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regarding violations of consumer rights as well as the number of inspections from 2019 to 2021 (Table 2).

The number of conducted inspections was low when the number of appeals concerning violation of consumer rights in FDT increased from 18.72 to 38.46%. This is explained by the moratorium on their conduct, as well as by regulation of disputes involving the Rospotrebnadzor in the pre-trial order through consultations, sending requests and explanations to the controlled parties. The structure of citizens' appeals is presented in Table 3. The main reasons for consumer appeals in the Leningrad Region in FDT include:

- selling goods of inadequate quality;
- violation of transfer terms of pre-paid goods;
- refusal to return goods of proper quality, which are technically complex goods;
- lack of information about a seller, impossibility to file a claim;
- misleading a consumer about consumer properties of goods;
- failure to provide information on safety of purchased goods by a seller;
- failure to consider consumer's claims;
- failure to return (avoidance of returning) money paid by a consumer;
- refusal to reimburse consumers for losses (penalties).

Studying the activities of territorial bodies of Rospotrebnadzor in the North-West Federal District, it was revealed that there were shortcomings in informing the population about the protection of consumer rights in distance trade. The data are presented in Table 4.

The greatest number of materials on safe DT, brochures and leaflets concerning DT and fraud in this sphere were published by the Rospotrebnadzor offices in the Republic of Karelia, the Komi Republic and the city of St. Petersburg. Information work on the Internet is not carried out in the Arkhangelsk, Kaliningrad, Murmansk and Pskov regions. The materials provided on the websites of the Rospotrebnadzor include brochures on peculiarities of online shopping, social networks, consumer rights when purchasing goods remotely, safe DT, and fraud. Consumers are informed about ways to protect their rights through Cyber Day and Black Friday campaigns. Awareness of the population of the North-West Federal District on DT issues is insufficient.

300 people participated in the questionnaire survey. The age composition of the participants is presented in Table 5.

The results of the population questionnaire showed that 287 people (95.7%) combine online and offline shopping. 186 (62%) often purchase goods remotely, 114 people (38%) do it rarely. 216 people (72%) said their online purchases have increased since the pandemic had begun. Meanwhile, 67 people (22.3%) make spontaneous purchases often, 109 (36.3%) — rarely, while 124 people (41.33%) do not make spontaneous purchases at all.

According to respondents, the most preferred aggregators were Ozon — 229 votes (76.3%), Wildberries — 166 votes (55.3%), AliExpress — 105 votes (35.0%). Among the

Table 3

Structure of appeals on distance trading to the Department of Rospotrebnadzor in the Leningrad region in the period from 2019 to 2021

Таблица 3

Структура обращений по дистанционной торговле в Управление Роспотребнадзора по Ленинградской области в период с 2019 по 2021 годы

Структура выявляемых нарушений / Structure of detected violations	2019 г.	2020 г.	2021 г.
Выявлено нарушений в сфере дистанционной торговли / Violations in the field of distance trading revealed	36	0	56
Из них Закона «О защите прав потребителей» / Of these, the Law «On Consumer Protection»	12	0	27
В том числе по статьям 8–10, 12 / Including articles 8–10, 12	4	0	10
В том числе по статье 16 / Including articles 16	2	0	5
Другие статьи Закона «О защите прав потребителей» / Other articles of the Law «On Consumer Protection»	6	0	12
Иные нормативно-правовые акты / Other regulatory legal acts	24	0	29

Table 4
Analysis of information posted on the official websites of Rospotrebnadzor Departments by subjects in the NWFD for the period 2018–2020

Tаблица 4 Анализ информации на официальных сайтах управлений Роспотребнадзора в СЗФО за период 2018—2020 гг.

Субъект / Subject	Итоги работы / Results of work	Судебная практика / Judicial practice	«Горячие линии» / «Hot lines»	Консультации, разъяснения / Consultations, explanations	Брошюры / Brochures
Архангельская область / Arkhangelsk region	4	_	_	1	1
Вологодская область / Vologodskaya region	4	4	_	5	3
Калининградская область / Kaliningrad Region	4	_	_	_	_
Ленинградская область / Leningrad Region	4	2	_	2	3
Мурманская область / Murmansk region	4	_	1	1	_
Новгородская область / Novgorodskaya region	6	1	1	3	3
Псковская область / Pskovskaya region	4	3	1	_	1
Республика Карелия / Republic of Karelia	8	4	3	4	10
Республика Коми / Komi Republic	8	9	2	3	10
Ненецкий AO / Nenets Autonomous District	2	1	_	3	4
Санкт-Петербург / Saint Petersburg	11	2	8	18	42

Table 5
Age group of respondents taking part in the survey

Таблица 5

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							Таблица 5
Возрастной кон	тинг	ент	респон	дентов, прин	имавших участие	е в анкетировании	
							I

Возраст респондентов / Age of respondents							
16–24	25–34	35–44	45–54	55-64	65 и старше / 65 and older		
41	95	81	46	31	6		

criteria for choosing online shops were: affordable prices — 204 votes (68%), advice from family and friends — 141 votes (47%), positive reviews — 140 votes (46.6%), preference for a popular brand — 100 votes (33.3%), online advertising — 45 votes (15%) and other reasons — 53 votes (17.6%).

The range of goods purchased remotely is gradually expanding. For example, respondents noted such categories as clothes — 199 (66.3%),

personal care products — 160 (53.3%), household appliances — 152 (50.6%), entertainment goods — 105 (35%), groceries — 98 (32.6%), medicines — 76 (25.3%), other goods — 168 (56%). At the same time, certificates of conformity for goods are requested by only 15 people (5%) and 36 people (12%) ask for certificates for certain goods. 249 people (83%) answered this question negatively, and some explained that had heard about this option for the first time.

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126 respondents (42%) had purchased goods that appeared to be inappropriate in terms of quality and expiry dates. 167 (55.7%) returned goods purchased in online shops due to their improper quality, non-compliance of goods with the stated characteristics, inappropriate size/fashion, color. Despite certain problems arising when making purchases remotely, 98 people (32.7%) said that they "often" and 94 people (31.3%) said that they "always" solved them on their own. 17 people (5.7%) indicated that they "never" managed to resolve conflict situations. Only 10 people (3.3%) reported that they had applied to Rospotrebnadzor. 115 (38.33%) of respondents found information about DT "available", 49 (16.33%) — "not available", 136 (45.33%) — "available but not clear". According to the survey, there was "too little open information, not everything had answers" for 134 (44.67%), "enough" for 59 (19.67%), "too much, difficult to understand" for 193 (64.33%). The majority of the respondents, 271 (90.3%), believe that additional information of consumers in the field of protection of their rights is necessary. In the course of the survey, the respondents were also offered to use the State Information Resource in the sphere of consumer protection to search for necessary information on distance trade issues, and 236 people (78.66%) replied that this platform is "inconvenient to use", "it is difficult to find the necessary information, inconvenient search", "there is no separate section on distant trade".

CONCLUSION AND RECOMMENDATIONS

- Since 2016, there has been an increase in citizens' appeals on distance selling, the structure of appeals and the main violations have been established.
- Awareness of the population of the North-West Federal District on distant trade issues is insufficient.
- Consumers often face problems in the sphere of e-commerce and need to improve the level of consumer knowledge.

The following recommendations are offered:

- 1. To create a specialized online resource to improve consumers' digital competence, skills in searching for product information and its correct evaluation, awareness of choice when making online purchases and protection from online threats.
- 2. To make a proposal to improve the State information resource on consumer protec-

- tion by allocating a separate section "Distant trade", with the ability to quickly find information, to ensure regular updating of the resource with relevant materials on the topic.
- 3. To timely highlight topical issues of consumer protection in FDT on official websites of Rospotrebnadzor.
- 4. To consider the possibility of organizing regular lectures, recording video clips to improve the legal competence of the population, creating "Schools of competent consumer" by Rospotrebnadzor, Centers of Hygiene and Epidemiology and public associations.

ADDITIONAL INFORMATION

Author contribution. Thereby, all authors made a substantial contribution to the conception of the study, acquisition, analysis, interpretation of data for the work, drafting and revising the article, final approval of the version to be published and agree to be accountable for all aspects of the study.

Competing interests. The authors declare that they have no competing interests.

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