

# *The platform's regulatory responsibility for outdoor hook-up live broadcasts*

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**Abstract:** With societal progress and economic growth, science and technology have entered an unprecedented era of prosperity. As people's lifestyles and entertainment options become increasingly diversified, live streaming has emerged as a popular social entertainment medium, gradually establishing its presence and influencing various aspects of daily life. Recently, outdoor live streaming has become particularly prominent. While providing entertainment and contributing to economic development, this format inevitably raises certain regulatory challenges. During such broadcasts, hosts frequently engage with passersby - whether through direct conversations, follow-along filming, or even covert recording. Notably, some pedestrians become unwilling video subjects when captured on stream without their knowledge or consent, their images being used as content material. Based on this, the state has continuously strengthened relevant supporting measures, including legislative, judicial and regulatory levels. Based on this, the state has continuously strengthened relevant supporting measures, including legislative, judicial and regulatory levels. This article will analyze the regulatory responsibility of the platform for such live broadcasts, and put forward feasible suggestions for resolving this issue. This article will analyze the regulatory responsibility of the platform for such live broadcasts, and put forward feasible suggestions for resolving this contradiction at the legislative, judicial and regulatory levels in China in the future through relevant legal systems and hot cases.

## **1. Introduction**

With the progress and development of society, the prosperity and prosperity of the Internet industry, network live broadcasting is a kind of real-time two-way communication live mode relying on the Internet, big data, artificial intelligence technology and other means that has been developing in the past few years, and there are big differences with the traditional live broadcasting modes such as TV, radio, etc. Network live broadcasting platforms, as the main body of the live broadcasting services provided by the network, are also born and flourish. In recent times, outdoor pickup-style live broadcasts have become a common ploy to attract traffic, however, such live broadcasts have problems such as vulgar content, serious homogenization of competition across platforms, possible infringement of passers-by, and waste of resources. This is due to the live platform industry is not mature enough, and the platform many good and bad, there are still many problems in its operation and the regulation of live content. in this case, the platform's responsibility for the supervision of the

network law is an important part of the network law, but due to the lagging nature of the law, the legislation is difficult to match the development of the emerging industry before the relevant legal system is not perfect, which leads to a difficult time for the regulation of webcasting platforms. [12] This leads to the difficulty in regulating the network live broadcasting platform. Based on this background and relevant cases in recent years, the author chooses to study the management issue of "platform regulation of outdoor pickup live broadcast content".

## **2. Infringement Disputes Arising from Outdoor Hitchhiking Live Streaming**

Outdoor pickup style live broadcast, that is, the network anchor with a variety of gimmicks randomly with passers-by pick up, and the whole process live to the audience, as a way to satisfy some of the audience's emotional appeal.

### **2.1 Take the example of Tong Jincheng on the Tiger Tooth Live Streaming Platform**

In the time period of February 14, 2022, outdoor anchors are often to go to some program effects, so as to earn a large sum of money, such as the Tiger Tooth live broadcast platform of Tong Jincheng, he wanted to Valentine's Day on the day of the whole some program effects, but it seems to have not succeeded. The reason is that on this night, he was going to shoot some programs with another appointment female anchor to attract traffic, but due to the camera for a long time to the lower part of the human body, was given by the platform's super management to ban a few hours of processing.

Tong Jincheng incident leading to vulgarization of the content, and is not conducive to the physical and mental health of the development of the people, and cause social and public order disorder. In this incident, the tiger tooth platform to do than the fast platform to be much more severe, in the face of bad picture broadcasting, the platform timely shut down the live room and blocked a few hours of behavior is a good solution to the possible illegal events, although to a certain extent may be too harsh, but the platform is in chaos, the need for a "heavy punishment to rule the chaos of the country" approach to rectify the chaos of accosting live broadcasting, so as to better build a healthy and green network live platform. [13]

### **2.2 Problems with case studies**

Article 1197 of the Civil Code of the People's Republic of China clearly stipulates that "a network service provider who knows or should know that a network user is utilizing its network service to infringe upon the civil rights and interests of others and fails to take the necessary measures bears joint and several liability with that network user." [1]Therefore, when the release of the relevant video or live content is suspected of infringement, the platform can not be their own is not the actual subject of the infringement of the defense, must be active as, take measures to confirm whether it constitutes an infringement.

## **3. Illegal and Illegal Problems with Outdoor Hitchhiking Live Streaming**

### **3.1 Alleged dissemination of obscenity and pornography in live broadcast images**

In the outdoor live broadcast, in order to attract attention, some anchors will shoot some "edge" images, and sometimes a flash, which stimulates the audience's degree of curiosity and desire to explore, such behavior is undoubtedly in the edge of the law repeatedly jumped across. The presence of obscene and pornographic images during a live broadcast may violate Article 68 of the Law on Punishment for Public Security Administration. [14]Therefore, those suspected of distributing

obscene materials during live broadcasts may be sentenced to detention for ten to fifteen days or less, and may be fined up to three thousand dollars; in less serious cases, they may be sentenced to detention for up to five days or a fine of up to five hundred dollars.

### **3.2 Current situation and inadequacy of protection of personal information during live broadcasting**

With the widespread popularization and application of the Internet, there is a great potential danger for national and personal information, and all kinds of leakage behaviors keep appearing, which poses a threat to the economic interests of the country and personal safety, and some criminals steal people's personal information for illegal use through the Internet. [2]

#### **3.2.1 Status of current legislation on personal information in China**

The protection of personal information in China was previously mainly found in various sectoral laws, without forming a complete legal system, but last year, the introduction of our Personal Information Protection Law made it possible for us to have a legal basis for the protection of personal information. The allocation of the burden of proof, and the mechanism of legal supervision, which makes it possible for infringement of personal information to be taken advantage of. [3]

#### **3.2.2 Legal Issues in the Protection of Passive Participants' Personal Information in Hitchhiking Live Streaming**

Hitchhiking live broadcast as a new entertainment mode, everyone can be the anchor of the interactive mode, along with the booming development of the Internet was born, in this type of live broadcast, the passive participants can not be the first time to know their own personal information security was violated, so their personal information in the network live broadcast once the leakage will be explosive exponential dissemination, and the network anchor can be selective deletion of the video that has been released, the It brings great hardship to the information subject's road to defend his or her rights. From the perspective of the legal system, the law has an unavoidable lag, the relevant laws for network data collection is lagging behind the development of technology, when the network live broadcasting behavior violates the personal information of the passive participants, there is no systematic and specific basis for the right to defend and punitive measures, so the network live broadcasting violation of the security of the citizen's personal information vulgar behavior has stirred up his nose and face, and more and more intensified situation.

### **3.3 Issues related to bounties in outdoor hitchhiking style live streaming**

Network live bounty is a new social phenomenon in recent years, China's law does not have this official definition and concept, it mainly refers to the network live users from the network platform to recharge the virtual currency purchased into a virtual gift after the favorite anchor to reward behavior.

In addition, the platform's regulation of the personal tax on the income from the anchor's bounty is also a very important issue. From the current scale and form of webcasting, strengthening the collection of personal income tax on webcasting rewards is conducive to the growth of the national economy and the realization of fairness and justice. The live broadcast platform should do a good job of supervising and managing the management of the anchor's reward income, which is because many anchors have a negative attitude towards paying personal income tax, leading to the fact that they will continue to appear tax evasion and other unreasonable tax avoidance problems.

## **4. The current state and dilemma of regulating outdoor hitchhiking-style live streaming platforms**

### **4.1 Status of government regulation of webcasting**

After the experiments and explorations in recent years, China has achieved great results and performance in the regulation of webcasting platforms, whether in terms of regulatory awareness, regulatory ideas or regulatory means. [11]

However, China's laws and regulations for outdoor pickup style live broadcasting obviously lag behind the requirements of the development of the times, and the outdoor pickup style live broadcasting industry is constantly problematic, causing serious negative effects. Although the government has issued a number of documents used to address the disorder that has emerged in the webcasting market, there are still some problems with government regulation of webcasting platforms. These include 1, regulatory enforcement is not strong enough.[4]2, the government is not timely enough to deal with the problem, due to the rapid progress of Internet technology. 3, the construction of the current network live platform is not standardized enough.

### **4.2 Status of regulation of webcasting platforms**

The problems of network live broadcasting platforms in the regulatory process are diverse, with countless incidents of negative impact, some of which are in serious violation of public order and morals or mandatory provisions of laws and administrative regulations, affecting the benign development of the live broadcasting industry, which mainly includes the following aspects of the problem:

#### **4.2.1 Lack of a regulatory regime corresponding to accosted live streaming**

The governmental departments hand over the relevant supervisory responsibilities to the platforms, allowing the platforms to exercise their decision-making, and the governmental supervisory departments themselves do not directly face the users, becoming an "invisible hand". However, while decentralizing the right to regulate, the government has not introduced a specific regulatory system related to this type, making the platform in the regulatory process can not be relied on, and can not be directly based on the relevant laws and regulations on the illegal outdoor accosting type of live broadcasting behavior for effective sanctions. [5]

#### **4.2.2 Platforms have difficulty detecting illegalities in live streaming**

In the era of the prevalence of outdoor hitchhiking-style live broadcasts, due to the special nature of the live location and content, the live screen fleeting reason, in order to attract more traffic and profits, certain anchors will take some means to live some illegal and illegal images, although the time is very short, but also may cause adverse social impact. [9] The platform should stop this kind of situation in time, but due to the difficulty of capturing the live broadcast screen, it is difficult to detect and sanction this kind of illegal behavior, which to a certain extent brings great difficulties to the supervision of the platform.

#### **4.2.3 The industry itself is not binding enough**

In the face of the emergence of this type of situation, the platform, according to a series of documents issued by the government, changed the scene of network live platform regulation can not be relied on, chaotic and disorganized. Among them, the Cybersecurity Law and the E-Commerce

Law provide strong support for the regulation of webcasting platforms. Accordingly, the platform has also implemented relevant measures, including the establishment of a real-name registration system, mainly through the real-name authentication of the anchor, to restrain the behavior of the anchor to reduce the occurrence of the above problems, from the initial only need to ID card registration to the need for facial recognition and video recording of the link, effectively reducing the occurrence of the "impostor" situation. [10]

## **5. Countermeasure Suggestions for Risk Regulation of Outdoor Hitchhiking Live Streaming Platforms**

At present, China's network live broadcasting industry, especially the outdoor pickup live is in full swing, outdoor pickup live as a new, interesting live broadcasting methods, should be for the enrichment of public life, to enhance the public's taste to produce a positive impact, but due to the selfish desire of a few people, the use of the loopholes in our laws to amass a large amount of money.

### **5.1 Improving the Hitchhiking Live Streaming Legal System**

#### **5.1.1 Legislation should be forward-looking**

At present, the network live platform regulation lack of legal provisions, mainly based on the relevant provisions of departmental regulations, can not be specifically for accosting live triggered by the chaos of regulation. However, due to the rather rapid development of this kind of live broadcasting, which puts forward more stringent requirements for regulation, the prompt formulation of laws related to the regulation of webcasting platforms is an issue that should be addressed by the legislature in a timely manner. Legislation in the Internet field is different from other fields, which requires the legislature to have a certain degree of foresight. [6] Legislators and regulators must prejudge the development trend of the Internet and include in the regulatory framework some live broadcasting methods or contents that may generate regulatory disputes and regulatory risks when the development of the technology matures, and only in this way can flexibility be realized in the means and methods of regulation.

#### **5.1.2 Formulation of specialized administrative regulations for the regulation of webcasting platforms**

Currently, there are no relevant administrative regulations governing the supervision of live broadcasting platform for behaviors like accosting. The existing oversight relies solely on departmental rules, which are often driven by jurisdictional boundaries and individual agency interests, making it difficult to establish comprehensive and systematic regulation of live-streaming platforms. [7]Only by having the State Council formulate administrative regulations can a coordinated framework be established to harmonize departmental rules and define reasonable regulatory responsibilities for live-streaming platforms.

### **5.2 Establishment of an effective regulatory mechanism for the platform**

#### **5.2.1 Establishment of a sound mechanism for access to live broadcasts of hitchhiking broadcasts**

China's access mechanism for webcasting platforms is still quite strict, but the construction of the relevant mechanism is still not perfect in terms of anchor access and user group access.

The current regulation of accosting live content, the main use of "system + artificial" mode, that

is, in the big data screening found that there may be violations, the system is given the right to temporarily block, and then through the anchor complaint, intervention in the manual review mode, so as to further determine the anchor in the process of live broadcasts whether there are violations of the law. [8]

### 5.2.2 Enhancing Regulation with Artificial Intelligence

Artificial Intelligence enables effective organization and analysis of massive data from live streaming platforms, generating professional AI-powered analytics. [15] By examining users' consumption patterns and browsing histories on these platforms, the system can extrapolate detailed user profiles including age, occupation, and preferences. When detecting excessive gifting behavior - particularly the concerning trend of adolescents making lavish donations to streamers - the AI system immediately issues alerts to effectively intercept such transactions. [16]

## 6. Conclusion

Although webcasting is still evolving as a new industry, it should not be an extra-legal place. The special nature of the content of Internet communication makes legal and technical regulation lag behind due to its rapid development. The rapidity of the development of network live broadcasting and the large scope of the network, so that the existing laws and regulations failed to regulate to all areas, and thus there are most of the undesirable network live broadcasting behavior wandering in the gray fringe area of the law. The immaturity of the regulatory technology has also resulted in some of the webcast content not being effectively identified in a timely manner, thus adversely affecting the social and cultural life of the society. In order to reverse the undesirable situation, first of all, we should clarify the main body of supervision, form a multi-level and orderly regulatory system, and form a multi-dimensional and large-scale regulatory system for the regulation of network live broadcasting. In the future, China can introduce legislation on live network broadcasting, build a unified and efficient regulatory system, strengthen the network in the live broadcasting industry self-regulation, improve the user supervision mechanism, explore diversified cooperation regulatory model, improve the level of regulatory technology to regulate live network broadcasting, with a view to let the network live broadcasting this emerging thing to get sustainable and healthy development.

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