

Research on the Path of Rule of Law Guarantee in Digital Economy

Yibo Lian

Shandong University of Technology Law School, Zibo 255000, Shandong, China

Abstract: The rapid development of the digital economy has brought about an increase in the efficiency of resource allocation, but it is also accompanied by new risks such as data abuse, algorithm opacity, and platform monopoly. The existing legal system supply and supervision capabilities are still insufficient. This paper analyzes the demand for the rule of law in the context of the digital economy, explains the institutional logic of the rule of law guarantee in the digital economy from the perspective of the modernization of national governance, and proposes ways to improve the top-level design, strengthen data governance, and improve the regulatory system, so as to provide institutional support for the healthy development of China's digital economy.

Keywords: digital economy; legal protection; data governance; digital regulation

1. Introduction

The digital economy is becoming an important engine of China's economic growth, and its efficient factor allocation and platform synergy advantages continue to release industrial vitality[1]. However, problems such as vague data ownership, algorithm abuse, and platform monopoly have accelerated, which not only affect the market order, but also have an impact on public interests and personal rights, exposing the fragmentation of the legal system and the lag of the regulatory mechanism[2]. To promote the healthy development of the digital economy, it is urgent to rely on the rule of law to achieve a dynamic balance between risk governance and innovation incentives[3]. Therefore, it is necessary to explore the rule of law guarantee path of digital economy from the institutional level, so as to improve governance efficiency, maintain fair competition and promote digital transformation.

2. Analysis of the demand for the rule of law under the background of digital economy

The digital economy is characterized by data-driven, platform collaboration and intelligent decision-making, which is profoundly changing the traditional mode of production and governance[4]. While the logic of value creation is changing, its virtuality, cross-regionality and technological black box also bring unprecedented legal challenges[5]. First of all, as a new type of production factor, data collection, use and transaction occur frequently, but the definition of data ownership is unclear, data abuse and privacy leakage are prone to occur, and it is urgent to clarify the rights boundary and responsibility system by law. Secondly, the algorithm gradually affects public decision-making and resource allocation. Once there is discriminatory or manipulative behavior, it will damage user rights and social equity, and it is difficult for existing regulatory mechanisms to penetrate the 'black box' for effective accountability. In addition, relying on the scale advantage, the platform economy is easy to form a market monopoly, which may exclude competition and erode the rights and interests of workers. Traditional antitrust legal tools face application difficulties in the digital scenario. At the same time, China's digital governance system still has problems such as fragmentation of rule supply, insufficient regulatory coordination, and lack of technical means, making it difficult to cope with cross-domain and cross-platform systemic risks. In the face of the reality that the digital economy is developing rapidly and affecting a wide range, the governance model should be engaged in the transformation from post-management to the whole process rule guidance, and maintain the inclusiveness of innovation activities while preventing risks. Therefore, the healthy and long-term development of the digital economy is inseparable from the protection of the rule of law. It is necessary to promote the modernization of governance capacity with systematic, forward-looking and flexible institutional supply, and realize the organic balance between social public interests, market competition order and digital innovation vitality.

3. The institutional logic of the rule of law in the digital economy

3.1 The rule of law support from the perspective of national governance modernization

The existing laws and regulations are mostly macro and principled, and lack detailed provisions for the complex and diverse actual situations in rural areas, which often leads to the dilemma that there is no law to follow or difficult to operate

in the implementation process at the grassroots level. The design of some legal systems is more biased towards the urban environment, ignoring the differences in rural areas in terms of economic development level, social structure, cultural habits, etc., resulting in a disconnection between the system and rural reality, resulting in 'acclimatization'. At the same time, some emerging areas such as rural ecological protection, collective economic development, land transfer, etc., there are still lagging or blank systems, making grassroots governance lack a clear legal basis.

3.2 Multi-subject participation and collaborative governance mechanism

In the process of rural governance under the rule of law, the weak implementation of the system and the lack of supervision are common problems. Some grassroots cadres have insufficient awareness of the rule of law and strong dependence on the implementation of the system. However, they lack the enthusiasm for active implementation, which makes the rules stay on paper and difficult to truly implement. At the same time, the existing supervision mechanism is scattered, the publicity of village affairs is in the form, the channels of mass supervision are not smooth, and there is a lack of effective feedback and constraints. Once there is unclear power and responsibility or conflict of interest, there is often no one responsible, or even 'system idling'. In addition, there is a lack of independent third-party supervision at the grass-roots level, and internal supervision is easy to be humanized, which weakens the authority and execution of the system.

3.3 The application of dynamic supervision and the principle of inclusive prudence

The promotion of the rule of law in rural governance is inseparable from the support of capital, manpower and technology, but in reality, the problem of insufficient resources is particularly prominent. Many rural fiscal revenue is limited, and it is difficult to provide a stable guarantee for legal services, system construction and supervision and operation. Most of the grassroots cadres are mainly part-time, lacking professional legal talents, which leads to strong dependence on system implementation and limited effect. At the same time, the coverage of legal aid and legal popularization activities is insufficient, and the lack of information and digital means makes the promotion and implementation of governance rules lack effective carriers. The shortage of resources not only restricts the authority of the system, but also weakens the sustainability of the process of rule of law.

4. The path of legal protection of digital economy

4.1 Improve the top-level design and legal system supply

Improving the legal supply and rural adaptation mechanism is the primary link to promote the rule of law in rural governance. At present, many agricultural-related legal systems focus on macro-design and lack detailed provisions for the complex situation of rural society, which leads to the problem of no rules to follow or system idling in practice. Therefore, we should continue to improve the agricultural legal system at the national level, improve the quantity and quality of legal supply, and promote the differentiated design and classified implementation of the legal system in combination with the economic development level, social structure and cultural traditions of different regions. In this process, we should not only strengthen the organic connection between national laws and village regulations and local regulations, but also pay attention to absorbing local experience and governance wisdom, so that the system not only has legal authority, but also is close to the reality of farmers' production and life. By enhancing the pertinence and operability of the system, it can not only avoid acclimatization, but also effectively guide villagers to form recognition and compliance with the law in daily affairs, so as to realize the real support and guarantee of the legal system for rural governance.

4.2 Strengthen data governance capabilities and security guarantee mechanisms

Strengthening implementation and supervision is the key link to promote the implementation of the rule of law in rural governance. At present, some grassroots systems often stay on paper and lack effective implementation and continuous supervision, which makes it difficult for governance rules to really play a role. Therefore, it is necessary to establish a sound system of responsibility for the implementation of the system, clarify the scope of responsibilities of village cadres in the implementation of the system, and enhance the execution by improving the reward and punishment mechanism. It is necessary to promote the normalization and informatization of village affairs disclosure, realize the traceability and transparency of system operation with the help of digital platform, and avoid weakening the effectiveness of the system due to information asymmetry. In terms of supervision, a multi-level supervision system should be established with the participation of the government, villagers and third-party forces, which not only plays the role of daily supervision of the masses, but also introduces external institutions for independent evaluation to reduce the interference of human feelings. Through the two-way strengthening of the implementation mechanism and the supervision mechanism, it can not only improve the effectiveness and authority of the system implementation, but also enhance the villagers' trust and compliance

with the system, and promote the rural governance to be truly standardized and long-term.

4.3 Establish a flexible and efficient digital regulatory system

Strengthening the protection of legal resources is an important condition for promoting the rule of law in rural governance. At present, some villages have obvious shortcomings in finance, manpower and service system, and the legal system is often discounted at the grass-roots level due to insufficient resources. To this end, we should increase financial investment to ensure that legal services, legal education and system operation have a stable source of funding ; at the same time, it is necessary to establish and improve the rural legal counsel system, attract and train a group of professionals who understand the law and are familiar with the rural reality, and provide villagers with normalized legal advice and assistance. We should also broaden the channels of legal services by means of digitalization and informatization, so that the grassroots can obtain timely and convenient institutional support at a lower cost. Through the continuous improvement of resource guarantee, it can not only enhance the authority and stability of system implementation, but also make villagers rely more on and trust the rule of law in daily production and life, so as to promote the institutionalization and long-term effectiveness of rural governance.

5. Conclusion

In the face of the rapidly evolving business model in the digital economy, traditional static and ex-ante supervision has been difficult to cope with complex risks, and should promote the development of intelligent, coordinated and flexible supervision methods. On the one hand, the use of big data, artificial intelligence and other technologies to strengthen real-time monitoring and risk early warning, improve the accuracy and penetration of supervision ; through algorithm audit and platform data submission system, it ensures effective supervision of core business logic. On the other hand, improve the in-process and post-event supervision mechanism, and improve the inclusive and prudent innovation test supervision framework, such as establishing a regulatory sandbox, hierarchical access and dynamic calibration mechanism, so that supervision can be adjusted in time with risk changes. At the same time, we will strengthen cross-departmental regulatory cooperation, form a joint governance force of information sharing and law enforcement linkage, and ensure that fair market competition and public interests are effectively safeguarded in the digital process.

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