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## ADMINISTRATIVE AND LEGAL BASES OF MANAGEMENT IN THE FIELD OF TRADE

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The article discusses issues related to the administrative and legal framework for management in the trade sector. It proposes to amend and supplement China's legislation on intellectual property protection and e-commerce platform management.

It is emphasized that proper administrative and legal management of trade is necessary for an orderly and prosperous trading environment.

**Keywords:** administrative and legal management; trade; digital age; AI – generated content; intellectual property; regulation of e-commerce platforms.

## АДМИНИСТРАТИВНО-ПРАВОВЫЕ ОСНОВЫ УПРАВЛЕНИЯ В СФЕРЕ ТОРГОВЛИ

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В статье рассматриваются вопросы, касающиеся административно-правовых основ управления в сфере торговли. Предлагается внести изменения и дополнения в законодательство Китая, касающиеся защиты интеллектуальной собственности и управления платформами электронной коммерции. Делается акцент на то, что для упорядоченной и процветающей торговой среды необходимо надлежащее административно-правовое управление торговлей.

**Ключевые слова:** административно-правовое управление; торговля; цифровой век; контент, созданный с помощью искусственного интеллекта; интеллектуальная собственность; регулирование платформ электронной коммерции.

In the current era of globalization, trade stands as a fundamental driver of economic growth and development across the world. Effective management of trade activities is of utmost significance for maintaining fair competition,



safe guarding consumer interests, and promoting sustainable economic expansion. The administrative and legal frameworks underlying trade management are the cornerstone of a well-functioning global trading system.

It should be noted that administrative bodies play a multifaceted and important role in the realm of trade. At the national level, they are responsible for formulating trade policies that are in line with a country's overall economic objectives. For example, a government may introduce export – promotion policies to enhance the competitiveness of domestic industries in the international market. The World Trade Organization (WTO) also emphasizes the pivotal role of member states' administrative institutions in implementing trade-related agreements. These policies are then put into practice through various administrative mechanisms. Additionally, administrative authorities are tasked with regulating trade activities within their jurisdiction. This includes controlling the import and export of goods, ensuring compliance with trade-related regulations, and managing trade-related services such as customs and logistics.

Administrative measures can have a very serious impact on the development of trade. A notable example is China's Belt and Road Initiative (BRI). Through administrative coordination and policy support, China has promoted infrastructure construction and trade facilitation along the BRI routes. According to a report by the Asian Development Bank (ADB), the BRI has enhanced trade connectivity and increased trade volumes among participating countries [1]. It should be noted that government policy plays an important role in protecting domestic industry during economic crises. For example, during the 2008-2009 global financial crisis, many countries implemented administrative measures such as subsidies to support their struggling manufacturing sectors, which in turn helped to maintain trade balance and employment levels [2].

It should be noted that legal protection is important for trading activities. In general, the legal framework for trade management is complex and comprehensive. At the international level, the WTO agreements form the core of international trade law. These agreements cover a wide range of areas, including tariffs, non-tariff barriers, intellectual property right, and services trade [3]. At the domestic level, each country has its own set of trade laws and regulations.

For digital intellectual property rights, especially the issue of the ownership of intellectual property right of AI – generated content, Chinese legislation should clarify that if the AI – generated content is based on specific creation rules set by developers then the intellectual property rights of this content belong to the developers or relevant right holders. At the same time, an AI intellectual property registration system should be established to provide a basis for the recognition and protection of rights. The punishment for the



malicious use of AI to circumvent intellectual property protection and commit an offense should be increased, for example by raising the upper limit of the statutory compensation to limit the offense from an economic point of view.

In regulating the relationship between platforms and sellers, China should revise relevant e-commerce platform management measures. It should be made clear that when e-commerce platforms adjust key terms such as service agreements and charging rules, they need to notify the sellers on the platform 45 days in advance and organize public hearings to fully listen to the opinions of sellers.

Before the implementation of the adjustment, it is necessary to give sellers an adaptation period of not less than 30 days, during which the new terms shall not be forced on sellers. At the same time, it is necessary to establish a unified national e-commerce dispute mediation platform and form a third-party mediation group composed of relevant government departments, industry associations, legal experts, etc. When disputes occur between platforms and sellers, sellers can apply for mediation through this platform to ensure a fair competition environment in the digital market and promote the healthy development of the e-commerce industry.

In conclusion, it should be noted that proper administrative and legal management of trade is necessary for an orderly and prosperous trading environment. Administrative measures offer flexibility and practical means for implementing trade policies, while the legal framework ensures fairness, predictability, and the protection of rights. The synergy between the two is crucial for addressing the complex challenges of the global trade landscape. As the world continues to evolve, continuous improvement and adaptation of these administrative and legal bases will be necessary to promote sustainable and inclusive trade development.

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