

The construction of procedural legal mechanism

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Abstract

Under the background of the construction of the security legal system of the Internet of Things, the Internet of Things develops rapidly. The direct dialogue mode of "people" and "things" and the indirect dialogue mode of "things" and "things" established by the Internet of Things technology fundamentally shake the traditional legal operation mechanism, so the construction of a more suitable legal mechanism is urgent.

Keywords

Internet,Right,Protection,Construction,Security.

1. Construction of Internet of Things operating program

1.1. Construction of procedural statutory mechanism

Procedural statutory mechanism refers to the need to apply the mechanism according to the provisions of the law in the process of administrative law enforcement. The administrative procedures applied to administrative subjects must be clearly stipulated by the state law. We can say that the substantive law in our country is a kind of legal authorization to administrative subjects, and the procedural law is a kind of restriction law to the applicable law to administrative subjects; In order to effectively protect the rights and interests of the people from the infringement of the exercise of law, safeguard the rights and interests of the people.

1.2. Administrative Law and Protection of People's Rights and Interests

In the relationship of administrative entity law, the legal status of commercial subject and administrative subject is not equal. Administrative subject can regulate commercial subject, and it is extremely easy to violate the legitimate rights and interests of commercial subject when exercising administrative power. Although the Constitution entrusts the standing committees of the national and local people's congresses with the power of supervision, due to our national conditions and the imperfect operation system of the law, the power of supervision is lost and the executive power is abused. Judicial review is post-fact. Meanwhile, the Administrative Procedure Law also excludes the abstract administrative acts of administrative organs from the scope of judicial review, which also leads to the failure of the original strict legal system to operate well, which also aggravates the abuse of administrative power. In addition, the corruption of government officials has not been well solved in the previous time. Under multiple factors, there are a lot of problems in the legal operation mechanism of the Internet of Things, which need to be solved from the most fundamental procedural law.

Since administrative procedure is fundamentally a restriction on administrative rights, and administrative power itself has the attribute of anti-restriction, in order to effectively restrict administrative power, it is necessary to legalize administrative procedure through national legislature, ensure the fairness of administrative law enforcement through prescribed procedures, and reflect the original intention of power restricting power. In legal procedures, commercial subjects must be given certain protection. Under the unequal status, the rights and

interests of commercial subjects will be difficult to be guaranteed, so certain legislative protection is extremely necessary.

1.3. The construction of procedure disclosure mechanism

The construction of procedure disclosure mechanism is used to standardize the administrative subject's administrative law enforcement behavior. Except those involving trade secrets or personal privacy, all other matters shall be disclosed to the public. Commercial subjects can safeguard their legitimate rights and interests through procedural disclosure system. Only by making the documents public can we avoid social suspicion and promote the sound development of the Internet of Things mechanism. At the same time, the social public can also play the role of power supervision, truly reached our socialist system of democratic rights.

2. Internet of Things security system construction

2.1. Construction of procedural justice mechanism

Procedural justice mechanism refers to the administrative subject legally exercising the administrative enforcement power and discretionary power under the conditions stipulated by law. In a complicated society, procedural law cannot stipulate all administrative acts, so it can only make some provisions in principle, and the administrative subject has certain discretionary power to decide the application of law in the actual situation by itself. However, people themselves cannot achieve perfect fairness, so in the use of discretion, the result of judgment is also different from person to person, which is very easy to lead to the abuse of discretion. Since procedural law cannot regulate all things comprehensively, it also leads to the abuse of discretion. Therefore, it is necessary to construct a complete procedural justice mechanism to balance the discretionary power and return a fair and just social atmosphere to the public. In the construction process of the legal application mechanism of the Internet of Things, not only through the construction of procedural law, but also through the improvement of substantive law, we must first start from the establishment and composition of the security system.

2.2. Construction of security system mechanism

Because at present, the sensor technology of the Internet of things is mainly RFID. Since RFID is only an implanted chip, it is easy for the chip to be perceived by human beings, and the content of it is difficult to be protected, and the intellectual property rights of the creators are also more vulnerable to infringement. Therefore, how to ensure security in the process of perceptual transmission needs to make efforts to form a complete and powerful security system to protect the data security of the Internet of things. Due to the relatively large difficulty of this project, it is difficult for some small manufacturers or enterprises to implement and develop. If such a trend continues, no one will be willing or brave to innovate and only want to steal others' intellectual property achievements, which will also lead to a vicious circle of the development of the Internet of Things economy, and eventually make the whole system collapse. The state should vigorously support the construction of the information security system of the Internet of Things and effectively protect the intellectual property achievements of every enterprise, so as to promote the sound development of the Internet of Things economy.

2.3. Electronic payments and the Internet of Things

If the Internet of Things economy is to develop in a sustainable and healthy way, it is necessary to solve the above problems. As the Internet of Things is a newly developed project, the national legislation on this aspect is not perfect, and the supervision on the chaos of the Internet of things is not in place. Finally, the Internet of Things should be able to build a self-audit system of the Internet of things, promote the development of the Internet of things through self-improvement, through the national macro-control to ensure the implementation of the law, and effectively promote the construction and improvement of the Internet of Things legal operation mechanism.

3. Conclusion

The rapid development of the Internet of Things is beyond our expectation, and there is a certain lag in its control and legal construction. Facing the sudden rise of the Internet of Things, it is urgent to strengthen the construction of the legal application mechanism of the Internet of things. We still need to go a long way to build a good legal mechanism to promote the stable and healthy development of social life.

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