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STUDY OF LEGAL ISSUES IN SHARING BIKE OPERATION

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ABSTRACT

By the end of 2016, sharing bike was born in China as a low-carbon environmental protection way to effectively solve the trip of the "last mile" problem, which is an emerging thing during the development of socialism in our country. It is convenient for public to travel, but also exposes some legal problems. This paper aims to prevent the illegal behaviors in using sharing bike by focusing on the illegal problems in the bike operation. This paper analyzes the related concepts about the sharing bike and some cases of sharing bike violations, then introduces the basic steps of sharing bike in future operations, finally puts forward some specific countermeasures about how to include sharing bike into the legal protection respectively from there levels—institution, government, and users.

1. THE CURRENT SITUATION OF SHARING BIKE IN CHINA

In 2016, there are about 20 sharing bike enterprises in Beijing, Shenzhen, Shanghai and Chengdu. They devote their capital in order to quickly grab market share in the first-tier and second-tier cities, like the online booked car market in those years [1-3]. However, the sharing bike is not only the "last mile", but also can ease traffic congestion, reduce vehicle emissions, and have the important function of environmental protection. So, the sharing bike conforms to the legal and national conditions, which should be strongly supported by the government. Compared to the pay bicycle provided by the government in many cities, sharing bike can make up for the lack of government's investment [4]. It has the functions of location, online payment and free parking, which provide a more efficient personalized car service for the citizens. It is an innovation by using "Internet plus traffic" [5]. However, the convenient and environmentally friendly sharing bike economy must rely on a good legal environment, otherwise the development of sharing bike will meet unknown difficulties.

1.1. Sharing Bike

Sharing bike, refers to a new form of sharing economy. With the cooperation of enterprises and government, a bike sharing service is provided in the campus, subway stations, bus stations, residential areas, commercial areas and public service areas [6]. In city, there is often a distance between public transport station and people's destination, especially in the less than 5 km short distance travel [7]. The cost performance of taxi and online booked car is not high, but sharing bike fills the demand gap and is popular by the public, especially the young people. Sharing bikes provides convenience for people to travel, and also test the governance ability and supervision level of a city.

1.2. Illegal Act

Illegal act is the act in violation of existing laws and regulations of the state, which will do harm to social relations under legal protection [8]. Only the act in violation of criminal laws and regulations, which should be subject to criminal punishment, is illegal. All illegal behavior must be punished according to law or given legal sanctions according to its nature and degree if necessary.

2. A CASE ANALYSIS OF ILLEGAL ACT IN SHARING BIKE

2.1. "Bike Stolen by College Students" Event

According to news report, a man named Guan, with postgraduate degree, had a selfish idea to take a sharing bike for himself [9]. He altered its color, installed a seat, and even sent it to the garage for modification. The garage owner and customers found out his illegal act, then reported it to the police. Eventually, Guan was sentenced to security detention for 14 days.

2.2. "Vandalism of Sharing Bike" Event

In many places, especially in some traffic intensive areas, the bicycles are in parking disorder. This phenomenon brings some problems to the city managers and the public [10]. As the sharing bike is benefit for the public to travel to a great extent, and effectively solves the problem of "last mile". This simple and quick way is very popular among the market. Based on the above advantages and the boost of behind capital strength, more and more sharing bike brands emerge, at the same time the number of bikes put on the market is increasing. When there is a contradiction between excessive bicycle number and limited city public space, there is a phenomenon about bike parking chaos and misplacing [11]. When the above phenomenon affects some people's normal life, there will be malicious damage bike event out of retaliation.

2.3. Platform Misappropriation of User Deposits

Sharing bike companies charge user deposit to constrain the behaviors of users. Before the first use, each user has to pay a deposit of several hundred yuan. Due to the large user base, the deposit itself forms a large sum of money. Thus, the problem of financial security may arise.

3. THE BASIC STEPS TO PREVENT SHARING BIKE VIOLATIONS

3.1. Screening of Illegal Acts

A specific illegal act about sharing bike should be screened. The illegal range should not be too wide, and not be related to too many violators, motivation and methods. Otherwise, the specific environmental factors leading to illegal behavior can't be clearly understood [12]. For example, if a violation prevention plan only pays attention to one event or a certain kind of events about sharing bike burglary, the possibility of success is much higher than that of another plan which focuses on all bike burglary events.

3.2. Analysis of the Conditions of Illegal Acts

After the screening of the illegal acts, the environmental conditions leading to illegal acts are analyzed [13]. In most cases, only the data about the time, location of illegal act and characteristics of the suspects obtained by the police will be analyzed, and many other information can be obtained through the analysis of the environment in which violations occurs, such as sharing bike burglary [14]. Through the observation of the surrounding environment, the analysis of favorable stimulation in the environment, and the judgment of the favorable stimulation, namely the convenience of illegal act implementation, the motivation of illegal violations can be inferred to be impromptu or premeditated.

3.3. Illegal Act Opportunity Blocking Research

The possible ways to blocking illegal act opportunity are studied systematically. The cost, the feasibility and the popularity of each way are measured and assessed [15]. You need to understand that no violations preventive measures are unique. A specific measure is excluded due to cost or feasibility disputes, but you can always find an alternative means to prevent illegal act. Finally, in these ways the most feasible and the most promising measure with the lowest cost will be implemented [16]. For instance, in order to prevent the sharing bike burglary, the measures which can be taken are: the relevant government departments increase penalties; enterprises improve threshold security through technical transformation or encourage user's tip-off. Therefore, the most feasible and the most promising measure with the lowest cost should be selected and implemented from every possible way. If necessary, a variety of measures should be used in combination to achieve the best effect.

4. THE SPECIFIC COUNTERMEASURES TO PREVENT ILLEGAL ACTS IN SHARING BIKE

The successful prevention of illegal acts in sharing bike cannot do without these factors: reasonable system design, government's strong support, good operation management, public active participation, and continuous adjustment and optimization of the prevention program.

4.1. Institutional Level

As an emerging thing, if lack of system security, the development of sharing bike will be seriously hampered. Sharing bike has a strong development tendency since its emergence. More and more enterprises join the market and stake out their turf as new brands. The whole industry is currently in a state of disorderly competition, even in chaos. City managers need to optimize the system design, making the industry out of the disordered state and better serve the public.

4.2. Government Level

The governments around the world are caught completely unawares by the "sudden burst" of sharing bike. Facing this emerging thing, local government is still in good observation period. It is undeniable that the emergence of sharing bike brings a series of problems to the city governance, however, city managers must treat it as an opportunity to trigger a governance reform instead of giving up eating for fear of choking.

4.3. User Level

First of all, there is a lease contract between the user and the enterprise. The user has the usage right, but does not have the ownership, so he/she has the obligation to treat sharing bike well. Secondly, sharing bike is part of the urban slow traffic system, so users should consciously abide by traffic regulations without running the red light. Finally, the user should not damage others' lawful rights. For example, malicious damaged bike can't be normally used by other users, and bike parking chaos and misplacing will affect the surrounding residents' travel. Therefore, these behaviors that damage others' lawful rights are not allowed.

5. CONCLUSIONS

There are still shortcomings in this study, mainly reflected in three aspects: first, since currently sharing bike is still in rapid diffusion process, the cities which newly initiated the project and lack the uncertain effect is not included in the study, the number of samples is limited; second, regulatory approach of some cities is still under discussion, which causes result judgment deviation; third, this study depends on the sharing bike users' subjective evaluation in interview and related news reports, lacking of comprehensive and objective standards. Sharing bike violations prevention is a systematic project involving many aspects. In this paper, its related concepts, common cases, basic steps, and specific countermeasures were discussed in order to provide a reference for future research. An investigation of the practical effect of sharing bike violations prevention plan and the generalizability of the design scheme are still needed in further research.

REFERENCES

- [1] Rogers, B. 2015. What's Mine is Yours. Shanghai: Shanghai Jiaotong University.
- [2] Pengcheng, Z. 2017. The Most Short-lived Sharing Bike Reflects Many Legal Issues, 06-14.
- [3] Chunfu, S. 2016. Some Key Words and Suggestions for the Development of Urban Transportation in China. Journal of Beijing Jiaotong University, 40 (2), 32-36.
- [4] Yi, C. 2017. Sharing Bike Industry Rise Should Rational. 04-19(001).
- [5] Jiande, H. 2013. Study of Public Bicycle System Development in Urban Areas.
- [6] Qian, L. 2012. Research on Urban Public Transport Sustainable Development in Chengdu.

- [7] Xiao, H. 2012. Implementation Status and Countermeasures of Wuhan Public Bicycle Transport System.
- [8] Xiangdong, K. 2011. A survey of Urban Public Bicycle Project Taking Wuhan, Hangzhou, Shanghai and Zhengzhou as examples. *Decision and Information*, 2, 90-91.
- [9] Zhongying, X., Hui, Z. 2016. The Problems and Strategies of Bicycle Transportation Development in Kunming in the View of Green Transport. *Huazhong Architecture*, 34 (8).
- [10] Lei, L. 2016. Thoughts on Improving the Legal System of Road Traffic Safety at Present Stage. *Journal of Shandong Police College*, 28 (6).
- [11] Zhengnan, L. 2001. Rational Analysis of Strengthening the Construction of Traffic Laws and Regulations in China. *Journal of Wuhan Traffic Management College*, 3(2).
- [12] Momo, P. 2017. Our City Will Plan to Share Bicycle Parking Areas, 01-07(A04).
- [13] Meddin, R. 2012. The Bike-sharing World: First Week of June 2011 [EB/OL].
- [14] Murphy, H. 2010. Dublin Bikes: An Investigation in the Context of Multimodal Transport.
- [15] Shaheen, S., Guzman, S., Zhang, H. 2010. Bike Sharing in Europe, the Americas, and Asia. *Transportation Research Record*, 2143, 159-167.
- [16] Guohou, M., Xiaonan, X. 2015. Path of Network Space Governance Under Rule of Law: Constructing the Internet, Using the Internet, Managing the Internet by Law. *Journal of Chongqing University of Technology (Social Science)*, 29 (9), 87-91.

