

## Protecting Consumer Rights in the Sharing Economy - Practice Through the Airbnb Tourist Accommodation Sharing Model

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### Abstract

*The sharing economy (sharing economy) is known as a new business model compared to Vietnam and brings many benefits to the economy and society. The Vietnamese Government has initially recognized this business model and officially approved the "Project Proposal for Sharing Economic Model" which covers many fields. Besides the field of transportation, brands that can be easily known as Grab, GoViet, Be, in the field of accommodation services, there is the AirBnB model, housing sharing with the participation of many hotels and establishments. storage facility. These two areas are also the content that the topic provides the sharing economics subject to approach. AirBnB's business model in Vietnam has brought many benefits to both renters and renters. However, it also poses less public risk to users, and the issue of guardians using services in the shared economy is a matter of concern. This study analyzes the practice of AirBnB's business model from a legal perspective with the goal of clarifying the relationships and responsibilities of the entities participating in the model, especially the responsibility to protect human rights. Consumers then come up with publishing topics that are proposed to relevant parties.*

**Keywords:** *Sharing Economy, 4.0 Technology Revolution, Protecting Consumers' Interests, Tourist Accommodation Room, Share Accommodation.*

### Introduction

The term “sharing economy” was first proposed in 1978 by Felson and Spaeth – two sociologists. “Sharing economy refers to a business model in which the right to use goods are transferred temporarily between individuals or agencies and are accompanied by a certain salary.” (Nguyen Thi Phuong Hoa 2023). By 1995, the "Theory of Sharing Economy" was proposed in the US and was known as the peer-to-peer business model. "Peer to peer business is a model of direct connection between individuals. the search side and the supply side, not through a center or enterprise" but it is not clear. This business model starts with an advertising rental information website service, job seekers, job searches, and helps individuals find jobs and earn advertising money. This business model really developed strongly when the US economy fell into crisis in 2008 (Central Institute for Economic Management Research, Center for Information and Documentation, Topic No. 14: State management in the sharing economy: International experience and suggestions for Vietnam, 2018).

The sharing economy is considered an economic activity where anonymous individuals can exploit and use idle assets and services owned by other individuals through connection platforms data through the Internet. It is considered a connection model in order to those who need to use it (consumers) can take full advantage of the excess resources of other subjects. Thus, the model is very suitable for startup investors because they do not need to own a hotel system, motel or manufacturing factory... but they do have a hotel and motel system... available worldwide and continuously updated to be ready to join the system (Ministry of Planning and Investment: Report on the 2018 sharing economy model project).

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The sharing economic model is forecast to increase to 335 billion USD by 2025 (in 2014, it reached 14 billion USD), focusing mainly on two services: Uber and Airbnb, with an estimated growth rate of up to 34%. 35%/year and is expected to increase sharply in the next ten years when this business model is strongly impacted by the 4.0 technology revolution. Thus, it can be said that in the main areas of the sharing economy, including accommodation services, hotels... will be able to generate more than 50% of the total global revenue of companies providing application platforms sharing economy (Nguyen Minh Phong & Nguyen Tran Minh Tri 2019).

According to a survey by Nielsen Company, “out of every 4 Vietnamese respondents, 3 said they like the sharing economic model” (Nguyen Minh Thuy 2019). Currently, a number of sharing markets have appeared in Vietnam, including a typical type of shared tourist accommodation, the Airbnb business model.

If it was before, when we planned to travel or go on a business trip to a certain locality For a few days or more, we often think about finding a hotel or a motel to stay in that locality. But currently, with the emergence of activity accommodation service business according to the sharing economy model and the help of digital technology, selecting accommodation becomes much simpler, not just a closed room in a hotel, motels... customers can choose from many different types of accommodation depending on their needs depending on usage needs and purpose of trip. Airbnb application started appearing in Vietnam in 2015 with about 1,000 rooms for rent and increased 6.5 times as of mid-2017. This is considered a great and convenient application to help travelers find empty rooms as you like at affordable prices and bring the comfort of staying at home. Currently, Airbnb is quite popular, concentrated mainly in Hanoi and City. Ho Chi Minh and major tourist cities such as Da Lat, Sapa, Hoi An, Da Nang... and this application is forecast to continue to be replicated only in a short time. With a fee for the host at 3% of the total booking value, the fee collected guests book rooms at 6 - 12% and this fee will be displayed during the guest's use service. This fee still ensures that people pay less than booking a hotel room through traditional channels.

However, along with the flexible convenience brought by sharing economy activities, the issue of consumer protection needs special attention, creating an appropriate legal corridor and timely updates to protect consumers in the sharing economy in general and in the Airbnb accommodation service business model in particular. In Vietnam, the protection of consumer rights is specifically defined by the Law on Consumer Rights Protection (Van, T. T. T., Phuong, N. T., & Le Vuong, L. o. n. g. 2024). However, regulations on protecting consumer rights have not been able to regulate consumer relationships arising in the sharing economy environment to a certain extent. The regulations only focus on consumer protection. Used in the provision of simple accommodation services directly between the lessor and the tenant. In the sharing economy environment, it is not simply like that, but there is also an arising entity that can have a significant impact on the normal service provision relationship: the manager of the sharing economy platform. This subject plays the role of connecting users and lessors on the Internet space platform under data messages. The diversity and complexity of the relationships between the three entities "lessee", "lessor" and "platform manager" in the sharing economy raises the issue of responsibility to protect consumer rights. The user is determined to be the renter or the manager of the sharing platform, and legal issues related to protecting consumer rights in the sharing economy need to be considered.

From the above issues, the authors conducted the article by using qualitative research methods based on a review of related research documents to clarify the nature of the sharing economy; At the same time, we also analyze Vietnam's legal policies related to protecting consumer rights in the sharing economy through the Airbnb business model to serve as a basis for proposing solutions to improve regulations related to consumer protection in the sharing economy.

#### *Airbnb Tourist Accommodation Room Sharing Model*

Airbnb was founded in 2008 by co-founders Joe Gebbia, Brian Chesky and Nathan Blecharczyk, and is headquartered in San Francisco (D. Guttentag, 2015). Airbnb (abbreviation for Air Bed and Breakfast) is an intermediary business that connects people who rent accommodation (apartments, rooms, private houses, villas, castles, farms, or even a yacht - called "hosts") with people who want to rent around the world through technology applications or computers with internet connection (Airbnb App). Airbnb

operates on the usual principle that hosts share their rooms and houses with customers. Today, Airbnb also expands its services by allowing customers and hosts to combine experiential activities designed by the hosts themselves. Payment between the tenant and the landlord is made by bank credit card (Visa, Master...) through Airbnb, and Airbnb will collect a fee from both parties (3% of the total booking value). from the landlord and under 14.2 for guests renting a room).

Airbnb's business segment is fundamentally different from Agoda, Booking.com... and many online accommodation business platforms on the internet (called OTA - Online Travel Agent) which is introducing and selling rooms at hotels and resorts.

In the world's accommodation service business market, Airbnb emerged quickly with its strong ability to spread, meeting the desires and needs of room sharing services globally. On the one hand, homeowners earn income by taking advantage of empty rooms/houses, without having to be bound by any paper contracts or management by state administrative agencies; On the other hand, customers feel right at home, receive valuable advice directly on site, and room rental prices are cheaper than traditional hotels, while service quality is still guaranteed according to customer requirements (Thin, D. Q., Phuong, N. T., & Thu, T. T. K. T. T. 2024).

By the end of 2020, right during the Covid-19 pandemic, Airbnb had successfully listed on the US stock exchange, and had a capitalization of more than 100 billion USD (D. Guttentag, S. Smith, L. Potwarka and M. Havitz, 2017). Based on the advantages, rather than the disadvantages, Airbnb has become the world's largest accommodation provider (M. Luchs, R.W. Naylor, R.L. Rose, et al., 2011), creating a new playground in the context of the emerging global sharing economy.

In the context of Vietnam's tourism development, in 2018, Vietnam became the third fastest growing tourist destination in the world with a 29% (Nguyen Cao Duc & Phi Hong Minh 2019), increase in tourist arrivals. The number of international visitors to Vietnam in the last 5 years has also increased 2.2 times, from 7.9 million people in 2015 to more than 18 million people in 2019 (Thin, D. Q., Phuong, N. T., & Thu, T. T. K. T. T. 2024). According to AirDNA's report on Vietnam's homestays for It can be seen that in two years (2018, 2019), the number of listings on Airbnb increased by 452%, far exceeding the world average growth of 140%. Large provinces and cities such as: Ho Chi Minh city, Hanoi Capital, Da Nang, Nha Trang, Da Lat, Quang Ninh... are the places with the most listings. Among them, Ho Chi Minh city accounts for 37% of total listings on Airbnb throughout Vietnam (Nguyen, T. P. 2023).

According to the latest report from market research company AirDNA, the homestay business in Vietnam has grown 5 times in the number of accommodation sources in the past year, much higher than the traditional hotel industry (only 40% growth in supply) (Phuong, N. T., Cầm, N. M., & Huyền, Đ. T. N. 2024). Of which, the number of guests booking rooms is mainly international guests with 84% (5 largest sources of international guests come from Singapore, Australia, Korea, United States and Hong Kong), domestic guests only account for 16% (mainly coming from 3 big cities: Hanoi, Da Nang and Ho Chi Minh City), (Thin, D. Q., Phuong, N. T., & Thu, T. T. K. T. T. 2024). Provinces and cities with the largest revenue from Airbnb include: City. Ho Chi Minh (41.6 million USD), Da Nang (19.5 million USD), Hanoi (13.3 million USD), Khanh Hoa (7.6 million USD) (Khoe, T. T., Phuong, N. T., Nhen, N. T. K., & Dat, T. H. T.). ...The Airbnb model has erased traditional concepts and boundaries of residence. For example, in the city. Ho Chi Minh, in the past, it was "eat in District 5, stay in District 3, luxury in District 1"; Nowadays, every district has a number of Airbnb guests coming to reside. District 2, District 7 of Ho Chi Minh City has become a place that attracts a large number of guests from Airbnb, including luxury foreign guests.

Currently, forms of accommodation business on Airbnb in Vietnam include: apartments and group houses; whole house rental (townhouse, town villa); Hotel rooms, condo hotels, resort villas (coastal areas, resorts); private room in a building, company, office; service building (this is the most advanced and professional type of business on Airbnb). Among them, the form of renting a whole house and private room is the most popular, with the respective rates of 47% and 49% (Nong Bang Nguyen & Ha Thi Hong Van 2021).

However, rental forms in Vietnam are short-term (overnight, a few days) and long-term (weekly, monthly). Most Airbnb hosts advertise products on other room rental sites such as Agoda.com, Booking.com, Mystay, Luxstay, Homeaway... to make the most of their home's free time. Hosts with many listings often have to hire additional co-hosts, or online real estate brokerage centers (accounting for 16%) to easily manage the vacant time of the residence. On average, a host currently manages more than 10 listings on Airbnb (Central Committee of the Communist Party of Vietnam (2019), Resolution No. 52/NQ-TW, dated September 27, 2019 of Politburo on Some guidelines and policies to proactively participate in the Fourth Industrial Revolution, Ha Angry).

*Related To Managing the Airbnb Tourist Accommodation Sharing Model and Protecting Consumer Rights in Vietnam Today*

The Party and Government of Vietnam have had a number of initial macro policies on promoting and developing the sharing economy. On September 27, 2019, the Central Committee of the Communist Party of Vietnam issued Politburo Resolution No. 52/NQ-TW on "Some guidelines and policies to actively participate in the Fourth Industrial Revolution." This resolution clearly states that we must: "Build a management mechanism appropriate to the digital business environment, creating favorable conditions for innovation." Soon promulgate a controlled testing institutional framework for new technologies, products, services, and business models formed from the 4.0 Industrial Revolution... Implement identification, recognition, and construction system of standards and regulations for new products, technologies, and business models" (Nguyen Thi Thu Trang 2023).

Based on that Resolution, on August 12, 2019, the Prime Minister signed Decision No. 999/QĐ-TTg on "Project to promote the sharing economic model", with the goal of ensuring a normal business environment. equality and rights and responsibilities of all participating parties. This decision is the highest legal foundation recognizing sharing economic model activities in Vietnam. However, this Decision also shows that Vietnam currently does not have a specific, updated policy on the current status of sharing economic development in Vietnam to ensure the harmonious interests of all stakeholders, from the state levels, the service provider which is Airbnb company, businesses on the Airbnb platform and consumers. Specific policies for Airbnb and any other sharing economy platform must first address the challenges and difficulties. From there, state management agencies can develop effective management policies and protect consumer rights. In fact, we point out a few existing problems in managing and implementing consumer rights protection, specifically as follows:

To start with, because the market of the sharing economic model in the accommodation sector is a service for guests (including tourists), the legal basis for regulating this sharing economic model first is completely dependent on the 2017 Law on Tourism. However, the Law on Tourism and its guiding documents do not have specific regulations that directly regulate the process of organizing and operating these business activities. Besides, transactions on Airbnb between hosts and renters are established mainly based on trust between strangers. There is no basis to ensure the accuracy of the information exchanged, so in many cases customers are disillusioned because the reality is different from the advertising. On the other hand, some business owners on the Airbnb platform have made the most of their spaces for the purpose of renting them out for profit, leading to landlords circumventing the law, arbitrarily renovating and building additional facilities, support and proactively business additional experiential activities without permission, or ignore regulations on safety warnings and fire and explosion prevention in construction, so security is not guaranteed (In Article 39 of the Law on Consumer Rights Protection 2023 effective in July 1, 2024)

Moreover, the protection of consumer rights in Vietnam is regulated in many legal documents such as: Civil Code 2015, Commercial Law 2005, Electronic Transaction Law 2005, 2023. But mainly We still consider the 2010 Consumer Rights Protection Law. However, this law does not mention the responsibility of third parties managing digital platforms. Due to the appearance of third parties such as digital platforms and technology, at the same time, contractual relationships in the sharing economy will no longer be a normal relationship with two parties, but will have a third party as property manager. The recent Law on Consumer Protection of Consumer Rights 2023 has regulations on the responsibilities of parties establishing and operating intermediary digital platforms (Nguyen Thi Hoan 2020), but the regulations are not yet specific

or lack references such as: responsibilities compensation or joint responsibility when consumers are affected...

Finally, in order to secure customer and Vietnamese business information on the Airbnb platform when this application owns a large amount of information data related to finance and personal information, this is also an important note. Because a person who wants to register as a homeowner, or find a place to rent, that person must have a credit card and declare detailed personal information, the use or leak of personal information will greatly affect the rights of many people. Recently, the US government fined Facebook company \$5 billion for violating customer data privacy, so if Airbnb also violates this right of Vietnamese people, how will we solve it?

#### *Some Recommendations to Improve the Protection of Consumer Rights in The Sharing Economy*

In the current context of integration, we think that protecting consumer rights in new economic models is extremely urgent, the authors propose a number of solutions as follows:

Firstly, it is necessary to stipulate clearer responsibilities of the parties in the sharing economy, more specifically in the relationship between renters, landlords and platform managers such as the Airbnb model (third party). Due to the appearance of third parties such as digital platforms and technology, at the same time, contractual relationships in the sharing economy will no longer be a normal relationship with two parties, but will have a third party as the property manager own sharing platform. Moreover, legislative researchers need to consider including the subject of tourist accommodation business in the form of sharing economy into conditional business, with specific regulations on subjects and conditions for registration of this type business. For the Law on Protecting Consumer Rights in 2023, there are regulations on the responsibilities of the party establishing and operating an intermediary digital platform, but the regulations are still not specific or lacking such as: compensation or related liability responsibility when consumers are affected... Therefore, the researchers consider introducing clearer regulations on the responsibilities of the management party operating the sharing platform in the future.

Secondly, we should pay attention to increasing inspection of unlicensed tourist accommodation service establishments that accept guests to stay, and at the same time strictly handle violations and punishments according to the sanctions of publish a list of ineligible accommodation business locations. We think it is necessary to stipulate more responsibilities of platform managers when they do not conduct censorship of accommodation establishments that are not qualified for accommodation business but have information on the platform for tenants to access and rent. stay. If there is any damage due to the tenant not being able to rent or renting incorrectly according to the advertising information on the sharing platform, the platform manager and the person directly renting the accommodation service are jointly responsible according to regulations.

Thirdly, focus on network security to ensure benefits for participants in shared accommodation services. The important foundation of the sharing economy in general and shared accommodation services in particular is the internet and technology. Vietnam is a country with rapid growth in internet users as well as technology. However, the issue of network security and recent stories of personal information being ineligibly exploited using Facebook also pose many information security issues for users. This is one of the big challenges that needs to be taken seriously if the country wants to promote the development of shared accommodation services. There should be policies guiding domestic and foreign individuals and organizations responsible for information security (not providing information to third parties, except at the request of competent state management agencies and people with authorized information and propagate obligations and responsibilities in protecting the privacy of other people's personal information. Promoting cross-border payment transactions must go through a national payment gateway, owned by a unit (this unit is licensed to operate by the State Bank).

Fourthly, if businesses want to start with a shared accommodation service business model, they need to take preparatory steps in terms of supply, human resource training and building trust to create a brand; besides, focus on investing in developing the internet network, upgrading to ensure the security of online

payment accounts, creating a good foundation for the development and success of the shared accommodation service business. Shared accommodation services bring many benefits, not only helping people improve their lives, but also making our country's tourism industry more attractive with many accommodation facilities featuring local culture at reasonable prices. To be able to do long-term business, landlords and homestay owners with rooms for rent (hosts) must comply with the law and develop strict regulations for their own business establishments. For example, on the Airbnb platform, hosts also have the right to set their own house rules according to local laws and their own requirements; Violators will be fully responsible (Phung Thi Thanh Hien 2016).

Next, sharing economy platforms and tourist accommodation establishments are responsible for "Publicly posting prices of goods and services, and rules of tourist accommodation establishments". In addition, it is necessary to promulgate enforcement provisions such as: "accommodation service establishments are required to apply service prices according to the listed price list or agreed prices and posted on affiliated channels". In addition, in Clause 1, Article 10 of Decree 45/2019/ND-CP, there is a need to adjust the fine level for the act of not publicly posting prices of goods and services, because according to regulations, the fine level is from 500,000 VND to 1,000 VND. 000 VND is not a real deterrent.

Furthermore, it is necessary to specifically stipulate penalties for acts of accommodation establishments or economic platform managers sharing false advertisements and information about the geographical location of accommodation establishments, facilities, etc. How will facility amenities be punished? Because this greatly affects the legal rights and interests of customers using the service. In addition, the government needs to aim to protect the rights of tourists, there must be adjustments and supplements to provisions related to the responsibilities of authorities, so that these agencies can effectively protect benefits of tourists in general and guests staying at accommodation service establishments.

Also, regarding regulations related to tourist accommodation establishments, in addition to the types listed in the 2017 Law on Tourism, there still exist many types of accommodation service businesses that have not been regulated. Determine and adjust such as: hospital hotels, tourist accommodation trains. Here, it is necessary to adjust these types of accommodation to suit the actual situation. On that basis, it is thought that ranking standards of tourist accommodation establishments should be added to the set of standards. national ranking of tourist accommodation establishments (Hoang Viet 2020).

Finally, tourists who have the right to complain, denounce, and sue for violations of tourism laws. However, tourists are short-term stayers and when violations are discovered, no denunciations or lawsuits will be filed, as these regulations take time to implement. Therefore, in order to promptly and quickly resolve violations in the field of tourism, it is necessary to focus on building and deploying inspection forces in the field of tourism. When comparing with developed countries in tourism, it is found that these countries have their own inspection forces and tourism police, but this has not been established in Vietnam, therefore, ensuring the safety of guests and security of the tourist area remains open (Thin, D. Q., Phuong, N. T., & Thu, T. T. K. T. T. (2024).

## Conclusion

The sharing economy has shown significant influence on the development trend of the socio-economy in our country. The Airbnb sharing economic model no longer simply helps increase income for individuals with idle assets, but is becoming an attractive business product for many investors in Vietnam. The Airbnb model also forms new social relationships and social groups, consistent with the general development trend of the world in the 4.0 industrial era. Airbnb Vietnam has many differences from Airbnb in the world. Therefore, this model cannot be managed globally, but must follow local, national and regional factors, in this case the Vietnamese context. The Airbnb model in Vietnam is posing new challenges for state management agencies in managing the market and regulating relationships that arise between entities participating in the sharing economic model. We think the Vietnamese government needs to review relevant regulations such as: regulations on sharing economy platform business conditions, user information security, consumer rights protection... to soon Strengthening the legal system helps ensure effective

management as well as create a fair competitive environment, protecting consumer rights in the Airbnb model in particular and the sharing economic model in general in this era. next time.

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