

Specific aspects of creating consumer contracts of sale on the internet

Abstract

The topic of this thesis are the Specific aspects of creating consumer contracts of sale on the internet, meaning the specifics that appear during the process of concluding a contract. It aims to describe the specificities that are associated with several aspects of the conclusion of this type of contract, whether as a consequence of consumer protection, the regulation of the distance type of contracts, or the features of the Internet environment. It also aims to identify ways in which these specificities can be overcome in order to conclude a valid purchase contract. To this purpose, it analyses the current statutory provisions, which are applied to the situations regularly associated with internet shopping, while pointing out possible differences in foreign legislation, in particular in the German, Austrian and Slovak legal systems and, to a limited extent, in the legal systems of Hungary and France. The thesis offers *de lege ferenda* considerations at the final part.

The thesis is based on the theoretical definition of a contract, on the requirements of the process of its conclusion, but also on the requirements of the legal act itself. It analyses in depth the regulation of the contracting process, which does not sufficiently reflect the typical methods of contract creation on the Internet, and therefore goes through the different phases of shopping and tries to determine which act is an offer, which is its acceptance and when the contract is concluded. In the next part, it examines specific situations relating to the eligibility of subjects and their identification, the certainty, clarity, and intelligibility of expressions of intent and the various forms of mistake and seeks to ascertain how to verify that certain requirements are fulfilled and whether the situations can be resolved by applying the legal rules on the lack of such requirements. A solution to a number of the problems arising from these specifics is the obligation to provide information, which makes possible to clarify when a contract is concluded, to correct the imbalance between the entrepreneur and the consumer or to inform the consumer of the proper use of the goods purchased. The final part of this chapter therefore looks at the practical impact of the information obligation and the various forms in which it can be fulfilled.

Key words: **E-commerce, consumer protection, contracting process, distance contracts, electronic contracts, contracts of sale.**