

Research on optimizing credit evaluation system and commercial bank practice path

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Abstract: In order to strengthen the construction of social credit, the credit evaluation system has been paid more and more attention by all walks of life. "A trust-breaking, everywhere restricted" is the basic goal of the construction of credit society in China. The construction of credit evaluation system should adhere to the social harmfulness of trust-breaking behavior as the standard, the principle of proportion to determine the punishment limit, avoid the tendency of pan-moralization. It is necessary to construct a credit evaluation system that encourages trust-keeping and punishes trust-breaking simultaneously, adopt a fine management mode, unimpeded channels for civil subjects to inquire and correct personal credit information, and strengthen the strength of information disclosure.

1. Introduction

In recent years, strengthening the construction of social credit system has become an important part of promoting the modernization of national governance system and governance capacity. As a specific system of social credit construction, credit evaluation system has gradually attracted the attention of all walks of life. As early as 1999, China proposed to establish a social credit system [1]. In July 2019, the General Office of the State Council issued the Guiding Opinions on Accelerating the Construction of a Social Credit System and Building a New Credit-Based Supervision Mechanism, which strongly promoted the process of local credit legislation and regulation. The right to know and the right to repair are the legal cornerstones of credit evaluation system. The Civil Code takes credit disputes as the adjusting object of personality rights, endows civil subjects with the right to inquire their own credit evaluation, and has the right to apply the repair and correction of improper evaluation. Therefore, we must carefully determine the related fields of credit evaluation system, accurately understand the social significance and social value of credit evaluation, and avoid credit evaluation becoming contemporary "Kun punishment".

2. The basic principles of credit evaluation system

The basic principles of credit evaluation are the basis of credit evaluation. Only

when the evaluation principle is clear can the evaluation work be carried out smoothly. Attention should be paid to the reasonable distribution of the responsibility scope of trust-breaking offenders, taking social harmfulness as the judgment standard, and preventing the evaluation activities from being too broad.

2.1 Principles for the establishment of credit evaluation system: take the social harmfulness of trust-breaking behavior as the standard

Honesty is the concentrated embodiment of the spirit of modern social contract. Under the condition of commodity economy, a large number of transactions are carried out among strangers, and honesty can greatly reduce the transaction cost and balance the information asymmetry between the two parties. Involved in the category of credit evaluation system and field is very broad, "a faithless, everywhere limited" is the basic goal of the current our country social credit construction, therefore, must be in the social harmfulness of dishonest acts as the basic principles of scientific credit evaluation system, a sharp rise in the broken joint punishment mechanism with pertinence and precision.

Trustbreaking behavior will cause harm to different social fields, so the credit evaluation system has a high degree of openness. From the perspective of the fields involved in the credit evaluation system, it mainly includes financial lending credit, judicial performance credit, commercial cooperation credit and so on. From the perspective of punishment methods, it mainly includes prohibitive means, restrictive means and public means, etc. From the point of view of the implementing subject, it mainly includes the public power subject (that is, the government agency, the supervision department, the industry self-regulatory organization, etc.) and the private subject (that is, the enterprise consortium, the enterprise itself, the industry association). It is necessary to comprehensively consider the social harmfulness of trust-breaking behavior in how to formulate the credit evaluation system.

2.2 The principle of punishment of credit evaluation system: to determine the appropriate means of punishment by the principle of proportion

The attribute and means of punishment are the basis of compulsion for the normal operation of credit evaluation system. The principle of proportionality originated from the field of administrative law and is the product of the trend of public law. The German administrative law system has a precise definition of the principle of proportionality: "the infringement of administrative power to the people must be in line with the purpose, and the use of the minimum infringement and the pursuit of public welfare should have the advantage of overtaking private interests". The credit evaluation system should not only protect the legitimate rights and interests of the trust-keeping person, but also protect the legitimate rights and interests of the trust-breaking person. Therefore, when the punishment on the dishonest people, to fully measure dishonest ACTS to society caused by the loss and dishonest people personality right, the relationship between the loss in at the same time, give play to the role of disciplinary deterrent to encourage incentives to promote dishonest people to modify its behaviour, avoid dishonest people due to disciplinary breakthrough proportion limit "even more badly". If a city includes red-light running behavior into its credit construction

implementation rules, and affects the relevant actor to apply for bank loans, it may deviate from the principle of "no more punishment for one thing", and there is a tendency to exceed the necessary limit.

2.3 Correct the tendency of credit evaluation system's generalization and moralization

Credit evaluation system is closely related to moral construction, and they are interdependent, mutually supportive and mutually complementary. At present, some local governments in our country "follow the trend" and "leap forward" to promote credit legislation [2]. Taking credit evaluation system as a new means of social management, credit evaluation system gradually extends from the financial credit field to People's Daily life. The construction mode of this credit evaluation system generally takes moral standards as the basic content of the system, such as frequent job-hopping of employees, seat taking by passengers, bus fare evasion and fraudulent use of preferential cards, failure to classify garbage, failure to visit the elderly on time, and so on. This will belong to the moral code adjustment of the field into the credit evaluation system, in a form of aggravating the punishment and punishment of moral violators. Therefore, it is necessary to delimit the limit of credit evaluation system in the form of national legislation, and limit it only in the economic field or the social governance field.

3. Chinese current credit evaluation system

3.1 Credit evaluation system established in the form of laws and administrative regulations.

For example, the credit investigation system of the credit investigation center of the People's Bank of China established in accordance with the Regulations on the Management of Credit Investigation Industry, and the credit investigation companies established in accordance with the law, such as Zhima Credit, Tencent Credit Investigation, Qianhai Credit Investigation, Pengyuan Credit Investigation, etc.

3.2 A credit rating system established in the form of local laws and regulations

This kind of credit evaluation is mainly led by the ministries and commissions of the State Council and local governments, such as the Memorandum of Cooperation on Cooperative Supervision and Joint Punishment of Trustbreaking Enterprises formulated by the National Development and Reform Commission and other departments, the Regulations on Ticket Management of Tianjin Rail Trantake (draft), and the Measures for the Management of Acquisition of Listed Companies.

3.3 The credit evaluation system established by judicial organs in case adjudication and execution

For example, in the Provisions on Announcing the List of Persons Subject to Enforcement for Trust-breaking issued by the Supreme People's Court, the persons subject to enforcement who refuse to perform the effective judgment shall be included in the list of persons subject to enforcement for trust-breaking and shall be published to the public in an appropriate way.

3.4 A credit evaluation system established between or within enterprises

Such as employee performance list, frequent employee job-hopping "blacklist", procurement supplier "blacklist" or access list.

In addition, China has set up the credit investigation system of the People's Bank of China, the national credit information sharing platform (Credit China), the national enterprise credit information disclosure platform, the information inquiry platform for persons subject to enforcement for trust-breaking (China Executive Information Disclosure Network), and the blacklist inquiry system for arrears of migrant workers' wages.

4. Establish a credit evaluation system that combines incentives for keeping good faith with punishments for breaking good faith

Credit-keeping incentive and trust-breaking punishment are the ways and means of credit evaluation system. At present, the mainstream credit evaluation systems in the world all adopt the management mode of list system: administrative organs, social organizations and large enterprises take the credit information of civil subjects as the main basis for internal evaluation or the main content of external display by collecting, analyzing and integrating it. The list system is divided into two categories: "blacklist", which can effectively deter serious dishonesty, and "whitelist", which aims to improve protection and encouragement of trust-keeping. In order to effectively enhance the management of the scientific list system and pertinence. At the same time, we should pay attention to the incentive effect of morality in the Chinese cultural system [3].

4.1 Replace the "one-size-fits-all" punishment for trust-breaking behavior with a fine management model

Some public power organs have blurred their sense of responsibility, emphasize punishment rather than incentive, overuse their discretion, adopt a "one-size-fits all" management mode, and integrate trust-breaking persons into the punishment system without classification, believing that strict management can improve the level of social credit in the short term. This punishment pattern is not conducive to releasing the signal of reasonable punishment to the society. Therefore, it is necessary to reasonably distinguish the field and harm limit of trust-breaking behavior, refine the classification of trust-breaking behavior, and achieve the basis of punishment. It is particularly important to construct a normative system for formulating "blacklist" according to law [4].

4.2 To smooth the civil subject credit inquiry and repair channels

Taking the credit investigation system of the Central Bank as an example, civil subjects only need to provide personal identity information to query credit reports on the spot, on the Internet and other channels, and have the right to defend, correct and declare the wrong records. The Civil Code also endows civil subjects with the right to inquire their own credit evaluation according to law and the right to propose correction and deletion of relevant information. In view of this, credit information processors need to build a credit inquiry platform, disclose their service content and authority to the public, and protect the civil subject's right to know.

4.3 Information disclosure should be strengthened so that credit evaluation can be carried out under the supervision of society and the public

Urge credit evaluation agencies to disclose credit evaluation index system and evaluation process to the whole society, so that the public can fully understand the relevant content, so as to provide the possibility for the legal protection of their own rights and interests.

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