

Research on Civil Legal Problems Caused by Network Lending Platform

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Abstract: The network lending platform is a new thing in the rapid development of the Internet, adding new elements to the financial market of China and activating the financial market. However, there are many problems in the development of the net loan platform, and the civil legal problems caused by it are also common. This paper first summarizes the network lending, introduces the characteristics of the network loan platform, then analyzes the development status of the net loan platform and civil legal issues, and finally develops the healthy development of the net loan platform and reduces the occurrence of the civil cases arising therefrom.

1. Introduction

With the continuous development of Internet technology, new opportunities and challenges are ushered in the financial field. Financial loan has taken on a new look in the new era. Net loan is a popular way of lending. Its process is simple, and it can reach loans only through online operation. Net loan is a new opportunity and a new challenge [1]. The civil legal problem caused by net loan platform is the top choice of all the news media. So we can see that the development of net loan platform has entered the stage of thinking.

2. An Overview of Network Lending

Network lending refers to the conduct of borrowing procedures such as information, contracts and formalities through network technology. Network lending is a new financial model in the development of high speed Internet, and network lending is an important trend in the future of financial services. With the help of network lending the advantages of Internet technology can realize the process to complete the loan application involved in the home situation, including the process steps of understanding, submit loan application materials to the loan application conditions of the preparation, the loan application data [2]. In recent years, a large number of network lending platforms have been developed, which lays an important foundation for the development and popularization of network lending. The development of online lending platform has caused many civil legal problems. Some bad intentions, online lending platforms have even extended black hands to college students. Since the development of the network lending platform, the correct legal documents must be taken as the guidance to standardize the development of network lending.

3. Characteristics of the Network Lending Platform

When it comes to the network lending platform, it is unavoidable to compare it with the commercial bank. The commercial bank is a legal person with the functions of absorbing public deposits, issuing loans and handling settlement, which is obviously different from the network lending platform. First, the business scope of the two businesses is different; commercial banks lend and settle loans to the masses of the society, while the network lending platform does not involve credit business such as deposit and loan [3]. Second, the two borrowers are different; commercial banks are lender, and the network credit platform is only a loan intermediary, which is independent of the reception process. Third, both the loan capital flows and use different control; bank credit business must evaluate and control system of risk in the loan before and after must take corresponding measures, the CBRC and banks have strict requirements for credit business; network

lending platform for the loan purpose does not explicitly require no control for funds. Fourth, the strict requirements of the two procedures are different. Relative to the strict audit procedures and requirements of bank credit, only if the two sides agree to lend credit, Fifth, pay the two loans authenticity examination and loans are different; commercial bank loans require the borrower to the bank signed a loan contract, lending by the way of payment, and online lending only one electronic IOU, agreed to loan amount after borrowing directly into the borrower's account in. Sixth, there are different places to complete the two businesses, including online banking, including commercial bank credit and online lending [4].

4. The Present Situation of the Development of China's Network Lending Platform and the Analysis of the Civil Legal Problems

4.1 The status quo of the development of China's network lending platform

The first network platform in China is the "patting loan" established in Shanghai in 2007. It has developed to a hundred network credit platforms, such as everyone's loan and appropriate credit. On the Internet loan platform, people can get the corresponding loan amount by simply paying the high interest rate by the simple operation of the mouse. The network lending platform makes the financial market more active, so our financial market has also welcomed a new face. The network lending platform in the development process also exposed many financial risks: Unsecured Loans bring default risk; individual credit risk brought by the imperfect information; the use of loan funds is difficult to control the financial market turmoil caused; the supervision is not enough, the financial market of illegal fund-raising spread, net loan market confusion [5].

Although online lending has added new elements to China's financial market, the financial market is more vigorous, but its problems still exist. The civil legal problems caused by online lending platform are particularly prominent. This requires a clear understanding of the existing problems in the development of the network lending platform and the active finding of the corresponding measures to solve the problem.

4.2 Analysis of relevant civil legal issues

(1) The law is not clear on the positioning of the two parties. Network lending is essentially the network of private lending, which is different from financial lending. China has a clear legal guidance for financial lending, and has a clearer positioning for both sides of financial lending, but not for private loans. Therefore, online lending has not correctly positioned borrowers and borrowers at the legal level.

(2) The evaluation mechanism of the credit risk of the net loan platform is not sound. The perfect and sound credit risk assessment mechanism requires a systematic survey of the borrower's assets holding, credit score, and repayment ability. Net loan platform is based on the development of virtual network, and it is not perfect in personal credit system, credit evaluation system and so on.

Net loan platform bad debt control power is not strong [6]. The net loan platform only acts as intermediary in lending, not bad undertaking, the bad control is mainly reflected in the mortgage before the audit and dunning on platform.

(3) The supervision of the net loan platform is not enough. China's net loan platform has developed rapidly, and the relevant departments have shown the "lack of effort" in the supervision of the net loan platform. On the supervision of the net loan platform, it is the problem that the subject is not clear and the supervision law is not perfect.

(4) The development of the comprehensive loan platform not only hinders the continuous healthy development of the net loan platform, but also makes the civil legal problems caused by the net loan platform become more and more common. The basic people's court's acceptance of net loan civil cases has become commonplace. Even many college students are faced with the dilemma of "naked loan".

5. The legal regulation construction of the network lending platform

The civil legal problems caused by the network lending platform have had a negative impact on our daily life, and the bad events even lead to bad social atmosphere. Relevant departments and net loan platform must take corresponding measures to standardize the activities of net loan, reduce the civil legal problems caused by this, and improve the degree of social harmony.

5.1 To make clear guidance to the legal position and rights and obligations of the two sides of the net loan.

The lender should have a clear position on the lending and lending of the net, and stipulate that the legal person and the age of 18 and no large amount of debt can become the lenders [7]. The benefit of lenders is not higher than the bank's loan interest rate of four times over the same period. The net loan platform should conduct a systematic review of the data of the borrowers and the borrowers, and trace the whereabouts of the funds after the loan, and avoid the use of funds in illegal ways.

5.2 Improve the credit risk assessment mechanism of the net loan platform.

The credit evaluation mechanism of net loan platform is necessary to improve the development of online lending platform. Its main work is: 1) improve the personal credit information system; 2) improve the credit rating mechanism. Through the system of systematic risk assessment mechanism to reduce the risk of the occurrence of the civil legal problems arising from the net loan reduced [8].

5.3 Strengthen the net loan platform bad debt control strength.

Bad control is an important way to ensure lenders against losses, net loan platform should be implemented [9]: 1) to conduct a comprehensive audit of network of borrower credit records; 2) set limit the amount of loans for borrowers with different credit ratings, repayment ability and other factors; 3) setting up a risk reserve, when bad debts appear to guarantee creditors rights; 4) to realize information sharing the platform for both lenders and borrowers to collect information.

5.4 Establish the legal supervision system of the net loan platform.

The establishment of legal supervision system is an important measure of net loan platform specification of sustainable development, can carry out this work from the following five aspects: 1) the CBRC strict audit net loan platform business, after the audit by the Department of industry and Commerce for registration; 2) to determine the legal nature of net loan platform; 3) strict supervision on the net loan platform access strictly; the supervision on the net loan platform market operations; 4) on the market the net loan platform termination of activities is strictly regulated.

6. Conclusions

The healthy and sustainable development of online lending platform is an important foundation for the development of China's financial market. Net loan platform and related departments should take corresponding measures to standardize the development of net loan platform and avoid related civil legal problems. Of course, when we use the net loan platform for consumption, we should rationally consume and rational consumption according to our own situation.

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