

Analysis of the problems and solutions in the management of public lawyers in China

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Abstract: strengthening the management of public lawyers is the key measure to promote the comprehensive rule of law. To strengthen the management of public lawyers, we should actively build a team of lawyers who are loyal to the party, the country and the people, penetrate from multiple angles, and effectively improve the overall quality of the team, so as to promote the sustainable development of China's system construction. In addition, strengthening the management of public lawyers to make up for the lack of social lawyers' familiarity with government work and departmental laws and regulations, so that the government can better "let power run under the framework of the rule of law", which also has important guiding significance for the construction of the rule of law government. Based on this, this paper takes the "management of public lawyers" as the starting point, analyzes the problems existing in the current management, and puts forward specific optimization strategies, in order to provide valuable reference for the subsequent research work of scholars.

Key words: public lawyers; Management; Current situation; measure

Introduction: the academic circle has not made a clear definition of the public lawyer. In general, public lawyers are not only legal advisers of governments and enterprises with lawyers' qualifications, but also defined by some scholars as government lawyers. Strengthening the management of public lawyers is an important issue that the relevant parts need to pay attention to. In this case, it can also promote the professional development of public lawyers. At present, there are still many problems in the management of public lawyers in China. For example, some lawyers do not have a clear professional orientation, which limits their development to a certain extent. At the same time, some lawyers' management rules are relatively unified, which is not conducive to clarifying the management direction and has a great impact on the future development. In the actual management process, there is also a lack of professional management talents, which is not conducive to improving the effectiveness of professional management and has a great impact on the development of talents' personality. Based on this, this paper, based on the problems existing in the management of public lawyers, puts forward the corresponding improvement countermeasures, focusing on promoting the professional development of public lawyers.

1. Problems in the management of public lawyers in China

1.1 Public lawyers' unclear professional orientation

According to the existing lawyers' law and civil servants' law in China, the restriction on the work behavior of public lawyers has not yet been clearly stipulated. Although the Ministry of Justice issued documents such as the administrative measures for public lawyers and the administrative measures for corporate lawyers, it did not incorporate the work behavior of public lawyers into the system requirements, and it was difficult to form a unified ideology of lawyers. Secondly, there are breakpoints in the transformation mechanism of the work content of public lawyers. Influenced by the system and work content, lawyers in some government agencies and state-owned enterprises put forward too conservative amendments to their opinions, which affected their work effectiveness.

1.2 The management rules of public lawyers are relatively general

Although China has introduced a series of systems to restrict the work behavior of public lawyers, most government agencies and state-owned enterprises have not refined them, resulting in the work of public lawyers being carried out too casually. In addition, there is no clear leading management department, and the working state of public lawyers is relatively loose. When encountering legal affairs requiring decision-making, It is often affected by the company system and administrative laws and regulations. Secondly, at present, most government agencies and state-owned enterprises are equipped with special public lawyers to handle daily legal affairs, but they are not equipped with corresponding management system as guidance, which makes public lawyers often conflict with other departments and waste a lot of human and material resources. In addition, the existing government agencies and state-owned enterprises have fuzziness in the division of duties and management structure of public lawyers, and problems such as business overlapping and repetitive discussion occur frequently, which is also one of the main reasons affecting the management of public lawyers.

1.3 Lack of professional management personnel

Influenced by regional economy, resources and other factors, the distribution of legal talents in China is also extremely uneven. Professionals often gather in coastal cities in the middle and lower reaches of the Yangtze River, while professional lawyers in the northern and western regions are mostly appointed by state organs. This distribution mode makes some regions in urgent need of talents. Although some government agencies and state-owned enterprises pay attention to the recruitment and training of legal talents, due to the lack of professional management talents, it is difficult to ensure the quality of their work in the face of talent flow, which affects the normal operation of state-owned enterprises.

1.4 Low enthusiasm of public lawyers

When public lawyers carry out their work, they often disagree with external social lawyers. However, some government agencies and state-owned enterprises often choose opinions according to the status of social lawyers and public lawyers, which can easily reduce

the enthusiasm of public lawyers. Secondly, when providing legal help, social lawyers are often affected by the position subordination and internal management system in the management of state-owned enterprises, which makes it difficult to quantify their opinions, and it is difficult to ensure the economic treatment and rank promotion, which is also the main reason for the low enthusiasm of public lawyers.

2. Solutions to problems in the management of public lawyers in China

2.1 Strengthen the understanding of the nature of their work and enhance social recognition

With the continuous development of social economy, public lawyers should not only clarify the requirements and contents of various systems, but also strengthen the understanding of the nature of their work and adjust the work contents and methods. On this basis, government agencies and state-owned enterprises should also speed up the improvement of the rules for the implementation of the duties of public lawyers, and refine the duties of public lawyers required by various departments and organs according to the internal development characteristics of state-owned enterprises, so as to promote the positive development of the echelons of public lawyers at all levels. Secondly, state-owned enterprises need to clarify the content of legal affairs that public lawyers are responsible for and issue relevant management systems according to their scope of responsibility. At the same time, relying on Internet technology, they need to establish an analysis report on the ability of public lawyers, assess the work achievements of public lawyers' work ability at monthly, quarterly and annual nodes, and optimize and adjust the content of public lawyers' duties in a timely manner. In order to build a dynamic management model, second, state-owned enterprises should strengthen the communication and cooperation between public lawyers and social lawyers. With the Internet as the carrier, Wei Qi pushed relevant legal aid cases, and used the form of one-to-one real-time communication to brainstorm ideas, innovate their legal consciousness, and enhance their working ability, So that public lawyers can obtain the same social status as social lawyers.

2.2 Refine the organization mode of public lawyers and improve the effectiveness of management

Party and government organs and state-owned enterprises should set up management departments on the basis of clarifying the duties of public lawyers, which should be managed by the Legal Affairs Department of their own units. On the one hand, it is convenient for public lawyers to handle legal affairs; On the other hand, it is convenient to receive the latest system regulations issued by the party and government organs and units, adjust their work status in time, and ensure the efficient development of legal affairs. In this process, party and government organs and state-owned enterprises should also handle the relationship between public lawyers and other departments, ensure the independent operation of the legal affairs department through the division of location and work content, and regularly hire social lawyers to guide the enterprise, teach work experience to public lawyers in the enterprise, and carry out corresponding case analysis seminars, Strengthen their working ability. For the handling of some cross regional cases, party and government organs and state-owned enterprises can also interact with local governments, regularly allocate funds to organize public lawyers to travel and study, and do a good job of basic guarantee to ensure their work enthusiasm and efficiency.

2.3 Strengthen the training of public lawyers and improve their professional ability

In order to further improve the effectiveness of the management of public officials, state-owned enterprises of government agencies and units should strengthen cooperation and exchanges with the government, strengthen the training of public lawyers, and promote the comprehensive development of talents' professional ability. Specifically, first of all, government agencies and state-owned enterprises should further improve the incentive policies for public lawyers, divide the echelon construction according to the development characteristics of enterprises and the number of public lawyers, strengthen exchanges and cooperation with social lawyers and corporate lawyers, and rely on Internet technology for the development and application of educational resources and services, so as to provide basic guarantee for the improvement of the ability of public lawyers. Secondly, public lawyers should be encouraged to strive to improve their professional skills and reimburse all qualification examination fees for public lawyers during their employment. At the same time, public lawyers who have obtained qualification certificates should be given material awards to stimulate their work enthusiasm in this way. In addition, government agencies and units should further subdivide the promotion conditions of public lawyers, include professional qualification certificates and ability appraisal certificates in the assessment standards, and refine the standards from three aspects of mastering basic legal knowledge, applying legal skills and handling legal affairs, so as to effectively improve the cultivation of full-time performance ability of public lawyers.

According to the current work of public lawyers, most lawyers have not been engaged in practical operation, and their knowledge and skills are difficult to be applied to practical work. Therefore, government agencies and state-owned enterprises should further change the training mode, take "practice" as the core theme, and establish corresponding training platforms relying on Internet technology, On the one hand, it can learn from the growth experience and work experience of outstanding public lawyers in other regions to help public lawyers clarify their work direction and development goals. On the other hand, it can provide reference for public lawyers' future affairs and shorten their work adaptation time. Moreover, government agencies and enterprises can also cooperate with local people's courts and people's procuratorates to learn the case guidance system, regularly carry out case guidance, articles and materials integration learning activities, and help public lawyers better integrate and share knowledge, so as to improve their professional ability and work level.

2.4 Optimize the operation mechanism of the office and mobilize the enthusiasm of staff

Optimizing the operation mechanism of the office is the basic link to ensure the effectiveness of the work of public lawyers. Government agencies and state-owned enterprises should formulate relevant work management regulations as a whole to restrict the work content and behavior of public lawyers on the basis of guaranteeing their basic rights and interests. Due to the needs of work, the relevant departments should give appropriate rights and respect to the public lawyers when they are investigating and reading the files of the judicial organs, and answer their existing puzzles. The public lawyers should also abide by the office management system in their actual work, and

reasonably use their rights within the scope allowed by the regulations, so as to ensure the normal work. Secondly, when disagreements arise over the handling of affairs, the administrative departments of government agencies and units should also collect the opinions or suggestions of both sides, which should be deliberated by experienced public lawyers, sort out the causes of disagreements and the advantages and disadvantages of the proposed measures, and timely feed back to public lawyers and social lawyers to prevent the waste of resources caused by repeated exchanges, Promote the organic combination of knowledge advantages within the office.

2.5 Optimize the evaluation management mode and build a professional team

In the performance evaluation of public lawyers, we should focus on the guarantee role of public lawyers' participation in the unit's decision-making and administration according to law, and evaluate the process and results of the public lawyers' participation in litigation, arbitration, publicity and education of the rule of law, risk cases, etc. On the other hand, public lawyers should participate in the training of units and relevant organizations, and irregularly improve and regularly evaluate the professional skills such as laws and regulations needed to perform the work, so that public lawyers can take learning as a long-term and continuous thing. In addition, the annual work summary of public lawyers shall be evaluated. Relevant units and legal departments shall give evaluation opinions, and the business evaluation and the work evaluation of public lawyers shall be summarized and submitted to the Judicial Bureau of Hong Kong for the record. In terms of salary evaluation management of public lawyers, we should improve the executive standard of the salary of public lawyers' professionals on the basis of guaranteeing the welfare of civil servants, reasonably calculate the workload, and promote the payment according to the amount, so as to ensure that the pay and return can have a positive year-on-year growth, fully mobilize the work experience of relevant managers, and avoid causing psychological imbalance of other public officials, So that they can actively contribute to their posts and achieve better development achievements. On this basis, they can also promote the professional development of public lawyers.

3. Concluding remarks

In short, under the background of the new era, there are still many problems in the management of public lawyers, such as the unclear professional positioning of public lawyers, the general management rules of public lawyers, the lack of professional management talents, and the low enthusiasm of public lawyers, which to some extent affect the performance of public lawyers' management efficiency, The majority of enterprises should pay attention to the connotation and practical significance of the management of public lawyers, based on the internal development needs of enterprises, optimize and improve the system and content, effectively improve the status of public lawyers, further refine the work content, and enhance the enthusiasm and sense of belonging of public lawyers, so as to better promote the healthy and sustainable development of enterprises. In addition, the development plan should be further refined. Relevant personnel should strengthen their understanding of the nature of their work and enhance social recognition; Refine the organization mode of public lawyers and improve the effectiveness of management; Strengthen the training of public lawyers and improve their professional ability; Optimize the operation mechanism of the office and mobilize the enthusiasm of the staff; Optimize the evaluation management mode, build a professional team, and take multiple measures to comprehensively improve the management efficiency of public lawyers, so as to build a personalized development space for relevant personnel.

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Analysis on the causes and Countermeasures of financing difficulties of small and medium sized enterprises in China -- from the perspective of information asymmetry

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Abstract: since the reform and opening up, China's socialist market economic system has been gradually improved, and a large number of small and medium-sized enterprises of different types have begun to emerge in the market, playing an indispensable role in China's economic construction. With the continuous development of the domestic economic system, the financing difficulties of these small and medium-sized enterprises have also become one of the focus of attention. This paper will analyze the reasons for the financing difficulties of small and medium-sized enterprises from the aspects of small and medium-sized enterprises themselves, financial institutions, intermediaries and other aspects, and put forward corresponding solutions accordingly.

Key words: small and medium-sized enterprises; Credit rationing; Information Asymmetry

1. Introduction

1.1 Research background and significance

Nowadays, the world's political and economic structure is undergoing great changes, and overseas Black Swan events frequently occur. According to the relevant data of the National Bureau of statistics, China's GDP increased by 3% year-on-year from the first quarter to the third quarter of 2022, of which the third quarter increased by 3.9% year-on-year in a single quarter. In such an economic situation, the financing difficulties faced by small and medium-sized private enterprises can not be completely solved. At present, how to strengthen financing efforts and solve financing difficulties for small and medium-sized enterprises has become an urgent economic problem to be solved, and the long-term and hidden risks behind it deserve high attention. In order to solve the problem of financing difficulties of small and medium-sized enterprises, this paper will analyze the financing status and reasons of small and medium-sized enterprises in China from several different perspectives, such as the enterprise itself, financial institutions, intermediaries and so on, and give corresponding constructive suggestions, for the reference and research of the same type of small and medium-sized enterprises in China.

1.2 Research review at home and abroad

1. overview of foreign research

To solve this problem, the relevant research time abroad is generally early. Although the economic market system and actual national conditions of various countries are different, the research and analysis of foreign scholars still have important reference significance for solving the problem of financing difficulties of small and medium-sized enterprises in China. Considering the timeliness, the following literatures are mainly referred to. Masiak et al. (2017) pointed out that due to the differences in the attributes of SMEs, they also show different preferences when choosing financing methods; Hasan (2018) studied the relationship between SME credit demand and market credit supply, explored the different impacts of foreign banks and local banks on SME financing, and then put forward relevant policy suggestions.

2. domestic research review

Domestic research on the financing difficulties of small and medium-sized companies started relatively late. However, with the continuous development of the socialist market economy and the daily improvement of the securities market, the relevant theoretical research is also increasing, and has become a hot research topic in the industry. At present, the representative views in China are: jiaofengjuan (2017) pointed out that the current constraints include policy lag, historical problems, financial system problems and enterprises' own problems. To improve the financing difficulties, we need to improve from many aspects; Linlefen (2017) proposed that compared with other provinces,

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