

*Debating the Legality of Social Credit Measures in China: A Review of Chinese Legal Scholarship**

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Abstract

Although international scholarship has criticized China's social credit system (SCS) for potential rights infringements of credit subjects, literature in English has barely taken note of the debates within Chinese legal academia about the lawfulness of social credit disciplinary measures. This article analyzes the Chinese legal literature debating the legality of social credit measures and reform suggestions relating to social credit practices and the SCS legal framework. The debate over the SCS's legality revolves around its regulatory arm, as the regulatory practices it introduces do not fit neatly into the existing legal framework. More specifically, scholarship has pointed out the incompatibilities between the social credit mechanism of jointly disciplining trust-breakers and the principle of law-based administration, the proportionality principle, and the prohibitions on double sanctioning and improper connection. The article demonstrates that views on how the SCS can be brought into line with Chinese law vary in Chinese scholarship and discusses indications that recent legislation is responding to scholarly criticism and suggestions for reform.

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