

# *Administrative Law Regulation of Social Risk-Focus on Improving the Emergency Response Law*

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**Abstract:** The overall concept of national security puts forward clear requirements for the regulation of social risks, which is the objective need for the modernization of national governance system and governance capacity. It is an important task and mission of administrative law to build the corresponding system. At present, there is insufficient research on social risk in Chinese administrative law. Corresponding system construction is deficient. We should establish special chapter in the emergency response Law to build the administrative regulation system of social risk based on the principles and ideas of prevention, administrative benefit, public participation and legal procedures. The system of social risk administrative regulation should not only build the subject, mode, procedure and relief system of social risk administrative regulation, but also build a complete risk monitoring, prevention, resolution and disposal system according to the characteristics of social risk, so as to finally realize the administrative rule of social risk and contribute to China's plan for the administrative regulation of social risk worldwide.

## 1. Introduction

As early as the 19th century to the early 20th century, a series of risk events appeared in the western society, and the basic risk regulation system and legal system were established. However, from the perspective of these risk events themselves and the risk regulation system built on them, most of them are based on natural risk events, such as public health, environment, etc [1]. Some scholars even believe that after the industrial society, human beings have entered a risk society, so we need to adjust the development mode [2]. The author believes that risk can be divided into natural risk events<sup>①</sup>and social risk., there is essential difference between them, the natural risk events are due to natural problems (such as earthquake, epidemic, etc.) the risks of social events, and social risk, it is because of the system and its operational problems, thus caused by human social risk, social risk of administrative regulation easier, and more necessary.

What is social risk? Is it necessary to study the administrative regulation of social risk separately? Why should we rely on administrative law to regulate social risks? What are the problems about social risk regulation in administrative law at present? How does the administrative

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<sup>①</sup>The reason why we emphasize "natural risk event" rather than natural risk problem is that natural risk is too objective a concept, and the study of natural risk should be the scope of natural science, and the regulation of natural risk needs science and technology, so it is difficult for law as a social science to make a difference. But "natural risk event" is different, it is no longer a pure concept of natural science, it is the extension of natural science to social science, in this respect, social science can already make a difference.

law construct the social risk regulation system? What does the system of social risk administrative regulation contain? This paper will focus on the problems to be solved. The construction of the social risk administrative regulation system itself has a strong innovation, but the author also emphasizes the reference to the existing system while innovating. Therefore, it is suggested that the social risk administrative regulation system should be built through a special chapter in the Emergency Response Law, and important laws in various fields and industries such as the Infectious Disease Prevention Law should be modified and improved accordingly.

## 2. The Times Demand of Social Risk Administrative Regulation

The prediction and control of risks highlights the human need for security. It is not only the objective need for human survival and development, but also the basic function that human beings form a government and require it to perform [3]. Because the control of risk is so important, the theoretical circle has always attached importance to the study of risk regulation and constructed a series of systems on risk control. Since the 18th CPC National Congress, the CPC Central Committee with General Secretary Xi as the core has attached great importance to national security, put forward the overall national security concept, and constructed the national security theory and system with distinctive Chinese characteristics, among which social risk control is a very important content.

### (1) Internal requirements of the overall concept of national security

Social risk regulation is an important part of the overall national security concept. The key to the overall view of national security is "overall", which emphasizes the concept of "big security", covering many fields such as politics, military, land, economy, society, science and technology, and will constantly adjust dynamically with social development [4]. The overall concept of national security highlights that major risks include domestic economic, political, ideological, social risks and risks from nature, and so on. At the same time, it clearly points out that contradictory risks in economic, social and other fields may be transformed into political risks and challenges. The overall concept of national security emphasizes the need to "safeguard social security". In particular, we should actively prevent and properly resolve social conflicts of all kinds, strive to prevent and control social risks of all kinds, and strengthen social governance at the community level. We should balance the relationship between maintaining stability and safeguarding rights, and guide the people to solve social conflicts through legal means. Therefore, the overall concept of national security puts forward clear requirements for social risk regulation, and the legal community should respond in time.

### (2) Social risk regulation is the objective need of the modernization of national governance system and governance capacity

The modernization of the country's governance system and capacity is an important issue that our urgently needs to solve in running the country. The modernization of the national governance system and governance capacity is also very rich, but it is undoubtedly a key point to improve the government's risk prevention and control and response capacity [5]. At this stage, our society has entered a stage of high and frequent social risks, which has caused great social harm and great destructive power. This poses a new and higher challenge to the government's governance ability [6]. However, the government has a big weakness in social risk control and regulation, which is mainly reflected in the institutional level. At present, with the revision and improvement of the Emergency Response Law, the national system construction of traditional natural risk prevention and control has become more mature and has a clear legal basis, but the legal basis for social risk regulation is insufficient. Therefore, it is urgent to carry out corresponding system construction to provide institutional support for the government to improve social risk prevention and control [7].

### (3) Social risk regulation reflects "China's innovation"

The problem of social risk regulation is a new field of law worldwide. At the same time, the importance and urgency of the problem of social risk regulation are recognized differently worldwide. Our country has a leading position in this field, which provides the basic condition for us to carry out system innovation. When General Secretary Xi inspected Renmin University of China on April 22, he put forward clear requirements for the construction of philosophy and social science with Chinese characteristics. The administrative regulation of social risks is a representative issue in this regard. The legal community should take this opportunity to promote the construction of the administrative regulation system of social risks with Chinese characteristics. At the same time, social risk has commonness, and other countries can fully learn from the system we have built. In this sense, the administrative regulation system of social risk belongs to the "China plan", reflects the "Chinese wisdom", and will also be the contribution of China's administrative law community to the world.

## 3. Administrative Law Issues of Social Risk Administrative Regulation

The regulation of social risk is an important responsibility of the government, and it must meet the requirements of administrative legalization. Only in this way can the social envelope and regulation be on the track of legalization.

### (1) Precondition: Preventability of social risks[8]

Social risks are mainly caused by the absence of good enforcement systems and laws, or the inadequacy of laws and systems. Any society, the execution of the law can't achieve the result of "barriers", which mainly depends on the ability of law enforcement of law enforcement agencies and law enforcement will, at the present stage our country government law enforcement ability remains to be strengthened, the national level is improving the modernization of the management system and management ability, this is the objective aspects of law enforcement. At the same time, from the subjective perspective, legal value goal is not a single, Internet financial regulation, for example, policy and law of value includes support for innovation, including the risk prevention and control, in the early stages of financial development of the Internet like the two there is a conflict between the value of a "delicate and proper balance, it is very difficult, in fact, The two value objectives are often in a state of conflict. When we pursue the value objectives supporting innovation, we naturally ignore risk prevention and control, which leads to huge risks from the system level. Therefore, from the perspective of social risk generation, the essence of social risk is institutional risk and weak implementation of the system. Strengthening the institutional construction of social risk plays a very important role in the management and control of social risk, which requires us to strengthen the institutional construction of social risk prevention and control in addition to strengthening the law enforcement capacity of law enforcement agencies in the process of modernization of the national governance system and governance capacity, One of the two cannot be neglected.

### (2) Function orientation: An important responsibility of the government

On the issue of government control of social risks, these two issues need to be studied: first, why should the government control social risks, which will be discussed in detail later. In summary, the government has been entrusted with the responsibility of safeguarding society and maintaining social security since its birth. For example, in the process of formulating the Constitution of the United States, the pioneers of the United States proposed that in order to maintain the federal system, a strong and powerful government should be established and given the power in common defense [9]. From a worldwide perspective, British administrative law once stated that "until 1914, apart from the post office and the police, a law-abiding Englishman could go through his life almost

unaware of the existence of the government." [10] This argument is worth discussing. In fact, in the process of the development of European capitalism, pestis and smallpox virus kept appearing, and the government actively performed its duties. However, disasters and epidemics are more natural risk events than social risks. From the history of the struggle between human beings and social risks, we must return to the economic and financial crisis. "Tulip crisis" in 1637 the Netherlands<sup>②</sup>, is a very typical financial speculation and social risk events, after another eight times of serious economic crisis, the most well-known worldwide financial crisis mainly has three times, respectively, in 1929, the U.S. stock market crash, the Asian financial crisis of 1997 and 2007-2009, the subprime crisis in the United States. In the process of the continuous development of economic and financial crisis, economists saw the drawbacks of the development of free capitalism, so they put forward the theory of state intervention, which is the direct basis for the state to intervene in economic and financial activities and control economic and financial risks<sup>③</sup>.

The second is why governments should manage risk. On the one hand, the emergence of social risks is mostly caused by the improper performance of government duties. As mentioned earlier, social risk is caused by insufficient system or failure to implement system well. If the government has been able to implement various social systems well, the probability of social risk is greatly reduced. Such is the risk problem in the field of Internet finance in China. On the other hand, from the perspective of the state power structure, social management is an important function of the government, and social risk control is an important part of social management. Only the government has the ability and means to control risks [11]. Article 89 of the Constitution of China stipulates the responsibilities of the State Council, which stipulates that the State Council leads and manages civil affairs and public security work, so that it has the basic conditions for social risk regulation.

(3) Institutional value: Social risk regulation conforms to the principle of administrative benefit

Whether the administrative regulation of social risk conforms to the principle of administrative efficiency can be examined together with the principle of proportionality. The principles of appropriateness and necessity are self-evident, which can be seen from the definition of risk itself and the basic regulations of human social development. The narrow sense of the principle of proportionality is an important factor to be investigated. On the issue of social risk administrative regulation, it must be emphasized that the cost of risk prevention and control is lower than or basically equal to the benefit of risk prevention and control, that is, to achieve the proportionality of cost and benefit [12]. Regulation regarding the social risks, is bound to the stakeholders of certain restrictions, but the author thinks that relative to the social risk regulation, this limitation is very necessary, because the benefit of social risk regulation (without social risk regulation, the actual damage caused by the spread of social risks, is actually the social risk regulation of earnings) is huge.

More importantly, risk prevention and control shows that we are still in control of the development of social risks, and social risks are not completely out of control. However, when social risks are out of control, the cost of dealing with them will be higher, because social risks are likely to generate political risks [13]. Therefore, the establishment of a social risk regulation system is in line with the principle of administrative efficiency, which is an important condition and motivation for us to promote social risk regulation [14].

(4) Practical problem: Lack of social risk regulation system

At present, there is little research on the control of social risk in China's administrative law

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<sup>②</sup>Tulips are popular in Europe, in the middle of the 16th century led to a classic speculative mania, tulips are not for people to buy its intrinsic value or ornamental purposes, but because of the price increases, infinite and hence profits, which triggered a financial speculation, but the bubble finally burst, about ten million people sick.

<sup>③</sup>Keynes, The economist and "father of macroeconomics", published The General Theory of Employment, Interest and Money in 1936, which first put forward this view, marking The beginning of state intervention in The economy.

circle. From the current situation of China's legal system construction, there are only some sporadic provisions on the administrative law regulation of social risk, and they are very scattered. Taking the Emergency Response Law of the People's Republic of China as an example, the Emergency Response Law of the People's Republic of China stipulates that emergencies include natural disasters, accident disasters, public health events and social security events. The author believes that there may be some social risk events in social security events, and the government should take the lead in establishing a multi-level response system [15]. However, from the perspective of the main content of the Emergency Response Law of the People's Republic of China, there is no excessive mention of social security incidents. At the same time, in terms of social security events, there is also a big difference with social risks, social risks pay more attention to risks, if risk monitoring and control are not done well, social security events may occur. Therefore, in general, the Emergency Response Law of the People's Republic of China has no clear provisions on social risks, which can only be handled according to social security events caused by social risks. From the perspective of China's administrative legal system, the Emergency Response Law of the People's Republic of China is the law most relevant to social risks, because it is essentially a regulation on risk disposal. This shows that China's laws on the regulation of social risk are very limited.

#### 4. Principles and Ideas of Administrative Regulation of Social Risk

The principles and ideas of social risk administrative regulation solve the problem of the direction of social risk administrative regulation. They must not only meet the requirements of administrative law, but also meet the characteristics of social risk and the actual needs of administrative regulation, so as to achieve the goal of "safety first" [16].

##### (1) Risk prevention first [17]

Professor Zhao Peng discussed the principle of risk prevention, and combed in detail the application of the principle of "prevention" in laws and administrative regulations at that time [18]. On the issue of social risk administrative regulation, we should emphasize the principle of prevention first. As the basic principle of social risk regulation, the precautionary principle is not a concept in the sense of general language, but a clear legal concept. It is obvious that the precautionary principle must conform to the basic principles of administrative law. Because the basic principles of administrative law govern the construction of administrative rule of law, the administrative regulation of social risk is only a minor problem, and the basic principles of administrative law are certainly applicable. The issue that the precautionary principle must conform to the relevant administrative legal system means that the administrative regulation system for social risks constructed according to the precautionary principle should still conform to the basic system of administrative law. Professor Zhao Peng pointed out that the establishment of the precautionary principle means that the administrative subject should face the unknown and make decisions [19], which poses a certain challenge to the traditional administrative law theory. Therefore, it must be emphasized that the precautionary principle should meet the basic requirements of the administrative rule of law. At the same time, because the precautionary principle will not only serve as the basic idea of social risk administrative regulation, but also as the system foundation of social risk administrative regulation, only by establishing the risk prevention principle in the sense of administrative law can we ensure that the relevant system construction conforms to the administrative law.

##### (2) In line with administrative benefits

"Cost-benefit analysis" [20] is originally an important concept in economics, but now it has gradually become an important principle of administrative law, namely "administrative benefit principle" [21]. The construction of social risk regulation system should conform to the principle of

administrative benefit [22]. How to ensure that the newly constructed administrative regulation system of social risk conforms to the principle of administrative benefit, the author believes that the following legislative methods can be adopted: First, it is suggested that the principle of administrative benefit should be clarified in the law as the principle of social risk regulation stability. Second, it is difficult to define whether the risk prevention behavior of administrative organs conforms to the principle of administrative benefit directly from the positive side. The author believes that it can be defined from the negative side, that is, the regulation of social risk should not be obviously unreasonable, and the loss caused should not be greater than the gain, and so on. The third is to set a more relaxed administrative litigation system for social risk regulation, clearly introduce "obviously unreasonable" litigation reasons, and serve as the legal basis for overthrowing relevant acts. The introduction of the principle of administrative efficiency is intended to make the administrative regulation system of social risks operate within a reasonable range, that is, to avoid inaction on the prevention of social risks, which will lead to risks, or to avoid excessive action on the prevention of social risks and waste of social resources.

### (3) Emphasis on public participation

Thought on the rule of law required to constantly expand the people's rights to know, participate, express and supervise [23]. On the issue of administrative regulation of social risks, ensuring the public's right to participate and giving play to the public's enthusiasm, initiative and creativity are not only to meet the practical needs of administrative legalization, but also an important indicator to promote the modernization of the system. On the issue of social risk administrative regulation, it is very important and feasible to build a whole process of public participation. The basic idea is not to rely on the government alone, but to give play to the advantages of social mobilization in our country, to give play to the wisdom and ability of the people, to let them participate in the control of social risks, and to give play to their spirit of ownership. This is the basic legal logic of establishing the social risk administrative regulation system. The so-called public participation in the whole process means that the public should participate in all aspects of the monitoring, prevention, resolution and disposal of social risks. Of course, the emphasis on public participation in the whole process does not require equal participation of the public in all links of social risk regulation. It is necessary to combine the basic characteristics of social risk and regulation, make appropriate distinctions in the procedures of public participation, and realize public participation as soon as possible.

### (4) Principle of procedural legality[24]

On the issue of social risk administrative regulation, the program problem is very important, because when there is a risk society, how to deal with is key, on the issue of risk disposal, inevitable given at the discretion of the administrative subject is bigger, in the general issues of administrative law, discretion may lead to abuse, produce certain adverse legal consequences, But on the issue of social risk administrative regulation, if the relevant administrative subject breaks out, it will produce very serious adverse consequences. It is very important to regulate the exercise of discretionary power through procedures when it is inevitable to grant substantive discretionary power to relevant administrative subjects. However, on the issue of administrative regulation of social risk, it is also impossible to set up complete administrative procedure rules. It is only necessary to set up important procedural regulations required by social risk regulation, which may involve the following important aspects: first, the reporting procedure of social risk. That is, when the relevant administrative subjects discover social risks, the most important responsibility and obligation is to report in a timely manner, and the need is to establish reporting standards, reporting objects, basic procedures to be followed in reporting, and other issues. Accompanying this question is the need to establish certain procedural standards for responding to social risk clues provided by the public. Second, the basic procedures for resolving social risks, implementing the principles of

efficiency, effectiveness and timeliness, and establishing rules such as time limits.

## 5. Feasible Path of Administrative Regulation of Social Risk

As far as legislation is concerned, there are basically two ways to legislate separately or to modify the current legal system, both of which have advantages and disadvantages. The author believes that the legislative method should be chosen in combination with the current situation of theoretical research and system construction of administrative law. At the present stage, the conditions for formulating laws on social risk regulation alone are not mature, and the existing legal system can be modified to make provisions and reduce the difficulty of legislation.

(1) At present, it is not appropriate to formulate a separate social risk regulation law

There is no problem in making separate legislation on the administrative regulation of social risks, which is mainly subject to social needs and research status. On the positive side, making separate legislation on administrative regulation of social risks can not only realize the integrity of the legal system, but also help to combine the characteristics of social risks and build an institutional system that adapts to the regulation of social risks, which plays an important role in rapidly improving the level of administrative legalization of social risks. On the negative side, legislation on the administrative regulation of social risks alone requires mature theoretical research and institutional preparation. At present, China's administrative law circles have done some research on risk regulation, especially on traditional natural risks, but there are some deficiencies in the research on the administrative regulation of social risks. At the same time, from the existing institutional level, there is no legislation, administrative regulations and rules on administrative regulation of social risk at present, that is to say, there is no foundation at the institutional level. In this case, it is very difficult and difficult to promote independent legislation on administrative regulation of social risk. Therefore, according to the actual situation of theoretical research and system construction, the author does not suggest to directly adopt the legislative model of separate legislation of social risk administrative regulation, but to use other legal systems that are relatively less difficult and can meet the needs of social risk administrative regulation at this stage. After the practice and theory of social risk administrative regulation are mature in the next step, the author will make separate legislation on social risk administrative regulation, This can basically achieve the balance between the "effectiveness" of legislation and the difficulty of legislation. At the same time, the same is true for the formulation of administrative regulations and departmental rules.

(2) Establish the legal system through special provisions in the Emergency Response Law

In China's administrative law system, the Emergency Response Law is closely related to the administrative regulation of social risks. Although it only proposes to regulate social security, it does not carry out corresponding system construction for the administrative regulation of social risks (which exactly leaves institutional space for the administrative regulation legislation of social risks), its basic theory and system construction on traditional natural risk regulation, The basic principles, subjects, means and methods of risk disposal are also applicable to social risk regulation, although these systems can be used for reference no matter what kind of legislative method we adopt for social risk administrative regulation. However, the administrative regulation system of social risks is directly prescribed in the Emergency Response Law, and these systems are directly applicable. Therefore, it is entirely possible to make provisions on the administrative regulation of social risks in the Emergency Response Law. For in order to reflect the importance of social risk forensic regulation system, the author thought that the emergency response law to increase social risk in the second incident, and set up a new chapter 5 discussed social risk administrative regulation, the social risk administrative regulation of the legal system into the can, so that can not only do social risk administrative rules and regulations to establish a relatively independent system,

It can also make legislation much easier.

(3) At the same time, we will increase the content of administrative regulation on social risks in other laws

Of administrative regulation of the social risk are major industries and in the field of administrative legislation is an important law in the administrative law) (department of important mission, especially the public security, public health, environment, education and other fields, in the process of changing the law mainly increase the risk of social administrative regulation of the special provisions, compaction industry department in charge of the main body of responsibility, The law enforcement methods and means of administrative regulation of social risks should be enriched, and legal responsibilities should be clarified. Through such a simple legislative model, the basic system of social risk administrative regulation in various industries and fields can be constructed, and the effective connection with the Emergency Response Law can be realized. Take the Law on the Prevention and Control of Infectious Diseases as an example. At present, the Law on the Prevention and Control of Infectious Diseases stipulates the systems of infectious disease prevention, epidemic reporting, notification and publication, epidemic control, and medical treatment, which are basically consistent with the form of the main body system of social risk administrative regulation. However, from the perspective of the provisions of the Law itself, the prevention and control of infectious diseases is still purely regarded as a natural risk event in essence, and the prevention and control of infectious diseases is not viewed from the perspective of social risk, From the development of the COVID-19, social risk regulation is a prominent problem that needs to be solved urgently. In the follow-up, it is necessary to amend the law on social risk administrative regulation in the field of infectious disease prevention and control.

On the whole, the legislative path of social risk administrative regulation proposed by the author is not difficult to legislate. Compared with the importance, remediation, social and legal benefits of social risk administrative regulation, it is a legislative work that should be carried out.

## **6. The System of Administrative Regulation of Social Risk**

At present, the overall national security concept has put forward a principled plan for social risk regulation. On the basis of the overall national security concept, we should make full use of the system of administrative law, combine the characteristics of social risk administrative regulation, build a social risk administrative regulation system with Chinese characteristics, and improve the rule of law level of social risk administrative regulation in China.

### **(1) Administrative Law System of Social Risk Administrative Regulation**

1). The subject of administrative regulation of social risks. On the basis of studying the political mobilization for the prevention and control of COVID-19 epidemic, Professor Hong Chao proposed that " leadership" should be introduced into the law for emergency response [25], on the issue of social risk management and control, the administrative subject presents diversified characteristics, which is closely related to the concept that the administrative regulation of social risk is a comprehensive administrative law. In this context, the construction of the administrative subject of social risk administrative regulation should also show the characteristics consistent with the reality. At least three aspects of legislation should be carried out: first, people's governments at all levels and their departments should have the overall responsibility for social risk prevention and control. People's governments at all levels and their departments should be active and resolute in performing their duties, otherwise they should assume the corresponding leadership responsibility after the social risk occurs. Second, the competent authorities of the industry should fulfill the main responsibility of social risk management and control of the industry, and strengthen the control of social risks in various industries to prevent the occurrence of systemic risks in the industry. Third,



the departments of public security, Internet and communications, letters and visits, and emergency management assume important responsibilities for social risk management and control, and should actively participate in the prevention, control and disposal of social defense lines. Through THE subject setting of social risk administrative regulation at these three levels, the responsibility of social risk administrative regulation of governments at all levels and their departments can be consolidated, and a strict administrative subject system can be formed. At the same time use the advantages of each body, complementary resources [26].

2). Administrative regulation of social risks. In terms of administrative regulation of social risks, more emphasis is placed on administrative law enforcement means, focusing on administrative inspection, administrative punishment, administrative coercion and other means. Comparatively speaking, administrative license, administrative reward and other means are less applicable in the process of administrative regulation of social risks. (1) Administrative inspection system. Administrative inspection is an important means for administrative subjects to actively discover illegal acts and risk sources. Administrative inspection of social risks should also focus on the combination of regular inspection and irregular inspection to improve the effectiveness of administrative inspection [27]. (2) Administrative penalty system. Administrative penalty is an important means of quickly stop violate, from the perspective of social risk administration regulation, if in the process of individual in violation of the incident, the administrative penalties to be able to play a role in time, then the event will effectively prevent individual into social risk events, at the same time, in the process of the development of social events, administrative penalties to curb the spread of risk playing an important role, In the process of resolving and dealing with social risks, by punishing illegal acts, the losses caused by administrative illegal acts can be recovered to a certain extent, and the legitimate rights and interests of the relevant public can be maintained, which is conducive to the rapid suppression of social risk events. (3) Administrative compulsory system. On the issue of administrative regulation of social risks, the administrative subject should be fully endowed with the power to implement administrative coercion, and the restrictions on the operation of administrative strengthening power should be simplified appropriately, so as to protect the interests of the public through administrative coercive measures and administrative enforcement.

3). Procedures of administrative regulation of social risks. Social risk administrative control procedures, the main, regulate the operation of administrative power, to ensure the social risk of administrative regulation system is reasonable and lawful operation, challenge system, government information publicity system, listen to the other opinion system, administrative regulation is very important for social risk, this will ensure that administrative subject in the objective and neutral manner, To participate in the resolution and disposal of social risks. Since the administrative regulation of social risks involves the rights of non-specific objects, it is necessary to refine the government's obligation to respond to the public's right to know, establish a communication mechanism, and realize the benign interaction between the government, the market, and the other in the governance of social risks [28]. A problem that needs to be emphasized here is that the disposal of social risks should establish a complete file management system, which is an important requirement of the administrative procedure specification, and also an important basis for the subsequent review of the social risk regulation behavior of the administrative subject according to law. Archives must meet the important requirements from the administrative law enforcement process, objective authenticity, and the signature and consent of the administrative counterpart to ensure the authenticity and legitimacy of the archives.

4). The relief of social risk administrative regulation. Social risk management often involves no particular public, on this issue, should be the key to play the important role of the administrative reconsideration system, for the administrative litigation, can explore to establish a new mode of

group litigation involving multiple cases consolidated, in improving the judicial efficiency, reduce the pressure of justice, and maintain a proper balance between the public interest, Taking the administrative litigation system as the final check of the administrative regulation of social risks to ensure the legalization of the administrative regulation system of social risks. At the same time, what is more important is that the administrative organ should support the public affected by social risks to safeguard their legitimate rights and interests through civil litigation, and try to reduce their role in property risk disposal and property distribution, which is also the objective need of the overall rule of law, so as to reduce the opportunity of litigation caused by the behavior of the administrative subject.

#### (2) Establish a special administrative regulation system for social risks

According to the objective development law of social risk, establish the corresponding whole process regulation system of social risk monitoring, prevention, resolution and disposal, and improve the legal and scientific level of social risk administrative regulation [29]. First, social risk monitoring. It is suggested that the county-level people's government should be taken as the basic unit to establish a monitoring and early warning system for social risks. The reason is that the county-level people's government can grasp the social risk events within the county in a timely manner and has a certain ability to aggregate macro information. On this basis, higher level local people's governments should establish a social risk monitoring system and a national level social risk monitoring and early warning system. The construction of this administrative body system is consistent with the Emergency Response Law. Second, the prevention system of social risks. The responsibility of the social subject should be highlighted, and the administrative subject should be the first person responsible for resolving social risks, and the administrative subject should be the supporter of resolving risks. In the process of resolving risks, more help should be provided to improve their risk resolving ability and prevent the spread of risks. Third, the resolution of social risks. In the stage of resolving social risks, the government should assume more responsibilities, because in this stage, social subjects have great difficulties in resolving risks, and the momentum of risk spreading has been relatively obvious. The government should take an active role in resolving social risks. Fourth, the disposal stage of social risks. At this stage, social subjects have been unable to contain the spread of risks, let alone deal with risks. The government should comprehensively intervene to reduce losses [30] and clear risks in accordance with laws and regulations, maintain the stability of social order and prevent mass incidents.

## **7. Conclusion: The Significance of Administrative Regulation of Social Risk**

The important institutional value of the construction of the administrative regulation system of social risks lies in improving the government's awareness and ability to implement the existing legal system, which is the construction of a law-based government [31]. An important part of modernizing China's governance system and capacity. Through the construction of the legal system of social risk administrative regulation and the compaction of the main responsibility of law enforcement of governments at all levels and their departments, the level of law enforcement can be effectively improved, and social risk events can be monitored and prevented, which is very necessary for the modernization of the national governance system and governance capacity. In essence, if governments at all levels and their departments can implement the existing legal system well, most of the social risks will be effectively curbed. Malignant social risk events are very difficult to occur, which is the ideal situation of good governance only when the government's law enforcement ability develops to a certain extent.

At the same time, the establishment of a special legal system on the administrative regulation of social risks is also an innovation of China's administrative law, which has distinctive Chinese

characteristics and the characteristics of the times. It plays a very important role in complementing the shortcomings of the legal system of China's administrative regulation of social risks. It will also develop the theory of socialist rule of law with Chinese characteristics. However, the administrative regulation of social risk is not a unique problem of China. Along with the construction of the administrative regulation system of social risk, it will also contribute Chinese wisdom and Chinese solutions to prevent and dissolve the social risk worldwide.

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