

Insufficient construction of administrative punishment power at the grassroots level and countermeasures

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Abstract: Empowering grassroots society with the right to impose administrative penalties is a pioneering initiative, but it is not without its own contention. Based on the provisions of Article 24 of the Administrative Punishment Law, what needs to be delegated is the right to impose administrative that is urgently needed at the grassroots level. The literal meaning of urgency is not difficult to understand, and it is interpreted as the need to wait to the point that it is difficult to wait. Usually, it is used where the economically developed on towns and streets. However, it is lacking for pay attention to social stability, ecological protection and border security, in poor towns and streets. I think we should also actively consider the decentralization of administrative punishment power. If only from the degree of economic development to seek the recipient of decentralization, the author believes that in Article 24 of the "Administrative Punishment Law" grassroots urgent need to express not only the urgent need of economically developed towns and streets. It also should be considered in the field of modern national system construction under the actual situation of different towns and streets.

1. Introduction

The first paragraph of Article 24 of China's "Administrative Punishment Law" stipulates that provinces, autonomous regions and municipalities directly under the Central Government may, according to the circumstances, hand over the administrative punishment power belonging to the county-level government departments to the township governments and sub-district offices to exercise. Theoretically, it is not the first time in China's history that township governments and sub-district offices have exercised the right to punish, and the agricultural cooperative movement during the period of the people's communes has had a very significant impact on the building of grassroots political power, which has broken through the limitation of grassroots political power only doing administrative affairs, but has strengthened the management and control of rural areas in an all-round way [1]. During that period, the grassroots level has the absolute power of administrative punishment, and the distinction between administrative power and other powers at this time is not strict, of course, this does not affect the fact that we can see that township governments and sub-district offices and streets have also been given the power of administrative punishment. Most of the objects of exercising the power of administrative punishment are the

township people's governments and sub-district offices with good economic development. Some scholars believe that another important driving force for the decentralization of administrative punishment power to township streets is to cope with the rapid development of cities and towns, and the decentralization of administrative punishment power to township governments and sub-district offices is to solve the law enforcement problems in the field of urban management and the needs of comprehensive regional governance of economically developed towns [2]. The system of decentralization of administrative punishment has theoretically achieved the integration of administration. At the same time, the close contact between the main body of law enforcement and the masses at the grassroots level is conducive to discovering problems in a timely manner and shortening the distance between the masses in supervising the exercise of administrative power. However, there are still common problems faced by the local practice of decentralization of administrative law enforcement powers, such as insufficient basis for decentralization, unqualified decentralization subjects, confusion in decentralization methods, and violation of higher-level laws in the content of decentralization. Judging from the pilot situation, there are many matters of decentralization of administrative functions and powers, but some important ones have not been delegated or the key points have been decentralized.

Judging from the decentralization of administrative punishment powers, economically developed towns and sub-district offices have a much greater chance of obtaining administrative punishment powers. The decentralization of administrative punishment power to township and sub-district offices is to alleviate the problems existing in law enforcement, the main body of exercising administrative punishment power has changed, and the object of administrative punishment power is specific, and not every place has delegated administrative punishment power to townships and streets. From practice, we find that it is more common for administrative punishment to be delegated to economically developed towns and streets, but less in economically backward places. The author believes that it is necessary to consider comprehensively, not only to see the importance of economic development, but also to recognize the important positions of ecological security, social stability, and border security.

2. The connotation of the urgently needed grassroots administrative punishment power

The decentralization of administrative punishment needs to adapt to economic, political, social, cultural and ecological development. In the face of a complex and changeable society, the government needs to make administrative management more scientific, and only in this way can it forge the sword of values such as freedom, equality, fairness, and justice.

2.1. The need for the establishment of a responsible-type rule of law government

The imbalance of power and responsibility is the norm in the practice of the grassroots administrative system [3]. In the social process, there will be difficult problems to solve in the grassroots administrative governance, and in the social environment of the rule of law, changing the governance system involves major matters such as public interests and national security, and the exercise of public power is inevitably indispensable. There is an imbalance of power and responsibility in the power of administrative punishment, and the situation of "what can be seen cannot be managed, and what is managed cannot be seen" can be seen that those who have power cannot fulfill their responsibilities and do things with their hearts, and the separation of responsibility and power is bound to hinder the modernization of society. Township people's governments and neighborhood offices are the most basic administrative organs. In addition to exercising the administrative power conferred by the Constitution and laws, the administrative acts made will naturally bear the corresponding consequences. In addition to the administrative acts

entrusted by the higher organs occupy the administrative work at the grassroots level, and the exercise of administrative punishment power involves the property rights of legal persons, natural persons and unincorporated organizations and the personal rights of natural persons. Legal persons, natural persons and unincorporated units should be punished, whether they follow the principles of fairness and justice, punishment should be excessive, etc. These systems are progressing for the quality of law enforcement personnel. The status of law enforcement officers, and the security of law enforcement officers. The transformation of governance breaks through the norms of administrative law under the logic of bureaucracy, and the norms of administrative law take care of the reality of transformation by adjusting themselves [4].

2.2. Regulate and guide administrative organs

The decentralization of administrative penalties means the re-engineering of the system. In the construction of the system, it is necessary to correctly grasp the modern meaning, basic characteristics, main contents, allocation methods, and exercise boundaries of administrative functions and powers, and properly handle the relationship between administrative preferential rights and administrative powers, and between administrative duties and administrative powers [5]. The purpose of the construction of the administrative punishment power system is to enable law enforcement personnel to reasonably exercise the administrative punishment power and achieve an ideal grassroots governance order. One of the keys to improving the effectiveness of law enforcement at the grassroots level is to scientifically and rationally allocate township law enforcement powers, which requires understanding the problems in the operation of township law enforcement powers from practice and drawing lessons from the experience and lessons of law enforcement reform experiments [6]. Institutional construction is a necessary way, and the construction of the road should follow a little method and logic.

Under the bureaucratic hierarchy, the principle of administrative unity is limited by the traditional administrative concept of "organizational integration". "Organizational unity" from the formal point of view of the organization has a common goal, but it is precisely because everyone is focused on one goal, in the division of labor organization without a clear goal to achieve, the people in this organization become very passive, at this time waiting for orders becomes a reminder to fulfill obligations. If the exercise of administrative power is not independent, it will be difficult to avoid the situation of constraints, and administrative acts without responsibility will make the person exercising power utilitarian. Utilitarian people exercise their powers both actively and passively, and the cost of bearing zero undoubtedly encourages inaction and disorderly action. The unity of organization, the unity of responsibility and the integration of functions are the three analytical dimensions of the principle of administrative integration. The rule of law society is not static, and with the change of the concept of the rule of law, the path and logic of which of the three is more suitable for institutional construction are not unchanging. "Power must have responsibility", the integration of responsibility can well solve the relationship between power and obligation, but this is from the provisions of the law, and cannot directly reflect the purpose of building the system. Functionalism believes that in order to better realize the administrative function, the creation of all kinds of administrative organizations must be based on the consideration of administrative tasks, and the administrative organs should take the initiative to adjust the organizational goals and structure, coordinate the scattered powers, and maintain the unity of the whole through various means. The renewal plan in line with China's reality is based on functionalism as the theoretical basis of the principle of administrative integration, and uses this to reshape the means of ensuring administrative integration [7]. Township people's governments and neighborhood offices should always adhere to the norms of the law and changes in administrative acts as the basic empowerment

path, set the implementation standards for empowering townships and towns, respect the differentiated expressions existing in practice, and clarify the comprehensive law enforcement power that township governments can exercise with administrative punishment as the mainstay [8].

2.3. Develop grassroots democracy

The power of administrative punishment refers to the power of administrative organs to give sanctions to those who violate the administrative order in accordance with the law for the sake of public interest and social order, to protect the legitimate rights and interests of citizens, legal persons and other organizations. However, we know that administrative punishment is a profit or loss behavior for citizens, legal persons and other organizations, and administrative punishment not only includes property penalties, but also personal penalties. As an act of exercising the administrative power of the State, it itself has the characteristics of unilateral and coercive. Once administrative punishment violates the law, it will be very harmful to the perpetrator of human rights, and it will not only infringe upon the human rights of specific counterparts, but also damage the authority of the law, damage the relationship between the masses and the government, affect social and economic development, and be detrimental to the state's protection of human rights at the macro level.

The system of decentralization of administrative punishment is closely related to the governance of grassroots society, and the dilemma of grassroots governance is contrary to social development, and the concentration of power at a certain regional level leads to a sense of distance between law enforcers and citizens, legal persons, and other organizations, and cannot effectively play the role of law. Although the county level is also the grassroots level, but for the complex and ever-changing society, the administrative law enforcement force is far from sufficient, and the townships, streets, and other grassroots places, standardized and institutionalized things are more likely to be fictitious, and to a large extent there is a "can't manage" mentality. When the situation of "manageable" and "manageable" has changed, social governance at the grassroots level is a landscape.

3. Several Suggestions for Improving the Power of Administrative Punishment at the Grassroots Level

In practice, the legal, social, and moral effects of delegating the power of administrative punishment to township people's governments and sub-district offices need to be improved. Fear of responsibility and dare not delegate is not active action, and being greedy for merit and reckless without practice and research is indiscriminate decentralization is active and disorderly action. As mentioned above, the important reason for the decentralization of administrative punishment power to township people's governments and sub-district offices is that it is economically developed, and the logic is that it seeks ways to govern because of the difficulty of governance brought about by economic development, while ignoring the intention of building a modern state. Whether the power of administrative punishment should be delegated to township people's governments and sub-district offices in underdeveloped areas is a question worth pondering. The law describes the urgent need for administrative punishment power at the grassroots level, and the urgent need is not only to solve the factors that hinder economic development, but to consider the urgent need as a whole. Many regions have different strategic positions, such as focusing on local stability, strengthening fragile ecological protection, and ensuring border security. As for the obstacles and concerns brought about by the cost of law enforcement, ignoring the lack of decentralization of administrative punishment power in underdeveloped areas, whether this will treat the rights and interests of citizens equally and protect them equally. Of course, this has to return to the connotation of the power of administrative punishment itself, which is to protect human rights and promote the

harmonious development of society. Underdeveloped regions cannot be ignored just because they are economically disadvantaged.

Politics is one of the main drivers of social change. The reform of the administrative law enforcement system is mainly due to the fact that the state takes the initiative to adjust and reform the grassroots political power in order to further improve the governance ability and modernization of the grassroots society under the new situation. As a result of the system, the state is the main driving factor for the evolution of the administrative law enforcement system. The decentralization of administrative punishment power is not only the solution path of grassroots social governance, but also the factor that should be considered in advance on how to build a strong country.

3.1. Pay attention to social stability

China's border areas have an important strategic position, stability is the keynote of the central government for the border areas, and stability is the proper meaning of building a safe border area. Some lawless elements attempt to use underdeveloped townships, towns, and neighborhood offices as bases to do things that violate law and discipline, and this will affect social stability. In the case of decentralization of administrative punishment power, it is easier for the subject of administrative punishment power to contact the grassroots people, and the masses can better form a multi-subject joint participation in governance through feedback, and enhance the sense of national ownership. Nowadays, information technology is extremely developed, especially some new media have sprung up, occupying a vast market, and the number of users is extremely huge, and the values of the works disseminated by new media directly affect the vast audience. Under the impact of diverse cultures, the uncritical introduction and acceptance will dissipate the cohesive force for building socialism. Hedonism and historical nihilism subtly change people's ideologies. The decentralization of administrative punishment power is followed by the sinking of law enforcement forces, and more governance talents will enter the grassroots ranks, so as to better maintain local stability.

3.2. Promote ecological security

In recent years, the number of lakes on the Roof of the World has increased, glaciers have melted, and temperatures have risen, which has attracted much attention. Slight changes in water storage in Roof of the World's lakes may induce earthquakes and cause changes in water resources and ecosystems in surrounding areas. Roof of the World has been known as the "snowy plateau" since ancient times, and lakes and glaciers are typical ecological landform. The "Water Tower of Asia", rich in water resources, is also the source, flowing through many countries. Therefore, the protection of Roof of the World's water resources is not only related to one nation, but also to the world. At present, the situation of ecological and environmental protection in Roof of the World is still grim, and human beings are irrationally exploiting and excessively consuming resources for economic interests. In particular, the phenomenon of leisure on natural lawns is becoming more and more common, inadvertently causing serious ecological damage and pollution. Roof of the World's ecology is so fragile that trampling on lawns may be considered a matter of moral character, but it is not thought that it is causing serious ecological damage.

Ecological protection is by no means limited to a corner of the place, according to the administrative division is difficult to take into account ecological governance, ecological dynamic monitoring is an important measure of ecological protection, remote sensing and telemetry technology, satellite image imaging technology, high-definition monitoring technology to use ecological monitoring has matured. In the monitoring process, it is necessary not only to have remote technical personnel, but also to participate in local units and residents, and at the same time, it is also necessary to attract and call on other ecological and environmental protection

organizations and volunteer organizations to establish a co-construction, co-governance and shared governance system. Administrative punishment is a kind of sanction behavior, which plays a deterrent role in the destruction of the ecological environment. In the face of pollution, destruction and other behaviors, it can also be detected and dealt with in time.

3.3. Focus on solid defense and strong edges

Strengthening the border is an important condition for stability near the border, an important guarantee for the safety of the lives and property of the border people, and has an important strategic position.

The issue left over from the history of border demarcation between China and India. The China-India border is about 2,000 kilometers long and has never been formally demarcated in history. The border is the border between the two sides, and if there is only harmony and stability on the border of one side, it is impossible to achieve overall harmony and stability between the two sides [9]. The author speculates that the connotation of the equal strength of the border between the two sides is that both sides have the ability to manage or govern the border well, which is a premise. If there is only equality of strength, if both countries are weak in border governance, disputes are bound to continue. The deterioration of the border situation is related to the growth and decline of people's desires, and people's desires are often related to the over-defense of the borders built by themselves. At present, India's population is comparable to China's population, and India is both an advantage and a disadvantage in terms of population. India's ambition can be seen in the fact that India has the Indian Ocean as a natural barrier, coupled with its large population and the encouragement of Western countries. Of course, the large population also brings many problems to the country.

The border between China and Nepal is more than 1,400 kilometers long, and the Chinese side of the China-Nepal border is in the Roof of the World Autonomous Region. The traditional friendship and political mutual trust in China-Nepal relations have provided conditions for the governance of border security between the two countries, but the China-Nepal border still faces both exogenous and dual-source security threats, especially the interference of third countries led by the United States has become the main source of border security threats between China and Nepal.

The types of administrative punishment include both property punishment and personal punishment, and for acts that seriously endanger border stability, in the case of violation of the criminal law, the township people's governments and neighborhood offices exercise the power to restrict personal liberty and other punishments.

4. Conclusion

Most provinces have carried out pilot projects, the decentralization of administrative punishment has been tested, the author believes that the decentralization of administrative punishment should focus on the implementation of some special areas, we should pay attention not only to whether it can be effectively undertaken, but also to see whether it is an urgent need at the grassroots level. If the degree of economic development is a major prerequisite for effective succession, many much-needed powers at the grassroots level will be overlooked. Therefore, the decentralization of administrative punishment power should be viewed from the perspective of national system construction, and at the same time, it should also be viewed from the integrity of the country's will.

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