

# *Research on Specific Areas and Types of Public Administration Participation in China*

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**Abstract:** Public administration participation is an important measure for promoting law based administration in China and a crucial cornerstone for building a rule of law government. At the practical level, public administration participation in China is mainly concentrated in the areas of administrative legislation, administrative decision-making, administrative relief, and administrative supervision. In the above four areas, public administration participation is specifically manifested as decision-making participation, hearing participation, consulting participation, and coordination participation. These four types of public administration participation include administrative hearings, democratic discussions, public evaluations, public online participation, and other rich and diverse forms.

## **1. Background**

In recent years, with the promotion of the construction of a rule of law government in China, public administration participation has also made significant progress, mainly reflected in the practical field. Public administration participation is an important foundation for law based administration and a cornerstone of a rule of law government. It plays a crucial role in distributing benefits fairly and justly. The administrative subject and the administrative counterpart are the main participants in public administration. The administrative subject has public power and is committed to assuming public responsibilities and safeguarding public interests; Administrative counterparties have private rights and are committed to managing private affairs and safeguarding personal interests. Due to the fact that the goals and interests of administrative entities and administrative counterparts cannot be completely aligned, it is particularly important to achieve goal integration and interest integration through effective public administration participation. Public participation in administration is the process of communication and interaction between the administrative subject and the administrative counterpart. To reach a consensus, it is not only necessary for the government to fully guarantee the right of public participation in institutional design and arrangements, but also for the public to have the desire to actively participate, and to accept and recognize the government's institutional design and arrangements from the bottom of their hearts, and to participate in public administration in an orderly and lawful manner. Through public administrative participation in the fields of administrative legislation, administrative decision-making, administrative relief, and administrative supervision, as well as various specific forms such as administrative hearings,

democratic discussions, public evaluations, and public online participation, China has safeguarded public interests while also taking into account private interests. This has effectively coordinated the conflicts of interest between public and private sectors, achieving a win-win situation.[1]

## **2. Specific areas of public administration participation in China**

### **2.1 The public administration participation in the area of administrative legislation**

In the area of administrative legislation in our country, public participation in administration is manifested as the introduction of citizen participation mechanisms in the process of administrative legislation, specifically through legislative hearings, legislative auditing, and soliciting opinions from the public. The Constitution of our country clearly stipulates that all power in the People's Republic of China belongs to the people. The people manage state affairs, economic and cultural undertakings, and social affairs through various channels and forms in accordance with the provisions of the law. The Constitution grants citizens the right to participate in public administration, The Regulations on the Procedure for Formulating Administrative Regulations and the Regulations on the Procedure for Formulating Regulations provide detailed provisions on public participation in administrative legislation in the form of administrative regulations, so citizen participation in the field of administrative legislation is the earliest form of public administration participation in China.[2]

### **2.2 The public administration participation in the area of administrative decision-making**

The initial manifestation of public administration participation in the area of administrative decision-making in China was mainly through administrative hearings. This is the public participation introduced by the public sector when using their discretionary power to make decisions and discussions related to public interests. The public sector communicates, discusses, and consults with stakeholders on decision-making matters. Since the 1990s, the impact of administrative actions by the public sector on public interests has become increasingly evident, leading to a stronger demand for effective public participation. The public sector has clearly felt the urgent need for the public to pursue their interests in accordance with the law, coupled with the inherent requirement of building a rule of law government. China has gradually stipulated the hearing system in laws such as the Administrative Penalty Law, Price Law, Administrative Licensing Law, and Administrative Reconsideration Law, achieving legalization and institutionalization of public participation in the field of administrative decision-making.

### **2.3 The public administration participation in the area of administrative relief**

Unlike pre event participation and in process participation, public administrative participation in the field of administrative relief in China is a post event participation and a post event rights protection model. For example, public participation in administrative adjudication, administrative arbitration, administrative reconsideration, and administrative compensation all belong to the field of public participation in administrative remedies. On the one hand, the public sector actively expands administrative relief channels to ensure smooth channels for the public to obtain administrative relief; On the other hand, the public's awareness of safeguarding their own rights and interests has increased, and the general public is fully aware of their basic rights in administrative and legal relationships, such as the right to be informed, the right to be heard, the right to participate, the right to information, and the right to express themselves. They also know how to use these basic rights. This is not only the result of the improvement of the administrative subject's awareness of administering in accordance with the law, but also the result of the improvement of the administrative counterpart's awareness of

safeguarding their rights in accordance with the law. Or in other words, the two mutually promote each other.

## **2.4 The public administration participation in the area of administrative supervision**

In China's administrative supervision system, public supervision is the main form of external supervision of the public sector. The public is the most basic supervisory subject, and public supervision is the most common, direct, and effective way of supervision. The public sector continues to pay more attention to public supervision, especially in the current era of rapid development of the Internet, network public opinion plays an important role in supervising the operation of public power, correcting the anomie of public power, and exposing illegal acts of public power. Regardless of the channel of supervision, the general public in society has shown a high degree of enthusiasm and initiative in supervising the administrative actions of public departments, and public participation in the field of administrative supervision is becoming increasingly active.[3]

## **3. The Main Types of Public Administration Participation in China**

### **3.1 Administrative decision-making participation**

Administrative decision-making participation refers to the introduction of citizen participation mechanisms in the public decision-making process by the public sector to listen to public opinion on important issues in the formulation of public policies, laws and regulations. The decision-making meetings and important decision-making discussions held in grassroots areas of our country are of this type of participation. In theory, decision-making participation is crucial as it is an important mechanism for the government to gather public wisdom and express public interests in the public decision-making process. Decisions made through joint consultation are more likely to gain public recognition, and therefore face less resistance in policy implementation. Decision making participation has a direct democratic nature, and decisions formed through consultation often have direct social effects. Of course, the effectiveness of decision-making participation depends not only on the government's institutional regulations, but also closely related to the public's own quality. The public participating in decision-making must have public participation ability and high cultural quality, be able to understand the problem orientation of public policies, and be able to propose opinions and suggestions to solve such problems.

### **3.2 Administrative hearing participation**

Administrative hearing participation refers to the government's involvement of the public in the decision-making process through various hearings, and is currently the most widely adopted form of public administrative participation in China. The difference between hearing based participation and decision-making based participation is that the former focuses on the public listening to the government's decision-making process without expressing opinions and suggestions, which is passive participation, while the latter is the interaction and consultation between the public and the government, expressing opinions and insights on decision-making issues, which is active participation. The hearing mainly revolves around public policies or management measures closely related to public social life, reflecting the principles of government transparency, citizen participation, and multi-party consultation. This type of hearing is actually a communication and negotiation between the government and citizens, such as price hearings, which belong to this type of hearing participation. Administrative hearing participation is a tool and means for the public sector to enhance the legitimacy of its public decision-making and management.

### **3.3 Administrative consultative participation**

Administrative consultative participation is a form of consultation in which the public sector seeks to understand public interest demands, solve public problems, and grasp the direction of public opinion. The difference from the previous two types of participation is that administrative advisory participation is not directly related to public decision-making, but mainly used to solicit public opinions or gather public wisdom to develop public affairs and enhance public interests. The issues involved in administrative advisory participation are often long-term and grand, such as ideas about economic development, arrangements for public finance, improvement of social security, development of community culture, and so on. For the public sector, administrative advisory participation can not only understand social conditions and public opinion, but also gather public wisdom and support. For the public, administrative advisory participation is not only the fulfillment of participation rights, but also the expression of interest demands. Although administrative advisory participation may not necessarily achieve the public's interest demands, it has a positive effect on promoting communication between the government and the public, enhancing public civic awareness and administrative efficiency.[4]

### **3.4 Administrative coordination participation**

Administrative coordination participation refers to the form of public administrative participation in which the public sector resolves conflicts between itself and the public, or among the public themselves, through dialogue and negotiation. This type of public administration participation does not involve public decision-making or public opinion expression, but is used for coordinating conflicting interests. Specifically, administrative coordination participation is a concrete manifestation of the public sector exercising its public coordination functions in accordance with the law. Through this public participation mechanism, conflicting parties engage in necessary communication and compromise to reach a consensus and achieve a win-win situation. In administrative coordination participation, both parties are either the administrative entity and the administrative counterpart, or the government acts as an intermediary to mediate conflicts between the administrative counterparts. Administrative coordination participation is an effective form of resolving conflicts and contradictions of interest through face-to-face communication, integrating different opinions and interests, eliminating various barriers caused by information barriers and asymmetry, and based on the principle of mutual benefit and win-win.

## **4. Suggestions for Optimizing the Areas and Types of Public Administration Participation in China**

### **4.1 Realizing more equal participation in public administration**

In the process of formulating public policies and managing public affairs, public sectors must ensure that the public can participate in them equally in order to gain widespread understanding, support, and cooperation from the public. Ideal public administrative participation is voluntary, free, and rational, and participants are equal in form and substance. Public sectors need to confirm whether the public has an equal status and is treated equally in the process of public administrative participation, which should be measured from both procedural equality and substantive equality. From the perspective of the guarantee of participation procedures, the design of procedural rules for public participation should eliminate discrimination from public sectors and other groups as much as possible, and give citizens full and equal participation opportunities and status; from the perspective of the substantive content of participation, it is first necessary to ensure that the public's personal

consent to others' views is not mandatory. Secondly, it is necessary to ensure that the public has equal ability to put forward persuasive views. In addition, equal participation also requires expanding the subjects of public administrative participation, so that those who can participate institutionally are no longer limited to social elites in the fields of politics, economy, and culture, but also need to be expanded to ordinary people in a practical way.[5]

#### **4.2 Establish a positive interactive relationship between the public sector and the general public**

The public administrative participation system is a system formed by the organic combination of static constituent elements and dynamic operating mechanisms. The driving force for the good continuation and existence of this system lies in achieving stable and orderly operation, of which the most critical element is the relationship between the public sector and the public. The public sector and the public are a pair of interdependent contradictions. To achieve efficient public administrative participation, the key is to establish a good relationship between the public sector and the public, and it is necessary to ensure that a dynamic relationship of mutual understanding, mutual support, mutual cooperation, mutual supervision, and mutual promotion can be formed between the public sector and the public.

#### **4.3 Provide institutional safeguards and diverse forms of participation**

The historical experience of the development of public administration participation in our country shows that strengthening the self construction of the public sector is the fundamental guarantee for establishing and improving the system of public administration participation, promoting the rule of law is the basic way for the construction of the system of public administration participation, and cultivating public rationality is an important prerequisite for the construction of the system of public administration participation. To promote the institutionalization and standardization of public administration participation, we should strive to streamline the relationship between the government and society, strengthen social autonomy, enhance grassroots democracy, standardize democratic operations, establish public deliberation mechanisms, cultivate participating entities, and enrich the ways and methods of public administration participation. The core point is to constrain the operation of public power, enable citizens and social organizations to participate in public administration in an orderly and lawful manner, and find mutually beneficial ways to constrain administrative power and safeguard public interests.[6]

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