

Research on the Application of Relatively Centralized Exercise of Administrative Punishment System Right in Urban Management

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Abstract: City is an important carrier of economic and social development, a symbol of human civilization and progress. Urban management is an important guarantee to give full play to the function of city carrier, and an important function and eternal topic of people's government. At present, the relatively centralized administrative punishment system of urban management in China has been popularized and applied, but there are still some problems. The relatively centralized punishment system is an important part of urban management reform, which can not only improve urban management problems, but also have important significance for deepening the reform of administrative management system to a certain extent. This paper expounds the connotation of the relatively centralized administrative punishment system, and probes into the problems existing in the relatively centralized administrative punishment system in urban management at present, so as to put forward feasible suggestions on how to apply the relatively centralized administrative punishment system in urban management, hoping to make reference for reform practice.

Keywords: Relatively centralized administrative punishment system, Urban management, Administrative law enforcement.

1. Introduction

With the rapid development of China's economy and the continuous progress of society, the requirements for urban management law enforcement are getting higher and higher. How to better solve the contradictions caused by urban management law enforcement has become an urgent problem for the government [1]. At present, the relatively centralized administrative punishment system of urban management in China has been popularized and applied, but there are still some problems. The relatively centralized punishment system is an important part of urban management reform, which can not only improve urban management problems, but also have important significance for deepening the reform of administrative management system to a certain extent.

The system of relatively centralized punishment right is an important legal system determined by China's administrative punishment law. The relatively centralized power of administrative punishment is a very good system in our country and an important measure for the reform of administrative management system. Practice has proved that the centralization of administrative punishment power in urban management has largely solved the problems of disturbing people and repeating law enforcement, streamlined the organization and improved administrative efficiency [2-3]. Based on the needs of urban management and deepening the reform of administrative management system, this paper analyzes the application of relatively centralized exercise of administrative punishment system in urban management.

2. Connotation of Relatively Centralized Administrative Punishment System

City is an important carrier of economic and social development, a symbol of human civilization and progress. Urban management is an important guarantee to give full play

to the function of city carrier, and an important function and eternal topic of people's government. Law enforcement in urban management is lax, unfair and disturbing people. Because there is no unified management, some departments only care about the implementation of their own regulations, and the masses have great opinions on this. It does not conform to the provisions of the administrative punishment law, and it also affects the overall efficiency of urban management. In addition, the quality of law enforcement personnel is uneven, and the law enforcement methods are sometimes inappropriate. Sometimes, instead of solving the problems, it has caused adverse effects among the masses. In this case, the system of relatively centralized administrative punishment came into being.

Relatively centralized power of administrative punishment, after adjusting part of the power of administrative punishment horizontally under the existing legislative system and exercising it centrally by one department, the problems of multi-head law enforcement, overlapping responsibilities, fighting according to law, repeated punishment, disturbing people by law enforcement and so on have been well solved, and the efficiency and level of administrative law enforcement have been improved [4]. Other organizations and institutions have no right to exercise it, even through authorization or entrustment. In this way, other organs can not abuse their power casually, which has played a certain role in curbing official corruption.

With the spread of the rule of law, the construction of a government ruled by law has been continuously promoted, and administrative law enforcement agencies have begun to implement the administrative law enforcement responsibility system. With the awakening of citizens' awareness of the rule of law, people are increasingly looking at the behavior of the government from the perspective of law. The subject of exercising the power of relatively centralized administrative punishment must be the administrative organ. The power of administrative punishment is an important administrative

power and an important means for the government to manage the country and society. The power of centralized administrative punishment must be obtained through certain legal procedures. In our country, what kind and level of administrative organs exercise which functions and powers are clearly stipulated by law. According to the basic theory of administrative law, the content of administrative power includes administrative licensing, charging, punishment, supervision, guidance and coercion. The relatively centralized power of administrative punishment is only the concentration of administrative punishment, not the concentration of other administrative powers such as administrative licensing rights and charging rights.

3. Problems Existing in The System of Relatively Centralized Administrative Punishment Right in Urban Management

3.1. The quality of law enforcement personnel is not high

Law enforcement personnel are the concrete executors of urban management law enforcement and represent the image of the government. The uneven quality of personnel is mainly manifested in the following three aspects: first, the law enforcement personnel have uneven academic qualifications and an older age structure. As can be seen from Figure 1, 61% of the urban management law enforcement personnel have college education or above, and the remaining 39% have secondary school education and high school education.

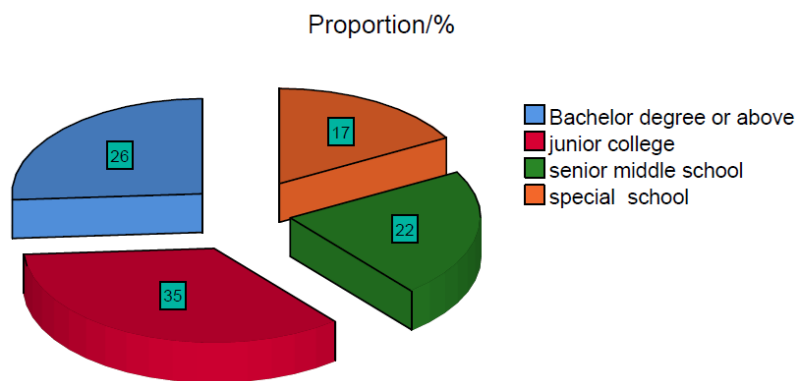


Figure 1. Law enforcement sub-bureau personnel education structure chart

Most of the law enforcement targets of urban management law enforcement are vulnerable groups. They are either laid-off workers without skills or middle-aged and elderly people who are old and weak. They set up stalls on the roadside or operate without a license to make a living. Co-ordinators of all law enforcement teams who are co-located in offices do not have law enforcement qualifications. In principle, they assist law enforcement personnel in their work and can only do persuasion, education and publicity. However, due to the heavy practical tasks and the shortage of personnel, they also undertake law enforcement work, which obviously violates the law.

3.2. Unclear law enforcement responsibility

At this stage, the implementation of law enforcement responsibility system of relatively centralized administrative punishment system has been fully rolled out, but an important stage to advance in the implementation of administrative law enforcement responsibility system is to improve the setting of law enforcement responsibility in legislation of relatively centralized administrative punishment system. From the current situation, the general provisions of law on law enforcement responsibility of relatively centralized administrative punishment system make it difficult to implement law enforcement responsibility of relatively centralized administrative punishment system [5-6].

Judging from the enforcement basis of the current relatively centralized administrative punishment system, there are still many places that need to be improved in the regulation of the law enforcement responsibility of the

relatively centralized administrative punishment system. For example, the provisions of the law on the responsibility of chaos are very general, and the current law stipulates the administrative authority or the content of administrative entities in detail, but there are few or no procedural provisions on the procedures of the relatively centralized administrative punishment system. From the procedural law of accountability, although there are legal systems of administrative supervision and administrative relief such as procedural law and reconsideration law, the connection between relevant laws and reconsideration law and procedural law is not enough.

3.3. Urban management legislation lags behind

Urban management is relatively centralized, and the power of administrative punishment is based on the law. Because the construction of laws and regulations on urban management started late, the laws and regulations are not perfect, and some laws and regulations are not perfect in themselves, and their operability is not strong, so they cannot play a binding role on the illegal subjects. The administrative compulsory measures are insufficient. Because the content of urban management law enforcement is relatively large, small-scale, simple and fast, some urban management law enforcement objects are highly mobile, and it is very difficult to obtain evidence afterwards if their illegal acts are not investigated in time. Some punishment rights are divided, and the cost of law enforcement is increased. The original intention of the relatively centralized administrative punishment system is to solve the problems of multi-head law enforcement and

overlapping functions and powers, but in practice, some punishment rights are artificially dispersed and responsibilities are further crossed, which increases the cost of law enforcement and affects administrative efficiency.

3.4. Insufficient coordination between departments

The power of relatively centralized administrative punishment is a horizontal adjustment of administrative punishment, which leaves part of the original law enforcement organs to the urban management department for centralized exercise, resulting in the redistribution of power. Due to the limitation of the existing legislative system, there are no relevant laws and regulations for comprehensive law enforcement, the division of power among various departments is unclear, and the coordination mechanism is imperfect, which leads to unclear responsibilities in management and disjointed work. Moreover, in the process of law enforcement, there is neither the right of personal restraint nor the right of material security, and the administrative law enforcement work lacks the protection of compulsory works. Once there is any obstacle or violent anti-law incident, we can only call the police for help and rely on the assistance of public security organs to complete the administrative law enforcement behavior [7].

4. The Application Strategy of Relatively Centralized Exercise of Administrative Punishment System Right in Urban Management

4.1. Clarify the legal status of the implementation department of relatively centralized administrative punishment power

Practice has proved that the system of relatively centralized administrative punishment power has strong vitality, and the exploration of the system of relatively centralized administrative punishment power has also gone through a long process. From the central to the local, especially the local people's governments at all levels should strengthen the standardization of this leadership as a government function, and the comprehensive law enforcement organs should not be set up as subordinate institutions of a department, nor should they be set up as internal institutions of a certain department. In this sense, the people's government at a higher level is the competent department of comprehensive law enforcement organs at all levels, and the next step may be the power of examination and approval or permission, etc., because the biggest feature of the market economy is economy and efficiency, and the trend of relative concentration is obvious.

4.2. Strictly regulate law enforcement behavior

To ensure that the exercise of administrative power conforms to the purposes and procedures stipulated by law, the supervision within the administrative system is more effective. In order to unify and standardize the discretionary behavior of urban management administrative punishment, exercise the power of administrative punishment reasonably according to law, strengthen the supervision of urban management administrative law enforcement, and improve the fairness, transparency and law enforcement level of law enforcement, the urban management administrative law

enforcement bureau should formulate measures: strictly limit the discretionary power, set the time limit for handling cases, strengthen the supervision of confiscated goods, and implement sunshine law enforcement [8]. The power sunshine system makes the law enforcement basis, law enforcement procedure, law enforcement authority and law enforcement results completely open to the society, and makes the people know about the handling of matters related to themselves, which is helpful for the parties to understand the process of administrative punishment and the legal basis and relief ways of administrative punishment.

4.3. Establish a high-quality law enforcement team

The exercise of the power of relatively centralized administrative punishment is not for everyone. It requires law enforcers not only to have complete legal knowledge, strong legal awareness, rich legal experience and systematic knowledge structure, but also to have unlimited loyalty and love for the law. Therefore, it is necessary to establish a high-quality law enforcement team to improve the system of relatively centralized administrative punishment.

Raise awareness and take tough measures. According to the regulations and requirements of civil servant management, the personnel department should ensure the establishment of this team, and the financial and legal departments should effectively guarantee the implementation of funds and equipment, so as to make it a veritable high-quality civil servant law enforcement team. It is necessary to provide specialized training in business knowledge and administrative professional ability, laws and regulations to law enforcement personnel who are relatively concentrated in administrative punishment in a timely manner, and strengthen daily management and business knowledge rotation training, so that law enforcement teams can always maintain high combat effectiveness and high standards of business work [9].

We should start with the hot issues and practical problems that the majority of administrative law enforcement personnel are generally concerned about, ranging from the future and destiny of the administrative law enforcement team to the distribution of living benefits and bonuses, which may be the hot issues that the majority of team members pay attention to. Efforts should be made to infiltrate ideological work into all kinds of business work, so as to achieve the hearts of each team member and guide the majority of team members to correctly treat and deal with the difficulties and problems encountered in progress in time, so as to unite the team and stabilize people's hearts.

4.4. Establishing joint law enforcement mechanism to improve law enforcement efficiency

The introduction of the relatively centralized administrative punishment power system aims to gather some administrative punishment rights and exercise them by a unified department, in order to better enforce the law for the people and improve the efficiency of law enforcement [10]. It is the key to establish a joint law enforcement mechanism as soon as possible. The joint law enforcement here not only refers to the mechanism of multi-department joint law enforcement, but also encourages public participation and builds a full-time law enforcement mechanism to improve law enforcement efficiency in essence.

We encourage public participation in the process of law enforcement, so that the public can truly feel the purpose of urban management law enforcement for the people. The author thinks that we can start from two aspects: first, we can carry out the urban management hearing system, from the decision-making of law enforcement to the specific implementation and the effect of implementation, to the final supervision and management, so as to realize the public's participation in the whole process; second, we should increase the intensity of information disclosure and improve the public's awareness and supervision channels. Publicize the scope of responsibilities, functional authority, law enforcement basis, law enforcement procedures, punishment standards and other contents of the relatively centralized administrative punishment system, comprehensively improve public awareness and broaden supervision channels, and realize a new mode of law enforcement for all employees.

4.5. Improve the supervision system

Formulate procedural laws for relatively centralized supervision of administrative punishment system, so that law enforcement supervision can be followed. We should avoid the abstract and difficult operation of relatively centralized administrative punishment law enforcement supervision laws and regulations. Establish a relatively independent and centralized supervision institution for administrative punishment system, and strengthen the construction of supervision team. Through political and ideological study, business and legal study, we can cultivate a group of teams who know both business and law, and have excellent ideological quality, which can really supervise the whole process of administrative law enforcement effectively. Improve the internal supervision mechanism of urban management administrative law enforcement bureau, which should be established with relatively centralized administrative punishment system. It is necessary to strengthen the study of the legal concept of the leading cadres of the urban management administrative law enforcement bureau and strengthen the awareness of relatively centralized administrative punishment law enforcement supervision. Establish a system of collective decision on major issues, and increase supervision over the enforcement of relatively centralized administrative punishment. We should conscientiously implement the system of relatively centralized administrative punishment and implement democratic centralism. The handling of major problems in relatively centralized administrative punishment should be decided through collective discussion, give full play to the collective wisdom, and avoid one person having the final say. Establish a mass reporting system. Reporting by the masses is an important means to strengthen the law enforcement supervision of the relatively centralized administrative punishment system and crack down on illegal acts. Therefore, the establishment and improvement of the reporting system by the masses should be strengthened.

5. Conclusions

The system of relatively centralized punishment right is an important legal system determined by China's administrative punishment law. The relatively centralized power of administrative punishment is a very good system in our country and an important measure for the reform of

administrative management system. With the spread of the rule of law, the construction of a government ruled by law has been continuously promoted, and administrative law enforcement agencies have begun to implement the administrative law enforcement responsibility system. With the awakening of citizens' awareness of the rule of law, people are increasingly looking at the behavior of the government from the perspective of law. In the development of urban management, we have seen the realization of the target effect in the application of the mechanism of relatively centralized administrative punishment, but there are still some problems in the development process. We should constantly study and pay close attention to the reform of the administrative management system and administrative law enforcement system promoted by the Legislative Affairs Office of the State Council and the State Council, and deeply realize the correctness and forward-looking nature of the relatively centralized administrative punishment system.

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