

Research on the Construction of the Rule of Law in Fishing Villages Based on the Protection of Fishermen's Rights and Interests

XU Chang*, PEI Zhaobin**
xuchangdlou@163.com

Abstract: Under the new historical conditions, the construction of the rule of law in rural China has shown a positive trend. With the advancement of urban-rural integration, the mobility of rural members is enhanced, the degree of seclusion of rural society has been significantly reduced, and the governing of rural society is gradually becoming law-based. However, there are still some deficiencies in the current construction of villages under the rule of law that call for amendment, especially in the construction of fishing villages. The main problems to solve at this stage can be roughly summarized in three categories: first is the insufficiency of standard law enforcement at the grass-roots level; second is the need to improve the efficiency of government services; and third is the lack of legislative awareness among the fishermen. To solve these problems, it is necessary to explore the potential issues from the perspectives of the administrative law enforcement, government services, and popularization of law.

Keywords: Rule of Law Village; Fisheries; Protection of Citizens' Rights and Interests; Self-restraint in Administration

1. The Necessity of Building Rule of Law in Fishing Villages on the Basis of Protection of Fishermen's Rights and Interests

1.1 The Construction of Rule of Law Fishing Villages

The rural area is an important part of our country, and it is regarded as the basic unit of our society.¹ Especially since socialism with Chinese characteristics has entered a new era, Chinese society will continue to include a large rural population over the next few decades. Therefore, rural governance is the cornerstone of national governance, and the rule of law is the foundation of rural governance.² In addition, the development of the economy in rural areas needs the protection of the rule of law. To conclude, whether the goal is economic development or the wellbeing of the people, establishment of the rule of law in the countryside is of great importance and necessity.

Quite different from traditional agricultural villages, such as those based on forestry and livestock husbandry, fishing villages are especially unique. Therefore, in the process of enacting the rule of law for fishing villages, their unique characteristics should be taken into consideration. Consider the fishermen, for example, whose fishing boats are their tools of production and transportation. When fishing, they are obligated to obey the fishery legal system, including basic laws regarding fishery, relevant laws about environmental protection of fishery waters, laws relating to management of fishing vessels, etc. Maritime traffic safety laws, and other related laws and regulations, are also involved in the fishing process. In addition, the economic value of fishing boats is generally high, so they are among a

* XU Chang (1996 -), female, the lead author, master of law in Dalian Ocean University. XU's main research filed is administrative law.

** PEI Zhaobin (1968 -), male, Corresponding Author, Doctor of Laws, Professor of Law in Dalian Ocean University. PEI's main research field include administrative law and administrative litigation law, maritime rights protection and law enforcement and so on.

1 WU Yu, 'A Study of the Value of Traditional Culture in Rural Tourism', *Renming Luntan·Xueshu Qianyan*, No. 17, 2017.

2 GONG Pixiang, 'The Development of the Counties' Rule of Law in China for the New Era', *Seeking Truth*, No. 1, 2019.

fisherman's most valued property. Further legal regulations are in place regarding the mortgage or circulation of fishing boats, which requires more guidelines for the behavior of fishermen. However, because the environment in water areas is different from that on land, it is easier to destroy evidence of illegal activity and avoid detection. As a result, even if many fishermen know the legal provisions, they may take illegal risks to obtain higher profits. This is particularly detrimental to the enforcement of law and has a negative influence on the rule of law in fishing villages. Hence, the construction of the rule of law in fishing villages should be based on its own pattern and characteristics. Exploring effective solutions for these issues is of top priority.

1.2 The Protection of Fishermen's Rights and Interests

There are two main benefits to establishing the protection of fishermen's rights and interests as the primary purpose. First of all, it will help administrative organs to understand the inherent meaning of laws and relevant policies, thereby improving their working efficiency and the law enforcement effect. Currently, the modernization process of the rule of law in fishing villages in China is like the stratification of water bodies in the ocean. In terms of formulating normative documents and issuing relevant policies, it is as powerful as the waves; yet, in the grassroots organizations of fishing villages, the process of the rule of law tends to be calm, like the deep sea. One of the fundamental reasons for this phenomenon is that law enforcement fails to fully consider the protection of fishermen's rights and interests, lacks service mentality, and fails to wield public power according to the actual interests of fishermen. Therefore, accepting the protection of fishermen's rights and interests as the direct purpose of administrative acts – and the standards by which they are evaluated – can alleviate the current predicament.

Second, establishing the protection of fishermen's rights and interests as the primary purpose can help guide fishermen to understand, trust, abide by, and ultimately safeguard, the law. Although some progress has been made in the construction of law-based villages in China, there still exist inconsistencies or even deviations between formal legal norms, with universal binding force, and informal institutional mechanisms, such as village rules and conventions with local characteristics that have been formed in rural areas over a long period. Then, in order to encourage the villagers to obey the provisions of the law and construct rule of law villages, it is necessary to demonstrate to them how the laws protect their rights and interests, as well as to cultivate their awareness and habit of consciously obeying the law. Moreover, the cooperation and the efforts of fishermen are needed to promote the construction of law-based fishing villages, as they are an important part of this process. Only by designating the protection of fishermen's rights and interests as the core work and insisting on the principal position of fishermen, can the law-based fishing villages be built successfully.

2. Problems Appeared during the Construction of Rule of Law Fishing Villages

2.1 The Insufficiency of Standard Law Enforcement at the Grass-roots Level

In terms of value orientation, a major difference between traditional rule of man and modern rule of law lies in their different attitudes towards the rights of social subjects. In modern society, law enforcement activities are the activities that impress basic requirements of legal norms upon people's behaviors and establish a relationship where members of the society enjoy their rights and fulfill their obligations.¹ Then, the regulation of public power will help to guarantee the realization of fishermen's rights and interests.

At present, one of the main problems of fishery law enforcement is that the law enforcement personnel have not taken comprehensive consideration of the cases when deciding to administer punishment. In other words, the administrative discretion has not been used in properly. In practice, some law enforcement personnel have ignored the facts of the case – such as the circumstances of the illegal acts, the degree of social harm, and so on – and punished all illegal fishing activities with a fine of 30,000 yuan. Since the relevant law stipulates that illegal fishing, within general circumstances, warrants a fine of up to 50,000 yuan, the amount of 30,000 yuan seems like an appropriate penalty.

¹ GONG Pixiang, 'The Road to Explore the Theory of Socialist Rule of Law with Chinese Characteristics' Social Science Front, No. 6, 2015.

However, such behavior reflects the inaction of law enforcement officers, as well as their lack of fair and reasonable discretion. After a period of time, the local fishermen gradually acquiesce to this hidden rule, taking the 30,000 yuan into the cost of illegal fishing and accepting a risk-taking mindset. Once punished, they neither apply for reconsideration, nor file a lawsuit, nor even request relevant documents, such as a written decision of administrative penalty. In doing so, administrative punishment is essentially equivalent to administrative licensing, which not only fails to protect fishery resources and ecological environment, but also indulges and encourages illegal fishing, all of which result in a negative impact on the construction of law-based villages. The external supervision system can hardly function well in regards to the "deterioration" of administrative punishment. In the aspect of judicial supervision, the administrative counterpart is unwilling to file a lawsuit, so the judicial organ cannot accept it, let alone provide judicial remedy. In terms of supervision by state organs of power, some tend to supervise law enforcement at a macro level, indicating that it is difficult for them to find problems in specific administrative acts. When it comes to social supervision, citizens, news media, and others mostly supervise specific, individual cases, which means that the scope of supervision is small and the efficiency of supervision is low. Therefore, it is necessary to rely on the internal supervision force to clean up such phenomena by improving the level of law enforcement through the strengthening of self-restraint in administration.

Additionally, there are also illegal procedures in fishery law enforcement, especially in the administrative law enforcement bodies in basic fishing villages. Some administrative law enforcement personnel do not fully realize the importance of law enforcement procedures. In practice, some administrative law enforcement personnel simplify or omit law enforcement procedures at will. For example, they register and save the evidence involved in a case, as is expected, but then they neglect to serve relevant documents. As for the issue of law enforcement procedures, if administrative law enforcement personnel only violate the arbitrary provisions of the law, such acts are simply considered procedural defects; however, if they violate the mandatory provisions, it constitutes procedural illegality.¹ Procedural illegality is constituted in two kinds of situations. The first is when administrative law enforcement personnel fail to show their identity or to declare their purpose to the administrative counterpart in accordance with relevant laws. The second situation is when administrative law enforcement personnel fail to carry out law enforcement activities in accordance with the steps, methods, orders, and time limits stated in the laws, or when they even violate the mandatory provisions of the law.² As the operators of public power at the grass-roots level, law enforcement personnel should take the lead by strictly observing the legal provisions when constructing a law-based village, so as to play a positive role in publicizing the law.

2.2 The Need to Improve the Efficiency of Government Services

The administrative organ does not only determine administrative punishment; it also bears the burden of responsibility for utilizing administrative power, including administrative licensing, administrative payment, administrative affirmation, administrative reward, administrative adjudicating, and other relevant public services.³ Therefore, it is necessary to follow the principle of efficiency and convenience for matters closely related to the rights and interests of fishermen, such as the time limit and process of the approval procedures for the update and alteration of fishing boats. The subsidy for the update and alteration of marine fishing vessels in China adheres to the principle of "construction before compensation", and the subsidy period is from October 1, 2015 to December 31, 2019. Therefore, regardless of whether the shipowners are enterprises or fishermen, they face pressure to maintain sufficient working capital while updating and altering their vessels. In addition, the Ministry of Agriculture has made adjustments to the fuel subsidy policy in recent years, and offshore fishery resources have gradually declined – both of which have increased the risks associated with fishing boat

1 LIANG Junyu, 'The Legal Consequences of Administrative Procedural Defect', *ECUPL Journal*, No. 2, 2019.

2 JIANG Jing, Shen Bin, 'The Failure to Constitute Crime of Hindering Public Affairs Due to the Violations of Law in Law Enforcement Procedures', *People's Court Daily*, November 29, 2018.

3 ZHOU Haiyuan, 'Methodological Guidance for Deepening Reform of the Administrative Power List System', *Political Science and Law*, No. 6, 2019.

loans and have caused many banking institutions to increase their threshold for such loans. In this context, the longer the time limit for administrative approval, the greater the pressure will be on shipowners to repay. In view of this situation, many places have responded innovatively by launching online examination and approval services to improve the efficiency of government services. However, despite the introduction of efficient, online approval processes, some administrative authorities still require fishermen to mail a separate paper document to complete the process. The requirement to repeatedly submit approval materials violates the basic principle of high efficiency and convenience for the people, and it should therefore be abolished. As for the problem reflected by this administrative act – which is that some administrative processes may be overly rigid – it stands to reason that administrative subjects everywhere should pay close attention, and they should check and correct themselves.

2.3 The Lack of Law-abiding and Legal Supervision Awareness of the Fishermen

In addition to establishing certain requirements for the administrative organs, fishermen's rights and interests would also benefit from fishermen themselves understanding the law and consciously upholding their legal obligations. As an example of a common activity that has seriously damaged the rights and interests of fishermen on the whole, consider the illegal practice of fishing by electrocution. According to one survey, a voltage of 220V can cause a vacuum in the water with a radius of 20m, and fish can easily die of suffocation, even if they are not electrocuted. In practice, against the background of significantly reduced offshore fishery resources, many fishermen use power inverters, which use tens of thousands of watts to produce an output of nearly a thousand volts, to electrocute fish in the water – a practice that results in serious damage to fishery resources and the water environment, as well as the overall rights and interests of fishermen. What is even more serious is that when the human body is exposed to a current of only 90 to 100mA, it will experience respiratory paralysis. If lasting for 3 seconds or longer, the heart will be paralyzed or the atria will stop beating. When the output voltage is 800-1200V, the output current can reach 5-10A.¹ In order to facilitate their fishing, some fishermen keep this equipment running continuously, and if a fisherman were to accidentally touch the conducting medium, his life would be in serious danger. Therefore, fishermen should abide by the provisions of the law to avoid harming the public resources as well as their own rights and interests.

The law determines rights as well as obligations. In terms of abiding by the law, fishermen are not only expected to avoid violating the legal provisions; they should also know how to exercise their lawful rights. In view of the serious consequences of fishing by electrocution, many local administrative authorities have taken action to investigate and regulate such behaviors. The laws stipulate the types and ranges of punishment for such behaviors in various circumstances. Therefore, when enforcing the law, the administrative organs should comply strictly with the law to ensure that the facts are clear, the evidence is conclusive, the application basis is correct, the determination of nature is accurate, and the procedure is legal. However, when punishing individuals for fishing by electrocution, some administrative organs treat all cases as serious circumstances for the purpose of setting an example for other fishermen. In addition, some fishery authorities have reached beyond the limits of their authority when dealing with catches that have already entered the market. As for the situations mentioned above, the administrative counterpart can apply for reconsideration or bring a lawsuit on the basis of obvious improper administrative penalty decision, and of exceeding authority respectively, to safeguard his own rights and interests.

3. Analysis on the Causes of the Current Problems

3.1 Part of Law Enforcement Personnel's Consciousness of Rule of Law is Weak

When fishery law enforcement personnel do not comprehensively consider the necessary facts of the case, or when they consider irrelevant factors in the process of administrative discretion, it is in violation of reasonable administration and even of the requirements of legal administration. Granted, there must be a certain generality in legal provisions, which is determined by the nature of law. As the

¹ ZHAO Ying et al, 'Analysis of Electric Shock Protection Measures of Bathroom Based on Human Body Effect Under Humid Environment of IEC 60479', *Electrotechnical Application*, No. 12, 2019.

carrier of law, the vagueness of language often leads to uncertainty in the application of law, but that should not be an excuse for failure in discretion. As the old saying goes, "If an official is not good, then even if there are laws, he will not obey them. If the law is not good, the money will be hard to manage." The vitality of the law lies in its implementation, as does the authority of the law. As the executor of administrative power, the administrative organs should understand and follow the requirements of the legislative purpose, and they should strive for fairness when applying national laws to individual cases. Correspondingly, law enforcement personnel should adopt a mindset that conforms to the spirit, principle, and standard of the rule of law.

To some extent, the problem of fishery law enforcement personnel lacking procedural awareness can be attributed to China's tradition of feudal autocracy, which gives many fishery law enforcement personnel a sense of superiority. Moreover, the concept of "attaching importance to the substance, rather than the procedure" is more common in China. Many fishery law enforcement officers focus on cracking down on illegal acts but fail to completely fulfill legal requirements in the process. In an environment where fishery law enforcement personnel generally violate procedural laws, few people are punished for such acts, which leads to further weakening of fishery law enforcement personnel's procedural awareness.

3.2 The Service Awareness of Law Enforcement Personnel Needs Improving

As for the low efficiency of government service, one of the main reasons is that the law enforcement personnel's service consciousness is insufficient and the concept of law enforcement for the people is not deeply rooted in their minds. In order to avoid the risk of duplicate law enforcement and abuse of power, some administrative organs have adopted an extremely cautious attitude towards their work, which can even result in dereliction of duty. In the long run, this will result in a lack of executive force. Law enforcement refers to the activities where the state administrative organs exercise administrative powers, fulfill obligations, and implement and enforce laws in accordance with the statutory powers and procedures.¹ Just as the abuse of administrative powers can provoke conflict, the same result can occur if law enforcement officials are indolent, sloppy, or neglectful of their duties and lack awareness of the importance of protecting the rights and interests of fishermen, which is harmful to the implementation and publicity of the law.

3.3 The Fishermen Have Little Knowledge about Current Laws and Policies

Fishermen's issues related to legal supervision, as well as their difficulties abiding by relevant laws, are mainly caused by a lack of legal awareness. In regards to traditional rural social order, the dominant deciding factor is mostly customs, conventions, and village rules – especially in fishing villages with unique methods of production. However, law is a normative system that is created, approved, and enforced by the state, so it reflects the will of the ruling class as determined by the specific material living conditions.² It is evident from this concept that the applicable objects of enacted laws are indicated with a certain generality – they are non-specific individuals or organizations – which accounts for the disconnect between formal laws and the informal systems in rural areas in terms of flexibility and social adaptability. In the long run, fishermen generally trust the established local order and rules, so they will ignore or even reject the law to some extent. Consequently, they do not understand the legal provisions or the application of the law.

4. Countermeasures and Suggestions

4.1 Strengthen Self-restraint in Administration

In a modern country ruled by law, the relationship between state power and citizens is one of means and ends. The existence of state power is to serve the people so they can better enjoy their rights. In order to prevent state power from infringing upon citizens' rights – especially at the grass-roots level,

1 MO Yuchuan, 'Report on Government Legal System Construction in the Last Thirty Years', Review on Constitutionalism and Administrative Rule of Law, No. 1, 2019.

2 ZHOU Fengting, 'New Exploration of the Definition and Essence of Law', Hebei Law Science, No. 7, 2011.

where the construction of the rule of law is still imperfect – we must pay greater attention to the standardization of state power and require administrative organs to strictly exercise administrative power according to laws. In this regard, it is suggested that the administrative organs strengthen their self-restraint. According to the traditional theory of administrative law, the regulation of administrative acts depends primarily on the supervision of the legislative body and the judiciary authorities. Although the self-regulation of administrative organs is difficult to achieve, the functions and tasks of administrative organs have been continuously strengthened in recent years, indicating that they shoulder important responsibilities, such as the interpretation of laws. However, due to judicial modesty and ambiguity in the concept of law, the external supervision force is insufficient, which has brought some challenges to the traditional theory. In practice, the administrative organs do not abuse their power; rather, they actively regulate themselves, which has also happened in many countries around the world. Many Chinese scholars have analyzed and studied this phenomenon in recent years, holding the opinion that the review and verification system – as well as the accountability system – are one of the internal motivations. Some scholars propose that the impact of an accountability system on law enforcement individuals is greater than that of administrative litigation, because when personal risks increase, law enforcement officers can be more cautious in administrative discretion, so as to make a reasonable decision on administrative punishment. Therefore, in the primary stage, when most law enforcement personnel have not yet clearly understood the purpose of legislation, it is suggested that the items to review should not be limited to the formal elements, such as the subject and the enforcement procedure. Instead, they should be expanded to include investigation into the purpose of the punishment decision, and they should pay attention to the implementation of the purpose of legislation to some extent, combined with the regular and irregular file-review activities carried out internally.

In practice, some file-review activities have involved substantive review, attaching importance to the investigation into the purposiveness of administrative acts. According to the Ministry of Agriculture and Rural Affairs' detailed standards for evaluation of fishery administrative law enforcement files in 2020, some points should be deducted for misuse of discretionary power, which serves cautionary and normative purposes in cases where irrelevant factors are considered in administrative discretion. In addition, some law enforcement officers were found to have not recognized the purpose of the legislation and had applied the laws incorrectly. The law enforcement officials often classify fishing by electrocution as “serious circumstances” –as stipulated in Article 38 of the Fisheries Law –based on their consideration of the existence of second-class protected animals in the catch. This is a serious misunderstanding of the legislative purpose of the Fisheries Law, which is to protect fishery resources rather than rare animals. Since the law enforcement personnel do not understand the legislative purpose correctly, they will have difficulty understanding the value of specific laws, which will hinder their ability to make reasonable and lawful punishment decisions. Therefore, it is suggested that purposefulness should be regarded as a separate category for evaluation, and the application of law and the use of discretion should be included in this category, so as to effectively regulate administrative acts and ensure the implementation of legislative purposes.

4.2 Improve the Way Government Services Are Provided

Based on the direct purpose of protecting the rights and interests of fishermen, administrative organs are advised to improve methods for providing government services and optimize the ways, places, processes, and time limits of services to meet the basic requirements of fairness and legality when performing administrative powers. Taking the update and alteration of fishing boats as an example, the government has introduced subsidy policies to eliminate old fishing boats in the interest of the safety of fishery production. The subsidy policy adopts the principle of “construction before compensation” – that is, the shipowner shall first raise funds to complete the renovation and reconstruction before being issued the subsidy. However, the cost of building a standardized fishing vessel is so high that most owners apply for loans to build one. According to the provisions in ‘Regulations of the People’s Republic of China on Fishing Vessel Inspection’, ‘Rules for the Implementation of the Update and Alteration of Marine Fishing Vessels’, and other laws and regulations, the shipowner has to undergo a process of application review, qualification publicity, registration and archival filing, scene investigation,

demolition, demolition supervision, and other steps in order to update or alter a fishing boat. The process is relatively cumbersome, so if the efficiency of government services is not improved, the shipowners' borrowing costs stand to increase easily. The loan costs include not only the cost paid by the shipowner to borrow money from the banking institution, but also interest payments and time spent. In view of such practical problems, some administrative organs have optimized the way of providing government services to achieve the requirements of high efficiency and convenience. Built in order to shorten the update cycle and implement the policies 'in the last mile', "Yu Xiao Er" self-help registration system in Zhejiang province solves problems such as repeated registration, obtaining signatures from certain departments, and more. By connecting it to Zhejiang Government's Official Web Portal, China Fishery Administration Command System, Household Registration System, Fishing Vessel Trade Management System, and Non-tax Revenue Management System, the self-help registration system conducts tasks like information sharing, affairs integration, and process reengineering.¹ The Fishing Vessel Dismantling Circulation System in Ningbo city has a similarly positive effect. With this system, the shipowner has only to submit the relevant materials to the fishery administrative service center for review and registration, after which the departments and inspection personnel will receive a message. Next, the working staff of each department will initiate door-to-door service. Finally, the Water Resources and Fisheries Bureau will unite all departments and personnel, issue the demolition certificate, and appoint a time for all the documents to be signed at the same time. Each region in China should learn about the innovation in government services described above, so as to jointly support the construction of law-based fishing villages.

4.3 Promote the Fishermen's Legal Awareness

One way to enhance the legal cognition of fishermen is to deepen the publicity of law through administrative guidance. Affected by a diversity of factors, fishermen have emotions like fear, resistance, and even antipathy towards law enforcement agencies. In today's society ruled by law, in order to complete the task of administrative management while also achieving harmonious administration, it is necessary for law enforcement agencies to attach importance to the role of administrative guidance and to carry out law popularization in a relatively moderate and easily understood way. Administrative guidance belongs to flexible regulation. It is an activity where the state administrative organs require the relevant parties to act or not to act using non-compulsory measures, such as suggestions and advice, with the purpose of realizing the expected administrative state within the scope of their functions and powers. Taking the update and alteration of fishing boats as an example, administrative guidance can play an important role in the management of old fishing boats. To strengthen the propaganda of safety in fishery production, some local fishery administration and port supervision departments frequently distribute publicity materials on safety production in fishing ports and villages. They also interpret policies by means of community law popularization, and they hold public training sessions regularly during the annual inspection of fishing boats, the distribution of diesel subsidies, and the fishing ban in summer season. In addition to the propaganda about updating and altering old fishing boats, administrative guidance can also play an important role in stopping illegal fishing and shipbuilding by preventing and curbing illegal ideas before they are conceived, thus helping to cultivate a healthy legal environment. Therefore, it is suggested that law enforcement agencies strongly promote administrative guidance on a large scale to improve service efficiency through non-compulsory measures, such as demonstration, reminder, negotiation, and return visitation. Demonstration includes depicting a bright future, providing a model of good behavior, and other ways. Reminder means to inform and remind fishermen of the problems and matters they should be aware of that are easily ignored or misunderstood. Negotiation is to meet with fishermen collectively or individually to exchange views and then put forward rectification requirements after understanding the relevant situation.² Admittedly, administrative guidance is not administrative coercion and should be followed on a voluntary basis.

1 SHI Zhongying, 'Deepen Reforms to Streamline Administration, Delegate Powers, and Improve Regulation and Services to Resolve the Problems of Fishermen' China Fisheries News, September 16, 2019.

2 FENG Huanhuan et al, 'Henan Province Clearly Stated the Administrative Guidance Eight Kinds of Food and Drug', China Medical News, November 6, 2017.

Fishermen have the right to independently decide whether to follow and cooperate with administrative guidance. In addition, some fishermen have no intention of rectifying the hidden safety problems of their fishing boats, so law enforcement agencies can also provide services for them by providing informative guidance.

Moreover, considering that it is a long-term project to improve the legal awareness of fishermen, and that the ideal effect cannot be achieved overnight, it is suggested that administrative organs publish a power list in order to effectively protect the legitimate rights and interests of fishermen to a certain extent. It will not only help fishermen to know and abide by the law and conduct legal supervision, but it will also help administrative organs to define the scope of their duties and prevent the phenomena of power-exceeding and scapegoating. A power list is a list of the functions and powers exercised by the government and its departments. An administrative organ shall perform its functions and exercise its power in accordance with the list, as established by laws and regulations, and shall not perform any power or authority other than those listed in the list.¹ Publicizing the power list is to provide the public with the weapon of law, to encourage the public to supervise the actions of fishery law enforcement departments, to equip them to safeguard their rights when fishery law enforcement officers exercise functions and powers beyond their scope, and to enable them to make a reasonable statement or file a lawsuit for reconsideration in accordance with the law. All these measures could assist in preventing fraudulent practices by government employees such as exploiting their role in public office for their own financial gain.

Translator: XIE Jiaqi
Editors (English): Regina Law
John Martin
Executive editor: FU Liqin

¹ DONG Chenghui, 'Clear Radically of Power List', Northern Legal Science, No. 11, 2017.