

# A brief analysis of the theoretical logic and system operation of the downward shift of administrative law enforcement power

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**Abstract.** The downward transfer of administrative law enforcement power is one of the core contents of China's administrative law enforcement system reform, and it is also an important part of the modernization of the national governance system and governance capacity. However, due to the lack of internal written norms and insufficient supply of external systems, the current system has a tendency to deviate from the requirements of national policies and the rule of law in practice, so the reconstruction of its system is an inevitable choice to ensure the benign operation of the downward transfer of administrative law enforcement power. Before carrying out the institutional construction, it is necessary to return to the natural and actual logic of "administrative law enforcement power downward" itself to describe the ideal goal of this system construction, reflect on the risks and challenges it may bring in the context of the legality and rationality of administration and the social background of extensive grassroots social governance, and then explore the final foothold of its standardization and institutionalization. In terms of specific system construction, it is necessary to give full play to the significance of theoretical contents such as the limits, basic principles and management models of the downward transfer of administrative law enforcement power in reform practice, and on this basis, carry out specific system design from the aspects of law enforcement teams, institutional guarantees, and supervision systems, so as to realize the organic unity of the legality and rationality of the system of decentralization of administrative law enforcement power.

**Keywords:** Administrative Law Enforcement Power; Law Enforcement Authority; Theoretical Logic; Policy Norms; System Construction.

## 1. Introduction

Administrative law enforcement, different from national legislation and judicial adjudication, directly faces the people and faces the grassroots level of society, it is a large number of daily administrative activities of the government, and it is closely related to the vital interests of many social subjects, so the grassroots should be the focus of administrative law enforcement. However, due to the long-standing contradiction between the system design of China's administrative law enforcement power and authority and the practice of law enforcement, the grassroots law enforcement force and authority are the weakest and most limited, resulting in the phenomenon of "what can be seen cannot be managed, and what can be managed cannot be seen" in the mouths of the people. In order to solve this long-standing problem in China's administrative law enforcement work, the relevant administrative departments of various localities are focusing on promoting the reform of the system in which the focus of administrative law enforcement power is shifted to the grassroots level.

## 2. Preamble

### 2.1 The background and necessity of the downward shift of administrative law enforcement power

The downward transfer of administrative law enforcement power is one of the core contents of China's current administrative law enforcement system reform, and it is also a key foothold to realize the modernization of the national governance system and governance capacity. Since the 18th National Congress of the Communist Party of China, the Party Central Committee with Comrade Xi Jinping as the core has taken into account comprehensively deepening reform and comprehensively promoting the rule of law, and has carried out administrative system reform in a bold manner, and

has made great efforts and achieved a series of important results in the field of administrative law enforcement, especially in promoting the reform of the administrative law enforcement system for grassroots governance. In 2015, the central government issued and promulgated and implemented the Implementation Outline for the Construction of a Rule of Law Government (2015-2020) (hereinafter referred to as the Outline) and the Guiding Opinions on Deepening the Reform of the Urban Law Enforcement System and Improving Urban Management (hereinafter referred to as the Guiding Opinions). In 2019, based on the remarkable results of the pilot work in Beijing, Jiangsu and other places, the central government issued relevant documents and made further instructions. In the Outline, the "reform of the administrative law enforcement system" is clearly and systematically expressed, requiring that the focus of law enforcement should be shifted from the central and provincial levels to the people's governments at the city and county levels, and then improve the law enforcement management system at the city and county levels, and strengthen unified coordination and leadership. At the same time, it is necessary to strengthen the law enforcement forces of the governments at the city and county levels, and the source of law enforcement forces is mainly derived from the transformation of government functions and the adjustment of personnel establishment through institutional reform. In the Guiding Opinions issued by the State Council, the relevant content of "the transfer of administrative law enforcement power" has been more detailed and comprehensive. On this basis, in 2021, the central government issued a relevant document again to further explicitly require "strengthening the administrative law enforcement capacity of townships and streets" and "granting administrative law enforcement powers to townships and streets in accordance with the law according to the actual local conditions, and integrating existing law enforcement forces and resources". General Secretary Xi Jinping also made important instructions pointing out: "Throughout the 14th Five-Year Plan period, greater efforts should be made to strengthen the basic work of grassroots governance and improve grassroots governance capabilities."

Promoting the extension and sinking of administrative law enforcement resources and authority, including the power of administrative punishment, to the grassroots level is not only an inevitable requirement for strengthening grassroots governance capacity and consolidating the foundation of national governance, but also the core link in coordinating and promoting the modernization of the governance system and governance capacity of township streets and urban and rural communities. However, due to the fact that there is still a certain lag and adaptation period in the current stage of reform, and the rapid development of society will continue to produce various new social problems, these factors will affect the effective play of the role of grassroots administrative law enforcement. Therefore, in the face of such a major reform of the administrative law enforcement system as the downward transfer of administrative law enforcement power, some problems in grassroots law enforcement are still numerous and need to be solved urgently.

## **2.2 Literature review on the transfer of administrative law enforcement power**

The downward transfer of administrative law enforcement power is undoubtedly a core link in the content of China's current administrative system reform, and the reason is inseparable from the inherent shortcomings of China's traditional administrative law enforcement system. Regarding China's administrative law enforcement system, some scholars have pointed out that China's current administrative law enforcement is "deeply troubled by a series of institutional problems such as overlapping powers and responsibilities, law enforcement disturbing the people, suspended law enforcement and multi-headed law enforcement, showing the paradox of law enforcement blank areas and lack of law enforcement and intensive law enforcement and excessive law enforcement, the thinness of individual institutions and the overall number of institutions, and the law enforcement paradox of 'seven or eight big caps cannot control a small straw hat'". In other words, it is precisely because of the asymmetry between the distribution and setting of law enforcement forces and law enforcement authority and the actual needs of law enforcement practice that the grassroots administrative levels of districts, counties and townships, which should be the focus of law enforcement, have become the weakest places in the distribution of administrative law enforcement

forces, thus forming such an undesirable social governance phenomenon as "what can be seen cannot be managed, and what can be managed cannot be seen" in the mouths of the masses. In addition, coupled with the fact that law enforcement behavior is related to the interests of law enforcement departments, the institutional shortcomings of administrative law enforcement are often further expanded in practice. In addition, there will be huge obstacles to the realization of law enforcement goals, the shaping of good government-private relations, and the modernization of the national governance system and governance capacity. In order to explore the solution to this problem, the theoretical circles have also carried out some academic discussions in the two dimensions of theory and practice, hoping to contribute some "panacea" to the problems and difficulties in the practice of the downward transfer of administrative law enforcement power.

At the academic level, the number of academic journal literature on the theme of the downward transfer of administrative law enforcement power is not very large, and most scholars have included it in the scope of the large and abstract theme of administrative law enforcement system reform for incidental discussion, and the existing research can be summarized in the following aspects: First, the overall study of the downward transfer of administrative law enforcement power and some macro suggestions and countermeasures are given. For example, Zhang Bufeng, Xiong Wenzhao, Li Honglei, and Yang Xiaojun have pointed out that there are problems such as insufficient basis for law enforcement and asymmetric law enforcement authority in the downward transfer of administrative law enforcement power. Therefore, first, it is necessary to further clarify the level of law enforcement vertically, rationally allocate law enforcement forces, and strengthen support for grassroots law enforcement resources in key areas. Second, the legal basis for the downward transfer of administrative law enforcement power should be studied. For example, some scholars believe that both the setting and allocation of law enforcement powers must have a corresponding and sufficient legal basis, and certain legal procedures must be strictly followed, so as to meet the statutory requirements of administrative law enforcement entities. The third is to explore the efficiency of the downward transfer of administrative law enforcement power. For example, in the view of relevant scholars, the essence of the decentralization of administrative law enforcement power lies in how to delegate management, resources and services to the grassroots level as much as possible. To this end, it is necessary to carry out specific system design from four aspects: effective allocation of social resources, specific paths of downward migration, accurate identification of people's needs, and extensive absorption of social forces, so as to maximize the efficiency of the downward transfer of administrative law enforcement power.

At the practical level, the content of the discussion is mainly derived from the experience summarized by scholars based on empirical investigation. For example, after a certain place in Guangdong first made the initiative to move down authority in food safety supervision, industry scholars took this as an example to make academic analysis. He believes that the downward transfer of regulatory power is conducive to the substantive supervision of small and medium-sized enterprises, realizing the transformation of the functions of townships and streets, and at the same time, it can make good use of the benign competition between local governments to restrict the corresponding regulatory powers of relevant departments. But he also seriously pointed out that whether and to what extent the regulatory advantages of the decentralized model can be realized still depends on pressure from above, and may even achieve food safety at the expense of other efforts.

The above scholars have carefully explored the downward transfer of administrative law enforcement power from different dimensions and perspectives, using different methods and models. Undoubtedly, the excellent results of these theoretical circles are extremely helpful in clarifying some of these theoretical problems and solving practical problems. As a generalized administrative law phenomenon existing in the current process of China's social development, the analysis and solution of the problem should also be studied by a universal and systematic method or model.

### **3. The exposition form of the theory of the downward transfer of administrative law enforcement power and the practical form of the system**

Regarding the major administrative reform measure of "decentralization of administrative law enforcement power", the specific expression of it is different in theoretical circles and practical circles, and there are certain differences even within the theoretical circles. This part of this article absorbs the essence of the current conceptual expression of the theoretical and practical circles and condenses it, in order to make a clear expression of the definition of this concept.

#### **3.1 The elaboration form of the theory of the downward shift of administrative law enforcement power**

The concept of "downward transfer of administrative law enforcement power" has not reached a consensus academic concept in academic theoretical circles, nor has it been clearly expressed in relevant specific written texts in legislative work practice. As far as the analysis of the appearance form existing in the current theory of the downward transfer of administrative law enforcement power can be understood, it can be understood from two perspectives: First, the policy form of the downward transfer of administrative law enforcement power. Because in a certain sense, the development of the theoretical content of the downward transfer of administrative law enforcement power first benefited from the results achieved by the central government in continuously deepening the reform of the administrative system, rather than the product of legislation set by the legislature. Therefore, if we want to clarify the outline of guiding and policy documents related to it, it is the logical origin of the current understanding of the emergence and development of the new thing of the downward transfer of administrative law enforcement power. The second is the normative form of the downward transfer of administrative law enforcement power. The normative form of administrative law enforcement power can also be called "legal transformation of the policy of devolution of administrative law enforcement power", which refers to the situation of showing the specific policy system of the downward transfer of administrative law enforcement power through the expression form that is absorbed and regulated in the existing legal text.

##### **2.1.1 The policy form of the devolution of administrative law enforcement power**

According to relevant scholars, although in some policy documents of the central government in the early years, there were similar expositions on the downward transfer of administrative law enforcement power, but it was in 2015 that it was explicitly widely carried out as an important policy measure. Its main contents are elaborated in detail through three policy-oriented documents issued by the central government, namely: the Implementation Outline for the Construction of a Rule of Law Government (2015-2020) (hereinafter referred to as the Outline) and the Guiding Opinions on Deepening the Reform of the Urban Law Enforcement System and Improving Urban Management (hereinafter referred to as the Guiding Opinions), which were jointly issued by the General Office of the CPC Central Committee and the General Office of the State Council in 2019 (hereinafter referred to as the Implementation Opinions).

In the Outline, the content of the downward transfer of administrative law enforcement power is considered to be: "The focus of promoting administrative law enforcement is shifted downward to the prefecture, city, district and county levels, and the staffing quotas vacated by the transformation of the functions of organs and the reform of government agencies are mainly used to enrich the administrative law enforcement forces at the grassroots level." Further improve administrative law enforcement management at the city and county levels, and strengthen unified coordination and leadership at all levels. From this expression, we can see that the main adjustment to be adjusted by the downward transfer of administrative law enforcement power is the distribution of administrative law enforcement power between the central government, provinces, cities and counties, that is, by enriching the administrative law enforcement forces at the city and county levels and improving the administrative law enforcement management system at the city and county levels, the policy goal of shifting the weight of administrative law enforcement to the city and county levels is achieved.

Although the Guiding Opinions and the Outline are guiding documents issued successively during the same period, the Guiding Opinions are obviously more specific and detailed in their expression of the downward transfer of administrative law enforcement power, and the connotations of the two are not the same. We can deduce the following meanings from the requirements of the Guiding Opinions: First, the basic principle of the downward transfer of administrative law enforcement power, that is, the principle of "territorial management" and the principle of "consistency of rights and responsibilities". These two principles have also been repeatedly emphasized and used in later theoretical research and practical promotion. Second, the focus of the downward transfer of administrative law enforcement power includes, but is not limited to, between the governments at the city and county levels and their competent departments, and also involves urban and sub-district offices – and this is precisely the obvious difference between the Guiding Opinions and the Outline in terms of the main body of law enforcement authority.

Three years later, the Implementation Opinions, issued in early 2019, significantly adjusted and promoted the downward transfer of administrative law enforcement power. The main changes are as follows: First, the main body of law enforcement after the transfer of administrative law enforcement power has been changed from cities and counties to townships, towns and streets. In the aforementioned two documents, the vertical adjustment of administrative law enforcement power mainly reflects the tilt towards cities and counties, and although the Guiding Opinions also briefly mention the sub-district office, a grassroots administrative body, it is not the owner of the administrative law enforcement power in the substantive sense; The Implementation Opinions make it clear that township people's governments and urban neighborhood offices are not only the specific implementers of grassroots administrative law enforcement power, but also the actual holders of administrative law enforcement power, so they are naturally the bearers of corresponding administrative legal responsibilities. Second, the organizational model of the downward transfer of administrative law enforcement power is "comprehensive law enforcement", that is, by integrating all the existing administrative law enforcement forces distributed in township streets, all stations, offices and sub-bureaus, a unified comprehensive administrative law enforcement agency directly subordinate to township streets is formed. Third, the content of the downward transfer of law enforcement powers is limited to the administrative punishment power among the administrative law enforcement powers, that is, the newly established comprehensive law enforcement agency only exercises relatively centralized administrative punishment powers, while the document has not yet mentioned other administrative functions and powers other than administrative punishments.

Since then, local governments and relevant agencies have issued relevant documents to implement the above-mentioned central policy requirements on the decentralization of administrative law enforcement power. For example, in 2018, Jiangsu Province first formulated and implemented relevant documents and supporting systems; In 2019, Guizhou Province and Beijing Municipality successively formulated relevant specific implementation rules. So far, the important administrative system reform measure of the downward transfer of administrative law enforcement power has been promoted and implemented throughout the country.

### 2.1.2 The normative form of the devolution of administrative law enforcement power

The normative form of the downward transfer of administrative law enforcement power comes from the specific transformation of central policies by people's congress legislation. According to the combing of relevant scholars in the academic circles, the current normative forms that show the downward transfer of administrative law enforcement power in practice are mainly reflected in the local regulations of districted cities. After the revision of the new Legislation Law in 2015, by the end of 2018, 272 of the 273 administrative regions with legislative qualifications approved by the central government of 239 districted cities, 30 ethnic autonomous prefectures and 4 cities without districts that had newly obtained local legislative power had begun to formulate local regulations with local characteristics. A total of 848 local regulations have been deliberated and adopted by the people's congress and its standing committee and reported to the standing committee of the provincial people's congress for approval. Among them, a total of 631 local regulations and 217 legislative regulations

on urban and rural construction and management, environmental protection, and historical and cultural protection have been formulated. When formulating local regulations on urban and rural construction and management, environmental protection, and historical and cultural protection, people's congresses in districted cities explicitly stipulate in many documents the transfer of administrative law enforcement power as an important part of the problem in order to solve the practical problems existing in governance. Since the authorized entities and their legal responsibilities of the decentralization of administrative law enforcement power are not the same as the essence of the decentralization of administrative law enforcement power, the phenomenon of different forms of specific implementation in various places has arisen. Therefore, the following content of this paper will explore the policy form of the decentralization of administrative law enforcement power from the perspective of the relationship between the downward movement of law enforcement level and law enforcement authority. It can be summarized here as: the downward transfer of formal administrative law enforcement power and the downward transfer of substantive administrative law enforcement power.

The first is to confer formal administrative law enforcement powers. This concept is not specifically expressed in relation to the theoretical system of administrative law. The term "formal administrative law enforcement power" in this article refers to the fact that although the administrative law enforcement power has been transferred downward, the administrative entity that has obtained the law enforcement power does not have the processing authority in the substantive sense, and the main content of its authority is to assist the law enforcement agency that actually has the final processing authority to achieve the set law enforcement goals, that is, it only has procedural significance. In the organs that grant formal administrative law enforcement powers, some documents directly use the word "assist", which is generally expressed as "if village (resident) committees, property service enterprises and other units discover illegal construction in the area during inspections, they shall promptly dissuade and stop it; Where it is not stopped after dissuasion, it shall immediately report to the township (town) people's government or neighborhood office where it is located, and assist the relevant departments in doing a good job in investigating and handling illegal construction. Although some documents do not directly indicate the word "assist", their substantive duty is still to assist relevant law enforcement agencies to achieve law enforcement goals, such as "the district people's government shall establish an inspection system for illegal construction." Sub-district offices, township (town) people's governments within urban planning areas, and other units shall divide inspection responsibility areas and determine the persons responsible for inspections. The person responsible for inspection shall periodically conduct inspections in the area responsible for his inspection, and the inspection cycle shall not exceed 3 days. Where persons responsible for inspections discover illegal construction in their inspection responsibility area, they shall immediately report to the comprehensive urban management law enforcement organ for the district where they are located. In the expression of this document, although administrative departments such as townships and streets are required to undertake the function of inspection, the content of their functions is only to discover the facts of illegal construction and report them to the relevant administrative departments in accordance with the law, rather than giving them the authority to directly investigate and deal with them.

The second is to grant substantive administrative law enforcement powers. The substantive granting of administrative law enforcement power means that the downward transfer of administrative law enforcement power and the reassignment of administrative law enforcement power are in the same dynamic process, and the relationship between the two is two aspects of the same thing. Judging from past legislative practice, it is mainly to directly grant a certain administrative law enforcement power as a substantive power to an administrative subject such as a township street, which is not only the main body of the exercise of the administrative law enforcement power in form, but also the actual owner of the administrative law enforcement power in substance. When collecting materials on relevant issues, relevant scholars found that it is most common for districted cities to directly grant substantive administrative law enforcement power to townships and streets in local

legislation, and similar legislative examples can be found in almost all local legislative documents of districted cities with local legislative power. For example, "township people's governments (sub-district offices) shall perform territorial management duties for illegal construction, promptly discover and stop relevant illegal construction, and carry out relevant work related to the investigation and handling of illegal construction in accordance with their authority." Another example is that "township (town) people's governments are specifically responsible for the work of illegal construction and governance of townships (towns) within their administrative areas in accordance with their statutory duties." Urban and rural planning law enforcement departments, urban comprehensive administrative law enforcement departments, and township (town) people's governments are hereinafter referred to as investigation and handling organs. ”

### **3.2 The practical form of the system of devolution of administrative law enforcement power**

According to academic logic, the policy guidelines of the Party and the state set the macro-level direction for the downward transfer of administrative law enforcement power, the legislation of the people's congress provides a direct legal basis for the specific operation of the downward transfer of administrative law enforcement power, and the relevant law enforcement agencies should implement the deployment in accordance with national policies and legal norms. But these must meet a basic condition, that is, the self-sufficiency of the external supply of the system. However, from the above analysis, the country's macro policy guidelines are still the basic way to lead the downward transfer of administrative law enforcement power, even if some local regulations deal with this topic, the regulations are different from place to place. This will inevitably lead to the downward transfer of administrative law enforcement power in practice, and there will be a possibility of deviation from policies and norms while following policies and norms. In order to understand the specific operation mode of the system of decentralization of administrative law enforcement power more clearly and intuitively from a multi-dimensional and dynamic perspective, discover the risks and challenges that may be implied in it, and then provide certain forward-looking and specific ideas for the construction of the system, the author believes that it is necessary to briefly sort out the practice form of the system. Of course, for different research perspectives and investigation purposes, there will be different methods and ideas for the typological elaboration of the practice of the system of decentralization of administrative law enforcement power. In the perspective of administrative law theory, prudent authorization and effective control have always been a key topic discussed in the academic circles, and in institutional practice, the specific downward transfer of authority is a clue worthy of our careful grasp and study.

First, the administrative law enforcement power of the delegated authority is transferred downward. This form is the most common method in current practice, which refers to the specific way in which a higher level people's government or functional department entrusts administrative law enforcement power to a lower level people's government or a lower level corresponding functional department to realize the downward transfer of administrative law enforcement power. For example, Fuyang City, Anhui Province, adopts the reform model of "vertical entrustment in place and horizontal integration of forces", in which its township (town) comprehensive administrative law enforcement agencies directly accept the entrustment of the competent departments of the county people's government and exercise administrative law enforcement powers externally. In essence, the downward transfer of entrusted law enforcement power has neither changed the substantive ownership of law enforcement power, nor changed the assumption of administrative legal responsibility, but only changed the operating mechanism of this power.

Second, the administrative law enforcement power of the comprehensive expansion of functions and powers has been transferred downward. It refers to the adoption of a general authorization method when promoting the downward transfer of administrative law enforcement power, and directly moving administrative law enforcement power to the grassroots level without subdivision. For example, this point is clearly mentioned in the relevant normative documents of Beijing, and the listed functions such as public service functions, urban management functions and social governance

functions are extremely vague and abstract expressions, and their extension is not easy to grasp concretely, and it is even very difficult to draw a clear boundary on any of them.

#### **4. Problems and causes of the system of devolution of administrative law enforcement power**

As the implementation of the system of decentralization of administrative law enforcement power has gradually begun to be promoted in many provinces and cities across the country, various difficulties and problems encountered in work practice have also surfaced accordingly. This part of the article mainly introduces and analyzes the problems and causes in the operation of the current system from the perspectives of law enforcement team, scope of authority and responsibility, and operation mechanism.

##### **4.1 Lack of a sufficient number and highly specialized law enforcement team**

###### **4.1.1 Insufficient number of grass-roots law enforcement personnel**

As the authority and power of administrative law enforcement sink and extend to the grassroots level, grassroots governance will usher in new pressure. Originally, due to factors such as "many daily work tasks and heavy responsibilities" at the grassroots level, "too long service cycle, and limited promotion methods", many people were reluctant to work at the grassroots level in townships and towns, and the grassroots cadre contingent always faced the dilemma of "not being able to retain people" and "not being able to pick up the green and yellow". Moreover, the staff of the original law enforcement departments were not assigned to the grassroots level along with the law enforcement power, or the relevant departments at the higher level did not take into account the reality of the downward transfer of law enforcement power and gave more personnel to the grassroots level in a timely manner.

###### **4.1.2 The professional ability of grass-roots law enforcement personnel is not strong**

With the transfer of administrative law enforcement power, the handling of legal review, reconsideration, response to litigation and other cases of grassroots law enforcement cases, as well as the review of normative documents, will be greatly increased, which will further increase the demand for professional talents. However, at present, the allocation of resources such as full-time legal personnel, posts and departments at the grassroots level is seriously inadequate. At the same time, due to objective factors such as long township service cycles and limited promotion methods, grassroots often face problems such as difficulty in attracting high-level professionals or often "unable to retain talents".

##### **4.2 The scope of law enforcement powers and responsibilities is not clear, and the operational mechanisms for law enforcement are not smooth**

With the decentralization of administrative law enforcement power to the grassroots level, grassroots law enforcement began to implement the principle of "territorial management", but in fact, the functions of the Chinese government adopt a "top-down" administrative management system, so if the law enforcement blindly emphasizes territorial responsibility, it will lead to too much overlap of the authority of the administrative subject, the docking of "articles" and "blocks" is chaotic, and the relationship between the rules and blocks is complex, which will lead to unclear responsibilities and unclear powers and responsibilities of relevant departments, and the phenomenon of "horizontal administration out of multiple doors, vertical and multi-level management" occurs from time to time. There is still a problem of unsmooth operation mechanism for grassroots law enforcement. On the one hand, after the decentralization of law enforcement power, administrative law enforcement at the grassroots level not only needs the guidance of relevant departments at higher levels, but also needs to establish a smooth resource information sharing and other collaborative working mechanisms with relevant departments. But in fact, at present, many places still lack long-term effective



communication with other functional departments or superiors, and some grassroots law enforcement departments have not yet completed law enforcement mechanisms adapted to the characteristics of grassroots units. On the other hand, after the decentralization of administrative law enforcement power, many localities did not formulate relevant internal law enforcement management norms in accordance with the needs and characteristics of grassroots law enforcement, resulting in chaotic internal management order and cumbersome external procedures, which greatly affected the efficiency of law enforcement.

#### **4.3 The law enforcement oversight mechanism is not yet complete, and the law enforcement supervision force is weak**

"Power must have responsibility, and the use of power is subject to supervision" is the basic requirement of a modern socialist government ruled by law. Since the 18th National Congress of the Communist Party of China, General Secretary Xi Jinping has repeatedly stressed that "power must be put in the cage of the system." The report of the 19th National Congress of the Communist Party of China emphasized "earnestly achieving strict standards, fair and civilized law enforcement". In practice, grassroots units often have the characteristics of "many points and wide areas and few personnel", and after the administrative law enforcement power is transferred, the law enforcement tasks they face will be more onerous, and at the same time, the law enforcement ability and level of grassroots law enforcement personnel are also uneven, and problems such as lax performance of duties, should not be done, should not be acted indiscriminately, and even favoritism and malpractice that often occur in the process of law enforcement will only become more prominent. However, the supervision mechanism and accountability system for grassroots law enforcement have not been improved, and the grassroots law enforcement supervision system has not yet been perfected, all of which make grassroots law enforcement lack the necessary restraint and supervision guarantees.

### **5. Suggestions for improving the system of devolution of administrative law enforcement power**

"The ultimate goal of analyzing a problem is to solve it." After analyzing the problems existing in the practice of the current "administrative law enforcement power downward" system and their formation reasons, we have a targeted understanding of its current shortcomings in the specific implementation process, which is conducive to our legislative and law enforcement work to be improved and improved in a targeted manner. This part of the article is based on the questions raised above to give targeted suggestions for improvement.

#### **5.1 Strengthen the establishment of grassroots law enforcement teams, and increase grassroots law enforcement forces**

In order to change the current situation of "weak capacity and small number" of grassroots law enforcement teams, on the one hand, it is necessary to sink the name of county (district) establishment to the grassroots level, and the grassroots level should make overall arrangements for the allocation of relevant law enforcement resources to ensure that "grassroots work is handled by people". Improve the personnel management system for "sinking" personnel, standardize and improve the procedures for exchange, appointment, removal, promotion and other procedures for "sinking" personnel, and relevant departments at higher levels should guide the grassroots to do a good job in the daily assessment management and promotion of "sinking" personnel, so as to ensure that "sinking" personnel can also be able to enter and exit, up and down at the grassroots level. On the other hand, while speeding up the formation and improvement of grassroots law enforcement teams, we should equip well-established grassroots legal departments. It is necessary to strictly follow the provisions to implement relevant systems such as law enforcement personnel taking up posts with certificates, and at the same time strictly review the law enforcement qualifications of relevant personnel, so as to improve the law enforcement ability and legal literacy of grassroots law enforcement teams as a whole.

Higher-level judicial departments may take the lead, coordinate the efforts of judicial departments at all levels, conduct graded and categorized training for relevant law enforcement personnel in accordance with relevant requirements, and employ a variety of methods such as pre-job education, centralized learning, and online training to carry out education on administrative law enforcement norms and knowledge of laws and regulations for relevant personnel, and enhance comprehensive law enforcement capabilities.

### **5.2 Improve the establishment of grassroots law enforcement systems and provide effective institutional safeguards**

In the face of the downward transfer of administrative law enforcement power, the original relevant higher-level business departments still need to strengthen communication with the grassroots level and guide their law enforcement work in related fields, and improve effective communication and operational training mechanisms. It is necessary to establish a law enforcement mechanism of "departmental coordination, unified command, and overall linkage" that conforms to the characteristics of the grassroots level, smooth the communication channels between various subjects, and promote the coordinated linkage of grassroots law enforcement. Moreover, in accordance with the principle of "territorial management", we should accelerate the establishment of various grassroots law enforcement systems, formulate specific work rules or guiding opinions on grassroots law enforcement affairs, further clarify the allocation and responsibilities of each law enforcement post, and ensure that law enforcement standards and procedures are clear. For law enforcement efforts involving two or more grass-roots administrative regions, "chiefly accountability" should be established. Where the adjustment of jurisdiction involves a specific region, it is necessary to make clear provisions on its law enforcement matters, the scope of law enforcement of the department, the boundary of its authority and a series of other contents, so as to straighten out the relationship between the grassroots departments and between the grassroots departments and the original departments with authority.

### **5.3 Improve the grassroots law enforcement oversight system, increasing the intensity of law enforcement oversight**

First of all, in view of the characteristics of grassroots law enforcement, relevant law enforcement departments should formulate a series of supporting rules and regulations to facilitate actual operation, which are used to strictly regulate and supervise the law enforcement behavior of grassroots law enforcers. Only by improving the system of rules and regulations can we clarify the law enforcement objectives and responsibilities of grassroots law enforcement, further improve grassroots law enforcement capacity and efficiency, and strengthen effective supervision of grassroots law enforcement.

Second, grassroots law enforcement departments should also strengthen publicity and education on the rule of law, raise the legal awareness of the masses in their jurisdiction, and create a good social atmosphere of "law enforcement, learning the law, understanding the law and abiding by the law" at the grassroots level, so as to optimize the law enforcement environment at the grassroots level.

Finally, in view of the particularity of the complexity of grassroots law enforcement work, it is also necessary to explore inclusive and prudent supervision mechanisms, list "light punishments and exemptions", and vigorously promote precise and flexible law enforcement. Based on the development of local law enforcement informatization construction, vigorously promote data collection and information sharing, gradually improve the grassroots comprehensive law enforcement management and supervision system, and increase the level of informationized supervision of grassroots law enforcement in all localities.

## 6. Conclusion

The decentralization of administrative law enforcement power is an important part of China's administrative system reform and a key foothold to realize the modernization of the national governance system and governance capacity, but due to the serious shortage of the supply of the administrative law enforcement power decentralization system, it often shows a tendency to deviate from the requirements of national policies and the rule of law in practice; And more importantly, with the advancement of administrative system reform, "the downward transfer of law enforcement power" will inevitably become a general rule of the national administrative system, which will have a structural impact on China's administrative legal system. Therefore, the construction of the system is the only way to achieve the good operation of the downward transfer of administrative law enforcement power. The social background of continuously promoting grassroots governance and the context of administration according to law are the two focus points of the construction of the system of decentralization of administrative law enforcement power, the former stipulates the scope of the downward transfer of administrative law enforcement power, and the latter provides the constraint of the downward transfer of administrative law enforcement power. In the construction of specific systems, it is necessary to give full play to the significance of theoretical contents such as the limits, basic principles and management models of the downward transfer of administrative law enforcement power in reform practice, and on top of this, specific designs should be carried out from the aspects of law enforcement teams, institutional guarantees, and supervision systems, so as to realize the organic unity of the legality and rationality of the system of decentralization of administrative law enforcement power, and further help the modernization of national governance capacity and governance system.

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