

# Discussion on the Legal Construction of Non-Governmental Organizations

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## Abstract

The 20th National Congress of the Communist Party of China proposed the important goal of "comprehensively promoting the legalization of various aspects of national work". This article mainly adopts case analysis and literature research methods to explore the necessity, current situation, and existing problems of the rule of law construction of non-governmental organizations in China, and proposes corresponding solutions. Through analysis, it was found that the imperfect regulatory system, lack of legal protection, and lack of legislation for non-governmental organizations in China have hindered their healthy development. Therefore, this article proposes strategic suggestions in three aspects: promoting legislative improvement, promoting judicial protection, and strengthening administrative supervision, including improving national legislation, establishing a system for filing and reviewing non-governmental organizations in China, and abolishing the dual management system. Strengthening the rule of law construction of non-governmental organizations is beneficial for safeguarding citizens' rights, safeguarding public interests, and promoting harmonious social development.

## Keywords

Non government organizations; Administrative Law; Rule of law construction.

## 1. Introduction

In China, non-governmental organizations NGOs encompass a broad range of social organizations, including charitable foundations, civic groups, and social service agencies. While these organizations have largely filled service gaps in specific areas where government services are lacking and created some social and public value, they still face a number of issues and challenges in their development. For instance, some NGOs may engage in illegal activities, sparking public doubt and concern.

Take the case of "Chinese Mother" Hu Manli as an example, a name that may not be widely known. However, many people are likely aware of the incident and its impact through media coverage. In 2015, this UNICEF Global Ambassador was exposed for suspected money laundering and other illegal activities, which attracted nationwide attention. Similar cases, such as the illegal fundraising by the Henan Song Qingling Foundation and the "fraud scandal" involving the Changsha Red Cross Society, have further eroded public trust in the legitimacy and integrity of NGOs, highlighting the importance and urgency of strengthening the legal framework for NGOs.

In this context, this thesis aims to explore the path of legal construction for NGOs, specifically examining the major issues and challenges faced in this process, analyzing the conflicts between NGOs and administrative management, and proposing suggestions and measures to improve NGO-related laws and regulations, optimize administrative management, and strengthen judicial safeguards, thereby promoting the legitimacy and development of NGOs. The significance of this research lies in delving deeply into the practical and profound implications

of legal construction for NGOs, and proposing scientific and contextually appropriate paths for such construction from legal, theoretical, and practical perspectives.

Research on the legal construction of NGOs has gradually become a hot topic both domestically and internationally. In China, scholars and policymakers have increasingly recognized the importance of this issue. In recent years, China has introduced a series of laws and regulations related to NGOs, such as the "Law of the People's Republic of China on Non-Governmental Organizations" and the "Non-Profit Organization Law," providing institutional safeguards for the legal construction of NGOs. Meanwhile, domestic scholars have also begun to explore this topic in depth. For example, Huang Xuejun's "Legal Construction of Non-Governmental Organizations," Zhang Lixin's "Non-Governmental Organizations and Reform and Opening-Up," and Qi Chang'an's "China's Parliamentary System and the Establishment of the Legal Framework for Non-Governmental Organizations" all conduct in-depth research on the legal construction of NGOs. Internationally, NGOs as civil actors have formed relatively complete international standards and regulations. The International Federation of Red Cross and Red Crescent Societies' (IFRC) "International Standards for NGOs," the United Nations Economic and Social Council's "Civil Society Charter," the Council of Europe's "Guiding Principles for the Legal Construction of NGOs," and the World Bank's "NGOs in Development: Harnessing Their Potential" all provide international benchmarks for the legal construction of NGOs.

## **2. The Issues Existing in the Legal Construction of Non-Governmental Organizations in China**

### **2.1. The legal system is not well-established.**

One of the issues in the legal construction of non-governmental organizations NGOs in China is the incomplete legal system. Although the government has introduced a series of regulatory laws and systems for NGOs, there are contradictions and inconsistencies among these regulations, leading to various problems for NGOs in their operational processes.

Firstly, the legal system for NGOs in China is not well-established. Apart from relevant regulations such as the "Law of the People's Republic of China on Non-Governmental Organizations", there is currently a lack of a unified and comprehensive legal system for NGO management in China. Moreover, some regulations contradict or are inconsistent with each other, causing NGOs to encounter numerous issues in their work, such as inconsistencies in local practices related to charitable donations, financial management, and social organization management. Additionally, there is a lack of safeguarding content for citizens' freedom of association, with only Article 35 of the Constitution providing some protection, and no other comprehensive laws ensuring citizens' freedom to form associations. The currently applicable laws are mainly administrative regulations, such as the "Regulations on the Registration and Management of Social Groups". However, the substantive safeguards for NGOs are limited to provisions such as "other units and individuals shall not illegally occupy, divide, or misappropriate the assets of social groups", which are far from meeting their developmental needs.

Secondly, the developmental history and background of NGOs in China differ from those in Western countries. Coupled with rapid innovation and development in this field, the relevant laws and regulations have, to some extent, become unable to adapt to the actual situation of NGOs. There are also issues related to systems, hierarchies, and division of responsibilities that need to be strengthened and improved. Merely relying on the formulation of laws and regulations is insufficient to solve the problems in their development. Relevant departments should continuously pay attention to the legal construction of NGOs in China, establish and improve the institutional mechanisms for NGO management, construct a comprehensive legal system, and strengthen supervision and reforms in various aspects.

## **2.2. The legislation for non-governmental organizations in China is lacking in content.**

The current legislation in China concerning non-governmental organizations NGOs is lacking in content, primarily due to issues such as an emphasis on administrative aspects in legislation and limitations on legislative authority. This has resulted in legislation that fails to meet the diverse and rapidly evolving needs of modern society.

Specifically, the existing laws lack clear provisions on the issue of property rights within NGOs, which has created numerous difficulties for their operation. For instance, during the administrative registration process, NGOs are required to have a government agency as their business supervisor to vouch for them to the civil affairs department. However, most government agencies are reluctant to take on this responsibility, leading to many NGOs being unable to obtain legality. Furthermore, the regulation of property rights within NGOs is also a pressing issue that needs to be addressed. Although relevant laws, such as the Contract Law of the People's Republic of China, have explicitly stipulated the property rights within NGOs, the provisions are too simple in practical operation and fail to cover complex social practices. This has led to legal implementation that does not accurately reflect social reality, resulting in many legal loopholes and disputes.

In this context, it is necessary to improve relevant laws and establish legislative norms for issues such as property rights within NGOs, in order to enhance legal protection and enforcement efficiency. For example, clearer provisions can be made on the property rights and management systems within NGOs to better safeguard their legitimate rights and interests. Additionally, it is important to learn from the experiences of other countries, actively promote legislative innovation, strengthen international cooperation, and jointly improve the legal system for NGOs to better promote the development of civil society.

## **2.3. The Legality of Non-Governmental Organizations Urgently Needs to Be Addressed**

Non-governmental organizations NGOs have a long history in China. Currently, some progress has been made in the legal construction of NGOs in China, and a basic legal framework has been established. However, there are still some issues to be addressed. Since the reform and opening up, NGOs in China have developed rapidly. According to official statistics, there were 836 national-level societies and 116,000 local societies in 1991. By 1996, the number of national and cross-provincial, autonomous region, and municipality societies had reached 1,845, with a total of 187,000 societies at the county level or above. By the end of June 2021, the total number of registered NGOs had reached 804,000.

However, surveys have shown that in addition to these formally registered organizations, there are a large number of unregistered civil organizations, whose number is approximately 10 times that of registered organizations. This fact reflects that a large number of NGOs lack a "legal" identity and are therefore defined as "illegal civil organizations" by current laws, which is a very awkward social phenomenon. In fact, these so-called "illegal civil organizations" meet the needs of social and economic development but are unable to obtain legal status due to the lack of a registration system. The current legal system and administrative management system have lagged behind and are unable to meet the requirements of current practical development. Since the reform and opening up, China has undergone tremendous changes in politics, economy, culture, and other aspects. The traditional government's all-encompassing management approach has become inefficient in the new era and cannot maximize its effectiveness.

In this context, the advantages of civil society have begun to emerge, and a significant hallmark of civil society is the large-scale rise of civil NGOs, which has also given substantive meaning to the freedom of association stipulated in the constitution. Since NGOs have such constitutional

significance and play an increasingly important role in social life, existing laws should grant these organizations legal status to a greater extent and actively guide them to develop in a standardized manner, rather than excluding them with stringent entry requirements.

#### **2.4. Current Relevant Legislation is Fragmented, with Most Laws Having Low Legal Status**

China currently lacks a unified basic law for non-governmental organizations NGOs. The relevant regulations in the existing legal system mainly come from administrative regulations issued by the State Council, such as the "Regulations on the Administration of Social Group Registration," the "Interim Regulations on the Administration of Private Non-Enterprise Units Registration," and the "Interim Provisions on the Administration of Foreign Chambers of Commerce." However, the content of these regulations is too brief and lacks operability, making it difficult to solve complex problems in practical operation. Furthermore, local government regulations, administrative rules, and other normative documents also suffer from low legal status, rendering them ineffective in achieving regulatory purposes.

For instance, according to the relevant provisions of the "Regulations on the Administration of Social Group Registration," a social group must undergo administrative registration with the government to obtain legal status, which poses difficulties for many social groups in their registration applications. In practice, many government agencies are often reluctant to vouch for social groups and are unable to judge the true intentions and legality of applicants, resulting in many social groups being unable to register smoothly.

In addition, the "Interim Provisions on the Administration of Foreign Chambers of Commerce" stipulate certain requirements for the registration management and daily operation of foreign chambers of commerce. However, these provisions lack specific operational guidelines and implementation details, leaving many foreign chambers of commerce without necessary legal protection and guidance in their operation and management processes, thus facing significant legal risks and management challenges.

In summary, China's current legal system for NGOs still needs further improvement. It is necessary to rely on a nationwide basic law or other more comprehensive regulations to further refine the relevant legal norms for NGOs, in order to adapt to social development and practical operational needs.

#### **2.5. Strict "Dual Management" Administrative System in NGO Legislation**

According to relevant regulations, the establishment of non-governmental organizations NGOs requires approval from the civil affairs department and also necessitates finding a supervisory authority to "affiliate" with in order to obtain legal status. This management model, known as "registration under designated authorities, dual responsibility, and hierarchical management," often leads to significant restrictions on the establishment and operation of NGOs. These restrictions are mainly reflected in the following aspects:

Firstly, the establishment of NGOs requires approval from two departments: the civil affairs department and the supervisory authority. However, in practice, the approval process of these two departments is often time-consuming and inefficient, causing many applicants to wait excessively long periods. As a result, many NGOs that apply for establishment are forced to abandon their efforts due to the inability to wait for the approval results.

Secondly, in practical operation, NGOs often find it difficult to obtain effective guidance and supervision from their supervisory authorities. Due to limited resources, these authorities struggle to provide comprehensive guidance and supervision to NGOs after their establishment, and it is challenging for them to assume responsibility. This leads to a lack of adequate management and supervision for NGOs, hindering their ability to carry out effective work.

Lastly, the dual management model severely restricts the development and innovation of NGOs. As NGOs must "affiliate" with supervisory authorities, their activities are conducted within the constraints and guidance of these authorities, limiting their autonomy and innovation space. This makes it difficult for many NGOs to innovate in terms of activity content and methods, making it challenging for them to keep pace with the times.

## 2.6. Other Legal Issues

The legal development of non-governmental organizations NGOs also presents challenges in other areas, such as administrative law and civil law provisions. In China's civil law, legal persons are mainly divided into two categories: enterprise legal persons and social organization legal persons, with no concept of foundation legal persons. Furthermore, the legal provisions in this regard are relatively simple, lacking detailed regulations on social organization legal persons, which often leads to practical issues and challenges.

For instance, in practice, there are often operational organizations based on underlying assets, which involve the management of a segment of society within enterprises. However, these organizations typically do not aim for capital preservation and appreciation but focus on humanized management. This gives their assets special attributes that cannot be managed in the traditional way of enterprise legal persons. This situation is particularly prevalent in sectors such as hospitals and schools. For example, many hospitals or schools adopt the form of non-profit organizations, whose purposes are to serve the public interest, and their assets mainly come from non-commercial sources such as social donations, government subsidies, and tuition fees. These organizations must be managed in a humanized and non-profit manner based on their unique asset attributes and management models, rather than solely on asset value and profitability, making it difficult to categorize them under the traditional enterprise legal person framework.

Additionally, non-profit organizations face numerous challenges in their operations. For example, in terms of management and management systems, many NGOs struggle to adapt to the management requirements of traditional enterprise legal persons, often experiencing issues such as management chaos and irregular fund management. This exposes some NGOs to significant financial risks and management challenges during their operations.

The legal status of NGOs in China is increasingly important, yet their legal subject status has not been fully established in Chinese law. This means that the position and rights of NGOs in litigation involving interests remain uncertain and unstable. In administrative litigation, particularly in the realm of public interest litigation, the role and influence of NGOs are becoming more prominent. However, the lack of a comprehensive legal subject status for NGOs limits their rights and position in administrative and public interest litigation. Taking public interest litigation as an example, although Chinese law grants NGOs the right to engage in such litigation, in practice, their rights are not fully protected. Due to the unclear legal subject status of NGOs in many aspects, their position and rights in public interest litigation are easily challenged. For instance, NGOs face difficulties in public interest litigation, including issues such as the determination of litigation qualifications, evidence collection and proof, procedural handling, and cost burdens. Furthermore, government departments and market forces often control the position and rights of NGOs in public interest litigation.

## 3. Improvement of the Path for the Legal Construction of Non-Governmental Organizations in China

The path for the legal construction of non-governmental organizations NGOs in China should be developed from three aspects: legislation, judicial safeguards, and administrative management.

### 3.1. Advancing Legislative Improvements

#### 3.1.1. Improving National Legislation

The right to associate is one of the fundamental political rights of citizens in China, granted by the Constitution. NGOs have developed rapidly in China and have become an important force in social development. However, the current legal regulation of NGOs in China is not yet perfect, lacking a unified and comprehensive legal system.

For example, when the Standing Committee of the National People's Congress deliberated on the "Personal Information Protection Law" in 2016, some members suggested that non-profit organizations, foundations, and other organizations should also be included within the scope of legal protection. At the same time, experts and scholars have proposed that China needs to formulate laws similar to the "Mass Organizations Law" in the United States and the "Civil Society Law" in Germany to promote and protect the development and role of NGOs. These cases highlight the current inadequacies in the legal framework for NGOs in China and the need for further establishing legal protection for NGOs.

Currently, the main legal provisions protecting NGOs are the "Regulations on the Registration and Management of Social Organizations" and the "Interim Regulations on the Registration and Management of Private Non-Enterprise Units". These regulations have played a certain role in safeguarding the legitimate rights and interests of NGOs, but they cannot fundamentally guarantee their rights. Some special NGOs, such as the Red Cross, have specific laws to regulate them, while other NGOs do not have a law formulated by the National People's Congress to regulate them, which is not equal and fair.

Therefore, in the future, China not only needs to establish a comprehensive legal system but also needs to formulate more detailed and improved laws and regulations to better safeguard and regulate the legitimate rights and interests of NGOs. For example, laws such as the "Law on the Right to Associate" and the "Law on Social Organizations" can be formulated to regulate the registration and management of NGOs and provide them with clearer behavioral norms. In addition, as NGOs continue to grow and develop, institutional safeguards in areas such as antitrust law and bankruptcy law may also be needed.

#### 3.1.2. Formulating a Specialized Law for Chinese NGOs

After the reform and opening up, with the changes in China's society and economy, NGOs in China have gradually emerged and are playing an increasingly important role. However, compared to this, China's legislative work has lagged behind the development of NGOs. To promote the legalization of NGOs, we believe that the following measures should be taken. First, specialized laws and regulations should be formulated, including administrative law, civil law, and criminal law, and the process of building a legal system for NGOs should be entered into as soon as possible to formulate a unified and complete legal system. This can avoid confusion for NGOs in practical legal matters and provide more security for their legalization. Secondly, relevant provisions on NGOs in administrative law should be strengthened in both criminal and civil law. For example, the crime of "illegal operation" is stipulated in the "Criminal Law", which can protect the legitimate interests of NGOs and prevent illegal operations from bringing negative impacts to society. Another example is the "legal person" system stipulated in the "Civil Law", which provides more comprehensive legal protection measures for NGOs.

#### 3.1.3. Differentiated Legislation for NGOs

When formulating specialized laws related to NGOs, China should fully consider the different situations and characteristics of domestic and foreign NGOs and adopt different legal regulation methods. Specifically, for domestic NGOs, their social foundation role in promoting democracy and the rule of law should be fully promoted, and corresponding laws and regulations should be formulated to provide guarantees for their normal operation; for foreign NGOs, strict laws

and regulations should be implemented to prevent them from playing a unique role in subverting national interests, national security, and other illegal and criminal activities.

#### **3.1.4. Strengthening the Legal Responsibility Provisions for Chinese NGOs**

First, regarding the legal responsibility of NGOs, it should include the legal form of responsibility, the responsible party, and how to implement it. It is very necessary to clarify the form of responsibility that NGOs should bear and the responsible party. For charitable organizations, they should register and file in accordance with the law; for public welfare organizations, they should apply to disclose relevant information. Only under such regulations can the behavioral standards and legal responsibility framework of NGOs be grasped.

Secondly, the legal responsibility and illegal responsibility of NGOs in China are different and should be distinguished and regulated separately. Legal responsibility refers to responsibility within the legal framework, which is divided into direct responsibility, legal person responsibility, administrative responsibility, and other types according to national laws and regulations; illegal responsibility refers to responsibility that violates moral norms to some extent and is constituted by social opinion and other factors. Their differences should be clarified, and while improving legal responsibility, the existence of illegal behavior should not be tolerated.

Finally, we believe that in constructing the legal responsibility system for NGOs, constitutional obligations should be emphasized more. As the highest law and regulation, the Constitution stipulates the legal framework for protecting citizens' rights and ensures that NGOs carry out their work in accordance with the law. At the same time, the Constitution stipulates that citizens have various freedoms such as freedom of association, freedom of speech, publication, assembly, procession, and so on. NGOs should act in accordance with these constitutional provisions. Therefore, in the legal responsibility system of NGOs, the role of constitutional responsibility should be emphasized more, making it the cornerstone of NGO behavior and better protecting citizens' rights and maintaining social stability.

### **3.2. Enhancing Judicial Safeguards**

In the legal development of non-governmental organizations NGOs, the role of judicial safeguards cannot be overlooked. It is imperative to promptly improve litigation channels and judicial safeguards for NGOs in legal disputes, thereby enhancing their legal protection. For instance, within the criminal law provisions concerning NGO violations, the scope and standards of application of the criminal law should be clarified to strengthen the crackdown on illegal activities. Simultaneously, supervision over the organizational structure and financial status of NGOs should be intensified to ensure the legality and impartiality of their activities.

#### **3.2.1. Strengthening Regulation of NGOs in the Litigability of Social Governance Actions**

Litigation serves as the ultimate legal regulation for any entity. Clear legislative provisions should be established for NGOs with certain autonomy in specific fields, designating them as defendants in administrative litigation. The actions and objects of NGOs, as well as their relationships, should be examined without solely relying on the source of power to negate the litigability of their social and public administrative actions. A typical example is the 2002 case of Changchun Yatai vs. the Chinese Football Association, where administrative law experts believed there were no legal obstacles to the Chinese Football Association being a defendant in administrative litigation, and the case fell within the scope of administrative litigation acceptance. Accessed on April 30, 2023.] As NGOs increasingly participate in social governance and gradually become less administrative, more disputes will arise. Therefore, it is crucial to clearly specify in legislation that disputes arising from NGOs exercising their authorities should be included in administrative litigation, encompassing public administrative actions of NGOs authorized by public power. Additionally, it is necessary to incorporate situations that are not

within the scope of administrative litigation but require relief into civil litigation procedures. This will help better regulate NGO behavior when exercising their authorities and provide avenues for resolving disputes.

### **3.2.2. Enhancing Supervision of NGO Non-Profit Status**

China's supervision of NGOs relies excessively on the government. It is necessary to learn from the United States' experience and establish a regulatory framework for NGOs that involves government supervision, internal self-regulatory organizations within NGOs, and public supervision, all working together. Furthermore, registration and supervision content should be more detailed, with a focus on ensuring the non-profit nature of NGOs or their activities. Lastly, legislation in the non-profit sector should adopt a combined approach of regulation and encouragement, both strengthening regulatory regulations and opening up more non-profit areas to private capital to encourage greater contributions.

## **3.3. Strengthening Administrative Supervision**

### **3.3.1. Establishing a Record-Filing and Review System for Chinese NGOs**

Currently, there are still some deficiencies in the pre- and post-supervision of NGOs in China. To strengthen NGO management and foster a healthy and orderly social environment, we can consider establishing a record-filing and review system for NGOs. A record-filing system for NGOs would enable targeted record-filing and tracking of different types or sizes of NGOs, preventing false registrations and operations after losing qualifications, thereby facilitating post-supervision and crackdowns to maintain social order. Additionally, such a system would prevent malicious identity misuse and ensure greater transparency and traceability in fund and financial management for NGOs.

Establishing an NGO review system would enable audits of NGOs in all aspects, particularly regarding funding sources and financial activities. This would prompt NGOs to standardize their organizational structures and financial management, making them more standardized and legitimate. Simultaneously, the NGO review system would serve to prevent and combat illegal activities, encouraging NGOs to voluntarily comply with laws and regulations and maintain social stability. This would strengthen cooperation between NGOs and government departments, reduce mistrust between NGOs and society, and enhance social cohesion.

### **3.3.2. Establishing a Fully Cooperative Mechanism Between the Government and NGOs While Maintaining Their Independence**

Under the current system, the government remains the primary driver of NGO development. There is extensive room for cooperation between the government and NGOs in the field of public services. However, it should be noted that cooperation between the government and NGOs is based on their respective independence. In practice, however, NGOs have gradually shifted from independent development to being absorbed and incorporated into the government organizational framework, leading to role confusion and potential negative consequences such as exaggerated service quality.

To address these issues, on the one hand, NGOs need to gradually enhance their transparency and credibility by focusing on developing their own regulatory and self-repair mechanisms, improving information disclosure, and enhancing service quality to boost their reputation. On the other hand, the government should relax tax thresholds for charitable organizations and provide NGOs with more public service resources to strengthen cooperation, improve public service efficiency and quality, and better meet public needs.

When establishing a fully cooperative mechanism between the government and NGOs, it is essential to maintain their independence, with each playing its respective role as referee and player. The government should provide NGOs with more freedom, avoiding intervention in their affairs, while also supporting NGOs in leveraging their independence to accomplish tasks

that the government finds difficult. NGOs should comply with relevant laws, regulations, and rules, shoulder their social responsibilities, and ensure the quality of public services.

### **3.3.3. Improving the Overreliance on Government Funding**

Currently, Chinese NGOs rely heavily on the government for funding, lacking diversified financial support. In contrast, Western countries generally have better institutional incentives for NGO development. For example, the U.S. government emphasizes regulating or encouraging NGOs through laws related to their funding sources.

According to the U.S. Internal Revenue Code, NGOs engaged in activities such as education, healthcare, poverty alleviation, religion, scientific development, and other socially beneficial endeavors can enjoy tax incentives. This policy provides NGOs with more independence by reducing their financial dependence on the government. The U.S. also encourages public donations to NGOs through tax incentives, allowing donors to deduct donations from their taxable income and exempting donations from property and estate taxes. This policy not only motivates more individuals and businesses to support public welfare undertakings but also provides NGOs with additional funding sources.

In contrast, China lacks corresponding tax exemption policies in its laws, which hinders the enthusiasm of citizens and businesses for public welfare undertakings and the independent development of NGOs. Therefore, we should encourage public donations through legislation, strengthen support and incentives for NGO funding sources, such as formulating tax incentive policies and encouraging corporate donations to NGOs, injecting new vitality into them, enabling them to better serve society, and promoting public welfare.

### **3.3.4. Abolishing the Dual Management System**

China's current dual management system for NGOs poses some challenges during their development. For some organizations, finding a supervisory authority has become an obstacle to their development. Although this management approach is not unheard of in other countries, the large number of complex societies increases the difficulty of management. Therefore, when the self-regulatory mechanism of social organizations matures and becomes standardized, the dual management system should be abolished. However, given the current situation with a wide range of societies and numerous personnel, abolishing dual management is challenging. Nevertheless, private non-enterprise units, due to their single nature, can have their supervisory authorities abolished and replaced by industry authorities. The dual management of foundations has also sparked controversy, and managing fund activities is relatively straightforward, so abolishing the dual management system could better support foundations. Therefore, exploring the abolition of the dual management system in the legislation of private non-enterprise units and foundations can gradually improve the NGO management system and better promote their development.

## **4. Conclusion**

Non-governmental organizations NGOs are indispensable organizational forms in modern society, playing crucial roles in social services, public welfare undertakings, and other areas. In the process of advancing the construction of a law-based China and promoting administration according to law, the legal development of NGOs is particularly important. This paper employs literature analysis and case study methods to analyze the necessity, current status, and existing issues of NGO legal development in China. Based on this analysis, suggestions and measures are proposed for optimizing NGO-related laws and regulations, improving administrative management, and strengthening judicial safeguards. The conclusions are as follows:

Firstly, it is imperative to improve NGO-related laws and regulations. Building on existing laws and regulations, more comprehensive legislation should be formulated based on the actual

development of NGOs to better safeguard their legitimate rights and interests. During the legislative process, greater consideration should be given to policy implications and the coordination and cooperation between NGOs and the government.

Secondly, administrative management must be optimized. Optimizing administrative management is a crucial measure to protect NGOs' legitimate rights and interests. The government should optimize administrative agencies and procedures related to supervision and service based on NGOs' needs, ensuring that NGOs receive timely and efficient support and assistance in carrying out various activities.

Thirdly, judicial safeguards must be strengthened. Strengthening judicial safeguards is both a necessary measure to protect NGOs' legitimate rights and interests and essential for strengthening the standardized management of NGOs. Judicial authorities should intensify efforts to combat criminal activities within NGOs and enhance legal awareness education for these organizations, guiding them to comply with laws and regulations.

In summary, the legal development of NGOs is an important step in advancing the construction of a law-based China and promoting administration according to law. It is also the foundation for ensuring the harmonious development of NGOs. From both theoretical and practical perspectives, NGO legal development should be considered a vital component of China's legal construction. By focusing on formulating reasonable laws and regulations, optimizing administrative management, and strengthening judicial safeguards, we can better protect NGOs' legitimate rights and interests, promote their healthy development, and elevate the construction of a law-based China to a new level.

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