

# On the Effectiveness of the System of Delegating the Power of Administrative Punishment

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## Abstract

The system of "delegating the power of administrative punishment" established in Article 24 of the "Administrative Punishment Law" breaks through the level restriction of the exercise of administrative punishment power and extends the power of administrative punishment to the grass-roots level to a certain extent, which is an important institutional way to improve the predicament of administrative enforcement power at the grass-roots level. However, with the continuous application of this system, the problem of its effectiveness has become increasingly prominent. In terms of the way and content of empowerment, "urgent need of grass-roots management" and "able to effectively undertake" should be used as the judging criteria for the delegation of administrative punishment power, and provincial subjects should establish a differentiated list of administrative punishment power delegation according to relevant provisions. In the operation of power, we should enhance the undertaking ability of the undertaking subject from the perspective of the establishment of law enforcement agencies in townships (streets) and the allocation of law enforcement personnel, so as to ensure the effective operation of power. In terms of system supervision, we should make clear the subject and way of supervision to prevent the abuse of the power of administrative punishment.

## Keywords

Administrative penalty power, Delegation of penalty power, Effectiveness.

## 1. Introduction

As the main body of grass-roots governance in China, there are a large number of township level administrative division units, and grass-roots governance is an important part of the national governance system, which is the basis for improving the modernization of the national governance system and governance ability. In practice, the population size, production structure and development status of each administrative division unit are varied and uneven under the influence of environmental factors. With the continuous advancement of China's urbanization construction, some towns and villages have the population scale, economic volume and public financial revenue at the county (district, city) level, but they lack the necessary social management authority, so they cannot cope with the growing type and scale of social administrative affairs.[1] Therefore, in order to solve the dilemma of administrative enforcement power in grass-roots governance, the "Administrative Punishment Law" was revised in 2021, and its article 24 established a system of "delegation of administrative punishment power", giving grass-roots governance subjects certain administrative law enforcement authority, but relevant practical difficulties also appeared in the process of system implementation.

### 1.1. Background of Implementation of the System

When townships (streets) exercise their limited power of social management, due to the comprehensive factors such as law enforcement subjects, law enforcement personnel and law enforcement characteristics, many law enforcement problems and difficulties often occur in practice.

First, in the current situation of grass-roots administrative law enforcement, the allocation of administrative law enforcement powers in townships (streets) exhibits characteristics of a vertically "excessively high center of gravity" and a horizontally "excessively dispersed distribution." This results in issues such as weak penetration, insufficient comprehensiveness, and "limited powers with significant responsibilities" in the operation of administrative law enforcement powers at the township (streets) level.[2] Therefore, due to the lack of necessary social management authority of towns (streets) and the delegation of the implementation process of authority, the status quo of towns (streets) often appears in practice, "what is visible cannot be managed, and what can be managed is invisible", and the effectiveness of grass-roots administrative law enforcement power governance can not be fully played.

Second, in the jurisdiction and application of administrative enforcement power, according to the provisions of the "Administrative Punishment Law", the jurisdiction of administrative punishment power is generally the local people's government at or above the county level. Therefore, towns (streets) usually do not have the authority to implement administrative penalties, and its daily administrative supervision work is mainly completed by the branch offices set up by the county government, which makes the phenomenon of "separation of investigation and punishment"[3] in the field of administrative law enforcement. This leads to the problem of time and space between the "investigation" and "punishment" of illegal acts, and the efficiency and practicability of administrative enforcement power can not be fully implemented.

Third, in the jurisdiction of administrative law enforcement, due to the professionalism of law enforcement matters and the different requirements of different law enforcement work, the administrative law enforcement power is usually administered and exercised by different government departments in towns and townships (streets). Although this reflects the professional division of labor, it also leads to the decentralized characteristics of the exercise of law enforcement power in every link.[4] This leads to the cross-exercise of administrative law enforcement power, even overlapping exercise and the emergence of various departments to pass the buck to each other, and the effectiveness of administrative law enforcement power governance can not be realized.

### 1.2. Current Situation of System Implementation

Although Article 24 of the "Administrative Punishment Law" stipulates that provincial subjects can delegate the power of administrative punishment to the grass-roots level, giving township governments and sub-district offices the power of administrative punishment, there are still many problems that need to be further clarified in practice.

First, the standard of delegation can not be accurately grasped. According to the expression of the first paragraph of article 24 of the "Administrative Punishment Law", in the process of system implementation, the relevant subjects should take "urgent need of grass-roots management" and "can effectively undertake" as the object of empowerment, and accurately grasp the delegation standards according to practice. However, the provision's description of delegation standards is relatively abstract, lacking a relatively uniform criterion for judgment in both theory and practice. This may potentially lead to the abuse of administrative discretion. Second, the lack of capacity to undertake. As mentioned above, in practice, different towns (streets) have certain differences in population, economic volume, etc., which leads to that not all towns (streets) have the necessary capacity to undertake the exercise of administrative

punishment power. For example, the lack and imperfection of law enforcement agencies, the lack of the number and professional quality of law enforcement personnel and the lack of financial security ability, which also lead to the system can not be effectively implemented and the dilemma of the abuse of administrative discretion power.

Third, the supervision system is not perfect. The exercise of administrative punishment power needs to be effectively supervised, and the system of "delegating the power of administrative punishment" also needs to be effectively supervised to maximize its effectiveness. However, in practice, there are still some problems such as the unclear legal nature and positioning of the supervisory bodies, and the overlapping of responsibilities, which make the effectiveness of the system implementation can not be fully guaranteed.

Based on this, this article analyzes and explains the effectiveness of the implementation of this system, primarily from the perspective of the effectiveness of delegating administrative punishment powers, in accordance with Article 24 of the "Administrative Punishment Law".

## **2. The Effectiveness of Empowerment**

Article 24 of the "Administrative Punishment Law" authorizes provinces, autonomous regions and municipalities to delegate the power of administrative punishment to townships (streets). Although this article gives townships (streets) the power to exercise administrative punishment, it cannot be the direct basis for townships (streets) to exercise the power of administrative punishment. But should be considered by the provincial subject through the "urgent need for grass-roots management" and "can effectively undertake" judgment criteria. This requires the provincial body to accurately grasp the judgment standards, prevent the abuse of administrative discretion, and achieve accurate and effective empowerment.

### **2.1. The Deficiency of the Existing Empowerment Practice**

The current move to delegate the power of administrative punishment to townships (streets) has alleviated the existing problem between the needs of grass-roots administration and the distribution of power to some extent, but there are still shortcomings.

#### **2.1.1. The Delegation Standards are Unclear and Ambiguous**

Different townships (streets) have different administrative needs, but due to the large number of grass-roots governance subjects and the diversity of cultural traditions and economic development levels among localities, it is not appropriate for the central government to draw a specific list of delegated powers for the grass-roots governance system. As a result, in practice, local governments at all levels lack relatively specific criteria for judging the urgent needs and undertaking capacity, and thus townships (streets) fall into the situation of inadequate delegation and increased burden of law enforcement. [5]The boundary of the scope of authority or the degree of differentiation between the township (street) and the county government is further blurred, resulting in the emergence of problems such as "isomorphic responsibility"[6], "failure to connect and poor management" in the process of power operation, thus affecting the effective basis of system implementation.

#### **2.1.2. The Responsibility is Not Clear**

Although Article 24 of the "Administrative Punishment Law" stipulates that the decision-making subject of the system of "delegating the power of administrative punishment" is the provincial subject, in practice, the provincial subject generally adopts the "Guidance Catalogue for Administrative law enforcement Matters entrusted to township people's Governments and sub-district Offices" (hereinafter referred to as the "Guidance Catalogue"), and the county government decides the specific empowerment matters on its own. On the one hand, this approach makes the delegation of the power of administrative punishment more suitable for the actual needs of townships (streets), but on the other hand, it will lead to the emergence of

problems such as "responsibility shifting" and "risk transferring" by the county government. Therefore, due to the lack of clarity on the exercise of power and the granting of responsibility, it will lead to further increase the burden of townships (streets) administrative law enforcement, which deviates from the rule of law value of the system of "delegating the power of administrative punishment".

## **2.2. The Construction of Empowerment System**

Promoting the improvement of the townships (streets) empowerment system is an important measure to deepen the reform of "streamline administration, delegate powers, improve regulation, and strengthen services", which has a far-reaching impact and important significance to improve the grass-roots social governance ability, stimulate the grass-roots work and market vitality, and promote the effective operation of the "delegating the power of administrative punishment" system. Therefore, the construction of the empowerment system is the cornerstone of the effective operation of the system.

### **2.2.1. Differentiated Cognitive Thinking**

The economic and cultural differences between different townships (streets) require the deciding body to follow the differentiated cognitive thinking of "adapting to local conditions" when empowering, so as to accurately respond to the needs of grass-roots management. The cultivation of differentiated cognitive ideas for the system of "delegating the power of administrative punishment" can be done through the following system ways, focusing on the judgment standard of "urgent need of grass-roots management".

First, public participation. To determine the subject's accurate grasp of the differences between different undertaking subjects, it is necessary to find the answer to the problem from the grass-roots. Therefore, the provincial body should broaden the ways for the public to obtain information and express demands, and fully listen to the opinions and suggestions of the public in townships (streets) on the delegation of some punishment powers in the decision-making of social governance, so that the public opinions and suggestions become an important reference basis for the provincial body to decide on the delegation of punishment powers in addition to the judgment of legality and necessity. Continuously improve the democracy and openness of the system, so as to lay a good foundation for the effective implementation of the power of punishment and the promotion of differentiated cognitive ideas.

Second, the collection of opinions within the administrative system. Townships (streets), as the specific subject of the "delegation of penalty power" system, and as the grass-roots political power that has the closest and most direct contact with the people in practice, can often understand and find out where to solve social problems and the needs of grass-roots law enforcement system reform. Therefore, the provincial body should fully consult the townships (streets) on the daily administrative authority needs, so as to become an important reference for accurate empowerment.

Third, expert argumentation. The way of expert argumentation can make up for the lack of rationality of the government's independent decision-making and promote the scientific administration.[7] Since the provincial decision-making body lacks unified legal norms and measuring standards when deciding whether to delegate administrative punishment power and which punishment power items to delegate, the objective and professional expert argumentation method can ensure the theoretical legitimacy basis of decentralized decision and differentiated cognitive thinking, so as to further guarantee the effective implementation of punishment power in practice.

### **2.2.2. Judgment of Capacity to Undertake**

Whether the townships (streets) has the necessary capacity to undertake is an important factor affecting the effective operation of the empowerment system and system. In the grasp of the

standard, we should pay attention to the following aspects: First, the establishment of law enforcement agencies. Townships (streets) should have a definite law enforcement agencies, clear punishment power to undertake the implementation of the main body, to avoid the emergence of "multiple agencies managing the same matter" and other problems. Second, the allocation of law enforcement personnel. The implementation of the power of administrative punishment requires law enforcement personnel to have a good professional quality, and the delegation of penalty power also requires the subject to integrate the number and management of law enforcement personnel, so as to ensure the efficiency, legality and independence of the exercise of administrative punishment power. Third, financial support. Townships (streets) should have independent financial power to support the exercise of the power to delegate punishment, which is not only a material guarantee for the effective exercise of punishment power, but also a dynamic factor to stimulate the enthusiasm of the grass-roots law enforcement system.[8]

To sum up, in order to clarify the judgment criteria for delegation of penalty power and achieve accurate empowerment, provincial subjects should establish a "differentiated list for the delegation of administrative punishment power"[9]. According to the cognitive ideas of differentiated delegation, and through public participation and other means, combined with the actual governance needs of townships (streets), the specific content of the list should be formed. Additionally, a corresponding supervision and management system should be established for the delegated list to promptly correct or revoke illegal implementation behaviors, ensuring procedural and substantive fairness in the delegation of punishment power.

### **3. The Effectiveness of Undertaking**

For the effectiveness of implementation, that is, the discussion and study of the effectiveness of undertaking, we should focus on the implementation dilemma in practice, and explore ways to improve and guarantee the effectiveness of power operation.

#### **3.1. Implementation Dilemma**

In practice, according to the provisions of the "Administrative Punishment Law", each provincial body adopts different ways to delegate some of the administrative punishment powers enjoyed by county-level government departments to townships (streets), but due to the lack of law enforcement agencies and law enforcement forces, administrative law enforcement forces have not been fully and effectively sunken. This is mainly reflected in the following aspects:

##### **3.1.1. Administrative Law Enforcement Agencies and Personnel Allocation**

In the process of building the organizational structure, the township government emphasizes its role as the main body of service, regards service quality as the core embodiment of government functions and value orientation, so as to continuously improve the service level. In the current practice, the townships (streets) does not have the administrative law enforcement structure corresponding to the delegated power of punishment, therefore, the vertical delegation of law enforcement power and the sinking of law enforcement force have not been effectively implemented, most of the cities with districts retain two levels of administrative law enforcement teams, and the phenomenon of "one person holding multiple positions" exists in the township law enforcement personnel.[10]In addition, according to the provisions of the relevant administrative law enforcement personnel management system,the law enforcement personnel of the townships (streets) should be included in the scope of administrative or career establishment to ensure the effectiveness and fairness of administrative law enforcement. However, in practice, due to the restrictions of the development of townships (streets)

themselves, they encounter many difficulties in the establishment of law enforcement agencies and the staffing of law enforcement personnel.

### **3.1.2. The Main Body of Administrative Law Enforcement is Diversified and Cross**

The delegation of the power of administrative punishment has changed the characteristics of "separation of investigation and punishment" of administrative law enforcement in townships (streets), built an integrated grass-roots administrative law enforcement system, and improved the efficiency of administrative law enforcement. But at the same time, the delegation of the penalty power of the county government departments leads to the intersection and ambiguity of the functions and responsibilities of the county and township levels in the exercise of the administrative penalty power, that is, the emergence of the problem of "multiple agencies managing the same matter". Therefore, how to standardize and define the coordination and connection between county government departments and townships (streets) on the same punishment power, and then clarify the division of functions and responsibilities of each body, is an important content to ensure the effectiveness of delegation of administrative punishment power.

## **3.2. The Construction of Power Operation System**

The construction of law enforcement agencies, the allocation of law enforcement personnel and the relative independence of finance are important criteria to judge whether the townships (streets) has the ability to undertake. Therefore, the author believes that in order to ensure the effective implementation of townships (streets) for the delegation of administrative punishment power, it should be improved from the following aspects:

### **3.2.1. County-level Government Departments to Assist and Guide**

Townships (streets) as the main body of grass-roots governance, its administrative law enforcement ability level is relatively weak compared with its superior government departments, therefore, county government departments should give appropriate guidance and help to the exercise of townships (streets) administrative punishment power.

First, The promotion of the professional ability and quality of law enforcement personnel. Townships (streets) law enforcement personnel law enforcement professional, technical ability is low, county government departments should regularly organize professional knowledge training lectures, mutual sharing and exchange of necessary information, establish and improve the corresponding administrative law enforcement assistance mechanism and communication mechanism, improve the townships (streets) grass-roots law enforcement personnel professional quality, so as to ensure the correct and effective implementation of delegated power of punishment.

Second, Financial support. Whether the townships (streets) has relatively independent financial power is one of the important criteria to judge whether it has the ability to undertake. The operation of the law enforcement agencies exercising the power of delegation, the configuration of the equipment of law enforcement personnel, the compensation and training of law enforcement personnel and other costs affect the effective exercise of the power of punishment. Therefore, the people's government at the county level shall, according to the financial situation of the region, give appropriate financial support to the townships (streets), so as to ensure the effective exercise of the power of punishment.

### **3.2.2. Establishment of Law Enforcement Agencies**

Whether the townships (streets) can effectively undertake the delegated power of punishment, the primary criterion is whether there is a corresponding law enforcement agency.

First, clarify the legal status of law enforcement agencies. The subordination situation of comprehensive administrative law enforcement agencies is more complicated, some are subordinated to townships (streets), some are subordinated to functional departments of

district and county governments, and some are under dual jurisdiction. [11]In practice, the law enforcement agencies should be subordinate to the townships (streets) management when exercising the delegated punishment power, so as to ensure the relative independence of the law enforcement agencies in exercising their functions and powers, and thus ensure the effective implementation of the power.

Second, to realize the effective integration of the existing law enforcement departments in townships (streets). Townships (streets) should integrate the law enforcement departments involved in the delegated power of punishment, such as transportation, market supervision, food safety and other fields, into a comprehensive administrative law enforcement agency, and relatively centralized exercise of the above powers. Townships (streets) shall, according to the available resources, equip necessary professional law enforcement personnel for each of the delegated powers of punishment, so that they have the effectiveness of undertaking the power of punishment.

Third, improve the mechanism of cooperation with county-level government departments. Townships (streets) shall establish and improve the cooperation mechanism between the comprehensive law enforcement agencies at the same level and the county government departments to ensure the coordination and cooperation in the exercise of functions and powers, so as to realize the effectiveness of the power to undertake punishment.

### **3.2.3. The Allocation of Law Enforcement Personnel**

Law enforcement personnel, as the primary executors of the power of punishment, is one of the keys to the correct and effective exercise of the power. Therefore, townships (streets) need to make full use of the existing resources, and actively respond to and solve the new law enforcement needs of the allocation of law enforcement personnel, so as to ensure the effective operation of power.

First, enrich the necessary law enforcement forces. Townships (streets) shall integrate and expand the necessary law enforcement agencies and law enforcement personnel according to the actual needs of the new power to impose penalties, so that each new power to impose penalties corresponds to the necessary law enforcement personnel. At the same time, it is also necessary to avoid the occurrence of law enforcement personnel "one person holding multiple positions" and "holding multiple positions or roles simultaneously". In addition, the county-level government departments should also transfer the corresponding law enforcement personnel in a timely manner according to the delegated punishment power.

Second, the necessary staffing should be expanded and improved. Generally speaking, administrative law enforcement personnel shall belong to the administrative establishment or the career establishment. Townships (streets) shall, according to their actual capabilities and needs, expand the administrative or business establishment of the relevant law enforcement personnel, so that they have the legitimacy of exercising their qualifications, so as to ensure the effective exercise of the power of punishment.

## **4. Effectiveness of Supervision**

Supervision is an important link in the process of modern government, and it is also an inevitable requirement to prevent the alienation of public power.[12]The power of administrative punishment should not be let go, but the process of power operation should be open and transparent to make it conform to the legitimacy and rationality of power exercise, and external supervision should be constantly strengthened to prevent and solve the problems of fuzzy and overlapping law enforcement responsibilities and non-standardization of law enforcement process. Therefore, constantly improving the supervision and restriction mechanism of the system of "delegating the power of administrative punishment" is an

important link and support to ensure the effectiveness of the system implementation and standardize the operation of power.

#### **4.1. Main Body of Supervision**

As mentioned above, the subordinate situation of townships (streets) administrative law enforcement agencies is more complicated, its legal status is not clear, and the subject of jurisdiction lacks unified practice standards, which affects the effective implementation of administrative supervision. In order to ensure the effective operation of the supervision system, the establishment of the relevant supervisory bodies should be perfected first.

##### **4.1.1. Clarify the Legal Nature and Status of the Supervisory Subjects**

According to the two classifications of administrative behavior supervision channels, the supervision subjects of the system of "delegating the power of administrative punishment" are mainly divided into two types: first, the internal supervision subjects of the administrative system. When the comprehensive administrative law enforcement agencies of townships (streets) exercise the power of administrative punishment relatively centrally, they should be subordinate to the leadership of the townships (streets) governments.[13]In addition, due to the limitation of the townships (streets) power exercise capacity, the functional departments of the district and county governments shall carry out necessary administrative supervision over the exercise of the power of administrative punishment to ensure the legality, rationality and effectiveness of the exercise of the power of administrative punishment. Second, the external supervision of administrative law enforcement. The external supervision of administrative law enforcement mainly includes legislative supervision, judicial supervision and procuratorial supervision. In the external supervision of the system of "delegation of administrative punishment power", the role of legislative supervision should be fully brought into play. In practice, local people's governments at all levels usually delegate power through the formulation of administrative normative documents. Therefore, in the absence of a unified judgment standard for delegation, local people's congresses at all levels and their standing committees should strengthen the review of administrative normative documents and strengthen their role as the external supervision body of administrative law enforcement.

##### **4.1.2. Strengthen the Cooperation and Coordination Among the Various Supervisory Bodies**

When conducting internal supervision of the exercise of administrative punishment powers within the administrative system, townships (streets) governments and county-level government functional departments, as supervisory entities, should establish sound and effective communication and collaboration channels and mechanisms concerning the delegation of administrative punishment powers. This is to avoid situations such as "excessive intervention" and "redundant intervention" in the exercise of powers, and to ensure the timeliness and effectiveness of internal supervision.

#### **4.2. Methods of Internal Supervision**

The internal supervision of the administrative system is an important part of the administrative supervision system. Its characteristics such as the wide scope of supervision, the flexibility of supervision means and the timeliness make it have certain superior conditions compared with other supervision methods. As for the internal supervision mode of "delegating the power of administrative punishment" system, the author believes that it should focus on the following aspects:

##### **4.2.1. Give Full Play to the Function of Administrative Reconsideration**

Administrative reconsideration serves as a primary channel for effectively resolving administrative disputes. Governments at the county and township levels should promote the establishment and improvement of administrative reconsideration committees, enhance the

quality and fairness of administrative reconsideration conducted by such committees, and advance law-based administration. In the process of supervising the "delegation of penalty power" system, administrative reconsideration can promptly rectify illegal acts that have not been identified by administrative organs. This not only protects the legitimate rights and interests of administrative counterparts but also ensures the effective operation of the system.

#### **4.2.2. Improve the Implementation Mechanism of Administrative Law Enforcement Responsibilities**

Local governments at all levels should clarify the responsibility for illegally exercising the power of administrative punishment and strictly pursue administrative law enforcement agencies for omissions, violations, and other acts. This forms a set of rigorous procedures, clear rewards and punishments, and an effective system of constraints for administrative law enforcement responsibilities. Provincial, county, and township governments should regularly conduct special inspections and evaluations of the administrative punishment powers delegated to townships (streets) administrative law enforcement agencies. By strengthening internal supervision through administrative inspections, evaluations, assessments, and other means, they should examine and evaluate the professionalism of law enforcement agencies in terms of the legality and necessity of their duties, as well as the quality, efficiency, and effectiveness of case handling. This improves the ability of administrative agencies to identify and solve problems. The results of these evaluations should be incorporated into the quantitative assessment scores of administrative agencies, thereby effectively enhancing the operational efficiency of the "delegating the power of administrative punishment" system. At the same time, in improving this mechanism, it is important to strengthen the voice of townships (streets), avoid excessive intervention in the exercise of powers, ensure the relative independence of administrative law enforcement agencies in exercising punishment powers, and prevent situations such as excessive responsibility being placed on administrative law enforcement agencies.

#### **4.3. External Supervision mode**

Strengthening external supervision of administrative law enforcement is an important way to improve law enforcement capacity and safeguard public interests. In the system of "delegating the power of administrative punishment" to carry out external administrative supervision, attention should be paid to the improvement of the following aspects:

##### **4.3.1. Strengthen the Filing and Examination of Administrative Normative Documents**

As mentioned above, the delegation of administrative penalty power is generally implemented by the local people's governments at all levels through the issuance of administrative normative documents. Therefore, in order to ensure the effectiveness of the implementation of the power of punishment, the legitimacy of the exercise of power should be ensured through the way of filing and review. The record review should focus on the following aspects: First, the way of delegation. Where laws, administrative regulations and rules of ministries and commissions do not clearly limit the administrative enforcement power to people's governments and their functional departments at or above the county level, they may delegate the power by way of authorization; On the contrary, unless otherwise provided, the delegation of power can only be delegated.[14] Second, delegate content. For whether the list of delegation contains restrictions on personal freedom, revocation of business licenses, large amounts of fines and other matters that should not be delegated to townships (streets) to exercise the power of punishment, that is, whether the list of delegation contradicts the provisions of the upper level Law to be strictly examined.

### 4.3.2. Strengthen the Way of Social Supervision over Administrative Penalties

Social supervision refers to the supervision of administrative activities by organizations or individuals other than state organs. Its extensive content and scope have a good supervisory role in the exercise of the power of administrative punishment. It is necessary to improve the operation mechanism of citizen supervision, relying on information technology and electronic technology, broaden the channels and ways for citizens to express their demands, give full play to the supervisory effectiveness of citizens and relevant social organizations, establish and improve the hearing system of administrative punishment and the channels for citizens to complain, suggest, appeal, and report, and to safeguard public interests as the purpose, consolidate the institutional foundation of external administrative supervision.

## 5. Conclusion

Article 24 of the "Administrative Punishment Law" has far-reaching significance for the expansion of power in townships (streets), deepening the reform of the administrative law enforcement system and promoting comprehensive administrative law enforcement, so that the problems that appear in the daily life of the people can be effectively solved, the effectiveness of governance can be further improved and enhanced, and ultimately promote the development of national social undertakings. However, the amendment of the "Administrative Punishment Law" is not the end, and a series of legal problems brought by it need to be solved urgently. In the future, it is still necessary to continue to promote the supplement and improvement of relevant laws and regulations, so as to provide strong institutional support and normative basis for the delegation of penalty power system, so that it can operate effectively on the track of rule of law.

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