The Influence of False Accusation against the Party Cadres in the Process of Anti–corruption

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Abstract. The behavior of false accusation is anonymous reporting as main means, fabricating false facts, and intentions to make party cadres suffered disciplinary even the criminal investigation. This kind of behavior occurred in the promotion period of party cadres, which greatly caused harm to the honorary rights of party cadres, more reduced the credibility of the government and reflected the imbalance of political ecology in the party. And this kind of behavior is also a kind of the equivalent of corruption. Through the analysis of the case, this paper summarized the influence of malicious prosecution action, and thought that advocating the real-name reporting, establishing the clarification mechanism, playing the role of the news media publicity and increasing the transparency of information, which is an effective countermeasure to prevent false accusation.

Introduction

Cui Shaopeng, the spokesman of the Central Commission for Discipline Inspection, have mentioned in a speech that a total of 29551 party cadres in 2004 have been accused of false accusation. In 2015, there were 16191 party cadres in Sichuan Province and Guangdong Province that have been false accusation. [1] Despite the increasingly compact anti-corruption process, the party cadres have been accused of more and more falsely accused, and they suffered most of the falsification occurred in the publicity period. [2] By posting anonymous letters, spreading canard of internet and so on, which report to the state administrative organs or especially the discipline inspection and supervision organs. [3] But this behavior is not serious enough to start judicial process and severely punished. The behavior of false accusations brought great harm to party cadres, government and society. The rising of false accusation have aroused the attention of national leaders. To a certain extent, the emergence of this behavior also reflects the political ecology of the imbalance. The phenomenon of false accusation is not only a difficult obstacle to the process of anti-corruption, but also destroys the political ecology, which will have a great impact on the normal operation of the country and society.

Organization of the Text

The Interpretation of False Accusation against the Party Cadres

Defining the Concept of False Accusation against the Party Cadres. In the sense of etymology, false accusation is malicious charge against others. In other words, this behavior blames others with unwarranted events or actions. At present, the academic research on false accusations mostly focus on law, scatters in history, but administrative management is rarely involved. The conceptual definition of false accusation is based on the “False accusation” of the “Criminal Law of the People's Republic of China”, and its scope is relatively narrow. All scholars have a definition of false accusation that is to fabricate the facts and intentions of others subject to criminal sanction. However, there are the big differences among the three aspects are that the definition of false accusation whether includes the way of implementing false accusations, the behavior of reporting and the seriousness of the plot.

In summary, that the "false accusation" explored in this article is the behavior that deliberately fabricates facts, discloses to the state administrative organs or related units, especially the discipline
inspection authorities by posting anonymous letters, spreading canard of internet and other related methods, and intents party cadres to suffer the administrative sanction or disciplinary action. The circumstances are serious, and even make party cadres by criminal prosecution, causing judicial proceedings, and constitute false accusation. In essence, false accusation is the behavior that attempts to use the public power of state organs or party organizations to damage to personal private rights.

The Difference between the Behavior of False Accusation against the Party Cadres, Misjudgment, False Prosecution and Defamation. The biggest difference between false accusation and misstatement is that their subjective intentions are different. The false report is informant who tells the wrong facts without knowing the truth, and there is no subjective intentionality. There is not a necessarily causal relationship about false report between main body and object in the opportunity and interpersonal relationship. In order to make specific party cadre being investigated, false accuser take this kind of behavior without the Purpose of anti-corruption. and it's often behind with the defendant has a dispute relationship. The false accuser choices the opportunity has the possibility where in the critical times that the people was falsely accused is to promote, and the content must be able to cause discipline inspection organs or superiors attention to the major fault events.

Defamation refers to the practice of fabricating and spreading a fictional fact in order to derogate the purpose of derogating from the reputation and personality of others, and the circumstances are serious. The object of defamation is a single, that is, the reputation and personality of others. The object of false accusation is complex, not only includes the rights of others as the representative of the individual rights, but also the judiciary and discipline inspection organs of the normal order and resources. Defamation is the spread of facts in public, or as the third person to spread the fictional facts of others, and the false accusation contains the defendant to the judiciary or discipline inspection organs to report the behavior.

The Influence of False Accusation against the Party Cadres

2015, the case of Chang Yingen in Shanxi Province was shocked the country and brought the behavior of false accusation against the party cadres into the public's vision. The incident of false accusation that occurred in a particular period, and made the specific party cadres lost the opportunity to be promoted or even disciplined, by fabricating bribery and other false distortions. The occurrence of this event has had a great impact on the party cadres themselves, their units and society. The following figure is the impact of false accusation for each subject. (Figure 1)

![Figure 1. The impact of false accusation for each subject.](image)

The Influence of Party Cadres. First, which is the impact of social evaluation. On the one hand, the incident proves that the party cadres who are accused are able to carry out their own principles at work and who really serve the people. Therefore, others for his evaluation may not be reduced
but increased. On the other hand, there have been similar incidents of retaliation for whistleblowers. Therefore, it may lead to some of the personnel have some doubts about the investigation of the facts, and affect the evaluation about false accusations of party cadres. Second, this is the impact of personal reputation. The incident of false accusation caused the damage is main and direct for the personal reputation of party cadres who were falsely accused. Although the party cadres as a public figure, their right of reputation relate to the public interest and it causes public debate and evaluation is a normal phenomenon. Because party cadres must prove that the defendant has malicious behavior in their defense. Therefore, it is restricted that the party cadres apply their own right to be protected. The third is the spiritual impact. It is hard to realize that the spiritual influence of the party cadres who have been falsely accused in the technical aspect. However, the spiritual impact is undeniable. This event may bring some pressure to party carders who have been falsely accused on the future work, dampen his enthusiasm of job, and change his attitude and methods of work and the existing pattern of interpersonal communication.

The Influence of Party Cadres the Government The government is an indirect victim of the incident. The false accusation of Chang Yin Gen not only undermines the normal order of government activities, but also brings a great impact to the image of the government. The party cadres were falsely accused to after several check of probity. After several check of probity, the party cadres were falsely accused to bribe others and has the problem of style of life during the confessed period when he was promoted. It is not only makes the public suspect the system of supervision, but also doubts the entire anti-corruption system and the execution of policy. This speculation also cast a shadow for the image of the government.

Secondly, false accusations lead to a great waste of public resources. Even if the confirmation of the fact is false accusations, the Government should also identify the identity of the false accusers and the purpose and reason of the false accusation, and give the punishment to the false accusers. This process still takes a lot of administrative resources and time.

On the other hand, the rapid action of the government where in the incident maintains the organization of justice and brought a positive impact. The investigation of government for the false accusation improves the trust of the organizational officers for the unit and avoids the generation of negative emotions. The rapid investigation of actions and the process of justice also contributed to the reshaping of government images and the promotion of credibility.

The Influence of Society. In the Internet age, the spread of information is unusually rapid. Compared with formal and boring statements, such as government announcements, information with entertaining eyes is more widely accepted by the public. Because of the special status of party members and cadres and the universal view of the government, even if the truth is restored, the image of the party cadres who have been falsely accused in public opinion must be damaged. If the case of false accusation continues to increase, which is increased the burden of investigation by the disciplinary authorities and the judiciary and makes the public produce the unnecessary suspicion. It is easier to reduce the public's assessment of government agencies and false accusations, thereby reducing the credibility of the government.

The Suggestion of False Accusation against the Party Cadres

Improving Laws and Regulations, Regulating Legal Procedures. The system of laws and regulations is the basis to prevent false accusation. By defining the subject, object and punishments of the false accusation, classifying the degree of falsifying acts, and according to different categories to implement differently punishing methods, which can be effectively punished for the false accusations and increase the cost of behavior, thereby reducing the occurrence of false accusation. On the other hand, the explicit definition of the law also makes the implementation of the policy has a certain legal nature, thereby increasing the transparency of government information and enhancing the credibility of the government to consolidate the stable development of society.

Improving the Real-name Reporting System and Promoting Real-name Report. First of all, it is to string publicity and education, guiding the real name to report. The content of effective
reporting should include the benefits of real-name reporting and the government's protection of real-name whistleblowers of the relevant regulations, measures and false accusation of the disadvantages and the corresponding punitive measures. Second, the Government should improve the efficiency of handling cases, pay attention to real name to report. This is conducive to timely disclosure of relevant information, so that the public timely access to authoritative information, reflecting the party and the government for the real name of the attention and attitude. Finally, the government should improve the protection mechanism to protect the real name to report. The Protection of real-name whistleblowers should be implemented from two aspects, one is information confidentiality, and another is security protection. Information confidentiality means that the construction of the reporting process should be strengthened to ensure that the information of the whistleblower is not disclosed, thereby preventing the informant from retaliating. Security protection means that the relevant departments should respond to real-name informants to take practical protection measures, rather than stay in the document on the declared protection.

**Establishing a Mechanism for Clarification and Protecting the Honorary Rights of Party Cadres.** False accusations have caused great damage to the honorary rights of party cadres. Therefore, the disciplinary organs should establish a mechanism for clarifying the party cadres who have been falsely accused to clarify the false accusations and give corresponding punishment for false accusers. First, the government should set up a clear working leading group to track the false accusation. The attention of leadership for the false accusation is to clarify the mechanism to run the basic guarantee. Secondly, the government should make a series of procedures to deal with the false accusation, which helps to reduce the damage degree of the fame for the party cadres. Again, The departments cooperate with each other to conduct a preliminary review of the falsification, determine the nature of the incident and the extent of the plot, and then select the appropriate way to clarify and protect the right of reputation for party cadres. Thirdly, the government should establish an accountability mechanism. According to the consequences of false accusations, this gives a corresponding degree of punishment and helps the victim to investigate the corresponding responsibility of the false accusers. Finally, the government should clear the boundaries of infringement and distinguish it from the acts of retaliation whistleblowers. Therefore, only when the content of the report is characterized as false accusations and the circumstances are serious, it should take various channels to defend the reputation of party cadres. But it should not use resources to obtain the informant's information.

**It Should Play the Role of News Media Publicity and Increase the Transparency of Information.** As a bridge between citizens and the government, the news media should hold neutral values, objectively look at the occurrence of the incident, and make a good job of propaganda work. This will not only help to correctly guide the public opinion, but also convey the information in a timely manner, ease the imbalance to access information between the government and citizens, increase the transparency of government information, and protect citizens' right to know.

**The Conclusion**

In recent years, Secretary-general Xi Jinping repeatedly stressed the political life of the party's internal issues in the important speech, and pointed out that to create a good political ecology is the focus of political construction in recent years. The false accusation of party cadres also reflect the imbalance of political ecology within the party, and oppose this behavior will help to build a good cultural ecology and political ecology.

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