China Sports Lottery System Structure Legal Regulation Improvement

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Abstract. Power Emptiness, information bias in the monitor the operation of the structure. Should Lottery sports legal regulation structure regulators and operators to carry the main organizational transformation, under the Ministry of Finance to form a unified regulatory body for the Lottery Authority to Chinese Lottery Corporation for the unified management of benign structural body, while achieving governance separate enterprises, business legitimacy and rigid regulatory authority.

Introduction

From 1994, when the State Council approved the issuance of sports lotteries by the State Sports Commission at that time, China's sports lottery has gone through more than 20 years of development. In addition to promoting the mobilization of state financial public funds and enriching the livelihood of the public, such positive functions as body lottery have also been lingering for some 20 years and have become the haze that will affect the further deepening of the development of sports industry. On the one hand, China has long been operating a two-part business structure of Lottery and Welfare Lottery during the lottery issue. Due to the lack of government and enterprises, poor management and other issues, China has faced such problems as the single lottery type, weak market competitiveness and high issue costs. Lottery industry needs to improve economic efficiency. On the other hand, due to poor supervision, the social welfare function of Sports Lottery has not been well represented. For example, the case of poor supervision of sports lottery revealed the credibility of lottery tickets declined and the rights and interests of lottery workers could not be properly protected. However, Long-term lack of management of a standardized system of supply, but also lead to body color should play the role of financial public welfare damage.

The Physical Structure of Legal Regulation Defects and Worries

According to the relevant provisions of Article 4, Article 5 and Article 6 of the "Lottery Regulations" in our country, the basic system for the legal regulation of lotteries in China can be summarized as that the Ministry of Finance is responsible for supervision. The Sports Management Office under the Sports Lottery Administration is responsible for the specific management of Sports Lottery Similarly, in addition to Sports Lottery, the Ministry of Civil Affairs has also set up a Welfare Choices Management Center to manage the operations respectively. On the face of it, there is no particular difference in this legal regulation structure. Similar to our practice in other fields or industries, for example, the banking sector is supervised by the China Banking Regulatory Commission (CBRC). The state-owned commercial banks and other private banks, foreign-funded banks Participate in business together. However, in the lottery industry, the MOF's regulatory power is limited. It does not exercise the same level of oversight as the CBRC and other agencies but only acts as an ex ante supervisory function, such as approving lottery types, Determine the proportion of lottery funds, and so on. The real sense of lottery distribution, sales, lottery, Duijiang supervision of the process by the Lottery Management Center and Welfare CD-ROM issued a self-regulatory management center. This special structure of legal regulation makes the body of the main body of business management and substantive supervision largely coincide, and then have the following three aspects of the hidden worries. First, regardless of the government and enterprises, overhead consumer interests of the main structure of regulation; Second the country's franchise, binary separate non-legitimate operating structure; Third the power of virtualization, partial information regulatory structure of the operation.
The Future of Our Body Lottery Laws and Regulations of the Structural Improvement

(A) An independent, authoritative and efficient regulatory body

The process of legal regulation usually requires direct intervention in the market's resource allocation mechanism and changes the supply and demand decision-making and rights and obligations system of operators and consumers. Therefore, it usually has a greater impact on interests. In order to ensure the prudence of the performance of this power, an independent, authoritative and efficient regulatory power of an administrative organ is usually given the form of an "independent regulatory agency": the so-called independence, that is, the enforcement of the agency is not affected by any individual, organization or state organ Legitimacy; the so-called authority, that is, the corresponding law and enforcement of law enforcement by the agency unified implementation, there is no decentralization of other agencies; the so-called high efficiency, that is, to a certain extent monopolize regulatory legislation in this area, regulate law enforcement and regulation of the judiciary, thereby ensuring Legal regulation of high efficiency. Since the reform and opening up, China has carried out quite a number of reforms in accordance with the experience of establishing an independent and solidly controlled international institution. The most famous one is that the establishment of financial regulatory bodies such as the CBRC, the CIRC and the China Securities Regulatory Commission is actually an independent Therefore, some scholars also proposed to set up a "National Lottery Supervision Committee" similar to China Banking Regulatory Commission in China, so as to ensure the validity of the legal regulation in view of the many problems of the legal regulation structure of the lottery industry in China. Although this proposal of the system is enlighteningly entertaining, the lottery industry is a "small industry" with limited influence on the financial industry which has a decisive influence in the national economy, such as the banking, securities and insurance industries. For one Is it not suspicious that a small industry that does not affect too much has a separate independent regulatory body at the ministerial level that is directly under the State Council and is directly under the State Council? This simplistic thinking of establishing an independent regulatory body in any sector that lacks legal regulation will "easily result in excessive division of labor, convergence of functions and cross-duties, resulting in the drawbacks of having more government, more approval and long-term supervision." It will be exactly the opposite of the path of the major part of the reform that China has tried to promote over the years. In recent years, our country has also gradually discovered the drawbacks of this method of setting up an independent regulatory agency. Therefore, some of the independent regulatory agencies merged again. The most typical one was the electricity regulatory commission once once listed as a subordinate institution of the State Council. After the Third Plenary Session of the Eighth Central Committee, the relevant authority of the SERC was integrated into the newly formed National Energy Administration.

(B) Standardized operation of the main business

Compared with the main regulation from the perspective of regulatory authority to ensure its independence, authority and efficiency, the guiding principle for the improvement of the system of the principal part of the operator is to change the status quo of the operation of the political and enterprise. Under the premise of not changing the state monopoly management system of lottery tickets, the author suggests that the main body of TCDC should be reconstructed in the light of the abolition of the Ministry of Railways, the separate establishment of the National Railroad Administration and the China Railway Corporation, A typical monopoly monopoly system similar to the business structure.

The Conclusion and Outlook

After the above reorganization of the system of supervisors and supervisors respectively, the structure of the body lottery legal regulation in our country has been reconstructed. As a result, the lottery supervisory bureau affiliated to the Ministry of Finance has been formed as the unified supervisory body and the China lottery head office has been unified operated. The main body of the benign structure, which at the same time it achieved the separation of government and enterprise,
business legitimacy and the rigidity of regulatory power, after all, a good choice for the future system.

Due to the poor legal regulation structure, the current body lottery management system in our country has long been difficult to effectively regulate a number of body color chaos, which on the one hand undermines the legal rights and interests of lottery people as consumers and on the other hand undermines the financial public benefit Sexual function. Therefore, the proposed system improvement proposed in this paper needs to be paid attention to by decision-makers as soon as possible, and then gradually design the corresponding improvement programs. The "Lottery Management Regulations" formulated with the State Council as its main body was formulated in 2009 and at that time it was an excellent administrative law that established more than ten years of sports lottery results in China. However, with the passage of time, with the development of China Sports Lottery, Has begun to show a number of shortcomings. It is necessary to formulate the "lottery law" form in the future with the NPC to clean up and amend the relevant contents of the "Lottery Administration Regulations", so as to form a legal regulation structure in which lottery regulators and operators separate from each other. Only in this context, can institutional improvement in the future obtain a more excellent space for development.

References


