Introduction to the Basis of Implementing the Power and Responsibility List System in China

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Abstract. Since the 1980s, western countries have begun to pay attention to the supervision and control of public power. With the improvement of the various laws and regulations and e-government technology to mature, the government has promoted the administration according to law and government affairs public, gradually exposing the government power operation problems. After the third plenary session of the 18th CPC central committee in 2013, the system of power and responsibility list was transformed from the initial exploration of local practice to a top-down comprehensive reform. In 2015, the State Council requested that the three levels of governments of provincial, municipal and county in the country make a clear list of all the powers at the end of 2016, announce them to the public and accept social supervision. The implementation of the power and responsibility list system is an important measure for the modernization of the governance system and governance capacity of the country. This paper sorts out the connotation, significance, status quo, and existing problems of the power and responsibility list system, hoping to carry out a better system of accrual list for key point and direction, and understanding of national governance has updated.

The Connotation of the Power and Responsibility List System

The system of power and responsibility list was previously known as the power list system before 2018. As an emerging administrative term, the definition of the concept and the understanding of its connotation vary from perspective to perspective.

List of Administrative Approval Powers

Some scholars’ understanding of the system of power and responsibility lists is equivalent to the list of administrative approval powers. It is believed that the formulation of power lists is mainly used to address some problems in the administrative examination and approval process, allowing the public to know the boundaries of the government’s power, from the source to reduce examination and approval links, lower the difficulty of examination and approval, and activate the market [1].

Party Committee Power List

Some scholars believe that the Chinese party regime is inseparable, and the power list system is related to the central and local governments. It is believed that the list of powers and responsibilities is "regulation of central and local decentralization, the transformation of government functions, and the legalization of government governance and other issues." [2]. From the perspective of confusion between town and town Party political power and the inability to realize the rule of law, it is proposed to implement the township party power system in the process of deepening the realization of the rule of law and improving the core competitiveness of the township government [3].

List Three

The relationship between the government, market, and society in China today is not yet clear. Some functions of the market are still under the jurisdiction of the government. It is believed that legal issues need to clarify the formalism and substantialism of administrative power. The three lists,
the trinity, the "negative list" and the "power list" are based on market access and clarify the relationship between the government and the market; the “responsibility list” starts from the scope of administrative responsibilities of the government and the administrative agencies, clearing the responsibility scope of the government and the administrative organ [4].

The above three definitions of the connotation of the power and responsibility list system have theoretical basis, but it can be seen that most scholars use the power list and the power and responsibility list system to replace each other, and often refer to the power and responsibility list system as the power list. But in fact, the connotation of the system of power and responsibility list is more about a dynamic process of establishment and operation of powers and supervision procedure, as well as a series of supporting mechanisms formed around it. However, the list of powers only sorts out important information on the names, main bodies, basis, and processes of administrative powers used by the government and its departments according to a certain classification criteria, which is a static result.

The Significance of the Power and Responsibility List System

Since the reform of the “Power and Responsibility List” system from the bottom-up approach to the implementation of the top-down approach, there have been controversies over the system of powers and responsibilities that the central and local governments have implemented. As to whether it can bring effective results, academic circles have different opinions. To sum up, there are two main points of view: affirmative views and negative opinions.

The affirmative view is that under the overall background of comprehensively deepening reforms, the implementation of the power and responsibility list system is to allow power to operate under the sun. It has certain positive significance for the government and the public. Judging from the perspective of governance, it’s believed that the power is subject to the specification and supervision of the list, which can avoid the occurrence of improper power behavior and improve the effectiveness of national governance capacity [5]. From the perspective of building a government under the rule of law, it is believed that creating a yoke for power, making the power operation within the administrative organization visible to the public, is conducive to strengthening social supervision, creating a good government environment and market environment, and conducive to building a government under the rule of law [6]. From the perspective of anti-corruption, it is believed that the power and responsibility list starts with the perspective of regulatory power and restricts and supervises the government's power, which can prevent corruption from its source [7]. In addition, the implementation of the power list system has a certain positive significance for streamlining administration and delegating power. From the perspective of public supervision, it is believed that letting power serve the people's rights, and that the right to use it for the people can raise the people's happiness index [8].

The negative view is that the list of powers and responsibilities is the government's own reform, and the effect of its implementation is limited. It regards it as an internal management tool of the government, which is only the self-revolution of the government. It is limited to the internal power control in the field of government formal structure, so it cannot overcome the inherent contradictions in the power structure, and it is prone to the disadvantages of insufficient democratic participation and limited social supervision [9].

The Legal Attribute of the Power and Responsibility List System

From 2005 to 2014, the research on power and responsibility list system mainly focuses on the disclosure of power, its connotation and significance from the perspective of politics. Since 2015, the research has shifted from the legal perspective to its legal attributes, orientation, nature and so on. From the perspective of jurisprudence, the implementation of power and responsibility list system has two viewpoints, beyond legal and legal.

The scholars who support its legal think that power and responsibility list system is essentially the refinement and integration of administrative laws and regulations, the implementation of the
system of powers and responsibilities lists, and the standardization of the exercise of administrative powers in accordance with the law, which reflects the basic requirements for full-fledged administration and the building of a government under the rule of law. Putting forward the rule of law is the fundamental idea of the system of powers and responsibilities lists, and the powers and responsibilities lists has systematically solved the problems of abuse of power, rent seeking for power, and prevention of administrative inaction, which has far-reaching significance for governing the country according to law and building a government under the rule of law [10]. Scholars who have questioned the legal attribute of the power and responsibility list system believe that it doesn’t comply with the legal norms and that they have the suspicion of exceeding powers and surpassing the law. The government has set its own powers for itself, the regulations and understanding that “all departments cannot implement other administrative approvals outside the published list” are actually not in conformity with the legal norms, which makes the positioning of the power and responsibility list go beyond the law and is against the basic strategy of governing the country according to the law, delaying the entry into force of the law [11].

Current Status of the Implementation of the Power and Responsibility List System

Since formally designated by the central government, power and responsibility list system has not been implemented for a long time, just five years, there have been many problems in its significance and legal nature.

Discuss its problems from the aspects of formulating the system of powers and liabilities. As a relatively new institutional practice, there are widespread “excessive” phenomena in the process of building a system of lists of powers and responsibilities, such as excessive task-orientation, oversimplification, and the existence of inconsistent carding calibers and jurisdictions, unclear boundaries of responsible parties and responsibilities, less consideration of public opinions and public demand [12]; The lack of confirmation by people's congresses at all levels has led to a legal cycle of “self-identification” and “self-censorship” of power, and lack of a guarantee mechanism for the operation of power and liability lists [13].

Discuss some of the current problems in the supervision of power and responsibility list system. At present, the development of social organizations in China is not perfect, and it is impossible to undertake the decentralized powers of higher levels of government. Moreover, the official concept of some officials has not been completely eliminated, and it is impossible to truly provide the people with supervision channels. At the regulatory level of the inventory system adjustment, it is pointed out that the lack of corresponding supervision of the accountability system makes the dynamic adjustment and restriction mechanism imperfect [14], which may lead to the failure to land on the three levels of provinces, cities and counties during the implementation of the power and responsibility list system.

Countermeasures to Implement the Power and Responsibility List System

In the face of issues concerning the formulation of the power and responsibility list system, priority should be given to the top-level design, the establishment of a procedural system for communication and coordination among the participating departments, and promotion of their standardized and comprehensive formulation. and the introduction of the local people’s congress deliberation mechanism should be adopted to resolve the problem of controversial legal attributes [15]. In the selection of specific models, the administrative agencies shall take "quality requirements" and "acceptability requirements" as the basic considerations, and select specific types of public participation in the "model for the effectiveness of public participation." [16], expand public participation and increase publicity efforts so that the public can understand and know how to use it, so that the list will be truly practical and useful [17].

Faced with the issue of supervision in the implementation of the lists, it is necessary to establish a correct view of power based on the responsibility and service concept; at the same time, it gradually expanded the scope of checklists to restrict the power under the new form, and made full use of
informatization tools to achieve multiple supervision of administrative power, to achieve the sustainable operation of power norms, and to form an integrated model of power restriction supervision [18]. In addition, it constructs an all-dimensional, three-dimensional regulatory mechanism involving multiple entities and supports government response mechanisms to respond to the public's supervision and feedback in a timely and effective manner [19], so as to monitor whether there is existing a formalist system of power and responsibility list.

Summary

The connotation of the power and responsibility list system still has the ambiguity of language. The reason is that the Chinese legislation is not clear about the system, so that anyone can explain it according to his own understanding and relevant documents. However, it is undeniable that the implementation of the power and responsibility list system is a dynamic process. Power and responsibility list system lets public powers and responsibilities publicize in list form, it has a great significance in summarizing government power, eliminating cross-cutting, overlapping functions of government departments that existed in the past, integrating fragmented functions, reengineering and optimizing internal government processes, and radiating the vitality of government's internal innovation clear. The strengths and weaknesses of the implementation of the system of powers and responsibilities must not be overemphasized, the former can easily lead to formalism in pursuit of government goals and performance, and the latter can easily hinder its implementation. At present, Chinese grass-roots governments, especially towns, villages and streets, have the most contact with the people and the community, contradictions often start from there. As grass-roots governments in the context of the government’s streamlining and decentralizing power, how to handle these powers to ensure the implementation of the power and responsibility list system deserves more attention, and give a reasonable solution.

References


