

A brief analysis of comprehensive enforcement power downward to towns and streets government from the perspective of the system theory

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ABSTRACT

Promote the comprehensive administrative law enforcement power to evaluated integratedly level sinking system reform, is regarded as cracking multiple law enforcement, hierarchy, law enforcement nuisance and grassroots law enforcement power is weak key measures, to enhance the level of law enforcement efficiency and supervision, accelerate the government management system and management ability modernization process is of great significance. According to the system theory, it is the key way to enhance the efficiency of the grassroots administrative law enforcement by integrating the grass-roots public administration functions. In practice, however, there are still law enforcement authority configuration imbalance, lead to responsibility does not match, department interests tend to segmentation governance, urban and rural grassroots administrative law enforcement power fragmentation, and the potential of big data failed to fully release, these problems seriously restrict the effectiveness of the comprehensive law enforcement at the grass-roots level. In view of these practical challenges, it is necessary to take measures such as clarifying the boundary of power and responsibility, optimizing the allocation of law enforcement resources, and breaking the information barrier, so as to enhance the actual effect of comprehensive law enforcement force downward to the grass-roots level.

KEYWORDS

System theory; comprehensive administrative law enforcement; downward to towns and streets Governments; grass-roots governance

1 The background of Comprehensive Enforcement Power downward to Towns and Streets Government

1.1 Requirements of the superiors for the reform of comprehensive administrative law enforcement

In January 2019, the General Office of the CPC Central Committee and The General Office of the State Council jointly issued the Implementation Opinions on Promoting the Law Enforcement Forces of the Integrated Grassroots Examination and Approval Services, which clearly stated that the authority and power of administrative law enforcement should be further extended and sank to the grass-roots level, and the unified leadership and coordination functions of towns and streets should be strengthened. The existing law enforcement forces and resources are integrated, the unified comprehensive administrative law enforcement agencies, the centralized exercise of administrative punishment power in accordance with relevant laws, the law enforcement tasks in the name of towns and streets, and accept the business guidance and supervision of the county competent departments, aiming to gradually realize the goal of "one team in charge of law enforcement" at the grass-roots level.^[1] In addition, we should establish and improve the transfer and coordination and cooperation mechanism of administrative law enforcement cases between township and county departments. This opinion provides a clear idea and relevant content framework for the reform of street comprehensive administrative law enforcement, and points out the direction for effectively promoting the reform process.

1.2 Basis guarantee of laws and policies

In the previous legal provisions, the definition of the law enforcement authority at the town and street levels is relatively vague, and only the sub-district offices are positioned as the dispatched agencies of the government, but they do not make clear provisions on their specific functions and powers. According to the original Administrative Punishment Law of the People's Republic of China, the delegated power of administrative punishment at the county level is limited to The State Council or the provinces, autonomous regions and municipalities directly under the Central Government authorized by it. The newly revised Administrative Punishment Law of the People's Republic of China clearly points out that provinces, autonomous regions and municipalities directly under the Central Government can, according to the local actual situation, delegate the administrative punishment power of county government departments in grass-roots management to the township people's governments and sub-district offices that can effectively undertake.^[1] Relevant local governments and their departments should strengthen the organization and coordination, business guidance and law enforcement supervision, build a sound coordination mechanism for administrative punishment, and improve the evaluation and assessment system. This new law gives clear support and basis for provincial governments to empower towns and streets.

2 The problem after downward to towns and streets

2.1 Law enforcement resources do not match the requirements

The first is the shortage of staff members. Grass-roots comprehensive administrative law enforcement departments are generally faced with the problem of personnel tension. With the acceleration of urbanization and the increase of social affairs, law enforcement tasks are increasingly heavy, but the number of law enforcement personnel is limited, which makes it difficult for law enforcement forces to cover all areas and regions; secondly, the quality of personnel is uneven. Some law enforcement personnel may lack the necessary legal knowledge and professional skills, such as the lack of deep understanding of the new laws and regulations, and the limited ability to deal with complex cases, which affects the quality and efficiency of law enforcement to a certain extent. At the same time, law enforcement equipment and law enforcement needs do not match. After visiting and investigating, most grass-roots law enforcement departments have shortcomings in equipment, such as the lack of necessary law enforcement vehicles, communication equipment, evidence collection tools, etc., which directly affects the timeliness and accuracy of law enforcement. Especially when dealing with emergencies or emergencies, inadequate equipment often leads to slower law enforcement response speed, and even missing the best disposal time.

2.2 The joint service linkage ability of cross-departmental communication and cooperation is not strong

In inter-departmental joint logistics linkage, information sharing is the basis to ensure the efficiency and accuracy of law enforcement. However, the information sharing mechanism between the comprehensive administrative law enforcement departments and the public security, market supervision and management departments is imperfect. Various departments often do their own things, and the phenomenon of information island is serious, leading to the inability to timely obtain and share key information in the process of law enforcement.^[2] This not only affects the accuracy of law enforcement decisions, but also may lead to repeated law enforcement or blind spots, reducing the efficiency of law enforcement. In practice, the law enforcement coordination ability of various departments needs to be improved and often lack of unified command and coordination in the process of law enforcement, resulting in the lack of coherence and consistency of law enforcement actions. This not only affects the effect of law enforcement, but also may cause disputes and conflicts over law enforcement, and damage the authority and credibility of law enforcement.

2.3 The contradiction between single downward-department and the actual law enforcement

Due to the characteristics of many points, long lines and a wide range of grassroots comprehensive administrative law enforcement, the problems such as heavy law enforcement tasks, insufficient personnel and capital resources, and imperfect incentive mechanism have become increasingly prominent. In essence, urban management is a comprehensive management work. Combined with the current decentralization situation in various places, it mainly focuses on the difficult problems in urban management, such as disorderly stalls and the investigation and punishment of illegal buildings.^[3] However, to solve these social contradictions, it is far from enough to rely solely on the delegated departments, but also to rely on comprehensive management strategies and joint law enforcement actions. Those law enforcement and management departments that have not yet been delegated are still an indispensable and important support for urban management. In addition, the sinking of some forces, for the streets and towns, means the sinking of responsibility, but failed to further consolidate the foundation of comprehensive urban management. At the same time, because the sinking of law enforcement and management forces is only a part, it also limits the comprehensive command of towns and streets to the urban comprehensive management forces, failing to fundamentally solve the problem of segmentation and buck-passing between departments.

3 Countermeasures and suggestions

3.1 Improve the quality of comprehensive administrative law enforcement personnel and strengthen the support for comprehensive administrative law enforcement at the basic level

Intensify training. In the training process, attention should be paid to the improvement of law enforcement capacity. Through basic legal knowledge training to ensure that law enforcement personnel have a solid base of legal knowledge, including the understanding of relevant laws and regulations. At the same time, it can provide training in communication skills and conflict resolution strategies, which can help grassroots comprehensive administrative law enforcement personnel to deal with tension or conflict situations and better interact with the public. In addition, with the progress of technology, in addition to ensuring law enforcement vehicles, law enforcement recorders and other basic equipment, new law enforcement tools and equipment should be constantly introduced, and law enforcement personnel should be

regularly trained on the operation of relevant equipment to improve their work efficiency and effect. When law enforcement personnel through training and practice to gain more knowledge and skills, they in the face of complex or emergency can more actively respond to various situations, make quick and accurate decisions, also can better identify the potential risks and illegal behavior, to take action before the problem, improve law enforcement effectiveness.

3.2 Improve the coordination mechanism and optimize the list of responsibilities

Create an open communication environment, and encourage grassroots law enforcement personnel to put forward improvement suggestions and innovative plans according to the actual situation. Set up a fixed cross-departmental joint meeting system to ensure that there is a fixed communication platform between various departments. The agenda should be clear at the meeting and encourage departments to share progress, problems and the support needed^[4]. Second, develop a clear communication process. Identify the roles and responsibilities of all departments in communication to ensure the smooth transmission of information between all departments. Set up a special communication and coordination personnel, responsible for collecting the opinions and needs of various departments, to ensure the accurate transmission of information.

Use modern technology to improve communication efficiency. Such as WeChat, Ding and other instant messaging tools, can be efficient communication anytime and anywhere. Establish a special communication group to facilitate the information transmission and exchange between various departments. Make good use of digital platforms such as "handheld law enforcement" to effectively allocate, manage and track cross-departmental collaboration projects. Through the platform, task allocation, progress monitoring, and problem feedback and solution are realized.

3.3 Continue to promote the digital reform of law enforcement

Establish the overall main body responsible for the overall planning, centralized training, unified leadership and supervision of the comprehensive law enforcement work of towns and streets. We will establish a comprehensive law enforcement system, formulate a coordinated management system for comprehensive law enforcement, and set up a consultation mechanism, so as to clearly define the process norms of joint law enforcement, case transfer, and reporting of major law enforcement matters. In addition, relying on the grassroots Party building leading governance system, build a comprehensive law enforcement linkage platform to guide towns and streets to build a unified comprehensive administrative law enforcement command and coordination system. Promote digital law enforcement and online service platform, development and deployment of integrated law enforcement information management system, set case management, patrol records, task distributed, cross-sectoral cooperation, data analysis, and other functions, build a comprehensive administrative law enforcement specialized service platform, provide online reporting and query services, such as allowing the public online report, query status, submit a report, complaints, etc.^[5] While advancing digitization, strong data security and privacy protection measures must be ensured to prevent data leakage and abuse. This includes applications of encryption technology, access control, and regular security audits.

4 Conclusion

From the perspective of system theory, this paper reveals some problems after the law nforcement force sank into the street. Starting from these problems, some solutions are put forward. Administrative law enforcement work sinks to the streets, is a systematic project, which involves many departments and matters. We must adhere to Marxism and social science methodology, constantly improve and develop, in order to be more effective in grassroots governance.

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