

On the System Construction of Administrative Procuratorial Supervision

Yibo Tian

*Law School, Renmin University of China, Beijing, China
18818233289@163.com*

Abstract. Administrative procuratorial supervision is an important measure to implement Xi Jinping Thought on the Rule of Law and advance the modernization of China's system and capacity for governance. As the prerequisite for initiating administrative procuratorial supervision, "discovery in the process of performing duties" is not limited to "statutory procuratorial functions" in terms of both the practice of administrative procuratorial supervision and the people-centered orientation. Instead, it represents the broadest source of clues. Although procuratorial suggestions do not have coercive effect, their operation mechanism, which takes investigation and verification, flexible and active formulation and issuance, service and implementation as main links, constitutes the internal system of administrative procuratorial supervision. On the basis of the above two, administrative procuratorial supervision has gradually formed a systematic and linked external system in practice, which is composed of main mechanisms such as socialized sources of case clues, multi-party participated investigation and verification, analogous case supervision for drawing inferences, promoting unified linkage of administrative organs, connecting various other types of supervision, and coordinating with administrative organs in rectification. In this way, the initiation prerequisite, internal system and external system together form a complete system of administrative procuratorial supervision, which embodies the distinctive feature of joint participation of all parties and shows the new look of procuratorial organs in the new era of building consensus and pooling strength.

Keywords: administrative procuratorial supervision, procuratorial suggestion, function of legal supervision

1. Introduction

The *Decision of the Central Committee of the Communist Party of China on Several Major Issues Concerning Comprehensively Advancing Law-based Governance* adopted at the Fourth Plenary Session of the 18th Central Committee of the Communist Party of China (hereinafter referred to as the *Decision*) first proposed that "when procuratorial organs discover that administrative organs exercise their powers illegally or fail to perform their duties in the process of performing their duties, they shall urge them to make corrections. We will explore the establishment of a system for procuratorial organs to initiate public interest litigation." The Report to the 20th National Congress of the Communist Party of China also clearly put forward the requirement of "strengthening legal

supervision by procuratorial organs". On June 15, 2021, the Party Central Committee issued the *Opinions of the Central Committee of the Communist Party of China on Strengthening Legal Supervision by Procuratorial Organs in the New Era* (hereinafter referred to as the *Opinions*), which clearly requires "comprehensively deepening administrative procuratorial supervision. Procuratorial organs shall perform their legal supervision functions over administrative litigation activities in accordance with the law, promote the trial organs to conduct trials in accordance with the law, push administrative organs to perform their duties in accordance with the law, and safeguard the legitimate rights and interests of administrative counterparts; when discovering that administrative organs exercise their powers illegally or fail to perform their duties in the process of performing legal supervision duties, they may issue procuratorial suggestions and other measures to urge corrections in accordance with the law; they shall carry out substantive resolution of administrative disputes in the process of performing legal supervision duties to promote the settlement of cases." On October 23, 2025, the Fourth Plenary Session of the 20th Central Committee of the Communist Party of China reviewed and adopted the proposal for the 15th Five-Year Plan, which once again emphasized "strengthening procuratorial supervision and public interest litigation". The supervision of administrative illegal acts carried out by procuratorial organs is a vivid practice and original achievement of Xi Jinping Thought on the Rule of Law in the legal supervision work of procuratorial organs, and a creative development of the socialist procuratorial system with Chinese characteristics based on the constitutional positioning of legal supervision organs to promote comprehensive law-based governance and the construction of a law-based government. At the same time, it is also an important measure for administrative procuratorial work to implement Xi Jinping Thought on the Rule of Law, implement the people-centered development ideology, and advance the modernization of China's system and capacity for governance [1]. The provisions of a series of important documents have laid the political foundation and overall direction for the work of administrative procuratorial supervision in the new era.

However, administrative procuratorial supervision is, after all, a system still in the process of exploration, and there are still many issues worthy of discussion in theory and practice. When stipulating administrative procuratorial supervision, the above documents all mention an important premise, that is, "in the process of performing duties" or "in the process of performing legal supervision duties". What exactly is its connotation? In what kind of procedure does the discovery belong to "performing duties" or "performing legal supervision duties"? Another important issue is the effect of procuratorial suggestions. What kind of effect do procuratorial suggestions have? Should administrative organs that receive procuratorial suggestions execute them in accordance with the content of the suggestions? If they fail to do so, shall they bear legal liability, and what kind of legal liability shall they bear? There is also a core issue: what role should procuratorial organs play in the supervision system of administrative power in the new era under the requirement of the administrative procuratorial supervision system? The discussion of these issues is crucial to the system construction of administrative procuratorial supervision. Starting from the guiding cases and typical cases related to administrative procuratorial supervision issued by the Supreme People's Procuratorate, this paper discusses the system of administrative procuratorial supervision from the perspective of practice, and expounds the internal system centered on the operation of procuratorial suggestions and the external system centered on the systematic linkage mechanism, so as to provide a realistic path for the construction and improvement of the administrative procuratorial supervision system.

2. What does "in the process of performing duties" mean

Whether in the *Decision* or the *Opinions*, when referring to the supervision by procuratorial organs over administrative organs' illegal exercise of powers or non-performance of duties, an important premise is clearly stipulated, that is, discovery "in the process of performing duties" or "in the process of performing legal supervision duties". The same premise is also emphasized in Paragraph 4 of Article 25 of the *Administrative Procedure Law* [2]. Then what specific contents do the duties or legal supervision duties of procuratorial organs include? Article 20 of the *Organic Law of the People's Procuratorates* stipulates the functions and powers of the people's procuratorates. Apart from the eighth item which is a catch-all provision, it includes the functions of investigation, approval of arrest and review and prosecution of the people's procuratorates in criminal procedure, the function of initiating public interest litigation, and the legal supervision over litigation activities, the execution of effective legal documents such as judgments and rulings, and the law enforcement activities of prisons and detention centers [3]. Judging from this, only when the people's procuratorates discover the illegal exercise of powers by administrative organs in the process of performing these duties can they urge corrections. However, the actual situation is not the case.

2.1. "Performing duties" in public interest litigation

When Paragraph 4 of Article 25 of the *Administrative Procedure Law* stipulates that the people's procuratorates have the right to initiate public interest litigation, the premise is also "in the process of performing duties". The *Decision* was issued by the Party Central Committee in 2014, and the amendment to the *Administrative Procedure Law* was adopted in 2017. Therefore, Article 25 of the *Administrative Procedure Law* is the implementation of the *Decision* of the Party Central Committee [4]. Then what does "in the process of performing duties" in Paragraph 4 of Article 25 of the *Administrative Procedure Law* mean? According to the provisions of Article 24 of the *Rules of the People's Procuratorates on Handling Public Interest Litigation Cases* issued by the Supreme People's Procuratorate [5], the scope of "performing duties" is very wide, not limited to the process of the people's procuratorates exercising the functions and powers stipulated in Article 20 of the Organic Law. If viewed in this way, the "performing duties" stipulated in Paragraph 4 of Article 25 of the *Administrative Procedure Law* is the same as the "performing duties" stipulated in the *Decision*, and the two are in the same line. This raises a problem. Is initiating public interest litigation not one of the functions and powers of the people's procuratorates? If the "performance of duties" in initiating public interest litigation includes a wide range of clue sources, while the "performance of duties" in administrative procuratorial supervision is limited to the so-called "statutory procuratorial functions", wouldn't this be self-contradictory? Furthermore, relevant officials of the Supreme People's Procuratorate pointed out that "it is an improper expansion to understand that the source of clues for supervision of administrative illegal acts is equivalent to that of administrative public interest litigation [6]." The reason is that in addition to the source of clues, administrative public interest litigation also requires two elements: damage to national and social public interests and statutory areas. Even if the source of clues is open, it will not lead to the generalization of supervision in terms of system design. Compared with administrative public interest litigation, supervision of administrative illegal acts is not restricted by public interest damage and statutory areas, so it is necessary to appropriately restrict the source of clues to avoid improper expansion of procuratorial supervision and improper intervention in the operation of administrative power. However, in the process of initiating administrative public interest litigation, will procuratorial organs not discover that "administrative organs exercise their powers illegally or

fail to perform their duties"? It is just because the "illegal exercise of powers or non-performance of duties" at this time has infringed upon national interests or social public interests and falls within certain statutory areas, so procuratorial organs can initiate administrative public interest litigation in accordance with the law. Therefore, these two elements do not determine the source of clues, but determine whether procuratorial organs can initiate administrative public interest litigation. Hence, it is completely unreasonable to restrict the source of clues for administrative procuratorial supervision with these two elements.

Therefore, whether from the perspective of the *Administrative Procedure Law* as the implementation of the *Decision* of the Party Central Committee, or from the perspective of initiating public interest litigation as a statutory function of the people's procuratorates, "performing duties" or "performing legal supervision duties" as the source of clues for administrative procuratorial supervision should be extensive and not limited to the so-called "statutory procuratorial functions".

2.2. "Performing duties" in the practice of administrative procuratorial supervision

The practice of administrative procuratorial supervision shows that the source of clues for "in the process of performing duties" seems to be wider. First of all, procuratorial organs also apply the extensive clue sources of administrative public interest litigation to cases beyond the so-called "two elements" stipulated in Paragraph 4 of Article 25 of the *Administrative Procedure Law*. For example, in the Supervision Case of the Water Conservancy Bureau of a County in Hubei Province Applying for Compulsory Enforcement of the Penalty Decision on Xiao's Illegal Construction in River Channels (Guiding Case No. 59 of the Supreme People's Procuratorate) [7], the demolition of illegal buildings does not belong to the "statutory areas" stipulated in Paragraph 4 of Article 25 of the *Administrative Procedure Law*, and thus does not fall within the scope of administrative public interest litigation. However, the people's procuratorate discovered the case clues from a report in a daily newspaper titled "When Will the Phenomenon of Law Enforcement 'Passing the Buck' End?". In the Case of the People's Procuratorate of Qingzhou City, Shandong Province Urging the Protection of Tuoshan Grottoes [8], the protection of cultural relics does not belong to the "statutory areas" stipulated in Paragraph 4 of Article 25 of the *Administrative Procedure Law*. However, the People's Procuratorate of Qingzhou City discovered the case clues from media reports and initiated the supervision procedure in accordance with the law. Secondly, the people's procuratorates will also discover case clues in the social activities they participate in. In the Case of the People's Procuratorate of Haidian District, Beijing Urging the Implementation of Smoking Ban Protection for Minors (Guiding Case No. 88 of the Supreme People's Procuratorate) [9], the procuratorial organ discovered the case clues in the relevant publicity activities of "rule of law entering campuses". In the Case of the People's Procuratorate of Yongfu County, Guangxi Zhuang Autonomous Region Urging the Protection of Yongning Prefecture City [10], the procuratorial organ discovered the case clues in the work of rural revitalization, and thus initiated the supervision procedure in accordance with the law. Other social activities like these are not within the scope stipulated by the Organic Law, and thus do not belong to "statutory procuratorial functions". However, procuratorial organs still regard them as discoveries "in the process of performing legal supervision duties"; otherwise, the procuratorial organs handling these cases would be in a situation of violating the law. In addition, procuratorial organs discovering case clues in the special activities uniformly organized by the Supreme People's Procuratorate [11], and discovering clues when being invited to participate in the resolution of relevant contradictions and disputes [12], all belong to discovery "in the process of performing duties", so procuratorial organs initiate the supervision procedure in accordance with the law.

Therefore, looking at the practice of administrative procuratorial supervision as a whole, discovery "in the process of performing duties" or "in the process of performing legal supervision duties" is not limited to the so-called "statutory procuratorial functions". The relevant social governance activities participated by the people's procuratorates in accordance with the decision-making arrangements of the Party Central Committee and legal provisions also belong to "performing legal supervision duties" [13].

2.3. Justice for the people determines the connotation of "performing legal supervision duties"

From the practice of administrative procuratorial supervision, discovery "in the process of performing legal supervision duties" is not confined to the so-called "statutory procuratorial functions", and the sources of case clues are very extensive. Through practice, it can be found that administrative procuratorial supervision involves prominent social problems caused by administrative organs' illegal exercise of powers or non-performance of duties, such as the health protection of minors, the transportation safety of high-speed railway lines, the health problems of the people caused by ecological environment damage, and the social and economic development problems caused by false registration. These social problems may not appear within the scope of "statutory procuratorial functions", because to constitute a case, statutory standards must be met. Therefore, only discovering case clues in "statutory procuratorial functions" cannot achieve sufficient supervision over administrative organs' illegal exercise of powers or non-performance of duties.

The *Opinions* clearly point out that we should seize the problems of lax law enforcement and unfair justice that the people strongly reflect on, intensify legal supervision, and maintain social fairness and justice. We should adhere to and develop the "Fengqiao Experience" in the new era, improve the procuratorial work mechanism of accusation and petition, improve the system of handling people's petitions, introduce methods such as hearings to review and handle difficult cases, and effectively resolve contradictions and disputes. That is to say, legal supervision work must adhere to the people-centered development ideology. And being people-centered never means simply serving the people, but means that the people, as the main body, participate in the legal supervision work of procuratorial organs. On October 20, 2020, the Supreme People's Procuratorate promulgated the *Provisions of the People's Procuratorates on Hearing Work in Case Review* [14], and the people's participation in procuratorial supervision work has been institutionally guaranteed. Therefore, as a source of clues, discovery "in the process of performing legal supervision duties", from the standpoint of justice for the people, should include the broadest source of clues in its connotation, and should extensively receive reports, complaints and accusations from the people through various channels. In addition, the *Opinions* also mentions "improving the system of handling people's petitions" in the part of giving full play to the function of legal supervision. According to the relevant provisions of the *Regulations on Petition Work* issued by the Central Committee of the Communist Party of China and the State Council, procuratorial organs also undertake the duties of petition work [15]. Therefore, the petition work duty is an organic part of the "legal supervision duties" of procuratorial organs, and the two are unified. In this sense, broadening the channels for clues and allowing the broadest masses of people to provide clues and then participate in legal supervision work is an inherent requirement for procuratorial organs in the new era to "perform legal supervision duties" and strengthen administrative procuratorial supervision.

3. Internal system: how do procuratorial suggestions play their role

For procuratorial suggestions, the most critical issue is their effect, or what kind of legal effect the procuratorial suggestions issued by procuratorial organs will produce. A foremost question is: must the suggested unit perform its duties in accordance with the content of the procuratorial suggestion when the procuratorial organ issues it to an administrative organ? What is the main function of procuratorial suggestions? These issues need further consideration.

3.1. Do procuratorial suggestions have coercive effect

As a result of procuratorial organs exercising their functions and powers, does it mean that procuratorial suggestions have coercive effect [16]? Must the suggested unit perform in accordance with their content? From the perspective of practice, procuratorial suggestions do not seem to have such coercive force. For retrial procuratorial suggestions issued by procuratorial organs to courts, the courts do not necessarily comply with them. In practice, there have been cases where the procuratorial organ issued a retrial procuratorial suggestion to the court, but the court replied in a letter that it would not retry the case, and the procuratorial organ could only initiate a protest procedure in accordance with the law [17]. For procuratorial suggestions issued by procuratorial organs to administrative organs, administrative organs may even ignore them. In practice, there have also been cases where administrative organs neither replied to the procuratorial suggestions issued by procuratorial organs nor performed their duties in accordance with the procuratorial suggestions. After the procuratorial organ urged for handling many times, the administrative organ still did not give a reply [18]. Under such circumstances, the procuratorial organ had no choice but to initiate administrative public interest litigation in accordance with the law.

Moreover, from the perspective of the Supreme People's Procuratorate's own cognition, it does not intend to endow procuratorial suggestions with coercive effect. According to the relevant normative documents promulgated by the Supreme People's Procuratorate, procuratorial suggestions also do not have coercive effect. If the suggested unit fails to make rectification or the rectification is not in place, the procuratorial organ can only notify other organs or initiate administrative public interest litigation [19]. Therefore, whether from the perspective of procuratorial organs' own understanding or from the operation practice of procuratorial suggestions, procuratorial suggestions do not have coercive effect.

3.2. Operation logic of procuratorial suggestions

The formulation and issuance of procuratorial suggestions is not simply the supervision of procuratorial organs over administrative organs' illegal exercise of powers or non-performance of duties. Instead, it focuses on providing a platform for all parties to participate in the supervision of administrative power, and this logic is completely different from the supervision of administrative power by administrative litigation.

First of all, the formulation and issuance of procuratorial suggestions requires investigation and verification, which is a very important step. Investigation and verification is not only aimed at the parties involved in the case, but also conducts a comprehensive investigation of the facts and evidence involved in the case. Moreover, procuratorial organs will make full use of professional and technical means in the process of investigation. Therefore, procuratorial suggestions not only conduct legal judgment on administrative organs' exercise of powers or non-performance of duties, but more importantly, conduct factual judgment on the results produced [19]. In specific practice,

procuratorial organs will not only inquire the parties involved in the case, but also visit the masses related to the case, and deeply understand the ins and outs of the facts of the case through hearings. The scope of investigation has long been not limited to both parties in litigation. In the Supervision Case of Zhao v. the Veterans Affairs Bureau of a Banner in Inner Mongolia Autonomous Region on Payment of Regular Living Subsidies for Children of Martyrs (Guiding Case No. 208 of the Supreme People's Procuratorate) [20], the procuratorial organ invited members of the Chinese People's Political Consultative Conference, people's supervisors, lawyers, and both parties to jointly verify the case situation by holding a hearing. In cases of ecological environment protection, procuratorial organs entrust relevant professional institutions to use satellite remote sensing technology to investigate and collect evidence [21]. It can be said that the professional level of procuratorial organs in fact-finding and investigation is no less than that of administrative organs with professional expertise. Therefore, the process of investigation and verification is actually a process of evaluation and confirmation by procuratorial organs and all sectors of society on the fact that administrative organs exercise their powers illegally or fail to perform their duties. Moreover, in this process, procuratorial organs will also listen to the opinions of the suggested units. Therefore, procuratorial suggestions based on investigation and verification do not simply represent the will of procuratorial organs, but to a certain extent represent the overall conclusion of the people and relevant parties on administrative organs' illegal exercise of powers or non-performance of duties.

Secondly, it is the deterrent effect of procuratorial suggestions. The way procuratorial organs formulate and issue procuratorial suggestions is very flexible. Under certain circumstances, the use of procuratorial suggestions can play a certain deterrent effect. In some cases involving systematic illegal exercise of powers or non-performance of duties by administrative organs at different levels and in different regions, procuratorial organs will take unified actions under the deployment of superior procuratorial organs and even the Supreme People's Procuratorate. At this time, the centralized, unified and systematic issuance of procuratorial suggestions has exerted a considerable deterrent effect and supervision pressure on administrative organs. In the Administrative Public Interest Litigation Case of Procuratorial Organs in Shanxi Province Urging Rectification of Illegal Mining by Mining Enterprises in Hunyuan (Guiding Case No. 163 of the Supreme People's Procuratorate) [22], under the unified deployment of the Datong Municipal People's Procuratorate, the People's Procuratorate of Yungang District issued a pre-litigation procuratorial suggestion to the ecological environment department of Hunyuan County on October 15, 2018, regarding the illegal situation of random accumulation of waste slag stripped by a coal company, suggesting that it perform its duties in accordance with the law and urge the mine to take effective preventive measures to prevent solid waste from polluting the environment. According to the designation of the Datong Municipal Procuratorate, the procuratorates of Guangling County, Zuoyun County, Pingcheng District and Tianzhen County successively issued pre-litigation procuratorial suggestions to the Land and Resources Bureau and Forestry Bureau of Datong City, the Land and Resources Bureau, Forestry Bureau, Work Safety Supervision Bureau of Hunyuan County, as well as the governments of Qingciyao Township and Qianfoling Township in Hunyuan County. At the same time, on January 21, 2019, the Shanxi Provincial People's Procuratorate issued an administrative public interest litigation pre-litigation procuratorial suggestion to the Department of Natural Resources of Shanxi Province. On January 29, 2019, the Shanxi Provincial People's Procuratorate issued social governance procuratorial suggestions to administrative organs such as the Provincial Administration for Market Regulation, the Provincial Emergency Management Department, the Provincial Department of Ecology and Environment, and the Provincial Forestry and Grassland Bureau. Such centralized, unified and systematic issuance of procuratorial suggestions has caused

considerable deterrence and supervision pressure on administrative organs. After receiving the procuratorial suggestions, relevant administrative organs all acted quickly and performed their relevant duties in a timely manner, and the damage to the ecological environment has been effectively curbed and restored. This is another embodiment of the important function of procuratorial suggestions. Their centralized, unified and systematic release is conducive to forming a strong legal supervision situation for administrative organs, and has overall and systematic advantages compared with the case-by-case supervision of administrative litigation and supervision over individual administrative organs.

Thirdly, it is the service of procuratorial suggestions. According to the provisions of relevant normative documents, the service of procuratorial suggestions is not only a matter between procuratorial organs and the suggested units. When necessary, third-party personnel will be invited to participate together. For some cases with wide coverage and great influence, they will also be served on other units [19]. This indicates that, first, procuratorial suggestions do not merely represent the supervision of procuratorial organs over administrative organs. On the basis of extensive investigation and verification, they reflect an important way of building a joint supervision platform, which is embodied by the fact that the service objects of procuratorial suggestions are not limited to the suggested units. Second, procuratorial suggestions do not only represent the legal supervision of procuratorial organs, but also link up the all-round supervision system of political supervision, democratic supervision, social supervision and public opinion supervision through legal supervision, which is another important role of procuratorial suggestions. The judgments of administrative litigation are public, but the judgments cannot be served on subjects other than the parties in the name of the people's court, which limits the supervision of administrative organs by administrative litigation to a certain scope. However, procuratorial suggestions have no such restrictions and have a wide range of service objects. Therefore, procuratorial suggestions are an important way to activate political supervision, social supervision and strengthen the internal supervision of the administrative system by initiating legal supervision.

Finally, it is the implementation of procuratorial suggestions. What should the content of procuratorial suggestions be like? Should they put forward suggestions in a general and principled manner, or should they put forward specific content [23]? First of all, from the perspective of normative documents promulgated by the Supreme People's Procuratorate, procuratorial suggestions should be relatively specific and operable; otherwise, the suggested units cannot implement them [19]. Secondly, from the perspective of practice, the content of procuratorial suggestions issued by procuratorial organs is very specific in some cases. In the Administrative Public Interest Litigation Case of the People's Procuratorate of Fuqing City, Fujian Province Urging the Elimination of Hidden Dangers in Kindergartens (Guiding Case No. 143 of the Supreme People's Procuratorate) [24], the procuratorial suggestion issued by the procuratorial organ to the administrative organ included specific measures for the governance of unlicensed kindergartens, and these measures have reached the level that administrative organs can directly implement with little discretion. Thirdly, the implementation of procuratorial suggestions has time requirements. The normative documents of the Supreme People's Procuratorate stipulate the time limit for the suggested unit to make corresponding handling according to the procuratorial suggestion — two months, and special circumstances can be treated specifically [19]. Therefore, after issuing procuratorial suggestions, the supervision work of procuratorial organs is not over. Instead, they should follow up the supervision, actively urge administrative organs to implement the procuratorial suggestions, and do a good job in relevant rectification work. At the same time, practice shows that procuratorial organs do not simply supervise administrative organs to implement rectification responsibilities as "outsiders", but as the

main body of implementing procuratorial suggestions, actively participate in it [25], and maximize the power of procuratorial power in accordance with the law, which is also very consistent with the requirement of procuratorial organs participating in social governance by formulating and issuing procuratorial suggestions.

In addition, there is a very important point here: the implementation of procuratorial suggestions is not only reflected in "exercising powers or performing duties in accordance with the law", but more reflected in the efficiency and results of administrative organs' implementation of rectification. The fact that procuratorial suggestions require the suggested unit to make corresponding handling within a time limit already illustrates this point. At the same time, from the perspective of practice, the evaluation standard for procuratorial organs to follow up and supervise the rectification of administrative organs is that the results caused by the illegal exercise of powers or non-performance of duties are completely eliminated. That is to say, it is not enough for administrative organs to merely exercise their powers or perform their duties in accordance with the law; they must also restore the facts or reach a certain state. This shows that procuratorial suggestions are no longer simply "legal supervision". The judgment of procuratorial organs on administrative organs' "illegal exercise of powers or non-performance of duties" is not simply a legal judgment, but also includes a considerable degree of factual judgment, which is inherently consistent with the investigation and verification, flexible formulation and issuance, extensive service and active implementation in the operation process of procuratorial suggestions.

Therefore, a thin piece of procuratorial suggestion is actually very "heavy". It not only reflects the legal supervision relationship between procuratorial organs and administrative organs, but also is an important way for the people to participate in legal supervision. At the same time, procuratorial suggestions are not only an important way for procuratorial organs to exercise legal supervision, but also an important way for procuratorial organs to participate in social governance, maintain judicial justice, and ensure the unified application of laws. So the functions carried by procuratorial suggestions are comprehensive and systematic rather than single. Moreover, combined with the leadership relationship between superior and subordinate procuratorial organs, the centralized, unified and systematic formulation and issuance of procuratorial suggestions to the administrative system with the procuratorial system as the main body exerts the systematic and overall effect that a single procuratorial suggestion does not have. Therefore, procuratorial suggestions play their role not only through the content of the suggestions themselves and the construction of procuratorial teams, to be more specific, not simply through the procuratorial suggestions themselves and procuratorial organs themselves. Instead, they maximize the supervision effect and give full play to the procuratorial power by building a supervision platform and connecting political supervision, democratic supervision, mass supervision and public opinion supervision. At the same time, it can also link up the enforcement of Party discipline, realize the effective connection between inner-Party regulations and national laws and regulations in the fields of supervision system, social governance and judicial justice, and also promote the simultaneous progress of administration according to law and Party governance according to regulations.

4. External system: systematic linkage mechanism

After clarifying "in the process of performing legal supervision duties" (or "in the process of performing duties") and the operation mechanism of procuratorial suggestions, we can explore the linkage operation mechanism of procuratorial supervision based on the correct positioning of procuratorial organs, which is the external system of administrative procuratorial supervision. The *Opinions* clearly point out that we should "promote the organic integration and coordination of legal

supervision by procuratorial organs with various other types of supervision", "serve and guarantee high-quality economic and social development", "effectively strengthen judicial protection of people's livelihood", and "actively lead the awareness of the rule of law in society" [26]. Therefore, as state legal supervision organs in the Constitution, procuratorial organs should not only ensure the correct and unified implementation of national laws, but also give full play to the function of legal supervision to contribute to advancing the modernization of China's system and capacity for governance. The Leading Party Members' Group of the Supreme People's Procuratorate has clearly put forward the idea of "standing high, having a broad vision, clarifying the direction and taking a steady path", and requires understanding and strengthening administrative procuratorial work from the level of political system and national governance, and from the perspective of strengthening supervision over public power and promoting the construction of a law-based government [27]. Therefore, administrative procuratorial supervision must be based on such positioning of procuratorial organs. When supervising administrative organs' illegal exercise of powers or non-performance of duties in the field of administrative procuratorial work, we should not simply carry out "legal supervision", but implement the overall requirements of the Party Central Committee for procuratorial work, and correctly realize that procuratorial organs always stand firm in their positioning in the process of deepening administrative procuratorial supervision through an appropriate linkage operation mechanism.

4.1. Extensive mechanism for obtaining case clues

Through the previous discussion, it has been clarified that discovery "in the process of performing duties" (or "in the process of performing legal supervision duties") is not limited to the so-called "statutory duties" of procuratorial organs, but has a wide range of clue sources. The sources of clues for administrative procuratorial supervision are not limited to, or should not be limited to, the process of performing the "four major procuratorial functions". They also include letters, visits and correspondence from the people, transfers from other state organs, reflections from news media and public opinion, and so on. In short, expanding the sources of clues as much as possible is a necessary guarantee for procuratorial organs to better strengthen the administrative procuratorial function on the basis of their positioning.

In fact, the functions of procuratorial organs, or the duties they undertake, also show a trend of expansion. A typical example is that prosecutors serve as vice principals in charge of rule of law and actively participate in the protection of minors and the education of the rule of law for young people [28]. At the same time, it has become a distinctive feature and highlight of procuratorial organs in the new era to implement judicial activism and actively participate in various economic and social construction [29]. The positioning of procuratorial organs to fully participate in social governance and serve the overall situation determines that procuratorial organs should adopt an extensive clue source mechanism in the administrative procuratorial function.

In addition, from the perspective of strengthening supervision over administrative power and optimizing the allocation of judicial power, the socialization of case clue sources is also an inherent meaning. Some scholars proposed to "create procuratorial supervision suitable for facing administrative power directly", and pointed out that administrative procuratorial supervision has problems such as "excessive reliance on the litigation system", "fragmented distribution" and "insufficient strength of procuratorial organs" [30]. However, to achieve this goal, the important thing is not to strengthen the strength of procuratorial organs themselves, because no matter how strengthened, procuratorial organs have very limited strength compared with powerful administrative organs. Nor is it to improve the relationship with administrative organs and "avoid

their edge". On the contrary, we should solve the problem from the other side of administrative power and administrative organs — the administrative counterparts, that is, the people. Facing administrative power directly does not mean direct confrontation with administrative power and administrative organs, but how to supervise administrative power more "directly". Then, extensively combining with the recipients of administrative power — the people, is the best way to create "procuratorial supervision suitable for facing administrative power directly". Mobilizing administrative counterparts to supervise administrative power is the optimal way to optimize the allocation of judicial power, give full play to the procuratorial function, and strengthen administrative procuratorial supervision. Some people worry that this will cause excessive expansion of procuratorial power. However, collecting case clues is a different matter from carrying out administrative procuratorial supervision. Procuratorial organs have full discretion over whether to place all kinds of collected clues on file for handling.

Therefore, adopting an extensive mechanism for discovering case clues, giving full play to the procuratorial function, and relying on the strength of other state organs and the people to strengthen the strength of procuratorial organs and form a strong social foundation for administrative procuratorial supervision, is an inherent requirement for procuratorial organs to give full play to the role of legal supervision, serve the overall situation and administer justice for the people.

4.2. Multi-party participation mechanism for investigation and verification

According to the provisions of the *Organic Law of the People's Procuratorates*, investigation and verification is not only a prerequisite for the formulation and issuance of procuratorial suggestions, but also an important means for procuratorial organs to perform their legal supervision functions [3]. The reason why investigation and verification is emphasized in a separate article is to highlight its important position. The investigation and verification of procuratorial organs in administrative procuratorial supervision is by no means just to find out the facts of the case and fix relevant evidence. More importantly, it is to form a comprehensive social attitude towards administrative organs' illegal exercise of powers or non-performance of duties. This is because the objects of investigation and verification are not limited to the administrative organs and administrative counterparts involved in the case. Other state organs, other people with potential impact on the case, social organizations and other social subjects are all objects of investigation and verification by procuratorial organs. Therefore, the investigation and verification of procuratorial organs is no longer simply "clear facts and sufficient evidence" in the legal sense. Instead, it should form a comprehensive opinion around the case, representing all relevant parties and with extensive participation of the people, which has wide social representativeness. Therefore, the function of investigation and verification is not simply to find out the facts, but to integrate the opinions of all parties and build social consensus, which provides a reliable guarantee for procuratorial organs to deeply participate in social governance through administrative procuratorial supervision. Especially in the face of major difficult and complex cases, procuratorial organs hold hearings, invite representatives of administrative organs at different levels and regions, enterprise representatives, representatives of the people, deputies to people's congresses, members of the Chinese People's Political Consultative Conference, experts and scholars, lawyers and other parties to participate in the investigation and verification, and even invite news media to broadcast the whole process, which greatly promotes the intensity and effectiveness of administrative organs' active rectification [31].

This is also an important support for strengthening administrative procuratorial supervision and optimizing the allocation of judicial power. Multi-party participation shows that the professionalism

of procuratorial organs is not only reflected in the so-called "legal professionalism", but also reflected in fully allowing other state organs and social subjects, especially the people, to participate in the process of legal supervision, which embodies a comprehensive "professionalism". This is exactly the direction of the reform of procuratorial organs under the guidance of Xi Jinping Thought on the Rule of Law [32].

If the so-called priority of administrative first judgment forms a so-called professional challenge to administrative procuratorial supervision, [33, 34] then through the multi-party participation of other state organs, social organizations and the people, the experience advantages of administrative organs in complexity, professionalism and technology are largely overcome. With the support and cooperation of relevant professional institutions and the people, it can be said that procuratorial organs also have the "professionalism" that administrative organs have, thus dispelling the advantages of administrative power to a considerable extent, and further forming a good foundation for the operation of administrative procuratorial supervision.

4.3. Analogous case supervision mechanism for drawing inferences

From the perspective of practice, administrative procuratorial supervision does not stick to solving individual cases or a single problem. Instead, it draws inferences from one instance and forms an efficient supervision mechanism of solving a batch of problems through one case. In the Public Interest Litigation Case of Procuratorial Organs in Heilongjiang Province Urging Governance of Secondary Water Supply Safety (Guiding Case No. 89 of the Supreme People's Procuratorate) [35], procuratorial organs extended from the health problems of secondary water supply pumping stations to all problems affecting water quality in secondary water supply, and from the problem of a secondary water supply pumping station in Didao District to the water quality problems of secondary water supply in Jixi City and then in the whole Heilongjiang Province. Such a mechanism will also operate under the condition of unified application of laws, unifying the understanding and application of a certain law by public security organs and courts across the province through one case [17]. Relevant officials of the Supreme People's Procuratorate said that we should strengthen the systematic concept, give play to the role of analogous case supervision on system construction in correcting, innovating and leading, promote the solution of judicial concepts, policies and orientation problems in a field and a period, and realize the unification of political, social and legal effects of case handling [36].

The analogous case supervision mechanism shows that administrative procuratorial supervision does not simply supervise the "administrative illegal acts" of administrative organs [37], but has a future orientation. That is, by supervising the past "illegal exercise of powers or non-performance of duties" of administrative organs, it guides the direction of administrative organs' actions in this field in the future; by supervising administrative organs that have "illegally exercised powers or failed to perform duties", it leads the behavior of potential administrative organs that may "repeat the same mistakes" in the future. This is exactly the core meaning of analogous case supervision. Through the penetrating supervision of administrative procuratorial supervision, penetrating from the known to the unknown and from the past to the future, it better realizes the similar effect of the so-called "stare decisis" in western countries, maximizes the power of judicial power or procuratorial power, and realizes the optimized allocation of procuratorial power.

Moreover, analogous case supervision also brings a result: it realizes the horizontal connection among administrative organs, procuratorial organs and judicial organs. The Constitution stipulates the relationship between the power organs and administrative organs, procuratorial organs and judicial organs respectively, and also stipulates the mutual relationship between public security

organs, procuratorial organs and judicial organs in handling criminal cases. But what is the relationship between them in other fields? What is the relationship between other administrative organs, procuratorial organs and judicial organs? The Constitution does not make clear provisions on this. However, the analogous case supervision mechanism adopted by administrative procuratorial supervision creates a new type of relationship of coordination and cooperation among the three organs in the field of administrative law enforcement so as to unify the application of laws, which is a new development of constitutional practice. It can be said that this is a new situation in which procuratorial organs deeply participate in social governance, give full play to the procuratorial function, and realize the implementation of laws through the active exercise of procuratorial power. That is, the implementation of laws is no longer simply the process of administrative organs enforcing laws → courts conducting legality review through administrative litigation → procuratorial organs conducting administrative procuratorial supervision. Instead, it creates a situation where administrative organs, procuratorial organs and judicial organs work together to form a unified application of laws. This process breaks the previous sequential procedure of law application and at the same time innovates the relationship of each organ in the process of law implementation.

4.4. Mechanism for promoting hierarchical and regional systematic linkage of administrative organs

The *Constitution* and the *Organic Law of the Local People's Congresses and Local People's Governments* stipulate the relationship between people's governments at higher and lower levels, but they do not stipulate or only make general provisions on the relationship between the working departments of people's governments at higher levels and those at lower levels [38]. What is the relationship between the Ministry of Ecology and Environment of the State Council and the Department (Bureau) of Ecology and Environment of provincial people's governments? Can the Ministry of Ecology and Environment directly command the bureau of ecology and environment under the county-level people's government? These problems have no clear provisions in system and practice at present. However, in the specific field of ecological environment administrative law enforcement, there will be situations where administrative organs at different levels and in different regions need to cooperate, and their uncertain relationship becomes a major institutional obstacle to coordination and cooperation. In this case, it seems that the only legal and effective way is for the State Council to convene people's governments at different levels and in different regions to hold joint meetings and organize coordination. However, holding such meetings is time-consuming and laborious, and the coordinated relationship will be very complex.

The practice of procuratorial organs in the process of administrative procuratorial supervision has solved this problem. In the Public Interest Litigation Case of the Supreme People's Procuratorate Urging Rectification of Ecological Environment Damage in the Nansi Lake Basin (Guiding Case No. 218 of the Supreme People's Procuratorate) [31], the Supreme People's Procuratorate uniformly organizes procuratorial organs at all levels in Shandong, Jiangsu, Anhui and Henan provinces. It distinguishes areas below the municipal level, cross-regional areas within the province and cross-provincial areas, which are respectively placed on file for supervision by municipal procuratorial organs, provincial procuratorial organs and the Supreme People's Procuratorate. With unified deployment and classified advancement, it supervises and urges administrative organs at different levels, in different regions and of different departments to coordinate and act in unison, effectively promoting the systematic governance of the ecological environment in the Nansi Lake Basin. The unified coordination of procuratorial organs through administrative procuratorial supervision to

achieve the unified coordination of administrative organs at different levels, in different regions and of different departments is an original creation of administrative procuratorial supervision with Chinese characteristics under the guidance of Xi Jinping Thought on the Rule of Law. It is worth mentioning that the systematic supervision mechanism of administrative procuratorial supervision solves the situation that it is difficult to find the illegal subject and determine which administrative organ bears the main responsibility in some difficult and complex cases in practice, and realizes comprehensive supervision over administrative organs' "illegal exercise of powers or non-performance of duties".

4.5. Mechanism for connecting various types of supervision

Administrative procuratorial supervision should not only realize the legal supervision of procuratorial organs over administrative organs, but also organically connect intra-Party supervision, people's congress supervision, democratic supervision, administrative supervision, judicial supervision, auditing supervision, social supervision and public opinion supervision through legal supervision, so as to form a supervision system and enhance the joint force and effect of supervision.

In specific practice, after procuratorial organs discover that administrative organs exercise their powers illegally or fail to perform their duties, they will first formulate and issue procuratorial suggestions to administrative organs on the basis of investigation and verification. If the problems involved in the case are related to people's livelihood and are universal, procuratorial organs will report to superior procuratorial organs, and superior procuratorial organs will issue procuratorial suggestions to governments at the same level or their constituent departments, which improves the internal supervision between superior and subordinate administrative organs. At the same time, through government work reports, procuratorial organs promoting and participating in the drafting of local regulations and other measures, the supervision of people's congresses has been strengthened and a long-term mechanism has been formed [35]. In addition, when handling difficult and complex cases, by requesting instructions and reporting to the Party committee, and transferring clues of public officials' violations of discipline and law to discipline inspection and supervision organs, the connection with intra-Party supervision has been strengthened [22]. In the process of follow-up supervision, procuratorial organs will also inform relevant mass organizations and social groups of the relevant situations found in the handling of cases, mobilize social forces, build a normalized supervision system for a certain field, and form a good supervision situation of democratic supervision, social supervision and public opinion supervision [25, 31].

Administrative procuratorial supervision should not only realize the legal supervision of procuratorial organs over administrative power, but also integrate other supervision through legal supervision, and then form a supervision system over administrative power and form supervision synergy. The reason for connecting various types of supervision is not only to strengthen the restriction on administrative power, but more importantly, to let all subjects participate in the construction of a law-based government. It clearly embodies that the construction of a law-based government is not the responsibility of administrative organs alone. Party committees, people's congresses, judicial organs, the people and even more social subjects should deeply participate in the construction of a law-based government. Taking the construction of a law-based government as the main line, a good atmosphere for building a law-based society and finally building a law-based country will be formed. Promoting the construction of a law-based government from legal supervision to organic connection with various other types of supervision, and further promoting the integrated construction of a law-based government, a law-based society and a law-based country, it has to be said that this is another creation of administrative procuratorial supervision and another

great initiative of building a socialist country under the rule of law with Chinese characteristics in the new era under the guidance of Xi Jinping Thought on the Rule of Law.

4.6. Mechanism for coordinating with administrative organs in rectification

Administrative procuratorial supervision does not stop at supervising administrative organs to carry out rectification after discovering problems, but actively cooperates with administrative organs in rectification work. In practice, after formulating and issuing procuratorial suggestions, procuratorial organs actively cooperate with administrative organs in rectification and implement the procuratorial suggestions. In order to lock in illegal clues, procuratorial organs cooperate with relevant scientific research institutions to design and develop a comprehensive governance supervision model. Then, with the joint participation and promotion of multiple administrative organs, the model is upgraded to a digital cross-scenario application, creating a digital closed loop of comprehensive governance supervision, which effectively assists and cooperates with administrative organs in governing and cracking down on illegal activities in relevant fields [39]. In addition, procuratorial organs also actively coordinate to promote close cooperation between administrative organs and relevant scientific research institutes, so as to improve the living conditions of the people while strengthening the protection of traditional villages, and give consideration to both social development and cultural protection [18].

This fully shows that in administrative procuratorial supervision, procuratorial organs play multiple roles. They are not only "supervisors" independent of administrative organs, but also "executors" who cooperate with administrative organs to complete rectification. From this point of view, administrative procuratorial supervision has reshaped the previous one-way relationship between supervisors and the supervised. While restricting administrative power, procuratorial organs also cooperate with and assist administrative power, which makes administrative procuratorial supervision bring a color of pooling strength and building consensus. Procuratorial power does not simply supervise administrative power, but acts together with administrative power in the correct implementation of laws and the promotion of social governance to eliminate the state of administrative organs' illegal exercise of powers or non-performance of duties. Implementing procuratorial suggestions is not only the responsibility of administrative organs themselves, but also the responsibility of procuratorial organs. This is consistent with the fact that procuratorial organs always maintain effective communication and interaction with administrative organs from the beginning of launching administrative procuratorial supervision. Therefore, administrative procuratorial supervision inherently includes "self-supervision of administrative organs and legal supervision of procuratorial organs". Thus, "self-correction of administrative organs and coordinated rectification of procuratorial organs" in the rectification stage is logical.

5. Conclusion

The system construction of administrative procuratorial supervision focuses on correctly understanding the positioning of the legal supervision function of procuratorial organs in the new era. It not only undertakes the duty of ensuring the correct and unified implementation of national laws, but also is an important part of the national supervision system, playing an important role in promoting comprehensive law-based governance and building a socialist country under the rule of law.

Therefore, administrative procuratorial supervision reflects diversified orientations. Through in-depth interaction and connection with other state organs, full participation of all social subjects such

as the people and social organizations, and organic connection with various types of supervision, a good situation of whole-society participation in promoting administration according to law and building a law-based government has been formed. At the same time, all social subjects deeply participate in various operation mechanisms of administrative procuratorial supervision, forming a good situation of social governance with pooled strength and consensus. This is the distinctive feature of administrative procuratorial supervision of socialism with Chinese characteristics under the guidance of Xi Jinping Thought on the Rule of Law. Among the "eleven adherences", adhering to the Party's leadership over comprehensive law-based governance is the first adherence, and adhering to the people-centered approach is the second. Here, being people-centered does not only mean that law-based governance serves the people, but also clarifies that the people are the main body of building a law-based country. The system of administrative procuratorial supervision vividly reflects this point. By allowing the people to extensively and deeply participate in various operation mechanisms of administrative procuratorial supervision, the people's dominant position in restricting and supervising administrative power, deeply participating in social governance, promoting the integrated construction of a law-based government, a law-based society and a law-based country, and further advancing the modernization of China's system and capacity for governance is fully realized. Therefore, administrative procuratorial supervision reflects a wide range of mobilization color, which is the vivid embodiment of its political function. In this sense, the system of administrative procuratorial supervision has realized the organic unity of political effect, legal effect and social effect from the perspective of its construction.

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