

Research on the Law Enforcement Power of Township Governments from the Perspective of Constitution

Maojie Hu

School of Law, Anhui University of Finance and Economics, Benbu, Anhui, China
sthumaocie@126.com

Abstract: *The issues on the law enforcement power of township governments has always been an important research topic of grass-roots governance and is of great significance to realize the modernization of national governance system and governance capacity. As a vertical allocation of administrative power, low enforcement power sinking to towns and villages can effectively solve long-standing problems such as "those that are visible cannot be managed, and those that can be managed cannot be seen" in practice. In view of the theoretical and practical difficulties faced by law enforcement power sinking to township governments, focusing on the predicament of the law enforcement power of township governments in practice, in this thesis, the current situation and problems of township governments' law enforcement power were deeply discussed, and corresponding improvement measures were proposed to improve the law enforcement efficiency of township governments and promote the construction of grassroots rule of law.*

Keywords: Constitution, Township governments, Law enforcement power.

1. Introduction

As the fundamental law of the country, the Constitution provides the basic framework for the establishment of state institutions and the exercise of power. township governments are grassroots political organizations in China and play a vital role in national grassroots governance [1]. The law enforcement power of township governments have been paid more and more attention with the continuous development of the rule of law in China [2]. Research on the law enforcement power of township governments from the perspective of the Constitution is of great practical significance for strengthening grassroots governance, protecting citizens' rights, and maintaining social stability.

2. Provisions of the Constitution on the Status and Responsibilities of Township Government

2.1 The Legal Status of Township Governments

It is clearly stipulated in the Constitution that the organizational form of political power in China is the People's Congress system, township people's congresses are grassroots organs of state power, and the township governments are the executive organs of the township people's congresses and an extension of the state administrative organs at the grassroots level [3].

2.2 Responsibility Range of Township Governments

A series of management responsibilities in economic, political, social and other aspects are empowered by the Constitution and laws, mainly including implementing the decisions and orders of higher administrative organs, managing the economy, education, science, culture, public health, sports, finance, civil affairs, public security, judicial administration, family planning and other administrative work within its administrative area. This responsibilities basically cover all

aspects of the social life of the grassroots people, and provide the basic legal basis for the township governments to exercise the law enforcement power.

3. Current Situation of the Law Enforcement Power of Township Governments

3.1 The Source of Law Enforcement Power

The law enforcement power of township governments mainly comes from the authorization of laws and regulations and the entrustment of superior governments [4]. There are currently a number of laws and regulations in China that clearly grant township governments certain law enforcement power, such as the "Land Management Law" and the "Urban and Rural Planning Law". In addition, the superior governments will entrust some law enforcement matters to the township governments for exercise [5].

3.2 Scope of Law Enforcement Power

At present, the scope of law enforcement power of township governments is relatively extensive, involving many fields such as land management, environmental protection, production safety, and social security. In actual administrative work, township governments need to adopt corresponding law enforcement measures according to different law enforcement matters to ensure the implementation of national laws and regulations.

3.3 Method of Exercising Law Enforcement Power

The township governments mainly adopt administrative licensing, administrative penalty, and administrative coercion to exercise the law enforcement power. Administrative licensing is an important administrative means used by township governments to supervise management objects in advance; administrative penalty is the sanction measure to the administrative illegal act; administrative coercion is a

compulsory means to ensure the effectiveness of law enforcement when necessary.

4. Problems Existing in the Law Enforcement Power of Township Governments

4.1 Unreasonable Allocation of Enforcement Powers

At present, there are some unreasonable aspects in the allocation of law enforcement powers of township governments. On the one hand, some law enforcement power are too concentrated in superior government departments, and township governments lack the necessary legal law enforcement means, making it difficult to effectively perform their duties. On the other hand, the division of some law enforcement power is not clear enough, and there are overlapping responsibilities and buck-passing among superiors and departments, which affects law enforcement efficiency.

4.2 Low Comprehensive Quality of Law Enforcement Personnel

The quality of law enforcement personnel in township governments is uneven, and some law enforcement personnel lack professional legal knowledge and law enforcement skills, making it difficult to adapt to the needs of grassroots law enforcement work. Moreover, the difficult working conditions and low welfare benefits in townships and villages make it difficult to attract high-quality talents, which also restricts the construction of law enforcement teams.

4.3 Insufficient Law Enforcement Guarantee

Township governments are faced with the problem of insufficient law enforcement guarantee in the process of law enforcement, mainly reflected in the lack of law enforcement funds, the lack of necessary law enforcement equipment and technical means, affecting the implementation of law enforcement work. Furthermore, in the process of law enforcement, township governments are prone to all kinds of interference and resistance, and lack of effective law enforcement supervision and guarantee mechanism [6].

5. Perfection of Countermeasures and Suggestions on Law Enforcement Power of Township Governments

5.1 To Rationally Allocate the Law Enforcement Power

Good social order depends on the organic unity of the legal system itself [7]. The administrative enforcement of law of towns and villages is most closely related to the grassroots level, and is directly related to the grassroots people's trust in the party and the government and their confidence in the rule of law. Taking into account the actual needs of grassroots governance, the state reasonably divides the enforcement power between township governments and higher government departments with unified and perfect legislation, and clarifies the range of their respective responsibilities. Law enforcement matters that are closely related to the lives of grassroots people should be appropriately delegated to

township governments to resolve the contradiction between the basic administrative law enforcement behavior law and the organic law. Meanwhile, it is necessary to strengthen coordination and cooperation between departments in accordance with the law, and build and improve a law enforcement linkage mechanism to avoid responsibility overlapping and buck-passing.

5.2 To Strengthen the Construction of Law Enforcement Teams

Xi Jinping pointed out that it is crucial to comprehensively promote the rule of law and build a high-quality legal team with both morality and talent. In the law enforcement practice of grassroots governments, improving the comprehensive quality of law enforcement personnel is the key to improving law enforcement. Firstly, it is necessary to strengthen the training and education of law enforcement personnel and improve their legal knowledge and law enforcement skills. Secondly, it is necessary to strengthen the construction of a professional incentive and guarantee system for law enforcement personnel and attract high-quality talents to join the law enforcement team. Thirdly, it is necessary to strengthen the construction of the management and supervision system for law enforcement personnel, focus on outstanding issues in grassroots law enforcement, and establish and improve assessment and evaluation mechanisms to ensure that law enforcement personnel perform their duties in accordance with the law.

5.3 To Form a Strong Law Enforcement Guarantee System

The support to the law enforcement work of township governments should be increased to form a strong legal guarantee system. Firstly, it is necessary to strengthen political and organizational guarantees and implement the party's leadership throughout the entire process and all aspects of township government law enforcement practice. Secondly, it is necessary to strengthen science and technology and information guarantee, equip township governments with necessary law enforcement equipment and technical means, and improve the informatization level of law enforcement work. Thirdly, it is necessary to establish and improve the supervision and guarantee mechanism of law enforcement, strengthen the supervision and inspection of law enforcement acts of township governments, and promptly correct illegal law enforcement acts to provide a strong guarantee for law enforcement work.

6. Conclusion

The law enforcement power of township governments is an important guarantee for national grassroots governance. The research on the law enforcement power of township governments from the perspective of the Constitution is of great significance for promoting the modernization of grassroots government governance systems and governance capabilities and promoting the construction of a government ruled by law. At present, there are some problems in the allocation of law enforcement power of township governments, the legal quality of law enforcement personnel and law enforcement guarantee, which can be improved

through measures such as rational allocation of law enforcement power, strengthening the construction of law enforcement teams, and strengthening law enforcement guarantee. In consequence, it can effectively improve the law enforcement efficiency of township governments and provide a strong guarantee for the stability and development of grassroots society.

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Author Profile

Maojie Hu lecturer, School of Law, Anhui University of Finance and Economics. Research direction: Constitutional Law and Administrative Law.