

The Existence and Improvement of the Problem of the Person in Charge of Administrative Organs Not Appearing in Court in Administrative Litigation

Hang Chen

Anhui University of Finance and Economics Law School, Bengbu, Anhui, China

Abstract

The research on the system of the person in charge of the administrative organ responding to the lawsuit in court is to urge the person in charge of the administrative organ to promote the conduct of administrative cases, so that the system can protect the relevant rights and interests of the people. In administrative litigation, a wide range of litigation cases, complex litigation procedures and relatively concentrated related fields are the main reasons for the appearance rate of heads of administrative organs. In view of this phenomenon, we need to deeply analyze it, summarize the reasons, and find suitable solutions. By combining practice and theory, this paper explores the problems existing in administrative litigation and finds out the corresponding solutions. Promote the construction of China's Government under the rule of law, promote the improvement of government style, change work ideas, and put forward suggestions.

Keywords

The Person in Charge of the Administrative Organ; Court Response System; Perfect System.

1. Introduction

The Administrative Litigation Law revised in 2015 confirmed the system of the person in charge of the administrative organ appearing in court to respond to the lawsuit in a legal form, which better guarantees the interests of the plaintiff as the weaker party in the civil lawsuit. However, when this system is implemented, its effect feedback is often not ideal due to differences in government entities and regional economic development levels. The formalization of the appearance of the chief executive in court, the irregularity of the main body, and the unclear interpretation of the law, etc., the implementation of this system has also been limited and hindered by traditional thinking. Based on the system of the person in charge of the administrative organ appearing in court to respond to the lawsuit, this article will integrate the relevant measures of the civil law countries such as Germany and Japan, and combine the actual national conditions of our country, and propose a solution to the problem of the person in charge of the administrative organ not appearing in court from the aspects of legislation, judiciary and administration. related programs to address the difficult problem of the person in charge of the administrative organ appearing in court.

2. The Development of the System of the Person in Charge of the Administrative Organ Appearing in Court to Respond to the Lawsuit in the Administrative Litigation

2.1. The Origin of the Development of the System for the Person in Charge of the Administrative Organ to Appear in Court and Respond to a Lawsuit

In recent years, with the construction of the rule of law in my country, the administrative procedure law has also been gradually developed and perfected, and the system of the person in charge of the administrative organ appearing in court to respond to the lawsuit has also emerged as the times require. Since the promulgation of the Administrative Litigation Law in 1989, subject to the concept of the legal system at that time, it is not uncommon for administrative organs to conduct trials in absentia in judicial practice. The court has put forward the relevant provisions for the person in charge of the administrative organ to appear in court to respond to the lawsuit, and the central government also strongly supports and affirms the system through documents. Jian [J]. *Administrative Law Research*. 2009(4):98-130]. On November 1, 2014, the Standing Committee of the National People's Congress passed the "Decision on Amending (Administrative Litigation Law of the People's Republic of China)". The person in charge shall appear in court to respond to the lawsuit. If he is unable to appear in court, the corresponding staff member of the administrative organ shall be entrusted to appear in court." On February 16, 2018, the "Interpretation of the Supreme People's Court on the Application of the Administrative Litigation Law of the People's Republic of China" (hereinafter referred to as the "Interpretation of Administrative Litigation") was officially released. The administrative organ has made a detailed explanation for appearing in court to respond to the lawsuit. Among them, Article 129, paragraphs 3 and 4 of the "Interpretation of the Action" clearly stipulates: "If the person in charge of the administrative organ cannot appear in court to respond to the lawsuit with justifiable reasons, it shall be submitted to the people's court. An explanation of the situation shall be affixed with the seal of the administrative organ or signed and approved by the principal in charge of the organ. If the administrative organ refuses to explain the reasons, it will not have the effect of preventing the trial of the case, and the people's court may make judicial suggestions to the supervisory organ or the administrative organ at the next higher level. " By refining laws and regulations, there are laws to abide by.

2.2. The Development Status of the System for the Person in Charge of the Administrative Organ to Appear in Court and Respond to a Lawsuit

In recent years, with the increasing development and perfection of the system of the person in charge of the administrative organ appearing in court in my country's Administrative Litigation Law, the rate of the person in charge of the administrative organ appearing in court and responding to the lawsuit has increased significantly. Taking Henan Court as an example, in 2015, according to the statistics of Henan Higher Court, there were a total of 3,483 cases in the province where the chief administrative officer appeared in court, with an appearance rate of 17.3%; in 2018, there were 9,472 cases in which the chief executive appeared in court and responded. The rate was 29.3%; by 2019, a total of 9,642 cases appeared in court, with an appearance rate of 30.1%. [Zhu Lian. On the system of administrative chiefs appearing in court [D]. *Journal of Ningbo Radio and Television University*. 2012.59] It can be seen that the cases and the appearance rate of administrative heads appearing in court have been increasing year by year in the past five years. It can also be seen that The progress and achievements made in the system of the person in charge of the administrative organ appearing in court to respond to the lawsuit. The proportion of persons in charge of administrative organs who appear in court to respond to lawsuits has been increasing year by year, but until last year, the response rate

was just over 30% (taking Henan as an example). For such a large number of cases, the 30% response rate is really low.

Taking Liaocheng City, Shandong Province as an example, from 2016 to 2018, the court appearance rate was only 20.61%. Although the number of court appearances increased significantly in the first half of 2019, reaching 71.36%, there were problems such as unfamiliar people in charge of some administrative organs. The facts of the case, the lack of court trial experience, etc., there is a "silent appearance in court", and it is impossible to actually participate in the court trial.

Taking Jiangxi Province as an example, taking 2015 as the threshold (the introduction of the administrative organ responsible person's court response system): the number of township-level organs appearing in court before 2015 was 1, accounting for the entire Jiangxi Province. The proportion of the number of cases is 1.7%; the number of county-level administrative organs appearing in court is 50, accounting for about 86%; the number of municipal-level organs appearing in court is 7, accounting for about 12.3%; and the number of provincial-level organs appearing in court. After 2015, the number of township-level organs appearing in court and responding to lawsuits was 4, accounting for about 2.6% of the total number of cases in Jiangxi Province; the number of county-level administrative organs appearing in court and responding to lawsuits was 101, accounting for about 66%; the number of city-level organs appearing in court was 46, accounting for about 30%; and the number of provincial-level organs appearing in court was 1, accounting for about 0.66% [Wang Yi. Administrative Organs Empirical research on the system of appearing in court and responding to lawsuits--Taking the administrative trial practice in Jiangxi Province as the analysis object [R]. Jiangxi University of Finance and Economics Master Thesis. 2019.5]. By comparison, it can be found that there are few cases in which the heads of provincial administrative organs appear in court. The rate of responding to lawsuits by heads of high-level agencies in court has increased by nearly 20 percentage points year-on-year. From the data, the Administrative Litigation Law's regulations on the appearance of heads of administrative organs in court and responding to lawsuits have played a significant role in resolving disputes. However, the low court appearance rate of provincial agencies has yet to be improved.

2.3. The Law of Development of the System for the Person in Charge of the Administrative Organ to Appear in Court and Respond to a Lawsuit

The current situation of the heads of administrative organs appearing in court and responding to lawsuits can be generally reflected in the above data. From a macro perspective, with the continuous improvement of the legal concept, the newly promulgated Interpretation on Action and the Central Documents, the response of the heads of administrative organs to appearing in court is generally reflected. With the affirmation of the litigation system, the rate of appearance and response of the heads of administrative organs in our country is rising, but there is still an embarrassing phenomenon similar to the low rate of appearances in the provincial administrative organs or even no court appearance.

3. Reasons for the Person in Charge of the Administrative Organ not Appearing in Court to Respond to the Lawsuit

3.1. Legislative Reasons

3.1.1. The Respondent is not Clear

Relevant laws, regulations and documents have certain flexibility, resulting in the lack of detailed operating rules and regulations. First, the imperfection of relevant laws and regulations is the main problem. Only a relatively perfect system can guarantee the relative justice of results. The first problem encountered when applying Article 3 of the Administrative

Litigation Law is that the representative of the administrative agency appeared in court to respond to the lawsuit, and the chief who appeared in court to respond to the lawsuit did not have any legal provisions to explain it. It can be seen that the primary problem is the vague definition of the subject, and the interpretations made by scholars for such documents of the State Council are also conflicting: the document is named "responsible person", and what is the connection between the person in charge and the chief? As for the different understandings of the "head", they can be divided into three categories: one is the legal representative of the administrative organ; the second is the administrative person in charge who presides over the work, including the main person in charge or the person in charge; the third is the administrative official and in charge Deputy. [Gu Qinfang. A Study on the Legislation-Oriented Issues of the Chief Executive Appearing in Court to Respond to Litigation [J]. Learning Forum No. 10. 2012: 72] Who should litigate when an administrative organ is the "defendant"? It is generally believed that in the administrative system, the head cannot be equated with the person in charge. The main person in charge of an agency is the head of the administrative agency, and the person in charge may be the main person in charge of the organization or just a department or project. the person in charge. The Interpretation on Actions issued in 2018 stipulates that the person in charge of an administrative organ is not limited to the head of the administrative organ, but the principal, deputy positions of the administrative organ, and the person in charge of participating in relevant administrative actions can be identified as the person in charge of the administrative organ. However, in specific administrative cases, the person in charge is assigned by the administrative organ to handle the case, rather than the court deciding who should handle it. The explanation points out that the chief executive should appear in court, but the level of the chief should not be discussed. It is explained that this leads to the indifference of the administrative organs during the handling, and there is no special person in charge to handle it, but only some section chiefs or team leaders are temporarily appointed to appear in court.

3.1.2. Lack of Effective Monitoring Mechanisms

Due to the lack of relevant supervision mechanisms, in practice, the performance of the person in charge of the administrative organ in court is not a standard for supervision. At present, there is no situation where the person in charge of the administrative organ does not appear in court to bear the responsibility. Neither legislation nor practice is perfect. In terms of supervision, the first question to understand is who will supervise. For a system, it is not clear who will supervise, so where does this supervision come from? When local governments formulate local documents, they only include the chief's appearance in court and respond to lawsuits as part of their performance evaluation, but in actual cases, there is no such thing as any level of authority and which government department should supervise the appearance of administrative organs in court. Regulation.

3.2. Judicial Reasons

3.2.1. Judicial Power is in a Weak Position

From the judicial aspect, it is the process of the trial and execution of a case. When faced with a powerful administrative agency, the court will often worry about many aspects during the trial process of the case, and will be subject to social and administrative pressure. my country's administrative system adopts the principle that the person in charge of the administrative organ plays a very important role in the operation of power in the public power organ. Therefore, in the face of administrative litigation, the relevant decisions of the executive head can easily affect the attitude of lower-level administrative units. These issues will be further discussed in the following article.

3.2.2. The Person-in-Charge Regulations are too Broad and Vague

In the judicial aspect, first of all, it is necessary to clarify who will represent the administrative organ to respond to the lawsuit in court. This situation will enable the judicial activities to be carried out smoothly and better safeguard the legitimate rights and interests of citizens. First of all, the most basic content of the system of appearing in court as the head of an administrative organ is to know who should be the head of the administrative organ to appear in court on behalf of the defendant. If the identity is determined, then the effect to be achieved by the establishment of the new system will inevitably be weakened in practice. If the definition of the identification scope of the person in charge of an administrative organ is too broad, it will lead to the problem that the identity of the person in charge of some administrative organs is difficult to determine in the administrative litigation. If within an administrative organ, the chief executive, the person in charge, and the person in charge belong to different people, or if there is an overlap in the identities of the principal and deputy positions among these persons in charge, then how to determine who should appear in court to respond to the lawsuit is a difficult problem that must be solved. [Song Xu. On the System of Defendants in Charge of Administrative Litigation Appearing in Court [D]. Master's Thesis of Xiangtan University. 2016: 13] In this regard, it is not convenient for judicial organs to decide on behalf of the administrative organs who should appear in court as the responsible person. v.

3.2.3. The Chief Executive Response System is a Mere Formality

To a large extent, the chief executive's appearance in court is based on the administrative indicators of higher-level administrative organs. They often regard appearing in court as a performance rather than a responsibility, which leads to serious formalization of the written materials submitted by the chief executive when he appears in court. , causing great trouble to the judicial process. As far as the data of 2010 is concerned, although the chief executive has a high appearance rate in administrative litigation cases, the appeal rate of first-instance cases is still as high as 78.8%. 11% and 41% of the second-instance cases. Such a high rate of appeals and retrials indicates that the chief executive's participation in court hearings is only due to year-end performance considerations, rather than the desire to engage with the plaintiffs. The degree of formalization is quite obvious.

3.3. Administrative Reasons

3.3.1. The Administrative Organ Itself has a Heavy Workload

Since the implementation of the case-filing registration system, a large number of administrative cases have risen, and the pressure on administrative organs to handle cases has gradually increased. What comes with this is that the chief executive cannot attend every case personally. After all, the chief executive also has his own work responsibilities, and The person in charge of the administrative organ is busy with daily work, and even if he has the will to appear in court, he may suffer from the busyness of official business and it is difficult to get away.

3.3.2. The Lack of Legal Expertise of the Person in Charge of the Administrative Organ

The legal knowledge reserves of the heads of administrative organs are small, and most of them have weak legal awareness. With the advancement of the legal society and the increase of court cases, appearing in court is very important to the personal legal knowledge and legal professional knowledge of the heads of administrative organs. The requirements are getting higher and higher, such as legal issues related to intellectual property rights that require a relatively high level of professional knowledge and administrative cases involving land expropriation. , to a certain extent suppressed the enthusiasm of the person in charge of the administrative organ to appear in court to respond to the lawsuit.

3.3.3. The Idea of "Official Standard" in Administrative Organs is Serious

From the personal point of view of the person in charge of the administrative organ, in terms of consciousness, the responsible person of some administrative organs has not paid enough attention to appearing in court to respond to the lawsuit. A relative part of the heads of administrative organs have insufficient awareness of using the rule of law thinking and using legal methods to solve problems, which leads to a low court appearance rate to a certain extent. For example, some heads of administrative organs have a relatively serious "official standard" thinking. They believe that appearing in court to respond to a lawsuit will reduce their identity and their own image, and they are shunned by appearing in court to respond to a lawsuit. The heads of the organs are not following this trend; for another example, serious formalism has spread among the heads of some administrative organs, thinking that the heads of the administrative organs are only "walking the formalities" when they appear in court, and they are unwilling to invest time and energy in the case, which leads to the misunderstanding of the court trial. Inefficiency and poor conflict resolution.

4. Improvement Measures on Issues Related to the Non-Appearance of the Person in Charge of the Administrative Organ in Administrative Litigation

4.1. Countermeasures for Legislative Issues in Administrative Litigation When the Person in Charge of the Administrative Organ does not Appear in Court to Respond to the Lawsuit

4.1.1. Respondent Subject

In order to improve this system, we must first solve this problem from the legislative level. "Only a just procedure can maximize the fairness and justice of the outcome." One of the most important issues to be solved first is the identification of the person in charge. In terms of the eligibility of the defendant in an administrative lawsuit, it should not simply be considered that a staff member of the administrative agency can appear in court to respond to the lawsuit. The court-appearing personnel of the administrative agency must be able to meet the following characteristics in order to determine the suitability of the defendant's subjectivity: First, whether the court-appearing personnel has the right to bear the responsibility for losing the case, and can represent the administrative agency or a functional department of the administrative agency. The "person in charge of the administrative organ" who has a better understanding of the facts has priority to appear in court to respond to the lawsuit. Not only the person in charge directly appears in court to respond to the lawsuit, if the person in charge is directly responsible for the administrative action involved in the lawsuit, then the person in charge of the administrative action can be the person in charge. Appearing in court to respond to the lawsuit, allowing the person who best understands the whole process of making an administrative act to appear in court to respond to the lawsuit, is also conducive to the defendant's proof and defense. [Wan Baofeng. The way for the chief executive to appear in court to respond to the lawsuit and improve the legal system [J]. Journal of Ezhou University. 2017(4): 14] Through this method, it can be confirmed who should appear in court to respond to the lawsuit. Secondly, it is necessary to define those cases that require the chief executive to appear in court. Cases that have a significant impact on some jurisdictions, or cases involving huge amounts of money, or cases where the people's court requires the chief executive to appear in court, the chief executive can appear in court to respond to the lawsuit. , to apply the law appropriately and flexibly. For some simple cases with clear facts and conclusive evidence, requiring the chief executive to appear in court will put enormous pressure on the administrative agency, and it does not meet the actual requirements in real life. Applying the

law, the workload of the administrative agency is also relatively large. In addition, appearing in court to respond to the lawsuit will undoubtedly increase the burden of the administrative agency. Therefore, it is necessary to clarify in the explanation how much the amount involved should be handled by the head of the department and at what level. In payment-type cases, for example, department-level cadres with more than 50,000 yuan but less than 100,000 yuan will appear in court to respond to the lawsuit, and those with more than 100,000 yuan will appear in court to respond to the lawsuit. Comprehensive judgment of human burden. This can not only reduce the burden on administrative organs, but also facilitate the development of court trials. When faced with a case of administrative agency action or omission, it depends on the degree of social impact involved in the case to choose which level of executive head should be responsible.

4.1.2. Improve the Supervision System

In terms of supervision, it is necessary to establish a sound and complete supervision system. From a legal perspective, it is necessary to rely on the people's courts to make judicial interpretations. The administrative organs that refuse to appear in court in administrative cases shall impose corresponding penalties such as fines, etc., and calculate them. The scope of administrative performance assessment can make the chief executive increase the number of court appearances. At the same time, it is necessary to give the court greater discretion to let the main unit that conducts the activity, that is, the court, decide what to do, reduce external interference in the court's judicial activities, and achieve better checks and balances to use power to restrain power. The court is an expert administrative counterpart of legal issues and litigation issues. When an administrative dispute is brought to the court, the court immediately obtains basic information such as the seriousness, urgency and difficulty of the case. When the court decides that the chief executive should appear in court to respond to the lawsuit, it needs to write a high-level judicial suggestion and send it to the administrative organ in a timely manner, so as to truly persuade the administrative organ to consciously implement the content of the suggestion of the chief executive to appear in court to respond to the lawsuit. [Zhang Jun. An Empirical Study of the Chief Executive's Appearance in Court [D]. Soochow University Master's Thesis. 2014: 9]

4.2. Judicial Countermeasures Against the Problem of the Person in Charge of the Administrative Organ not Appearing in Court to Respond to the Lawsuit in the Administrative Litigation

4.2.1. Give Greater Independence to the Judiciary

In the process of hearing a case, courts at all levels should be accountable to the courts at the next higher level, so that the interference of other factors in the judiciary can be excluded to the greatest extent, so that the courts can achieve their own independence to a certain extent. At the same time, it should guide the social atmosphere and make the people have a greater awe of the law.

4.2.2. Judicial Positioning of the Person in Charge of the Administrative Organ

In response to the above-mentioned problem that the person in charge of the administrative organ does not respond to the lawsuit in court, in addition to the legislative aspect, judicial-level countermeasures are also required. First of all, in order to improve the relevant system for the person in charge of the administrative organ to appear in court and respond to lawsuits, the scope of the case where the person in charge of the administrative organ appears in court must be clear. Administrative litigation cases with serious impact and complex circumstances require the person in charge of the administrative organ to appear in court to respond to the lawsuit. Secondly, the court can be appropriately given the right to punish some executives who refuse to appear in court. For example, Paragraph 2 of Article 66 of the Administrative Litigation

Law states that "if the people's court refuses to appear in court without justifiable reasons after being summoned by subpoena, or withdraws halfway without the court's permission, the people's court may refuse the defendant to appear in court or withdraw from the court halfway. An announcement shall be made, and judicial suggestions may be made to the supervisory organ or the administrative organ at the next higher level to which the accused person shall be punished in accordance with the law. Announce the behavior of the defendant, and make corresponding judicial suggestions to the relevant supervisory organ, the people's congress at the same level, or the administrative organ at the higher level of the defendant. For this judicial suggestion, the relevant organs must pay attention to it, deal with it seriously, reply in a timely manner, and implement it. Finally, for the reasons for the failure of the person in charge of the administrative organ to appear in court, it is necessary to intensify the review, make a substantive review of the reasons for not appearing in court, and explain it in the judgment.

4.2.3. Establish a Reasonable Mechanism to Mobilize the Enthusiasm of Administrative Organs

A punishment mechanism for the person in charge of the administrative organ not to appear in court needs to be established. That is, after a person in charge of an administrative organ violates the relevant system, there must be a corresponding investigation mechanism to investigate. For example, whether or not the person in charge of the administrative organ appears in court can be used as an indicator for performance appraisal, and it can be included in the assessment scope, which can promote the person in charge of the administrative organ to administer according to law. Furthermore, it can be compared with the relevant content of the Civil Procedure Law about the arrest and summons. The system of arrest and summons can be adopted for the person in charge of the administrative organ who refuses to appear in court without justifiable reasons. Demonstrate the authority of the judiciary. Finally, since the heads of administrative organs are all civil servants, and most of the heads of administrative organs are still party members, the author believes that a reward and punishment system for relevant civil servants can be adopted, and different forms of punishment can be adopted for the failure of the heads of different administrative organs to perform their obligations to appear in court; Within the scope of the administrative level, the person in charge of the administrative organ can be urged to appear in court on time and attend the court hearing.

4.3. Countermeasures at the Administrative Level for the Problem That the Person in Charge of the Administrative Organ does not Appear in Court to Respond to the Lawsuit in the Administrative Litigation

4.3.1. Expand the Scope of Executives in Charge of Administrative Organs

On the one hand, it can make the person in charge of the administrative organ appear in court with legislative constraints; on the other hand, considering that the administrative litigation itself is a system supported by a series of complex procedural technologies, many things are in these tedious procedural details. What cannot be achieved through prior preparations, and what may happen in the response to the lawsuit, no one can predict, which also makes the litigation activities likely to continue for a considerable period of time. In this case, it is quite reasonable for the executive head to choose 1-2 agents for himself. [Zhu Lian. On the system of administrative chiefs appearing in court [J]. Journal of Ningbo Radio and Television University. 2012: 59] The special circumstances can be supplemented in the legal interpretation, but the main thing is to be determined by the judiciary. After all, the court only it is the subject of litigation activities, and it is difficult to carry out litigation activities without this subject. In the face of special circumstances, the legal representative of the administrative organ may not participate in the lawsuit and entrust its own agent to appear in court to respond to the lawsuit, but it must be confirmed and agreed by the judicial body.

4.3.2. Cultivate the Legal Awareness of the Heads of Administrative Organs

Relevant courts or government departments can regularly organize training on laws and regulations to train the legal awareness of the heads of administrative organs. The courts can also use mock court trials to allow the heads of administrative organs to directly experience the process of the court trial, and let the administrative organs be in charge of the person. Being on the scene can enhance the confidence of the person in charge of the administrative organ in appearing in court and respond to the lawsuit, which in turn can enhance the ability of the person in charge of the administrative organ to appear in court and respond to the lawsuit, which can promote the efficiency of the court trial and the substantive settlement of the case.

4.3.3. Advocate Ideological Innovation

Change the inherent thinking of the person in charge of the administrative organ to appear in court and respond to a lawsuit. In the 21st century, the formalization of the people-oriented chief response system is ultimately a manifestation of the people's disrespect for the law and the trouble of the official-based ideology, which affects the enthusiasm of the chief executive to appear in court. Our country is a country with a long history of feudal society. Many officials have been influenced by the ideology of the unequal government and the people and the idea of official standard formed in the feudal society, which leads to their serious official standard thinking. They believe that citizens and administrative organs are the relationship between management and being managed. From the bottom of my heart, I think the rights are not equal. When the person in charge of the administrative organ is in the dock, he will not be able to pull off the shelf, resulting in an unacceptable mentality. At the same time, once the administrative organ loses the case, the chief executive will feel very embarrassed, and this misunderstanding also affects the enthusiasm of the chief executive to appear in court to respond to the lawsuit. [Wang Zhensheng. On the obstacles to the independence of judicial power in my country and how to overcome them [J]. Journal of Anyang Normal University. 2006: 49] This requires the supervision of certain higher-level institutions to put this system into practice. The system of the person in charge of the administrative organ appearing in court to respond to the lawsuit can be implemented through the relationship between the superior and the subordinate of the administrative organ, management and the managed relationship.

5. Epilogue

As a very important system of administrative law, the system of the chief executive appearing in court, the chief executive reflects on the illegal administrative behavior by participating in the court trial, discovers his own mistakes in management, system and administrative activities, and corrects the mistakes in a timely manner, so as to further improve the situation. We should optimize the way of administrative law enforcement, improve the level of administration according to law, implement the administration according to law, implement the guiding ideology of the Party Central Committee and the State Council with our own practical actions, do a solid job of ourselves, make steady progress, further improve our own ability and level, and effectively do a good job in related fields. Work, strive to serve the people, and serve the socialist modernization drive. It is also reflected in judicial practice that if the person in charge attaches great importance to administrative litigation and participates in the court trial in person, the overall level of administrative law enforcement by the administrative organ and the person in charge of the administrative organ will also be improved compared with those in charge of other organs, and they will constantly regulate their own behavior. , lock power in the cage of the system. The most important duty of the law is to promote the harmonious and stable development of society. Only when power is constrained by the system can power truly serve the people, protect the legitimate rights and interests of the people, and promote socialist modernization.

References

- [1] Zhang Jun. An Empirical Study of Administrative Chiefs Appearing in Court [D]. Suzhou: Soochow University, 2014.
- [2] Song Baoan. The origin and influence of mass incidents in my country [J]. Journal of Social Sciences of Jilin University, 2010(3).
- [3] Xie Lihua. Research on the System of Appearance of Administrative Organs in Court [D]. Nanning: Guangxi University for Nationalities, 2016.
- [4] He Xin. The judicial innovation practice promoted by the court and its implication--Taking the administrative litigation of the Intermediate People's Court of T City as an example [J]. Jurist, 2012 (5).
- [5] Geng Baojian. Guidelines for the Responsible Person of Administrative Organs to Appear in Court [M]. Beijing: Law Press, 2016.
- [6] Liang Fengyun. What should the person in charge of administrative organs pay attention to when appearing in court [N]. Learning Times, 2015-07-09.
- [7] Jiang Bixin, Liang Fengyun. Theory and Practice of Administrative Litigation Law [M]. Beijing: Law Press, 2016.
- [8] Huang Xuexian. Mechanism Analysis and Mechanism Construction of Administrative Chiefs Appearing in Court to Respond to Litigation[J]. Research on the Rule of Law, 2012(10).
- [9] Liu Xun. The person in charge of the administrative organ cannot do whatever he wants in court[N]. Legal Daily, 2016-08-18.
- [10] The number of administrative organs appearing in court to respond to lawsuits is generally very low--no city has a perfect response rate of 17 cities and 0 points [N]. Legal System Daily, 2017-12-25.
- [11] Xin Chunying. Interpretation of the Administrative Litigation Law of the People's Republic of China [M]. Beijing: Law Press, 2014.
- [12] Gao Chunyan. The chief executive appeared in court to respond to the lawsuit: value revaluation and technological improvement--taking 66 normative texts in Zhejiang as Analysis of Basic Points [J]. Administrative Law Research, 2015(2).
- [13] Jiang Mingan. Administration and Administrative Litigation Law [M]. Beijing: Peking University Press, 2015.
- [14] Liu Yan. Talking about the system of administrative chiefs appearing in court [J]. Legal Expo, 2015 (19).
- [15] Yuan Hongyan. Talking about the system of the person in charge of the administrative organ appearing in court [J]. Legal Expo, 2017(23).