

A Study on the Relative Centralized Jurisdiction of Administrative Litigation: A Case Study of Jiangxi Provincial Pilot Reform

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Abstract: In order to safeguard the independent exercise of administrative jurisdiction, the administrative litigation jurisdiction model has undergone the changes of “limited reference to jurisdiction” and “cross jurisdiction in different places”, and the “relative centralized jurisdiction” stipulated in the new Administrative Procedure Law in 2014 is gradually unfolding. However, there are still many problems in the implementation of the new model of litigation jurisdiction. Taking Jiangxi Province as the object of analysis, this paper makes an analysis of the problems of relatively centralized jurisdiction, such as low level of jurisdiction and imperfect supporting mechanism. On this basis, it is suggested that the relative centralized jurisdiction model be determined flexibly and the corresponding supervision mechanism be established. The current administrative trial is independent.

1. Introduction

In 2017, Jiangxi Province launched a pilot project of centralized jurisdiction of administrative cases. Seven cities, including Jiujiang, Jingdezhen, Pingxiang, Ganzhou, Yichun, Shangrao and Ji'an, were determined to implement relatively centralized jurisdiction of administrative cases. Twenty grass-roots courts in these cities were relatively centralized jurisdiction courts of administrative cases in the whole province. Since the implementation of relative jurisdiction of administrative cases in Jiangxi Province, the number of cases received has increased, and the defeat rate of defendants has increased. To a certain extent, administrative intervention in administrative cases has been reduced, and the independence of administrative trials has been guaranteed. However, there are also some problems in the implementation of relatively centralized jurisdiction in administrative cases, which cannot fundamentally break through the principle of “plaintiff-to-defendant” jurisdiction, and can not effectively protect the plaintiff's basic status and interests in litigation.

2. Connotation of centralized jurisdiction in administrative litigation

According to the Notice on the Pilot Work of Relatively Centralized Jurisdiction of Administrative Cases issued by the Supreme Court in 2013, it is stipulated that “Relatively Centralized Jurisdiction of Administrative Cases means that some administrative cases under the jurisdiction of the grass-roots people's courts are handed over to other grass-roots people's courts for centralization by means of unified designation by the higher people's courts.” The system of jurisdiction.” The newly revised Administrative Procedure Law in 2014 legalizes this system. Article 18, paragraph 2, stipulates that “with the approval of the Supreme People's Court, the Higher People's Court may, according to the actual situation of judicial work, determine a number of administrative cases under the jurisdiction of people's courts across administrative regions.” In fact, this jurisdiction model integrates the regional jurisdiction of administrative cases, and one or more specific grass-roots courts centralize the jurisdiction of first instance administrative cases in a region or several regions. In order to achieve cross-regional jurisdiction of administrative cases, change the traditional administrative litigation jurisdiction in the “jurisdiction” and “administrative jurisdiction” integration model. This jurisdictional model can effectively prevent local administrative forces from interfering with the judiciary and guarantee the independence of administrative trial. Specifically, the relative centralized jurisdiction of administrative litigation is

characterized by the following characteristics:

Concentration. The centralized jurisdiction system of administrative litigation effectively centralizes all administrative cases in the prescribed courts, which improves the efficiency of case handling.

Flexibility. Mainly refers to the administrative cases usually have some similarities or similarities when dealing with, so that the court can have certain reference data when dealing with cases, and improve the accuracy of case handling.

Operability. The centralized handling of administrative cases can ensure that when there are errors in the trial of cases, timely corrections can be made to avoid the phenomenon of miscarriage of justice, which greatly reflects the operability of centralized administrative litigation.

3. Analysis of the Current Situation of the Centralized Jurisdiction of Administrative

3.1 Litigation in Jiangxi Province Overview of the Implementation of Centralized Jurisdiction of Administrative Litigation in Jiangxi Province

Jiangxi provincial courts at all levels have always followed the traditional administrative litigation mode, which makes the processing efficiency of administrative litigation cases in Jiangxi province low, and can not continue to meet the growing service needs of the people. In 2013, according to the request of the Supreme People's Court, the Jiangxi Provincial High Court took Fuzhou Intermediate People's Court as a pilot court with relatively centralized jurisdiction over administrative cases, and achieved some results, but there are still many problems. In 2017, on the basis of the pilot project of centralized jurisdiction, the Jiangxi Provincial Higher People's Court issued a plan to promote the reform of the provincial administrative litigation jurisdiction system in two ways, namely, the centralized jurisdiction of grass-roots people's courts and the centralized jurisdiction of railway transport courts. According to the plan approved by the provincial reform office, the centralized jurisdiction reform of grass-roots people's courts has been carried out in eight prefecture-level cities, including Jiujiang, Shangrao, Ji'an, Ganzhou, Yichun, Pingxiang, Jingdezhen and Fuzhou. That is to say, one or three grass-roots people's courts are chosen as the centralized jurisdictional courts in the city to jurisdiction over all administrative cases that the grass-roots courts in the city have jurisdiction over according to law. At the same time, the centralized jurisdiction courts should exercise cross-regional jurisdiction at the same time. Nanchang City, Xinyu City and Yingtan City will be included in the reform scope under the centralized jurisdiction of the railway transport courts, and all administrative cases under the jurisdiction of the grass-roots people's courts of these three cities will be under the jurisdiction of the Nanchang Railway Transport Intermediate Court and the administrative cases under the jurisdiction of the three cities' intermediate people's courts [1].

3.2 Pilot Effect of Centralized Jurisdiction of Administrative Litigation in Jiangxi Province

From the experience of centralized jurisdiction of administrative litigation in various cities, its significance is mainly embodied in: on the one hand, it improves the credibility of administrative trial, breaks the traditional overlap between judicial areas and administrative areas, the trial of administrative cases is not under the jurisdiction of the local administrative organs, and the administration can not intervene in the administration of justice. Restrict, realize the fairness of the trial, and enhance citizens' trust in the trial results. On the other hand, it alleviates the professional pressure of the judges of the Administrative Court. Because of the centralized jurisdiction across regions, the local administrative departments can not exert pressure on the judges who try administrative cases. The judges only need to consider the facts of the cases and decide according to law, without worrying about the impact of the trial results on the administrative departments, and purify the judicial environment.

4. Existing Problems in the Centralized Jurisdiction of Administrative Litigation in Jiangxi Province

4.1 The Court level of centralized jurisdiction is not high.

According to the investigation of the courts under the centralized jurisdiction of administrative litigation in Jiangxi Province, the basic courts are basically the courts under the centralized jurisdiction of cases. For example, in Ganzhou City, the courts of Zhanggong District, Yudu County and Longnan County are the courts under centralized jurisdiction, and the three courts are divided into districts to administer administrative litigation cases of first instance. The administrative tribunals of the three courts are at the same level as the units of the administrative organs, often lower than the level of defendants in administrative litigation, which makes it difficult to communicate with the administrative organs in the trial of administrative cases, and also unable to fully mobilize local administrative resources to resolve administrative disputes.

4.2 Increased litigation costs for parties

Although centralized handling of administrative litigation cases can effectively enhance the efficiency of court handling cases and improve the quality of court trials, the most obvious consequence is to increase the direct litigation costs of both parties. In the original jurisdiction mode, the distance between the plaintiff and the prosecution court is relatively low. Now the distance between the plaintiff and the jurisdiction court is getting farther, and the transportation and accommodation expenses paid by the plaintiff will be greatly increased. This will affect the enthusiasm of the parties to prosecute, but also enhance the parties' expectations of the trial results, if paid a higher cost, did not achieve the expected trial results, may intensify social contradictions.

4.3 Unbalanced Functional Allocation of Jurisdictional Courts

A prominent problem facing the implementation of centralized jurisdiction in administrative cases is that administrative cases are all concentrated in two or three courts, which makes the administrative tribunals of other courts idle and the function of administrative litigation lose. Several courts under centralized jurisdiction need to handle administrative cases from different counties. With the increase of workload, the number of cases handled remains unchanged, resulting in the phenomenon of "more cases and fewer cases". Under the current personnel system, it is difficult to solve the problem of shortage of administrative judges from other courts through job mobilization, which leads to the destruction of the traditional functional structure of some courts and the unbalanced burden of local grass-roots courts [2].

4.4 Imperfect supporting system

The successful implementation of the centralized jurisdiction system of administrative litigation requires the follow-up of relevant supporting systems, including the supervision system, the filing and service system and the implementation of communication system when handling administrative litigation cases. However, from the current pilot implementation of centralized jurisdiction in Jiangxi Province, these systems need to be further established and improved. Supervisory system is of great significance for ensuring the fairness of administrative trial. Although centralized jurisdiction can reduce the interference of administrative departments in the trial, it will inevitably be affected by administrative departments, so perfect supervision is needed to ensure it. Perfecting the system of filing and serving a case is beneficial to safeguarding the interests and concealment of litigants. Private; the establishment of communication system is conducive to handling cross-regional cases of service, investigation, coordination and other work, can effectively achieve the communication between the courts.

5. Perfecting Measures of Centralized Jurisdiction of Administrative Litigation in Jiangxi Province

5.1 Guarantee the Judicial Power of Centralized Jurisdictional Courts

As mentioned above, the relatively centralized jurisdiction of administrative litigation leads to the concentration of cases in several courts, which inevitably leads to the inadequacy of the judicial

capacity of the administrative tribunals of the centralized jurisdiction courts. Therefore, it is necessary to strengthen the judicial protection of the manpower and material resources of the centralized jurisdictional courts. Increasing the number of administrative trial judges in non-centralized jurisdiction courts and cultivating a high-quality professional team of administrative trial judges are also urgent problems to be solved in the pilot reform of centralized jurisdiction. Only by taking measures to improve the professional competence of administrative judges, rather than letting judges run away, can we help establish the authority of administrative trial. [3]

5.2 Reducing litigation costs of the parties

Compared with the traditional administrative litigation jurisdiction system in China, the centralized jurisdiction of administrative litigation directly increases the economic cost of the parties and causes negative pressure. Therefore, courts at all levels should take effective measures to reduce the negative impact from various aspects. We can reduce the cost of civil litigation by adding summary procedures. Because of the high similarity of administrative cases, we can simplify the procedure and save the cost of handling cases by setting typical cases, summarizing the treatment methods. At the same time, centralized jurisdiction litigation can set up some convenient litigation methods, through online filing, mailing filing, remote trial and circuit trial, and normalize these ways.

5.3 Improve the current supporting system of centralized jurisdiction of administrative litigation

In the pilot project of centralized jurisdiction of administrative litigation in Jiangxi, there are still many problems in the process of reform due to the lack of a sound supporting system. Therefore, under the current centralized jurisdiction mode of administrative litigation, on the one hand, we should strengthen supervision to realize the open and transparent reform of the trial system. The court can supervise the trial process and the publication of the trial results by holding press conferences and press conferences, update the effective judgment documents in time, and facilitate the public to understand the progress of the case and the judgment results. On the other hand, we should improve the financial management system of the centralized jurisdictional courts. Incorporating the financial expenditure of two-level administrative litigation courts under centralized jurisdiction into provincial or sub-provincial financial budgets and allocating it directly after approval by their provincial or sub-provincial financial departments, the centralized jurisdiction courts are financially independent of other provinces and municipalities under their jurisdiction, thus effectively reducing the improper interference of local administration in the judiciary. Finally, we should ensure the effective play of the centralized jurisdiction system of administrative litigation

5.4 Flexible determination of centralized jurisdiction mode of administrative litigation

At present, the administrative case handling methods commonly adopted by courts at all levels in Jiangxi Province can be roughly divided into three categories. One is to centralize jurisdiction to improve the level of trial; the other is to completely centralize jurisdiction. The third category is relatively centralized jurisdiction. These three different modes of centralized jurisdiction of administrative cases show different difficulties in different courts because of their different characteristics of use. In dealing with administrative cases, it is less difficult to improve the level of centralized jurisdiction, but this administrative treatment is easy to bring difficulties to the administrative cases of intermediate courts. Although the centralized jurisdiction mode to improve the level of trial can deal with relevant administrative cases, it is always to cure the symptoms and root causes, and can not completely and effectively solve many problems exposed in administrative cases. Complete centralized jurisdiction model is a more thorough management model. In the process of using this mode, the court can thoroughly solve many problems exposed in the jurisdiction system of administrative litigation cases in the region, and effectively improve the existing administrative litigation system [4]. However, there are many problems in the adjustment of this completely centralized judicial system, such as a wide range of adjustment and many

obstacles in real life. It is precisely because of the advantages and disadvantages of the fully centralized jurisdiction system that it is more suitable for districts and counties with better economic development and medium number of administrative litigation cases. The relative centralized jurisdiction mode is essentially a change of the whole centralized jurisdiction system. The current administrative litigation system is not thoroughly reformed. However, due to its own characteristics, this reform model has less resistance to social change. This relatively centralized administrative litigation mode is more suitable for areas with better economic development and a large number of administrative litigation cases in Jiangxi Province.

6. Conclusion

The pilot reform of centralized jurisdiction of administrative litigation in Jiangxi Province has improved the efficiency of handling administrative cases to a certain extent, reduced the judicial intervention of local administration and improved the judicial environment. However, in order to better establish the centralized jurisdiction mechanism of administrative litigation, it is necessary to optimize the construction of judges, facilitate litigation of parties and improve the supporting judicial system, so as to ensure the fairness and transparency of administrative cases and realize the neutrality and authority of administrative trials.

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