

The Construction of Preventive Administrative Public Interest Litigation

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ABSTRACT

The current administrative public interest litigation system has insurmountable limitations in terms of the scope of the case, the main body of the prosecution, and there are limitations in the functions of the procuratorate and the formation of a highly interconnected model, and it is difficult to comprehensively safeguard the public interest in the post-facto mode of relief. Therefore, the need for administrative public interest litigation system adjustment, the construction of preventive administrative public interest litigation. The implementation of preventive administrative public interest litigation needs to have mature theoretical support and meet the current needs of reality. The construction of preventive administrative public-interest litigation begins with defining the scope of the case, clarifying the main body of the prosecution, expanding the functions of the procuratorate, and setting up a system of travelling public-interest litigation prosecutors.

KEYWORDS

Preventive administrative public interest litigation; Public interest; Objective litigation; Legal supervision

1. INTRODUCTION

China's administrative public interest litigation system from 2015 pilot reform stage to 2017 comprehensive rule of law stage has achieved good results, "opened up a new objective litigation space, effectively make up for the gaps in the protection of the public interest, and better maintain the objective rule of law order" [1], China's administrative public interest litigation system has been initially established, and in the Procuratorial organs under the operation of the effective maintenance of public interests, the objective legal order also has a certain role in promoting. However, due to the limitations of the existing administrative public interest litigation and the complexity and diversity of administrative activities, the administrative organ's discretionary space is increasingly expanding, in the exercise of administrative power will inevitably cause damage to the scope of the public interest, the procuratorial organ filed a claim is the supervision of the administrative results, belongs to the ex post facto relief type of litigation, and at this time, the results of the administrative damages have already appeared, and ex post facto relief can only undo some of the losses, unable to achieve the purpose of comprehensive relief of the public interest prevention of administrative public interest litigation came into being, it is the administrative public interest litigation system adjustment, emphasising from the results of the administrative act of relief to the administrative act of dynamic supervision, to achieve the comprehensive relief of the public interest.

2. THE NECESSITY OF CONSTRUCTING PREVENTIVE ADMINISTRATIVE PUBLIC INTEREST LITIGATION

China's current administrative public interest litigation is a kind of ex post facto relief litigation system, focusing on the supervision of administrative results, but nowadays the administrative power are showing a gradual expansion of the development trend, the administrative organs of the wide range of discretion, such as in the administrative process of administrative behaviour is illegal, it will produce incalculable loss of public interests. The preventive administrative public interest litigation system stresses "prevention is better than cure", increasing the preventive role of administrative public interest litigation, and regulating behaviour from the external supervision of the administrative process.

2.1. Existing System Gaps

2.1.1. Narrow scope of cases

Administrative public interest litigation from the reform pilot to the full establishment of the scope of the case clearly contains four areas, from the administrative public interest litigation evolution trend, the scope of the case is gradually expanding, but in social life there are many areas in urgent need of intervention and protection of the relevant institutions, such as cultural relics protection, urban planning and other aspects. The scope of the case determines the breadth of the application of administrative public interest litigation and the value of the size [2], administrative public interest litigation scope of the case is the top of the wisdom of the real situation of the orderly choice, by the legislation, judicial, administrative objective constraints. The scope of administrative public interest litigation determines the scope of public interest defence, however, the determination of public interest is not simple, in different stages of social development, different social formations have different interpretations of public interest. The public interest is full of uncertainty and fluidity, and the scope of administrative public-interest litigation must be constantly updated in line with reality, in order to guarantee timely and comprehensive relief for the public interest.

2.1.2. Prosecution of a single subject

Procuratorate as the only subject of administrative public interest litigation, embodies "China's public interest litigation 'nationalisation' of policy considerations and institutional arrangements" [3], the advantage is that in the process of litigation with the administrative organs to form a more balanced litigation legal relationship, easy to play its legal supervision function, but at the same time, the procuratorate can not fully protect the public interest, for complex cases, the ability to solve the problem and the system has a greater gap. Its legal supervision function, but at the same time the procuratorate can not comprehensively safeguard the public interest, for complex cases, the problem-solving ability and the system has a large gap in regulation. For the administrative public interest litigation in the prosecution qualification talk, China adopts the "monism" theory, that is, the procuratorate is the only subject to bring administrative public interest litigation.

The wide range of administrative activities will inevitably cause damage to the public interest in many areas, and the monopoly of the procuratorial authorities on the qualification of the main body of administrative public interest litigation prosecution will not only aggravate the burden of the procuratorial authorities, but also fail to provide timely relief to the public interest in order to reduce the loss of social interests. Procuratorial organs in administrative public interest litigation both litigation subject and legal supervision of the dual function, not only will cause the status of the procuratorial organs of the ambiguous, but also on the judicial activities. Secondly, the procuratorial organ and the administrative organ establish a high association mode through administrative public interest litigation. Although it will focus on solving disputes over administrative acts, improve administrative efficiency and save judicial resources, but in the long run, the procuratorial organs will focus on the supervision and supervision of the administrative organs, ignoring their duties as the

main body of the litigation; and the administrative organs will focus on responding to the supervision of the procuratorial organs to form a response, the form of work mechanism, not only can not solve the actual problem, but also will be the damage to the public interest. The administrative organs will focus on responding to the supervision of the procuratorate to form a response and formalised working mechanism, which will not only fail to solve the actual problems, but also extend the damage to the public interests.

2.2. Functional Limitations of the Prosecution Service

The Government is a service-oriented government, and the administrative organs are omnipresent wherever the people's activities take place, within the scope of their management. The complexity and variety of administrative tasks derived from the intertwined administrative activities and the variety of administrative regulations made by the administrative organs in order to better serve the people have led to the formation of a multifaceted administrative legal relationship. "The rapid expansion of administrative tasks, the administration continues to undertake new tasks or expand the scope of the original tasks undertaken" [4], that is, the administration shows a tendency to expand, "in order to achieve a balance of interests in the era, administrative discretion is not only necessary, its restrictions are also necessary" [5] However, the current administrative public interest litigation system has not established a monitoring mechanism for administrative discretion, and is unable to provide an effective protective barrier for the public interest. The main content of judicial review is the factual assessment and evidence argumentation, and there is no right to supervise and review the administrative normative documents, the procuratorate can only weigh the subjective interests, but can do nothing about the objective legal order. Administrative normative documents as the first step of the administrative process [6], its status and importance of self-evident, but the current judicial review is still focused on the legality of the review, resulting in administrative public interest litigation in the limited scope of legal supervision of the procuratorial organs to further tighten.

Procuratorial organs of the prosecutorial power in the trial power and administrative power in the interstices of the supervision duties [7], procuratorial organs in administrative public welfare litigation in the public interest litigant and legal supervisor of the dual identity, however, generally more concerned about the litigation participant this identity, deviated from the main line of legal supervision of the procuratorial organs. Procuratorial organs of the prosecutorial power is generally for the balance of the trial and administrative power, in the face of administrative organs of the administrative organ of the illegal administrative act is often at their wits' end, when litigation without the right to investigate and obtain evidence of the fact that the determination is more complicated. The right to obtain evidence determines the qualification attributes and legal personality of a subject, [8] the procuratorial organs as administrative public interest litigation in the public interest litigant and has the function of legal supervision, and the administrative organs have the right to obtain evidence, then as the other party to the procuratorial organs should also enjoy the right to evidence.

2.3. Pitfalls of the Highly Correlated Model

In administrative public interest litigation, the procuratorial organ and the administrative organ, as the two parties, construct friendly consultation and cooperation mechanism can effectively integrate resources, better play the function of procuratorial advice and realise the significance of creation. For example, the construction of "collaborative platform" and "round table" can not only save judicial resources, but also improve administrative efficiency, but also form a high degree of correlation between the procuratorial organ and the administrative organ, that is, in the organisational orientation, governance mode and mode of operation show close connection. Procuratorial organs take administrative public interest litigation as a key concern, and through the top-down organisational model transfer the pressure to the lower-level procuratorial organs, using external incentives to guarantee the implementation of administrative public interest litigation. Procuratorial organs focus their resources on getting administrative organs to respond emphatically to procuratorial

recommendations, and administrative organs develop a highly sensitive response under the pressure of this ministry, responding positively to the demands of procuratorial organs. Procuratorial authorities take the initiative to seek collaboration with administrative authorities, and both parties form fixed solutions to disputes in administrative public interest litigation on the basis of the mobilisation model. Although the highly correlated model can focus on solving problems, it can produce formalism and negative attitudes while paying high costs [9].

3. FEASIBILITY OF CONSTRUCTING PREVENTIVE ADMINISTRATIVE PUBLIC INTEREST LITIGATION

Administrative public interest litigation system has difficult to hide the defects, can not provide comprehensive and timely relief to the public interest, so the system of administrative public interest litigation adjustment is unavoidable. Preventive administrative public interest litigation is administrative public interest litigation in the system adjustment, to overcome the limitations of administrative public interest litigation. Existing mature theoretical basis, the useful reference of extraterritorial and current reality for the construction of preventive administrative public interest litigation provides the possibility.

3.1. Theoretical Basis for Constructing Preventive Administrative Public Interest Litigation

3.1.1. Objective proceedings

The French scholar Léon DiGi created subjective litigation and objective litigation, subjective litigation safeguards the legal rights of citizens, and objective litigation safeguards the objective legal order, which was developed differently by Germany, Japan and France in accordance with their respective legal systems and national backgrounds. Germany and Japan's administrative litigation type for the judicial model, subjective litigation as the core of the design, focusing on the protection of the rights and interests of citizens; France's administrative litigation type of construction is an administrative model, administrative litigation system to the objective litigation as the centre, to maintain the objective legal order. Subjective litigation and objective litigation in different countries play different roles and apply different legal regulations. The jurisprudence principle and legal regulation of objective litigation have important significance to the exploration of administrative public interest litigation in China, and have mature theoretical support for the construction of preventive administrative public interest litigation.

Objective litigation to maintain the objective legal order, belongs to the other benefit form of public interest litigation, has two distinctive features: first, the administrative act involves public interest; second is the plaintiff and the defendant does not exist between the private interests of the dispute, the plaintiff filed a lawsuit and the public interest is closely linked; third is the scope of the review of the specific administrative act and administrative factual acts, also includes the review of administrative normative documents [10]. The current administrative public interest litigation system is by the administrative organ has no interest in the prosecuting organ to bring a lawsuit, as an objective litigation in the administrative public interest litigation is mainly for the protection of the public interest, but the object of the litigation does not include the administrative normative documents, that is, can not be administrative normative documents for review and bring a lawsuit.

Currently in China's administrative public interest litigation, the procuratorate must first grasp the public interest is damaged by the proof of the material, and then judicial argument, focusing on the subjective level of the interests of the discussion, while the objective level of the legal order is ignored. In addition, the judicial focus on the review of specific administrative acts and administrative factual acts, and administrative normative documents do not have the authority to review. And preventive administrative public interest litigation litigation purpose is mainly in-depth administrative discretion,

correction of illegal administrative behaviour, timely maintenance of public interests. Preventive administrative public interest litigation will change from the interest and relief to legal argument and factual assessment, by the prosecuting authority of administrative activities to open the lawsuit, and then for the administrative violations of the public interest in the assessment of the impact of the public interest. Therefore, "it is reasonable to define preventive administrative public interest litigation as objective litigation initiated by the procuratorate to implement administrative process regulation aimed at comprehensively protecting the public interest" [11]. objective litigation jurisprudence and spirit of preventive administrative public interest litigation to define the scope of the case and the main body of the prosecution is of great significance, with the help of the procuratorial organs and specific social groups to supervise the exercise of the rights of the administrative organs, in line with China's administrative public interest litigation of the rule of law of the objective concept.

3.1.2. Conceptually embedded values

Preventive administrative public interest litigation is a systematic adjustment of administrative public interest litigation, rather than a typological extension of administrative public interest litigation. Preventive administrative public interest litigation means that, in order to safeguard the public interest, the procuratorate carries out external supervision of the administrative behaviour of the administrative organ, and files an administrative public interest litigation with the court when the damaging results are about to occur or have just occurred, so as to provide timely and comprehensive relief to the public interest. Due to the complexity and diversity of administrative activities, the administrative organs will be expansive and biased in the exercise of the administrative power granted by law, and will commit illegal administrative acts in areas where the relevant laws are vaguely regulated, or "local governments often add their own interests and calculations or are captured by local businesses and elite groups when implementing top-down legal policies" [12], thus resulting in the law being misinterpreted or treated in a distorted manner, when the public interest is harmed. China's administrative public interest litigation is established on the basis of public interest litigation by the procuratorate, with the attributes of statism and socialism, so the value orientation of administrative public interest litigation is to safeguard the national interest and social interest. Because preventive administrative public interest litigation is the system adjustment of administrative public interest litigation, that is to say, preventive administrative public interest litigation value orientation is naturally to safeguard national interests and social interests.

3.1.3. Mobility and universality of the public interest

The connotation of the public interest changes with the changes in society and prevails in various fields of human activities. For the definition of public interest exists a variety of doctrines, but none of them has become the mainstream view, the public interest refers to the common interests of the unspecified majority [13]. In the expansion of administrative discretion, there will be damage to the public interest, and the mobility and universality of the public interest to preventive administrative public interest litigation in-depth legal supervision of administrative action provides theoretical support.

The development of science and technology and cyberspace has led to the gradual and continuous development of human activities into multiple fields and the development of a common living space for human beings, which includes the public's hidden expectations of public interests. The public interest is mobile in accordance with the development of society and the different social ruling classes, which means that the scope of public interest is not specific. The Administrative Procedure Law stipulates that the four fields have one-to-one correspondence of public interest, belong to the selective stipulation of interest, the scope of public interest is fluid, uncertain, there are many fields of public interest in urgent need of relief, if the scope of administrative public interest litigation relief is limited to a certain field, then other fields of public interest relief will be in a difficult situation. Rapid social development will also bring new or previously lack of attention to the problem, the

public interest in each stage will have a new connotation and development, the need to expand in accordance with the purpose of the law and the needs of social life.

The current administrative public interest litigation to protect the natural environmental resources, public property safety and public life and health safety, in different areas there are different public interests, but also generally shared by the public. The public interest constrains the administrative organ's behaviour at the same time also as the starting conditions of administrative action [14], the scope of public interest is greater than the administrative organ's management scope is greater than the scope of public interest, public interest exists in general, but the protection of the administrative organ is not in place, the administrative organ's management should be radiated the scope of public interest. Contemporary social life, the administrative power involves every scope, that is to say, the public interest has the possibility of being infringed upon, and therefore the administrative public interest litigation will be limited to the scope of the case in a specific field is unreasonable.

3.2. The Realistic Need to Construct Preventive Administrative Public Interest Litigation

From the perspective of judicial practice, the construction of the rule of law for administrative public interest litigation in China is divided into three phases: the local exploration phase, the pilot reform phase, and the comprehensive rule of law phase, and administrative public interest litigation has been established through the method of "top-level design, legal authorisation, pilot first, legislative safeguards, and comprehensive promotion". However, at present, administrative public interest litigation does not have an exclusive legal provision, and has so far appeared as a "participant in litigation", sharing the Administrative Procedure Law with administrative litigation. Administrative public interest litigation has the uniqueness, and administrative litigation in the main body of the lawsuit, the purpose of the lawsuit is completely different, "administrative public interest litigation has a special scope of special litigation, litigation participants specific, unique pre-litigation procedures, litigation type to determine the characteristics of the" [15]. Administrative public interest litigation system of the inclusive model has been unable to meet the requirements of the comprehensive maintenance of the public interest, the prosecution conditions, review standards, the judgement of the application of the defects of the administrative public interest litigation has been seriously affected by the development of the administrative public interest litigation [16].

Administrative public interest litigation belongs to the ex post facto type of relief system, and the overall deterrent effect of the procuratorate has been weakened after the investigative power of job-related offences has been vested in the supervisory organs, and there is a lack of actual deterrent effect on the administrative organs. In administrative public interest litigation, the procuratorate is more concerned about the identity of public interest litigants, and the legal supervision of the identity of the invisible weakened, to the administrative organs to make the illegal administrative acts have no keen ability to perceive, more often than not in the actual damage occurs only to take measures to respond to the actual damage, but at this time can only spend a lot of time, money to restore some of the losses or even cause permanent damage.

4. SPECIFIC PROGRAMMES TO BUILD PREVENTIVE ADMINISTRATIVE PUBLIC INTEREST LITIGATION

Preventive administrative public interest litigation involves administrative organs, judicial organs and procuratorial organs, which requires dynamic observation of the administrative behaviour of administrative organs, requires the judicial organs to focus on the disputes of the litigation on the administrative illegality argumentation, and requires the procuratorial organs to strengthen the external supervision of the administrative behaviour and set up effective procuratorial recommendations, so that the procuratorial organs of the legal supervision and the main body of the

litigation function better two-pronged for the successful implementation of preventive administrative public interest litigation. Administrative public interest litigation for the prevention of the smooth implementation of the escort.

4.1. Defining the Scope of the Case

While safeguarding the legitimacy of the public interest, care should also be taken that the public interest is not blindly expanded. The primary focus of administrative public interest litigation is the public interest, and the scope of the case is also centred on the public interest. In order to more accurately safeguard the public interest and based on practical considerations, there is a limited expansion of the public interest, that is, the principle of limited public interest. The principle of limited public interest refers to the public interest in the subject, purpose, content of the existence of boundaries, public interest litigation can protect the public interest is limited [17]. Administrative public interest litigation of the scope of the case should be compatible with the social, economic and political development, and the current need to maintain the interests of society is closely linked. "The domain name said no longer focus on the specific administrative action, but focus on the public interest may occur in the field" [18], preventive administrative public interest litigation is a comprehensive and dynamic observation of administrative action, however, only part of the field of supervision, the procuratorate is confined to one corner of the world, is not conducive to the exercise of powers and functions nor is it conducive to the relief of the public interest. Effective activation of preventive administrative public interest litigation first need to be clear on the scope of the case, so that the legal supervision function of the procuratorial organs have a broader space to play.

Urban planning and regional development, the interests of citizens are closely linked to the administrative organs in the planning of the production of toxic chemical raw materials enterprises, waste incineration plants, heavy pollution enterprises will have a negative impact on the public interests of the region [19]. The field of urban planning has the status of light, in the planning of the administrative organs to deal with improperly will be a direct threat to the people's health and life safety, so preventive administrative public interest litigation should be the scope of the case will be included in urban planning, in the administrative organs of the planning of the existence of major hidden danger to the administrative organs to issue a pre-alert to its prosecutorial advice, timely correction of hazardous behaviours, and to maintain the law and order.

4.2. Clarifying the Subject of Prosecution

The filing of a lawsuit by a qualified plaintiff is a prerequisite for the initiation of proceedings, and the manner in which administrative public-interest litigation is initiated has a bearing on the protection of the public interest and the breadth of the litigation channel. Administrative public-interest litigation adopts the "monism" doctrine, while preventive administrative public-interest litigation tends to favour the "dualism" model, in which the subjects of administrative public-interest litigation include procuratorial organs and qualified public-interest organisations. The qualifications of the main body of the prosecution should be limited and given to specific subjects, so as to avoid the proliferation of administrative public interest litigation. For example, in the 1970s, the U.S. government in order to cope with the economic crisis, the implementation of the planned economy, a large number of administrative plans, the rapid expansion of administrative power, but at the same time the government will be selective in favour of closely linked or interested groups, and go to the detriment of decentralised, relatively unorganised interests [20]. In order to defend individual or public interests, the disadvantaged bring lawsuits to the courts, and in order to relieve political pressure on Congress and to preserve civil rights, Congress gives any citizen standing to bring public interest lawsuits. The private attorney general theory from this, because the plaintiff qualification of the open, the citizens brought a variety of claims, has exceeded the scope of the judicial power and judicial capacity, and administrative public interest litigation generally involves things more complex, the plaintiff lack of relevant expertise will not only interfere with the policy planning at the same time

will also increase the cost of the litigation, and even in order to make profit and false litigation. And the plaintiff qualification of the opening will inevitably bring a large number of lawsuits, squeezing the judicial organs to handle the time and quality of cases, but also increase the burden of the court. Therefore, the preventive administrative public interest litigation should be limited to open the qualification of citizens, return to the logic of legal supervision.

One can learn from the useful practice of Germany, the German environmental group public interest litigation by social organisations in the litigation qualification registration and the protection of the natural environment of public interest litigation, in accordance with the provisions of the law for the administrative organs of any damage to the environmental public welfare of the inaction to bring a lawsuit. German environmental groups public interest litigation also has obvious preventive effect, German law has a major violation of the possibility of administrative action provides for a temporary injunction, and most of the lawsuit is for the public good damage to the government approval of the action, in the lawsuit, in the case of enterprise behaviour has the possibility of damage to the public good, the government still does not act, the environmental groups can apply to the court to require the administrative authorities to order the enterprise to take appropriate preventive measures. to take corresponding preventive measures [21]. China's current administrative public interest litigation needs to fill the gaps including the prosecution of a single subject as well as after the fact type of relief is difficult to maintain the public interest in a timely manner, can learn from the advantages of Germany's environmental groups public interest litigation that is, social organisations through the authorisation or qualification appraisal can be administrative public interest litigation, at the same time through the provisions of the law so that the administrative public interest litigation has a preventive role.

4.3. Expanding the Functions of the Prosecution Service

"Administrative discretion is the administrative subject in administrative law enforcement to choose their own way of behaviour, the object of behaviour and the consequences of behaviour, as a kind of free choice, the administrative subject has a very large choice of space, has a very large degree of freedom" [22]. the complexity of modern administrative activities, cluster broadened the administrative organ's discretionary space, in every field there is administrative discretion, but at the same time administrative discretion has exclusivity, is the administrative organ's exclusive right, other subjects can not interfere at will. But in the preventive administrative public interest litigation, the procuratorate has a certain amount of administrative discretionary space, is the management and protection of the public interests of the process of supervision of the administrative act, the administrative act of comprehensive dynamic observation, focusing on the judicial argumentation and factual assessment of the administrative offence. Preventive administrative public interest litigation is to legal supervision as the main logic, the procuratorial organs not only to expand the scope of legal supervision but also to strengthen the professionalism of legal supervision, the universality of the public interest and mobility characteristics of the legal supervision involved in the logic of administrative discretion justified.

Judicial review belongs to the legality of the review and reasonableness of the review, the procuratorial organs to intervene in the administrative discretionary space of the public interest, focusing on the judicial argumentation should be on the administrative discretionary have a certain amount of investigation and evidence collection power. Administrative public interest litigation in the investigation and evidence collection right of the procuratorial organs to be different from the criminal proceedings in the investigation and evidence collection right, due to the administrative organs of the main body and the status of the speciality, can not be applied to the criminal procedure law in the seizure, detention and restriction of personal freedom and other measures, the establishment of preventive administrative public interest litigation in the investigation and evidence collection right of the procuratorial organs, "including the procuratorial organs to investigate and obtain evidence to ensure that the system of measures, entrusted professional appraisal system, expert auxiliary person

system, etc" [23]. Further broadening the functions of the procuratorial organs, and establishing operable norms for investigation and evidence collection.

4.4. Establishment of an Itinerant Public Interest Litigant System

From 2014 to 2024, the Supreme People's Court has set up six circuit courts to deal with major cross-regional cases, eliminate local protection in cross-regional cases, and uphold judicial fairness and justice. According to the "correspondence principle" of the SPC, the circuit public interest litigant system can also be set up in preventive administrative public interest litigation to fill the gap in the court's supervision of litigation against administrative offences. The roving public interest litigation litigant system can solve the problem of cross-regional administrative public interest litigation, provide a special programme to deal with administrative public interest litigation involving cross-region and multi-agency, and can solve problems quickly and efficiently, and coordinate friendly and cooperative relations between regions. Procuratorate in administrative public interest litigation is the legal supervision of the administrative results, only to the administrative behaviour of the momentary view, which is also determined by the limitations of the legal supervision of the procuratorate. And the establishment of cross-regional circuit public interest litigation litigant can be a comprehensive dynamic observation of administrative behaviour, which is in line with the implementation of preventive administrative public interest litigation purposes. Objective litigation requires maximising the maintenance of public interests, which requires the full participation of the procuratorial authorities and the accurate determination of administrative violations [24]. For example, in the field of ecological environmental protection, often by the local government of the enterprise sewage behaviour of turning a blind eye or connivance resulting in serious pollution of the local environment, and even some enterprises intentionally discharging sewage to the downstream, resulting in cross-regional water resource pollution, not only destroy the ecological environment to the national governance of the waters to bring a major problem. Ordinary procuratorial organs in the face of such a situation is inevitably unable to do, the actual power to check and balance the provincial authorities, administrative public interest litigation drawbacks are obvious. The relationship between the parties across regions is similar to the recusal system in litigation, which requires a common superior to preside over the case or a separate procuratorate, while the establishment of travelling public interest litigators effectively solves such problems, eliminates local protectionism and promotes anti-corruption activities.

5. CONCLUSION

Preventive administrative public interest litigation is the administrative public interest litigation system adjustment, focusing on administrative public interest litigation litigation and the legal supervision function of the procuratorial organs, is pure and complete objective litigation, based on the maximisation of the maintenance of the public interest, but also in the future administrative public interest litigation is an inevitable choice for the improvement of the litigation. In order to construct preventive administrative public interest litigation, the need to give the procuratorial organs of the administrative organs to make matters related to the public interest in the process of supervision of the powers of the procuratorial organs to return to the main line of the logic of legal supervision, the scope of the case, the procuratorial recommendations in the original defects on the improvement, the establishment of preventive administrative public interest litigation unique circuit public interest litigation litigation litigation system, to achieve the prevention of administrative public interest litigation of the unique value and the purpose of litigation. Litigation purpose.

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