

The Application Path of the Rule of Presumption of Evidence in Maritime Administrative Cases

-- Analysis of Article 35 of the Coast Guard Law

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ABSTRACT

Article 35 of the Coast Guard Law of the People's Republic of China stipulates the rules for presumption of evidence in handling maritime administrative cases, which is a clear legal provision for the reversal of the burden of proof. The parties involved need to bear the complete burden of proof. In the specific application of administrative cases, maritime police agencies should strictly focus on the three basic elements of the presumption basis, basic facts, and illegal facts of the evidence presumption rule. Article 35 of the Maritime Police Law is both a presumption basis and a judicial norm. Maritime police agencies need to bear the burden of proof for the basic facts of the destruction of evidence by the parties. After reaching the standard of proof that eliminates reasonable suspicion, they can infer that the parties have violated the law. At the same time, in order to safeguard their legitimate rights and interests, the parties may refute the basic facts claimed by the maritime police agency or prove that the presumed facts of the maritime police agency are incorrect, but they do not demand a higher standard of proof for the basic facts than the maritime police agency.

KEYWORDS

Administrative Presumption; Applicable Path; Article 35 of the Coast Guard Law.

1. PROPOSAL ON THE RULE OF EVIDENCE PRESUMPTION IN ARTICLE 35 OF THE COAST GUARD LAW

Based on facts and guided by law is one of the fundamental principles for administrative agencies to carry out administrative activities. Administrative organs shall not punish illegal acts with unclear facts and insufficient evidence. Therefore, it is particularly important for administrative agencies to handle administrative cases when the facts of the parties' illegal activities are clear and the evidence is sufficient. In 2018, the former State Oceanic Administration (now known as the China Coast Guard) was reorganized and fully placed under the leadership of the People's Armed Police Force, giving the Coast Guard the dual functional attributes of an armed force and an administrative law enforcement force. In order to ensure the effective performance of maritime rights protection and law enforcement responsibilities by maritime police agencies and promote the standardization of maritime administrative law enforcement activities, Article 35 of the Maritime Police Law promulgated and issued in 2021 established the "presumption of evidence" rule. The establishment of this presumption of evidence rule is an important breakthrough in the previous rules for handling maritime administrative cases. Therefore, there are currently few discussions in the academic community regarding the application logic of Article 35 of the Coast Guard Law, how Coast Guard agencies

conduct administrative presumptions, and how parties can effectively refute the facts presumed by Coast Guard agencies. Practical issues urgently need to be addressed. Therefore, this article explores the logic of applying the rule of presumption of evidence to maritime police agencies and how parties can effectively refute it by reviewing the evolution process of Article 35 of the Maritime Police Law.

2. BACKGROUND OF THE ESTABLISHMENT OF THE PRESUMPTION OF EVIDENCE RULE IN ARTICLE 35 OF THE COAST GUARD LAW

2.1. Legislative Purpose

2.1.1. The Complex and Ever-changing Maritime Geographical Environment Makes it Difficult for Administrative Law Enforcement Investigations and Evidence Collection

The difficulty of obtaining evidence in maritime cases is much greater than on land. The crime scenes in maritime cases are mainly concentrated on ships, which limits the range of activities of the parties and is conducive to capturing them. However, the main disadvantage for obtaining evidence is that the parties have the ability to destroy the evidence before the coast guard personnel board the ship. When the coast guard broadcasts an announcement about the upcoming boarding inspection, the parties involved will begin to destroy evidence in order to escape responsibility. Therefore, during the time when the coast guard approaches the involved vessel, the parties have sufficient time to throw their illegal gains and tools into the sea. The natural environment of the ocean is constantly changing, influenced by factors such as waves, sea winds, and currents. The endless sea undoubtedly brings endless resistance to the coast guard's investigation and evidence collection. Even if the relevant evidence is fortunately salvaged, its probative value will be greatly reduced by the erosion and erosion of seawater. Therefore, under the adverse effects of the special marine environment, the rules of evidence for maritime law enforcement activities urgently need to be changed.

2.1.2. Stable Empirical Rules, Regular Contact, and Accurate Identification of the Basic Facts of the Case

In general, when maritime law enforcement officers infer illegal facts based on basic facts, they often rely on their years of maritime law enforcement experience and common sense, as well as legal knowledge that has been systematically and theoretically studied. By inferring that the act of abandoning objects into the sea by the parties involved in previous maritime cases constitutes evidence of intentional destruction, they can then infer the establishment of relevant illegal facts by the perpetrator. Due to the close and stable nature of this regular connection, which has been proven to be correct countless times, the possibility of errors occurring is extremely small. Therefore, after conducting research on maritime administrative law enforcement practices, the legislators elevated the customary empirical rules for handling maritime administrative cases in the past to universally applicable rules when legislating the Coast Guard Law, that is, the regular connection between "intentional destruction of evidence by the parties" and "establishment of relevant illegal acts by the parties" is fixed in legal form. In the case where the judicial adjudicator provides sufficient evidence to prove the existence of the underlying facts in the maritime police agency, and the parties have not provided evidence or provided evidence that is insufficient to overturn them, they must infer the establishment of the presumed illegal facts based on the law. [1] This to a certain extent avoids the discretion of judicial judges in evaluating evidence, and can more accurately restore the objective truth of the case facts.

2.2. The Evolution and Applicable Logic of Article 35 of the Coast Guard Law

The application of the presumption of evidence rule by maritime police agencies to the investigation of maritime administrative cases can be traced back to Article 13 of the "Provisions on Several Issues Concerning the Trial of Cases Involving Maritime Areas under the Jurisdiction of China (II)"

(hereinafter referred to as the "Maritime Interpretation (II)"), which has the following special characteristics: firstly, there is no restriction on the applicable subject, and other maritime administrative law enforcement departments such as fishery administration, coast guard, and maritime police can apply this provision; Secondly, when applying administrative presumptions to maritime police agencies, the standard of proof can be appropriately lowered. After the institutional reform in 2018, the former Coast Guard team under the leadership of the State Oceanic Administration was transferred to the People's Armed Police Force. The ministerial level China Coast Guard continued to use this judicial interpretation, facing the dilemma of low effectiveness of judicial interpretation and unclear law enforcement subject. In 2019, the People's Armed Police Force established a special task force to study and draft the "Coast Guard Law". The first draft of the "Coast Guard Law (Draft)" submitted for review drew on the provisions of Article 13 of the "Interpretation on Maritime Issues (II)", but only made superficial textual treatment to this provision. Coast Guard agencies still adopt a lower standard of proof to infer relevant facts. However, during the deliberation of the Constitution and Law Committee of the National People's Congress, some members proposed that although the maritime police agencies faced a complex and changing geographical environment in carrying out administrative law enforcement, they should still further strengthen the standardization of administrative law enforcement procedures. [2] Therefore, in the second draft of the "Coast Guard Law (Draft)", the phrase "lowering the standard of proof for maritime administrative agencies" will be changed to "Coast Guard agencies may combine other evidence to infer the establishment of relevant illegal facts". Subsequently, after the official release of the third review draft, Article 35 of the Coast Guard Law continued the revision suggestions from the second review. From this, it can be seen that in response to the intentional destruction of evidence by the parties involved, the provision in Article 13 of the "Interpretation on Maritime Affairs (II)" that "appropriately lowers the standard of proof for administrative agencies" has been replaced by Article 35 of the officially passed "Coast Guard Law". That is, on the premise of reducing the difficulty of investigation and evidence collection by the Coast Guard, the Coast Guard may apply the administrative presumption rule. Based on the basic facts of the case and combined with other evidence at its disposal, the Coast Guard staff will ultimately infer the objective illegal behavior of the offender based on the rules of maritime life experience. And when the maritime police agency initiates the presumption rule procedure, the offender also enters the rebuttal stage. The rebuttal object can be either the basic fact of the presumption rule is not established, the basic fact does not meet the conditions of the presumption rule, or the presumption result does not meet the specific circumstances of the case.

3. THE LOGICAL DEVELOPMENT OF THE APPLICATION OF EVIDENCE PRESUMPTION RULES BY MARITIME POLICE AGENCIES

Evidence presumption is a rule of evidence in which administrative agencies infer the existence of an unknown fact from a known fact based on empirical rules or legal provisions, and allow the parties to present counter evidence to refute it. [3] From this, it can be seen that the application of the rule of presumption of evidence must have three basic elements: basic facts, presumed facts, and presumed basis.

3.1. The Basis for the Application of Evidence Presumption by Maritime Police Agencies

The presumption basis is manifested as the accompanying relationship and normal connection between the basic facts and the presumed facts. [4] The presumption basis connects the basic facts with the presumed facts, forming an effective logical connection, which is the logical basis and key factor of the presumption rule. When the close connection between the premise facts and the presumed facts reaches a stable relationship, Article 35 of the Coast Guard Law elevates this closely related factual presumption to a legal presumption.

Firstly, Article 35 of the Coast Guard Law is the basis for presumption and judicial norms, and the presumed facts of legal presumption are directly derived from legal provisions. According to Article 1121 of the Civil Code, if it is difficult to determine the time of death, it is presumed that the person without other heirs died first. [5] Difficulty in determining the time of death "is a fundamental fact, while" no other heirs died first "is a presumed fact, and there is no specific logical relationship between the two at this time. The presumed fact is directly regulated by law. On the other hand, the logical relationship of Article 35 of the Coast Guard Law is that "the intentional destruction of evidence by the parties" is the basic fact, and "the establishment of illegal facts" is the presumed fact. Unlike the presumption of the order of death of heirs, there is a stable connection between the basic facts and the presumed facts in Article 35 of the Coast Guard Law, which states that when facing instructions from coast guard personnel to stop the inspected vessel for inspection, if there is no illegal behavior, relevant certificates, materials, and verification of the cargo on board can generally be presented before leaving. However, the party involved, contrary to common sense, abandons items into the sea, which is highly likely to mean the destruction of crucial evidence that can prove the existence of the relevant illegal facts. Therefore, Article 35 of the Coast Guard Law has become a presumption basis for Coast Guard agencies to apply presumption rules, and it is also a judicial norm that judicial authorities must abide by when making discretionary decisions in handling cases.

Secondly, Article 35 of the Coast Guard Law still requires coast guard agencies to provide some evidence to prove the abandonment of items into the sea based on relevant basic facts. At the same time, it also requires coast guard agencies to "combine other evidence" when inferring the establishment of illegal facts. Does this mean that Article 35 of the Coast Guard Law has the attribute of factual presumption? Coast Guard agencies need to prove that the abandonment of objects into the sea by the parties involved is an illegal fact. This article holds a negative view. On the one hand, this will increase the difficulty for Coast Guard agencies to provide evidence. Due to the obstruction of maritime visibility, Coast Guard staff often cannot observe what the parties have abandoned and can only rely on the parties' statements. On the other hand, under the premise that Article 35 of the Coast Guard Law has become a legal presumption, there may not be a necessary connection between the basic facts and the presumed facts. The responsibility for overturning this connection has been transferred to the parties involved. How the parties can refute the relevant content of the Coast Guard institution will be detailed in the following text. Moreover, Article 35 of the Coast Guard Law requires "combining with other evidence", which means that the coast guard institution needs to prove that the party has committed the act of destroying "evidence" (which may be evidence related to illegal facts or the party may have abandoned other unrelated items), and does not need the coast guard institution to prove what kind of object was destroyed. This is stipulated in Article 32 of the Administrative Law Enforcement Procedure Regulations for Coast Guard Institutions (Draft for Comments). Coast Guard agencies are not required to bear the obligation of directly proving illegal facts.

3.2. The Burden of Proof of Basic Facts by Maritime Police Agencies

Before applying Article 35 of the Coast Guard Law to infer the establishment of an illegal act by the administrative counterpart, the coast guard agency still needs to bear the burden of proof for the basic facts. According to the law, evidence held by maritime police agencies must meet the following conditions in order to claim the establishment of basic facts: firstly, maritime police agencies need to prove that the evidence of the existence of illegal facts was lost due to the intentional destruction of the offender (hereinafter referred to as condition one). The objective actions provided by the maritime police agency to prove the destruction of evidence by the parties involved include both direct and indirect evidence. [7] The former is not difficult to understand, such as the fact that maritime police agencies have on-site photos or audio and video recordings that can objectively record the actions of the parties involved in destroying evidence at sea; The latter refers to indirect evidence obtained by maritime police agencies through legal investigation procedures, which can mutually confirm and jointly point to the act of destroying evidence committed by the parties involved. For example, Article

32 (2) of the "Regulations on Administrative Law Enforcement Procedures of Maritime Police Agencies (Draft for Comments)" stipulates that "if a party admits to the act of destroying evidence at sea and has other witness testimony, expert opinions and other evidence to prove it, it is considered as evidence proof", which directly confirms that maritime police agencies can use indirect evidence to determine the basic facts. Secondly, existing evidence can mutually corroborate and jointly point to the administrative counterpart committing illegal acts (hereinafter referred to as condition two). Unlike condition one, only when both condition one and condition two are met, can the maritime police agency infer the establishment of the illegal behavior of the parties involved. In cases of illegal fishing of aquatic products, the coast guard agency has evidence to prove that the parties involved threw the illegally caught fish and illegal tools into the sea. If there is no other evidence to support this, the judicial authorities may consider the evidence to be weak and the basic facts of the case unclear, leading to the revocation of the coast guard agency's administrative penalty judgment. Therefore, when it is found that the parties involved have destroyed relevant evidence, the maritime police agency should pay attention to the quantity and types of evidence when conducting investigations and collecting evidence in accordance with the law. The evidence used by the maritime police agency to handle maritime administrative cases should comply with the eight types of evidence stipulated in Article 25 of the Administrative Law Enforcement Procedure Regulations for Maritime Police Agencies (Draft for Comments). As mentioned earlier, if only the first condition or the confession of the parties is met, it does not meet the requirements of evidence; On the other hand, evidence must have an objective connection with the facts of the case, that is, the combination of various pieces of evidence can jointly point to the illegal facts of the parties involved. Only in this way can the coordination between condition one and condition two, as well as the evidence and the facts of the case, be mutually confirmed and matched, forming a complete and rigorous chain of evidence. Only then can the maritime police apply the rule of presumption of evidence to infer the illegal behavior of the parties involved.

3.3. The Standard of Proof for Basic Facts by Maritime Police Agencies

Due to the lack of clear regulations in China's administrative regulatory system regarding the standard of proof for administrative activities carried out by administrative agencies, currently only a few administrative laws have the requirement of "conclusive evidence of illegal facts" when imposing administrative penalties on administrative agencies. However, considering the diversity of administrative activity outcomes, the current academic consensus in administrative law is to establish a diversified and differentially applicable system of proof standards for administrative activities. This means that the required proof standards vary depending on the size of the rights involved and the complexity of the procedures applied in different administrative cases. [8] According to the specific circumstances of administrative cases, there are three types of proof standards in the theoretical community for administrative activities, including the advantage proof standard, the obvious advantage proof standard, and the proof standard for eliminating reasonable doubt. [9] Some scholars, from the perspective of administrative agencies, believe that there is no conflict between Article 13 of the "Interpretation on Maritime Issues (II)" and Article 35 of the "Coast Guard Law". They propose that when a party destroys evidence, the administrative agency no longer requires a tightly sealed chain of evidence to prove, but only needs to adopt the standard of superior proof, that is, the evidence has a high possibility. [10] This article believes that when maritime police agencies infer basic facts, the degree of proof should reach the standard of "excluding reasonable doubt". Firstly, from the perspective of the revision process of the Coast Guard Law, as mentioned earlier, the provision of "lowering the standard of proof" has long been abolished by the official text of the Coast Guard Law. From the perspective of legal effectiveness, the provisions of the "Interpretation on the Sea (II)" that conflict with Article 35 of the Coast Guard Law regarding the application of presumption rules by Coast Guard agencies should be invalid. Secondly, from the perspective of the institutional connection between administrative legal norms, Chapter 4 of the Coast Guard Law stipulates four handling methods for maritime administrative cases encountered by maritime police agencies:

making a penalty decision on the spot, applying expedited handling, not applying expedited handling, and applying evidence presumption for maritime administrative cases. The first two cases have clear facts and relatively small disputes among administrative counterparties, corresponding to the fallback provision of Article 51 (2) of the Administrative Penalty Law, which allows administrative penalty decisions to be made on the spot; The latter two situations are subject to ordinary procedures and comply with Article 54 of the Administrative Penalty Law. Administrative agencies must conduct comprehensive, objective, and impartial investigations and collect relevant evidence. Therefore, before the introduction of the supporting system of the Coast Guard Law, the proof standard of Article 35 of the Coast Guard Law should be consistent with the ordinary procedure of administrative punishment, that is, the evidence on which the coast guard institution applies the presumption rule should meet the standard of "excluding reasonable doubt". Finally, from the perspective of the impact of the application of presumption rules by maritime police agencies on administrative counterparties, once the presumption facts of maritime police agencies are established, it means that the objective illegal behavior of the parties involved is established. At this time, the parties face administrative penalty decisions made by maritime police agencies that affect their personal and property rights. In serious cases, it may even constitute a criminal offense. Therefore, strict "beyond reasonable doubt" standards should be applied to administrative actions that may have a serious impact on citizens' personal and property rights.

4. HOW CAN THE PARTIES EFFECTIVELY REFUTE

4.1. The Parties Involved Shall Bear the Complete Burden of Proof

The maritime police agency shall provide evidence based on the basic facts of the destruction of evidence by the parties in accordance with the process described earlier, and after meeting the standard of "beyond reasonable doubt", the relevant illegal facts presumed by the maritime police agency shall be established. According to the rules for safeguarding the legitimate rights and interests of administrative law enforcement personnel in administrative law enforcement activities, the parties may provide relevant evidence to refute the basic facts claimed by the maritime police agency or prove that the presumed facts of the maritime police agency are incorrect, and should also bear the corresponding burden of proof. There is a close relationship between the rule of presumption of evidence and the burden of proof, and the basic function of the rule of presumption of evidence is to reconfigure the burden of proof. [11] This article argues that Article 35 of the Coast Guard Law falls under the category of inverted burden of proof. In general, in litigation, only the active claimant bears the burden of proof for the facts presented, and one party does not bear the burden of proof for the facts. Therefore, the negative situation of transferring the burden of proof from one party to the other in order to prove their own claim or refute the other party's claim is considered as the transfer of the burden of proof. Therefore, if it is considered that Article 35 of the Coast Guard Law belongs to the transfer of burden of proof, then when the party raises a positive defense claim against the presumed facts of the Coast Guard institution, the burden of proof for whether the abandoned item is evidence of destruction is transferred to the Coast Guard institution. That is, the Coast Guard institution continues to provide evidence to prove that the party abandoned the illegal fact of destruction into the sea. When the disputed fact of whether the abandoned item into the sea belongs to evidence of destruction is proved, if the judge still believes that the authenticity of the case facts is unclear, in the rules of burden of proof transfer, the Coast Guard institution is an active advocate. After presenting evidence, the facts of the case are still in a state of uncertainty, and the Coast Guard institution bears the risk of losing the case. The sentence is: But obviously, the legislative purpose of Article 35 of the Coast Guard Law is not so. This article argues that after the maritime police agency raised the positive factual claim that "the abandonment of items by the parties constitutes evidence of the destruction of illegal facts", if the parties deny this positive factual claim, they should bear the burden of proof. At the same time, the burden of proof is not mutually transferred between the two parties.

If the parties cannot provide evidence or the evidence provided cannot convince the judge, they should bear the responsibility for the consequences of losing the case. At this point, the burden of proof has shifted from "who asserts, who bears the burden of proof" to "I assert that you bear the burden of proof", resulting in a reversal of the burden of proof. The parties involved have to bear the complete burden of proof for the act of providing evidence, persuading the judge, and bearing the consequences.

4.2. Proof of Rebuttal by the Parties Involved

What is the proof content that parties need to bear the complete burden of proof to effectively refute the basic facts, presumption basis, and presumed facts generated by the application of evidence presumption rules by maritime police agencies. This article argues that under the premise that Article 35 of the Coast Guard Law has become a legal presumption, the parties may refute the conditions that the basic facts do not comply with the presumption rules and that the presumed facts do not comply with the specific circumstances of this case.

Firstly, the parties cannot refute the basis for the presumption of evidence. After the necessary connection between the basic facts of the destruction of evidence by the parties and the presumed facts of the establishment of illegal facts was absorbed by the Coast Guard Law, the existence of Article 35 of the Coast Guard Law has created a mandatory connection between the basic facts and presumed facts. This connection directly originates from legal provisions and has absolute strength. Therefore, in the logical structure of this legal presumption, the parties can only refute the basic facts and presumed facts, and cannot question the presumption basis of the Coast Guard institution's application of presumption rules.

Secondly, the parties involved can refute the underlying facts. Does it mean that it is difficult or impossible for the parties to refute the basic fact proven by the maritime police agency mentioned earlier, which is that the parties involved have abandoned physical and documentary evidence into the sea, and this objective behavior is recorded in audio and video, or supported by statements from other parties? The answer is negative. The basic fact that the maritime police agency needs to prove is that the party involved abandons physical evidence, documentary evidence, and other destructive evidence into the sea. The party's rebuttal is not the act itself, as the act has generally been recorded by the maritime police agency. The party's rebuttal is that the abandonment is not physical evidence, or that the ship abandoned other items in emergency situations.

Finally, the parties may overturn the presumed facts. On the one hand, proving presumed facts is more difficult than proving basic facts. [14] Therefore, the law sets up several basic facts that are relatively easy to prove as prerequisites for the establishment of presumed facts. Therefore, when the basic facts are refuted, the presumed facts are considered untenable, and the content of the burden of proof for the parties is consistent with the above. On the other hand, the parties involved can directly overturn the presumed facts of the maritime police agency. For example, if the ship transported by the parties at sea is found by the maritime police agency to be suspected of illegal sand mining, the parties only need to provide legal documents to prove that the sand has a legal source to overturn the presumption of illegal sand mining by the maritime police agency.

4.3. The Standard of Proof for Effective Rebuttal by the Parties Involved

The standard of proof refers to the requirement in judicial practice for the degree to which evidence is used to prove facts. One of its important values is to measure whether the party bearing the burden of proof has fulfilled the corresponding burden of proof. If the factual proof of the claim does not meet the statutory standard of proof, the claim cannot be established. If the valid rebuttal of the basic fact raised by the maritime police agency that the party has abandoned physical evidence, documentary evidence, and other evidence into the sea cannot meet the statutory standard of proof, then the claim that the party has not abandoned physical evidence or documentary evidence into the

sea cannot be established, and the party shall bear the responsibility of losing the case. The standard of proof for the presumption and rebuttal of the basic facts and the facts to be proven by the parties should definitely not be higher than the standard of proof for the basic facts by the maritime police agency. [15] The main purpose of the presumption of evidence rule in Article 35 of the Coast Guard Law is to reduce the burden of proof for coast guard agencies. The proof of basic facts is mainly aimed at coast guard agencies. Therefore, the advantage proof standard should be applied to the effective rebuttal of the parties. When the evidence shows that the possibility of the existence of the facts to be proved is significantly greater than the possibility of their non existence, the judge can make a reasonable judgment on this basis to eliminate doubts; When the proof standard for confirming its existence can be met, although the opposite possibility cannot be completely ruled out, the existence of the facts to be proven can still be determined from existing evidence. The basic fact proved by the maritime police agency is that the parties involved abandoned physical evidence, documentary evidence, and other evidence into the sea. However, based on the evidence submitted by the parties to refute the basic facts, the possibility that the parties did not abandon physical evidence, documentary evidence, or that the items abandoned into the sea were not physical evidence, documentary evidence, or other evidence is significantly greater than the possibility proved by the maritime police agency that the parties abandoned physical evidence, documentary evidence, and other evidence into the sea. As a result, the degree of proof of the basic facts by the maritime police agency did not meet the standard of "excluding reasonable doubt" and did not meet the legal standard of proof. Therefore, the maritime police agency's claim to the basic facts cannot be established. And presumption is a proof rule that infers the existence of unknown facts from known facts. [16] According to this rule, if the evidence provided by the maritime police agency does not meet the statutory standard of proof for the basic facts, it cannot make a presumption. The purpose of providing evidence for effective rebuttal by the parties is achieved, and the maritime police agency cannot make a presumption based on this basic fact.

5. CONCLUSION

In summary, due to the high mobility of crime scenes in maritime cases, the boarding and inspection of maritime law enforcement personnel have a lag, and the special wind and wave environment at sea can easily lead to the loss of important evidence. Under the combined effect of the above characteristics, it is easy for law enforcement officers of the Coast Guard to encounter a situation where a key piece of evidence is missing during the investigation of a case, resulting in a broken evidence system and difficulty in forming a complete evidence chain. The presumption of evidence rule established in Article 35 of the Coast Guard Law has made a breakthrough in solving the aforementioned problems. Although the burden of proof is reversed to the parties involved, maritime law enforcement officers still need to provide evidence of the basic facts that led to the destruction of evidence by the parties. Those who fail to meet the standard of proof will bear the burden of proof. Therefore, when applying Article 35 of the Coast Guard Law to infer that a party has committed an illegal act, the Coast Guard cannot break through the existing system of evidence rules and infinitely lower the standard of proof. They must strictly apply the logical rules of evidence inference, while also safeguarding the rights of the parties to refute and defend themselves. The parties also have the obligation to prove their own rebuttal claims and defense reasons. Those who fail to meet the standard of proof shall bear the burden of proof. In short, in the future practice of maritime administrative law enforcement, Article 35 of the Coast Guard Law will better guide the maritime administrative law enforcement work of the Coast Guard, continuously optimize the evidence rules of maritime administrative law enforcement, and build a maritime administrative law enforcement evidence system with Chinese characteristics.

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