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YIN Peipei

The newest revision of Administrative Penalty Law maintain the existing function of “administrative order maintenance”. Despite the new terms of “subjective fault”, however, this article does not change the position of “objective imputation” of administrative penalty. Subjective fault is not an element of administrative penalty, but a legal reason for the relative person not to be punished. The above changes can not solve the problem of the inconsistency between subjectivity and objectivity of administrative penalty. We should rely on the existing classification standards and determine the applicable scope of subjective impunity according to the types of penalty.

Administrative Penalty; Subjective Fault; Types of Penalty