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On the Cooperative Mode of Procuratorial Power and Administrative Power of Administrative Public Interest Litigation of China

ZHENG Yafang

Abstract: The practical experience of public interest judicial protection with Chinese characteristics shows that the cooperative public interest litigation model with procuratorial power and administrative power closely coordinating and collaborating with each other can meet the needs of modernization of the national governance system and governance ability, and should become the ideal model for the development of the administrative public interest litigation system in China. The formation of the cooperative public interest litigation mode of procuratorial power and administrative power requires the development of a mechanism to ensure the accuracy of prosecutorial suggestions, the efficiency of collaboration between prosecutors and practitioners, and the fulfilment of duties and responsibilities. The mechanism to ensure the accuracy of

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procuratorial suggestions includes quality and efficiency enhancement mechanism, assessment and incentive mechanism and public disclosure mechanism, so as to enhance the enthusiasm and initiative of administrative organs to correct illegal acts while saving judicial resources. The mechanism to promote the efficiency of prosecutorial-administrative collaboration includes mutual assignment and exchange mechanism, mutual promotion and support mechanism and interconnection and sharing mechanism, in an attempt to create an external institutional environment for the growth of administrative public interest litigation. The mechanism to distinguish the hierarchy of standards for the performance of duties includes three elements successively: strict comparison with the list of powers and responsibilities, exhaustion of administrative supervision means and curbing administrative violations, in order to solve the key problems for the effective implementation of administrative public interest litigation. The proposal and practice of the cooperative public interest litigation model can further improve the discourse system of socialism with Chinese characteristics.

Keywords: Cooperative Mode of Procuratorial Power and Administrative Power; Administrative Public Interest Litigation; Administrative Litigation