

# Research on the Promotion Path of Urban Management Administrative Law Enforcement from the Perspective of New Public Service Theory

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## Abstract

With the in-depth development of urbanization, China has higher and higher requirements for urban management and governance. The news of urban management violence and law enforcement has frequently become the focus of public opinion, which deviates from the construction of a civilized city and a harmonious society. From the perspective of new public service theory, administrative law enforcement personnel and the masses should not be antagonistic, civil rights should be paid attention to, and the government is service rather than management. Under the guidance of this theory, looking for the improvement path of administrative law enforcement in the process of urban management and governance is conducive to building a beautiful city and promoting the modernization of urban governance.

## Keywords

New Public Service Theory; Urban Management; Administrative Law Enforcement; People Oriented.

## 1. Introduction

On December 6, 2021, in the bleak cold wind, the appearance management personnel of Sanxing Town, Nantong City, Jiangsu Province robbed the sugarcane sold by the elderly in a rough way, making the elderly cry in the street. The shrill cry aroused public attention and sympathy, and the matter immediately became the focus of public opinion. This can not help but arouse our thinking. What should we do if the administrative law enforcement of urban management conflicts with the vital interests of the people? On the one hand, the city should develop and on the other hand, the people should survive. Facing this choice, how should grass-roots administrative law enforcement personnel optimize law enforcement means? Under the background of building a service-oriented government, this paper will analyze the promotion path of urban management and administrative law enforcement from the perspective of new public service theory.

## 2. The Basic Connotation of New Public Service Theory

The new public service theory was put forward by Denhart in the late 20th century based on the reflection and criticism of the new public management theory including the entrepreneur government theory. Its connotation mainly includes the following seven points: the function of the government is to serve, not to steer; Public interest is a goal rather than a by-product; It should be strategic in thought and democratic in action; Serving citizens, not customers; Responsibility is not simple; Pay attention to people, not just productivity; Citizenship and public services are more important than entrepreneurship.

The new public service theory provides a theoretical framework that pays full attention to democracy, citizenship and serving the public interest. It sublates the traditional administration and the new public management theory, pays more attention to the democratic value and public interest, and is more suitable for the development of modern civil society and the practice of public management. It has a certain reference significance for the administrative law enforcement of urban management.

### **3. Development and Connotation of Administrative Law Enforcement in Urban Management**

#### **3.1. Development of Administrative Law Enforcement in Urban Management**

Under the planned economic system, China has formed a relatively centralized administrative system. The government manages many things that should not be managed by administrative means, resulting in high administrative cost and low efficiency. At the same time, with the promotion of reform and opening up in cities, the urban floating population has increased sharply, and the subsequent urban management problems are becoming more and more prominent. The traditional administrative management system can not adapt to the new changes of urban management, resulting in repeated institutional settings, unclear responsibility boundaries and overlapping functions, resulting in the chaos of "several managers in one road and several penalties for violations together". [1]

In response to this phenomenon, the administrative punishment law of the people's Republic of China was promulgated in 1996, which standardized the power of administrative punishment for the first time. By 2000, it will be the pilot stage of urban management and administrative law enforcement. From the end of 2000 to 2002, for the medium-term stage of urban management and administrative law enforcement, expand the scope of pilot cities with the power of administrative punishment. Since 2003, most cities across the country have carried out centralized administrative punishment, continuously deepened the reform of administrative system, and urban management has entered a new stage of development.

Urban management and administrative law enforcement effectively share the functions of government administration, improve the professional level of urban management, improve the efficiency of urban management, promote the rational allocation of government resources, and streamline administrative institutions.

#### **3.2. Connotation of Administrative Law Enforcement in Urban Management**

Taking urban management as the starting point, the administrative law enforcement of urban management comprehensively promotes the centralized administrative punishment power and relevant supervision and procuratorial power in the field of urban management and public services, which generally includes two aspects: one is to supervise and inspect the implementation of laws and regulations related to urban management, and the other is to impose legal sanctions for violations of laws and regulations related to urban management. Its coverage mainly includes: city appearance and environmental sanitation, urban planning management, road traffic order (punishment for illegal road occupation), industrial and commercial administration (punishment for unlicensed operation), etc.

### **4. Problems in Urban Management and Administrative Law Enforcement**

#### **4.1. Violent Law Enforcement Incidents Occur Frequently**

On September 15, 2021, on the street of Nantong City, an urban management officer snatched and broke the scale brought by the octogenarian grandmother who set up a cart stall, then picked up the old man and fell heavily to the ground. The old man didn't get up for a long time.

On December 6, 2021, an old man in rags was selling sugarcane on the streets of Nantong city with a shabby tricycle, but he was robbed by a group of urban management. The old man wailed... Similar events were staged one after another. The rough law enforcement of urban management has long been common. There is no coarsest violence, only more rudeness, no humanity, but no humanity.

#### **4.2. Low Citizen Satisfaction**

Citizens' low satisfaction with urban management and administrative law enforcement is reflected in the poor credibility of the law enforcement team on the one hand and the poor management effect on the other hand. Firstly, due to the lag of law enforcement concept and extensive law enforcement means, the interests of citizens have been damaged, and the contradiction between law enforcement personnel and the masses has been escalating. Thirdly, despite the "strict" management of the law enforcement team, the phenomenon of random parking and setting up stalls is still widespread, and the problems of dirty, messy and poor urban sanitation environment are still prominent, which deviates from the "embroidery" effort to promote fine management required by the modernization of urban governance, and there is still a long way to go to satisfy the citizens.

#### **4.3. Stall Operators are not Self-conscious**

On the other hand, the awareness of environmental protection law enforcement is low. In the process of law enforcement, there are some people who resist management, sometimes even take extreme resistance, which intensifies the contradiction between urban management and vendors, and seriously affects the efficiency of law enforcement. In addition, some stall operators have poor awareness of environmental protection. In the process of operation, it is inevitable to have behaviors that affect the urban environment and destroy the appearance of the city, which occur repeatedly and are difficult to correct, and the consciousness of civilized operation is not high.

### **5. Reasons for the Problems of Administrative Law Enforcement in Urban Management**

#### **5.1. Backward Law Enforcement Concept**

In the context of building a service-oriented government, we should pay more attention to diversified urban governance. The modernization of urban governance is an important part of the modernization of national governance system and governance capacity. Today, law enforcement agencies in many places still regard themselves as high-ranking managers, even rough managers and cold managers, which is contrary to the core concept of paying more attention to service in the new public service.

In the face of the elderly who occupy the road, law enforcement officers should have been patient to dissuade and guide them in time, but the reality is that they forcibly rob the economic source on which the elderly depend for survival, and sometimes even fight. One after another violent law enforcement incidents frequently hurt the public's nerves. Even if they were denounced by the masses, the relevant departments still had no determination to rectify and lacked advanced law enforcement concepts.

#### **5.2. The Quality and Ability of Law Enforcement Team is Low**

In the law enforcement team, some belong to the staffing of public institutions, and some are public service personnel purchased by the government. This makes the quality of law enforcement personnel uneven, and the awareness of civilization needs to be strengthened. In the violent seizure of sugarcane, the city appearance management personnel in the uniform of "Jingtong city appearance" found that they were the personnel of the third-party city

appearance company whose services were purchased by the government. Even if there are irregularities in the operation of the elderly, it should also be handled by the formal law enforcement authorities. However, the barbaric encirclement and looting of sugarcane by the personnel of the "outsourcing company" not only violates the norms and civilized ethics of administrative law enforcement, but also greatly loses the credibility of the government. Coupled with the "labeling" and "demonization" of the media, in recent years, the image of urban management in the hearts of the people is mostly negative, rude and barbaric.<sup>[2]</sup> The lack of professional quality and ability makes it difficult for the urban management and law enforcement team to get the understanding, trust and support of the citizens.

### **5.3. The Quality of Stall Operators Needs to be Improved**

Most of the operators of mobile stalls have a low level of education. In the process of administrative law enforcement, some personal interests conflict with urban management. In order to make a living, many citizens ignore the long-term interests of urban civilization and only focus on their own survival. There are a series of violations in the process of commercial operation. [3]

### **5.4. Lack of Supervision Mechanism**

In the process of urban management, there is a lack of all-round supervision and management mechanism, and the supervision of the National People's Congress, judicial supervision and internal supervision need to be improved. Due to the lack of legislation, the supervision of urban management and law enforcement is lack of legal constraints, and it is difficult for local people's congresses to play their due role. At the same time, the non-standard internal supervision makes the law enforcement system and supervision measures not implemented, many of which are mere formality. The lack of supervision directly leads to the arbitrary law enforcement and barbaric law enforcement of law enforcement personnel, which is more and more divorced from the track of standardized law enforcement and civilized law enforcement. [4]

## **6. The Promotion Path of Urban Management and Administrative Law Enforcement**

### **6.1. Improve the Legalization Level of Urban Management and Law Enforcement**

The 18th CPC National Congress proposed: "straighten out the urban management and law enforcement system, strengthen the construction of comprehensive law enforcement agencies for urban management, and improve the level of law enforcement and service." [1]

According to the administrative punishment law of the people's Republic of China and the administrative enforcement law of the people's Republic of China, the State Council promulgated and implemented the measures for urban management and law enforcement on May 1, 2017. Urban management and law enforcement should be carried out in strict accordance with legal norms. In the process of law enforcement, on the one hand, they should actively publicize, educate, dissuade, stop and dredge. On the other hand, for those who violate urban management regulations and seriously affect the appearance and order of the city despite repeated prohibitions, they should perform their duties in strict accordance with legal authorities and procedures, and resolutely take administrative punishment measures to ensure that laws must be followed, law enforcement must be strict and violations of laws must be prosecuted. [2]

## 6.2. Adhere to Service-oriented Urban Management and Law Enforcement

The new public service theory requires that the function of the government is service, not steering. Insist on serving citizens, not customers. This requires law enforcers to comprehensively update the concept of law enforcement, turn from managers to service providers, and improve the temperature and humanity of law enforcement means. Establish the service tenet of "people-oriented", fully realize that public satisfaction is the yardstick to measure the quality of urban management, and put an end to the enforcement of law by means of barbaric violence. [5]

At the same time, we can open a convenient service hotline, establish a complaint supervision and feedback mechanism, carefully listen to the opinions and criticism of the public, and accept the supervision and feedback of the public with an open mind, so as to respond to everything and find a place for each piece, and effectively solve the hot and difficult problems strongly reflected by the public. Improve the warmth of administrative law enforcement and promote social civilization and harmony.

## 6.3. Establish a New Pattern of Diversified Governance

The transformation from urban management to urban governance pays more attention to the wide participation, cooperation and co governance of multiple subjects. Under the background of the modernization of urban governance system, a new pattern of urban governance with government service, public participation and social supervision should be established. Cities rely on modern digital network technology to improve the informatization and intelligence level of urban governance. Public voluntary service mechanism can be properly introduced to stimulate citizens' sense of participation. At the same time, widely publicize the knowledge of urban management and governance, so that citizens can imperceptibly improve their awareness of building a civilized city and improve the democratization and scientific level of urban management.

## 6.4. Building a High-quality Administrative Law Enforcement Team

Conduct ideological education and professional skills training for urban management administrative law enforcement personnel, improve their law enforcement awareness centered on service and guaranteed by the rule of law, and make rational use of administrative means to solve violations. At the same time, establish a reasonable evaluation mechanism, regularly evaluate and evaluate the law enforcement ability and law enforcement level of administrative law enforcement personnel, so that citizens can participate more in it, and earnestly urge law enforcement personnel to comprehensively improve their law enforcement ability.

## 6.5. Pay Attention to People Themselves

Compared with the new public management, the new public service pays more attention to democratic values and civil rights, and pays more attention to people rather than efficiency. On the one hand, urban management and law enforcement should be people-oriented, not to complete the task faster and ignore the feelings of the people, not to show their power and bully the people. Administrative law enforcement should be closer to the people and more grounded, so as to convince people with morality, reason and law. Put an end to the phenomenon of beating and scolding the people, live in harmony with the people, and improve the modernization of urban governance on the basis of realizing the interests of the people.

On the other hand, we should increase the publicity of law popularization for the masses, improve the political consciousness of the masses, improve the phenomena of resisting law enforcement and refusing to change despite repeated education, and realize the win-win situation between law enforcement personnel and vendors.

## 7. Conclusion

In "City Dream", a documentary with the theme of urban management and law enforcement, the protagonist Wang Tiancheng and his family operate fruit stalls in Hongshan District, Wuhan to make a living. They fight with urban management for their own interests, and contradictions and conflicts occur frequently. People should survive and cities should be governed. In the end, Hongshan District Urban Management Bureau punished the protagonist's illegal behavior according to laws and regulations, and stopped Wang Tiancheng's extreme anti law behavior in time. On the other hand, they really achieved what the masses wanted. Through communication and negotiation with Wang Tiancheng's family, they built booth sentry boxes in new locations, realizing the coordination between governance according to law and people-oriented.

In order to alleviate the huge impact of the epidemic on employment and economy, the stall economy has prospered and developed in recent years. Coordinating urban governance and the survival of the people takes place in every city every day. From the perspective of the new public service theory, the government should undoubtedly serve the people and delegate power to the people. It is precisely because of the joint efforts of countless conscientious, diligent and busy Chinese people day and night that they have created today's China in their ordinary life. Of course, they have the right to realize their urban dream. Only by paying more attention to the interests of the masses in urban management and administrative law enforcement can we build a service-oriented government to the satisfaction of the people. The core of a beautiful city is that the people live and work in peace and contentment.

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