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The National Supervision Commission: A New Anti-corruption Model in China

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ABSTRACT

Based upon interviews, field observations and content analyses, this article argues that continuing from institutional reforms and preparations during the campaign, the implementation of the decisions to establish the National Supervision Committee system (the SC system) has transformed China's previous dual-track anti-corruption system into a single anti-corruption agency model in the three experimental locations. Merging with the party's Discipline Inspection Committees (DICs), the SCs have absorbed the anti-corruption force of the procuratorates and have become the only anti-corruption agency. The local party leaders' influence in anti-corruption substantially decreases. The party center has taken several steps to maintain its control in the new model, rather than relinquishing control or necessarily promoting the rule of law. Lacking empowered outsiders and motivated agencies for providing supervision, the SCs still rely upon strong political leadership and the supervision against manipulation of their anti-corruption power is urgent.

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1. Introduction

Corruption and anti-corruption in China are enduring research topics in anti-corruption studies. Previous literature tends to focus on how corruption is defined, produced, or caused in China; what consequences are or can be caused by such corruption; how effectively the anti-corruption agencies work, especially the DICs; and how these anti-corruption measures have affected the economic, political, and social development of China (Young, 1984, Josephs, 2000, Manion, 2004a, Wedeman, 2005, Quade, 2007, Gong, 2008, Chan and Gao, 2008, Ko and Weng, 2011, Ling, 2011, Mathur and Singh, 2011, He, 2012, Lewis, 2012, Gong and Ren, 2013a, Zeng and Wu, 2013, Birney, 2013, Hualing, 2013, Zhu and Wu, 2014, Guo, 2014a). They have tried to explain corruption in China from different angles and to analyze whether the Communist Party of China (hereinafter, the CPC) could win the battle against corruption. The literature analyzing China's anti-corruption system before the recent anti-corruption campaign has described the system as a dual-track and dual-leadership system (Manion, 2004b, Gong, 2008, Guo, 2014b, Hualing, 2015, Zhu, 2015, Keliher and Wu, 2016). "Dual-leadership" means that both the local party leader and the superior anti-corruption agency lead the local anti-corruption agency. Before recent reforms, the local party leader substantively controlled the nomination and promotion of the local anti-corruption agency leadership

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and provided the funds, equipment, and staffing capacity for the local anti-corruption agency. This meant that the local party leader actually prevailed over the superior anti-corruption agency in local anti-corruption issues.

Under the “dual-track” system, the first track involves the DICs investigating the case, primarily as an internal CPC disciplinary matter, and then deciding whether to transfer the case to the prosecutors. The second track is the judicial system, with the prosecutors investigating ordinary corruption cases and prosecuting all corruption cases. Such a “dual-track” system failed to combat local corruption effectively, because both tracks were primarily controlled by the local party leaders, making the local anti-corruption agencies subject to influence and “capture” by the agencies they were supposed to supervise. Previous research has shown such a system failed to function well due to these institutional and structural weaknesses (Manion, 2004b). In particular, the functional failings of China's essential anti-corruption agency, i.e. the DICs, due to the interference of local party leaders has been deemed a main reason for the continued serious and syndicated corruption in China, despite frequent anti-corruption campaigns. Another key problem is the dominant role of the DICs and consequently the absorption of the role of prosecutors in anti-corruption work. The local procuratorates have been perceived as failing to effectively investigate and prosecute corruption resulting in ineffective anti-corruption efforts due to the lack of independence and capability under the dual-leadership system and the dominant role of the DIC in anti-corruption work (Manion,). There are articles discussing the history, dominant role, and current organization of the central and local DICs (Gong, 2008); the problems of such structures, including the absorbed role of legal institutions, political selectiveness, and lenient punishments (Broadhurst and Yang, 2016); and the lack of measures to prevent conflicts-of-interest (Gong and Ren, 2013b).

Targeting the syndicated corruption situation in China, the new leadership of China has initiated the recent strong anti-corruption campaign. This campaign has very different characteristics than previous ones, which had short durations, normally around a year, relied on political pressure to activate ordinary anti-corruption agencies and mobilize the general public, required both DICs and prosecutors to significantly increase their investigation of corruption cases, encouraged self-surrender in exchange for lighter punishment, and ended with the removal of only a few political figures and the prosecution of very few corruption cases (Manion 3 above). Unlike these previous short-lived, lenient anti-corruption campaigns, China's current leadership has shown a sincere commitment to combating corruption in the recent campaign, which has lasted nearly five years and is still ongoing. Since the 18th Plenum of the CPC, over 100 provincial/ministerial-level cadres (“tigers”) and over a thousand city/prefecture-level cadres have been investigated and removed from positions for corruption, including Yongkang Zhou, a previous standing committee member of the Politburo, Caihou Xu, the previous vice chairman of the Central Military Commission, and Rong Su, the previous vice chairman of the Political Consultative Conference. This is quite astonishing, considering from 2009 to 2012, the total number of tigers caught was only 26 (Roundtable before the Congressional-executive commission on China, 2013).

Recent literature has also studied the recent strong anti-corruption campaign. Many have compared it from a political perspective with previous anti-corruption campaigns and considered them to function similarly as political instruments (Guo, 2014b). They have pointed out the risk of the current anti-corruption campaign being short-lived and deemed it an instrument for recentralization by the new leadership, adverse to the rule of law in China, because the campaign has been observed to be applied selectively for political purposes, to marginalize the legal system, to keep the system closed off and non-transparent, and even to suppress the civil society (Zhu, 2015). However, some literature also noticed the institutional reforms carried out during the campaign and pointed out the gradual transformation of the old anti-corruption system (Li and Deng, 2016a). The new leadership has taken many measures to reform the old anti-corruption system during the campaign. Given the campaign's considerable lasting strength of over four years, its ability to mobilize anti-corruption forces nationwide, the handful of institutional reforms put in place during the campaign, and the recent decision by the party center (The party center in this) to establish the National Supervision Committee, which pushes the campaign further into another climax and a second stage, it is important and urgent to understand where the campaign is really going. Is it just a campaign, as the previous campaigns, or a transformation of the old anti-corruption system? How will the problems of China's old anti-corruption system be tackled with?

This article sheds some light on these questions. The party center of China made the decision to establish the SC system in November 2016 (Beijing, 2016). Later, the National People's Congress Standing Committee (NPCSC) passed the Decision to Establish Supervision Committees (SCs) Tentatively in Beijing, Shanxi and Zhejiang Provinces (the NPCSC Decision Approving the Establishment of the SC System in Beijing, 2016), confirming the party center's decision. Both decisions state that the SC is to consolidate multiple anti-corruption forces for greater efficiency, with the National SC sitting at the top and two or three lower levels of SCs at the provincial- and city-levels. Previously, both the DICs and the prosecutors were the routine anti-corruption forces in China. With the Central DIC (CDIC) and provincial DICs playing a leading role in senior official or hot corruption cases, the prosecutors were important figures in combating ordinary local corruption and had a strong staff strength and good equipment (Li and Deng, 2016b). According to the two Decisions, the previous multiple anti-corruption agency institutions in China will become united as one SC system which will have the same staff as the DICs, under two titles. Beijing, Shanxi, and Zhejiang Provinces have been selected to be the three experimental locations to carry out the reform initially, moving the anti-corruption departments in the procuratorates to the corresponding DICs (the NPCSC's decision, 2016), and preparing for the nationwide implementation of such reform in the 19th Plenum of the party (Interview by the author of two department leaders recently transferred from the procuratorate to the SC in Beijing in, 2017). Such decisions indicate fundamental structural reform in China's anti-corruption system. If the plan is carried out as indicated in the decisions, the anti-corruption force of the prosecutors and the DICs will be merged to become a single anti-corruption agency and China's old dual-track system will transform into a single anti-corruption agency system. After a series of

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