

On Administrative Procuratorial from the Perspective of Compliance

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Abstract

China's procuratorial power, which operates independently from administrative and judicial authorities, fulfills the legal oversight function. Within the framework of the corporate compliance system for enterprises involved in cases, the focus of administrative procuratorial work extends beyond legal supervision over administrative litigation. Instead, it increasingly emphasizes proactive oversight of administrative power, which is predominantly manifested in the process of administrative law enforcement. The core role of administrative procuratorial oversight in corporate compliance for implicated enterprises lies in supervising administrative law enforcement actions, facilitating the substantive resolution of administrative disputes, and effectively promoting the lawful and efficient implementation of the corporate compliance system.

Keywords

Administrative Procuratorial Oversight; Corporate Compliance; Administrative Law Enforcement; Administrative Disputes.

1. Introduction

The compliance reform for enterprises implicated in cases represents both a judicial reform and a reform in comprehensive social governance. [1]The involved entities extend beyond the People's Courts and public security organs to necessitate the active participation of administrative agencies. By implementing effective compliance remediation, enterprises can significantly mitigate potential legal risks and enhance the legality and standardization of their internal governance systems. The proactive engagement of administrative departments is essential to ensure that enterprises address the root causes of illegal or criminal conduct through compliance remediation.

As legal oversight bodies, procuratorial organs perform their administrative procuratorial function—one of the "Four Major Procuratorial Functions"—to effectively enhance the substantive interface between corporate compliance system reforms and the alignment of compliance standards. This ensures the efficacy of compliance incentives while strengthening the comprehensive oversight exercised by procuratorial organs over administrative agencies.

2. The Connection and Coordination between the Reform of the Corporate Compliance System for Enterprises Involved in Cases and Administrative Procuratorial Work

Both the reform of the corporate compliance system for enterprises involved in cases and administrative procuratorial work have emerged as prominent judicial issues in China in recent years, sharing a close relationship. Administrative procuratorial oversight is not limited to supervising administrative litigation concerning such enterprises but can also extend to overseeing administrative law enforcement actions involving them.

On one hand, compliance did not initially emerge purely as a legal concept. Originating from the perspective of corporate governance, it aimed to address the lag and limitations of external regulation through self-management and internal oversight. Following developmental stages focused on protecting shareholder and investor interests, stakeholder interests, and corporate social responsibility, relying solely on enterprises themselves proved insufficient to ensure their operation within a legal framework. Consequently, governments began to engage in compliance supervision of enterprises. In terms of legislative systems, both civil law and common law countries adopt a monistic approach, meaning they do not strictly distinguish between unlawful acts and crimes. The enactment of the U.S. Foreign Corrupt Practices Act in the 1970s signaled a trend toward integrating compliance, administrative supervision, and criminal justice. Provisions regarding compliance systems in the 1991 Federal Sentencing Guidelines further established compliance as a statutory mitigating factor in sentencing.

With the deepening of reform and opening-up and the comprehensive implementation of the Belt and Road Initiative, the internationalization process of Chinese enterprises has accelerated significantly, leading to their extensive participation in global competition and cooperation. While seizing significant developmental opportunities, these enterprises also face numerous risks and challenges, particularly the urgent need for modernization in their management and operational philosophies.[2] Lack of corporate compliance awareness has been one of the challenges faced by many Chinese enterprises during the globalization process, constituting a legal risk for domestic companies expanding overseas. Simultaneously, the Decision of the Central Committee of the Communist Party of China on Several Major Issues Concerning Upholding and Improving the System of Socialism with Chinese Characteristics and Advancing the Modernization of the National Governance System and Governance Capacity, adopted at the Fourth Plenary Session of the 19th Central Committee, emphasized "improving the rule of law environment to support the development of the private economy and foreign-invested enterprises." Corporate compliance has gradually gained attention in China. At the beginning of this century, China's financial sector pioneered the corporate compliance system. In the development of China's corporate compliance framework, 2006 marked a significant milestone when the China Banking Regulatory Commission (CBRC) issued the Guidelines for Compliance Risk Management of Commercial Banks. The following year, the China Insurance Regulatory Commission (CIRC) formulated the Measures for the Compliance Management of Insurance Companies, which had similar content. After approximately a decade of practice and development, the Standardization Administration of China (SAC) released the national standard Guidelines for Compliance Management Systems in 2017. This document was developed with reference to the guideline of the same name published by the International Organization for Standardization (ISO). In 2018, policy efforts to promote corporate compliance were further intensified. First, the State-owned Assets Supervision and Administration Commission of the State Council (SASAC) issued the Guidelines for Compliance Management of Central Enterprises (Trial), aiming to strengthen compliance guidance for central enterprises. In the same year, the National Development and Reform Commission (NDRC), in collaboration with six other ministries including the Ministry of Foreign Affairs and the Ministry of Commerce, jointly released the Guidelines for Compliance Management of Overseas Operations of Enterprises. This document provided essential operational compliance standards for Chinese enterprises "going global," clarifying a standardized and systematic framework for their overseas operations.

Regarding the aforementioned normative documents in China, they serve a role similar to administrative legislation. The administrative oversight function of procuratorial organs does not directly address these documents, primarily because incidental judicial review and related filing review mechanisms are available during litigation. Administrative procuratorial

oversight concerning enterprises involved in compliance cases focuses more on the administrative organs' law enforcement processes, which will be elaborated on later in the context of administrative law enforcement.

On the other hand, concerning administrative procuratorial work, according to the Decision of the Central Committee of the Communist Party of China on Several Major Issues Concerning Comprehensively Advancing the Rule of Law, when procuratorial organs discover, in the course of their duties, that administrative organs are illegally exercising their powers or failing to perform their duties in accordance with the law, they bear the statutory responsibility to urge them to make corrections. Building on this, the Plan for Building the Rule of Law in China (2020–2025) further explicitly requires establishing and improving institutional mechanisms where public security organs, procuratorial organs, judicial organs, and administrative judicial organs share responsibilities, cooperate, and mutually constrain. This is specifically reflected in institutional arrangements where investigative power, procuratorial power, adjudicative power, and enforcement power operate in synergy while mutually constraining one another. In the context of corporate compliance for enterprises involved in cases, beyond the promotion of the administrative guidance system, administrative organs conduct administrative actions such as interviews with enterprises suspected of administrative violations, imposing administrative penalties, and issuing administrative guidance documents for compliance rectification. In performing their duties, procuratorial organs have the authority to supervise these administrative actions conducted by relevant administrative departments concerning enterprises involved in cases that require compliance rectification. When they discover that administrative organs are illegally exercising their powers or neglecting their duties concerning these enterprises, procuratorial organs have the authority to perform their administrative procuratorial function to urge corrections.

Under the practical backdrop of corporate compliance non-prosecution, according to relevant provisions of China's Criminal Procedure Law, if procuratorial organs decide not to prosecute a party in accordance with the law but determine that administrative liability should be pursued or illicit gains dealt with, they must submit procuratorial opinions to the competent authorities for handling. The competent authorities are then required to promptly report the handling results back to the procuratorial organs. This means that non-prosecution is merely a legal declaration of innocence at the criminal level and the termination of criminal proceedings for the non-prosecuted party. It does not equate to the extinguishment of other legal liabilities they should bear. Particularly for enterprises accused of crimes that receive non-prosecution treatment due to compliance rectification, the basis for exoneration lies not primarily in the minor nature of the crime exempting them from punishment, but rather in their admission of guilt and acceptance of punishment, active cooperation, remediation of losses, and the establishment of an effective compliance system that eliminates management loopholes and governance risks, thereby preventing the recurrence of similar crimes. However, when procuratorial organs make a non-prosecution decision for enterprises accused of crimes that have accepted compliance-related procuratorial suggestions or passed compliance assessments, it is not merely about terminating the procedure. Instead, it involves promoting remedial measures by the enterprise, timely restoring infringed legal interests, effectively mitigating the social harm caused by the criminal act, and ensuring the enterprise bears corresponding economic sanctions, paying the necessary price for its illegal acts. This reflects the punitive and deterrent functions inherent in criminal penalties themselves.

Currently, China has not yet established an integrated accountability mechanism that combines administrative penalties with criminal punishment. As state legal supervision organs, procuratorial organs do not have the direct authority to impose fines or monetary penalties on enterprises. They can only use forms such as procuratorial opinions to urge administrative organs to impose administrative penalties on enterprises involved in crimes according to the

law. This requires procuratorial organs, when handling cases involving enterprises, to focus on the effective connection between non-prosecution decisions and administrative penalties or sanctions, actively perform their supervisory duties, promote administrative law enforcement organs to fulfill their duties according to the law, and thereby form a joint regulatory force between procuratorial organs and administrative law enforcement organs. In the practice of advancing corporate compliance reform, some procuratorial organs have recognized the importance of the administrative-criminal linkage mechanism following compliance-based exoneration and have provided clear guidance and stipulations through relevant normative documents.

3. Expanding Administrative Procuratorial Oversight over Administrative Law Enforcement Concerning Enterprises Involved in Compliance Cases

In order to effectively enhance the legal oversight efficacy of procuratorial power and advance the process of law-based administration, it is essential for China to further extend and expand the scope of procuratorial supervision over administrative power, while continuously improving the mechanisms for judicial oversight. [3]Breaking away from excessive reliance on administrative litigation supervision, it is necessary to broaden the mechanisms for administrative procuratorial organs to exercise legal oversight and break the single-channel approach of relying solely on administrative litigation for supervision. [4]For enterprises that need to establish a compliance system, administrative procuratorial oversight focuses more on supervising the law enforcement activities of administrative organs, as opposed to traditional administrative litigation supervision. Here, administrative law enforcement is understood broadly, encompassing not only actions such as interviews and administrative penalties targeting the enterprises involved but also the supervision of corporate compliance by administrative organs. The constitutional positioning of procuratorial organs under the Constitution of the People's Republic of China clarifies their relevant powers and functions, including overseeing the compliance, application, and enforcement of laws by administrative organs. Since the 18th National Congress of the Communist Party of China, the functions of China's procuratorial organs have become increasingly clear amid the ongoing reform of the procuratorial system. The "Four Major Procuratorial Functions" refer to criminal, civil, administrative, and public interest litigation procuratorial work. The study of administrative procuratorial oversight can generally be divided into two main areas: first, the scope and objects of administrative procuratorial supervision; and second, the methods and extent to which such supervision is advanced. From the promulgation and implementation of the Administrative Procedure Law in 1989 to the issuance of the Decision of the Central Committee of the Communist Party of China on Several Major Issues Concerning Comprehensively Advancing the Rule of Law in 2014, the scope of administrative procuratorial work carried out by China's procuratorial organs has broadened, the objects of supervision have diversified, and the methods employed have become more flexible. The administrative procuratorial function has shown a trend of continuous enrichment and development in terms of supervision scope, types of objects, and working methods.

3.1. Issues in the Extension of Administrative Procuratorial Oversight to Administrative Law Enforcement in Corporate Compliance Cases for Involved Enterprises

There is a lack of statutory authorization for the procuratorial power over administrative law enforcement in corporate compliance cases involving enterprises. From a theoretical perspective, based on the principle of separation of powers, administrative power, procuratorial power, and judicial power mutually constrain and coordinate with each other. Therefore, administrative procuratorial supervision constitutes comprehensive, full-process

oversight of administrative organs. In other words, conducting administrative procuratorial work regarding administrative law enforcement in corporate compliance cases involving enterprises is a response to the constitutional principle of separation of powers. Whether considered from a jurisprudential or legal normative basis, administrative procuratorial supervision inherently includes oversight of administrative law enforcement.

For example, in 2021, while imposing an administrative fine on Alibaba Group Holding Limited, the State Administration for Market Regulation also issued an administrative guidance document, explicitly requiring the company to submit a "Self-inspection Compliance Report."^[5] If procuratorial authorities were to exercise legal supervision over the administrative enforcement actions of the State Administration for Market Regulation in issuing the self-inspection compliance report, such oversight would be logically consistent with the intrinsic alignment between administrative law enforcement and administrative procuratorial work.

However, although it can be argued from a normative perspective that administrative procuratorial oversight should extend beyond administrative litigation to include supervision over administrative acts, if we rely solely on the new Administrative Procedure Law enacted in 2017, administrative enforcement actions lack a well-defined statutory basis compared to administrative litigation and administrative public interest litigation. Currently, there is no explicit statutory provision specifying how administrative procuratorial supervision should be conducted over such actions, nor are there clear guidelines on the methods or models to be adopted. In judicial practice, there is also a lack of relevant legal norms to serve as a basis for how procuratorial authorities can carry out standardized and operable supervision over administrative enforcement. Relying solely on normative documents or joint signature documents is insufficient to support the enforceability and binding force of administrative procuratorial supervision.^[6] Challenges in Aligning Supervisory Targets and Methods for Administrative Procuratorial Oversight of Law Enforcement in Enterprise Compliance Cases. Examining the supervisory targets, administrative procuratorial work within the context of the corporate compliance system reform for involved enterprises should encompass both oversight of administrative litigation and supervision of administrative acts. However, based on the circumstances observed in pilot cases of the compliance reform, the primary focus currently feasible lies in supervising administrative acts. Different supervisory targets necessitate corresponding supervisory methods. In other words, while initiating administrative procuratorial oversight for administrative litigation follows established procedures, different procedural mechanisms should be designed for supervising administrative law enforcement acts. Yet, due to the aforementioned lack of clear statutory guidance, only two practical approaches currently exist. One is the traditional method, where procuratorial oversight is exercised through lodging protests to initiate litigation procedures. The other involves issuing corrective opinions and procuratorial suggestions. However, the binding force of procuratorial suggestions on administrative organs is limited. For instance, how should procuratorial organs supervise administrative law enforcement acts, such as when an administrative organ issues an administrative guidance document related to corporate compliance to an involved enterprise? If illegal acts are identified, procuratorial suggestions often lack compelling force and sufficient binding power. They typically possess a soft, persuasive effect, their nature characterized by inherently weak authority.^[7] Autonomy and independence represent inherent strengths of administrative procuratorial oversight. In supervising corporate compliance for enterprises involved in cases, such oversight should be comprehensive and multi-faceted. Relying solely on procuratorial suggestions cannot adequately fulfill the effective execution of administrative procuratorial functions. Compared to supervision over administrative litigation, the procuratorial supervision of administrative law enforcement

remains in an exploratory phase. It currently lacks both a comprehensive legal framework for support and sufficient case precedents for practical application, existing in a nascent state.

3.2. Approaches to Addressing Challenges in the Extension of Administrative Procuratorial Work to Administrative Law Enforcement in Corporate Compliance Cases Involving Enterprises

"Any major reform must be grounded in law." Corporate compliance necessitates strengthening the connection, and even coordination, between administrative law and criminal law. Similarly, normative mechanisms must be established to link administrative procuratorial oversight with administrative law enforcement. Compared to formal legislation, formulating normative documents is a more appropriate approach. The drafting entities can be divided into two categories: the first involves joint efforts by procuratorial organs and judicial administrative departments, and the second entails collaboration between procuratorial organs and relevant government functional departments. To enhance their pertinence and practicality, such normative documents should be jointly promulgated by procuratorial organs and the judicial departments of administrative organs at the same level. Pilot reform areas can align with those designated for corporate compliance reform. The same principle applies to normative documents issued by procuratorial organs and government functional departments. In exploring reforms at the local level, for example, in 2016, the People's Procuratorate of Guoyang County, Anhui Province, and the county government's Legal Affairs Office jointly formulated the Opinions on Strengthening the Connection and Coordination Between Administrative Procuratorial Work and Administrative Law Enforcement Supervision. By establishing mechanisms such as joint supervision and information sharing, this normative document created an institutionalized collaborative platform between administrative procuratorial work and administrative law enforcement, effectively linking the two.

Regarding the challenge of mismatched supervision methods, the broader framework of administrative procuratorial work throughout the administrative law enforcement process requires improvement. Specifically concerning supervision over corporate compliance for involved enterprises, the author believes that beyond the currently debated issues of administrative supervision and administrative settlement systems within corporate compliance, a series of administrative acts—such as issuing "compliance rectification notices" or the recognition and supervision of third-party compliance assessment agencies by administrative organs, even before an involved enterprise transitions into an "administrative offender" bearing criminal liability—can be classified as administrative law enforcement. Administrative procuratorial work related to corporate compliance for involved enterprises is relatively complex. If a single method, such as issuing procuratorial recommendations, is predominantly relied upon, not only does the issue of "soft enforcement" persist, but the administrative procuratorial function of procuratorial organs also struggles to be fully realized. Of course, as legal oversight bodies, procuratorial organs must adhere to constitutional structural arrangements and conduct proactive, intensive supervision within the scope of their procuratorial oversight authority. Building on the characteristics of corporate compliance reform in judicial practice, an administrative law enforcement information sharing and supervision platform could be established. Leveraging advancements in big data platforms and relying on information as a foundation, information data processing can be utilized to supervise administrative law enforcement actions concerning corporate compliance for involved enterprises. The foundation and core of building such a platform lie in big data support. The source of big data is the disclosure of real-time information. Information sources transmit specific details about otherwise vague administrative law enforcement actions, thereby opening channels for administrative procuratorial supervision.[8]

4. Administrative Procuratorial Work in Resolving Administrative Disputes Arising from Corporate Compliance for Enterprises Involved in Cases and Pathways to Solutions

For procuratorial authorities, fulfilling their legal oversight function entails not only supervising whether administrative litigation complies with the provisions of the administrative litigation system, nor merely ensuring that the administrative law enforcement actions of administrative agencies adhere to legal stipulations. Beyond these aspects, administrative procuratorial work should further guarantee and oversee the substantive resolution of administrative disputes. In situations where administrative dispute cases are formally concluded but the underlying issues remain unresolved, procuratorial authorities, as legal oversight bodies, should strive to achieve substantive resolution. According to the Opinions on Strengthening the Legal Supervision Work of Procuratorial Authorities in the New Era issued by the Central Committee of the Communist Party of China in 2021, it is explicitly required that procuratorial authorities "carry out substantive resolution of administrative disputes in the performance of their legal supervision duties, promoting case closure and matter resolution." [9] In 2021, the Supreme People's Procuratorate issued the Development Plan for Procuratorial Work During the "14th Five-Year Plan" Period, which further clarified the objective to "regularly carry out the substantive resolution of administrative disputes and strive to achieve case closure, matter resolution, and political harmony." This indicates that actively resolving administrative disputes and accomplishing case closure and matter resolution have become a regular task for administrative procuratorial work during the "14th Five-Year Plan" period and beyond. This requirement has been established as an important direction for procuratorial organs in the field of administrative procuratorial supervision. [10] Under the background of functional adjustment, the reverse linkage work originally undertaken by the criminal prosecution department has not been fully developed, as its focus is primarily on facts and evidence related to the constitution of a crime, with relatively limited attention to administrative violations involved in cases. Furthermore, the number of such cases is inherently low. With the transfer of supervisory responsibilities to the administrative prosecution department, it is now required to conduct comprehensive reviews of administrative violations in non-prosecution cases and to promote administrative agencies' performance of regulatory duties in accordance with the law, aiming to avoid situations of "no criminal punishment, no administrative penalty" and to implement the principle of "imposing penalties where due." However, in judicial practice, due to the administrative prosecution department's relatively insufficient overall grasp and firsthand experience of evidence in criminal cases compared to the original criminal prosecution department, the quality and efficiency of case handling have been affected. Specific manifestations include: on one hand, it is difficult to effectively extend supervision to other potential violations beyond the facts of non-prosecution. In practice, the criminal prosecution department often only transfers clues related to the facts of non-prosecution and does not comprehensively provide information on other administrative violations present in the case. If the administrative prosecution department does not proactively review the entire case file or engage in in-depth communication with the criminal case handlers, relevant violation clues are easily overlooked. On the other hand, when proposing administrative penalty recommendations, there is a lack of argumentation regarding penalty circumstances. The criminal prosecution department often makes only principled judgments during transfer, i.e., deeming cases to meet administrative penalty conditions before transferring them, without fully explaining the specific penalty circumstances and related facts or providing corresponding materials. This results in the administrative prosecution department needing to repeatedly review case files, and the opinions put forward often lack

argumentation and recommendations on specific issues such as penalty ranges and circumstances, affecting the precision and efficiency of the linkage.

Administrative prosecution should not be limited to post-event supervision but should also focus on whole-process supervision. The new positioning of administrative prosecution in the new era should concentrate on the substantive resolution of administrative disputes. Specifically, in the context of the reform of the compliance system for enterprises involved in cases, for example, when an enterprise is investigated for suspected administrative violations, the prosecution authorities should supervise the administrative disputes that arise between the administrative agency and the enterprise requiring compliance rectification.[11]

Guided by the principle of administrative efficacy, this principle focuses on the proportional relationship between administrative input and output, pursuing the unity of quantity and quality, function and value, and representing an organic integration of administrative efficiency, effectiveness, and benefits. Specifically, administrative efficiency emphasizes achieving established goals with minimal resource consumption, embodying the "principle of minimum." Administrative efficacy, on the other hand, further requires the selection of optimal approaches to maximize administrative benefits with limited input, reflecting a combination of the principles of "minimum" and "maximum." In the context of continuously advancing the construction of a law-based government, administrative efficacy has become an important criterion that modern administrative activities should follow, requiring administrative agencies to balance efficiency improvement and outcome optimization in their duties. Most reverse linkage cases between administrative and criminal penalties essentially fall within the scope of administrative penalties and should naturally adhere to this principle. For example, in criminal cases where the public security agency designates jurisdiction due to investigative needs, if it is more appropriate for the administrative agency at the location of the original investigating authority to impose administrative penalties in the subsequent reverse linkage stage, jurisdiction can be designated upon application by the administrative agency. Alternatively, the prosecution authority may transfer the case to a people's procuratorate in another jurisdiction for coordination, thereby reflecting the rationality of resource allocation and the maximization of law enforcement efficacy. If similar issues arise in corporate compliance reform, traditional approaches or relying on administrative litigation for supervision and correction may easily result in insufficient resolution. Administrative prosecution work should be initiated to provide legal oversight over administrative law enforcement actions, correct illegal administrative behaviors, and on this basis, "invest significant effort" to address and resolve the issues. Resolving administrative disputes to ensure corporate compliance operates lawfully and effectively. Building upon the administrative remedy system that emphasizes administrative reconsideration and administrative litigation, administrative procuratorial work has progressed from a stage focused on "whether it exists" to one that increasingly emphasizes substantive outcomes. The connotation of administrative procuratorial work has been continuously enriched, evolving from theoretical discussions to the concrete implementation of relevant systems. Strengthening administrative procuratorial work and promoting the substantive resolution of administrative disputes are key focal points in current administrative procuratorial efforts. By effectively fulfilling the legal oversight function in the new era and consolidating the role of administrative procuratorial work, procuratorial organs can significantly contribute to advancing the modernization of the national governance system and governance capacity.

In the context of corporate compliance for enterprises involved in cases, numerous issues necessitate the intervention of administrative procuratorial work. By taking the opportunity to advance the substantive resolution of administrative disputes, the administrative law enforcement actions of administrative agencies concerning corporate compliance will further evolve as the reform of the corporate compliance system deepens. Both the variety and volume

of such actions will continue to expand. With the increase in administrative law enforcement actions, it is inevitable that, to some extent, illegal administrative actions may also arise. As executors of state law enforcement power, the government's enforcement process often reveals phenomena such as non-compliance with regulations, lax enforcement, failure to correct illegalities, and even abuse of power, favoritism, fraud, and trading power for money. These practices not only severely undermine the authority of the rule of law but also provoke strong public dissatisfaction, urgently calling for robust measures to address and rectify them.

Against the backdrop of the reform of the corporate compliance system for enterprises involved in cases, administrative procuratorial work must be guided by a "case-oriented approach." Through multiple pathways such as optimizing internal coordination, deepening investigation and verification, and strengthening follow-up supervision, the quality and efficiency of handling reverse linkage cases between administrative and criminal penalties must be effectively enhanced. First, a standardized and smooth mechanism for transferring reverse linkage cases should be established within procuratorial organs, further clarifying the transfer process and standards, with particular emphasis on refining key steps. For instance, when the criminal prosecution department transfers reverse linkage cases, in addition to the non-prosecution decision, it should simultaneously transfer materials such as the indictment of co-defendants, the case review report, and the investigation file. This will enable the administrative prosecution department to comprehensively review the illegal facts of the non-prosecuted individual. After accepting the case, the administrative prosecution department should adhere to the principle of comprehensive review. It should not only offer opinions on behaviors requiring administrative penalties as identified by the criminal prosecution department but also, if other administrative violations deserving penalties are discovered in the non-prosecuted individual, propose differentiated procuratorial opinions for handling, ensuring that penalties correspond appropriately to the offenses. Second, since criminal prosecution focuses on collecting evidence related to the constitutive elements of a crime, while the constitutive elements and evidentiary standards for administrative violations differ from those for criminal offenses, the administrative prosecution department, when reviewing the legality and necessity of administrative penalties, should actively exercise its authority to investigate and verify if uncertainties arise regarding fact determination or evidence. Efforts should center on verifying missing or weak evidence to strengthen the evidence chain, providing support for accurately identifying violations. Finally, before issuing procuratorial opinions, the administrative prosecution department should proactively communicate with administrative agencies, exchanging views on the necessity of penalties and building consensus to enhance the adoption rate and implementation effectiveness of the opinions. After issuing procuratorial opinions, it must continuously monitor the responses and handling progress of administrative agencies, urging them to file cases according to law, impose penalties, and provide timely feedback, thereby effectively managing the "follow-up phase" of procuratorial opinions. If administrative agencies fail to adopt the opinions, neglect to act, or impose penalties unlawfully, follow-up supervision can be conducted through means such as issuing procuratorial recommendations, promoting a "seamless connection" in administrative penalties and ensuring the efficient operation of reverse linkage work.

Substantively resolving administrative disputes is a core institutional objective for procuratorial organs. [12] Through effective oversight, procuratorial authorities can promote lawful and standardized administrative conduct by government agencies in corporate compliance reforms, minimizing the occurrence of illegal administrative actions. This approach ensures that enterprises involved in cases acknowledge compliance efforts while adhering to the rule of law, ultimately securing success in this comprehensive governance reform. The substantive resolution of administrative disputes serves as a "stabilizing force" that enables corporate compliance to be implemented in a truly substantive manner. Corporate compliance

is not an overnight achievement—it requires continuous self-improvement by enterprises, sustained supervision by administrative agencies, and, during this process, procuratorial organs providing robust legal oversight through administrative procuratorial work to ensure the effective implementation of the corporate compliance system.

5. Administrative Procuratorial Oversight from the Perspective of Compliance in the Digital Era

Within the compliance paradigm, the execution of administrative procuratorial work increasingly relies on the support of digital technologies. With the prevalence of electronic evidence in cases, its acquisition, preservation, and management have become crucial aspects for administrative procuratorial organs in fulfilling their supervisory duties. This requires procuratorial organs to strictly adhere to statutory procedures during evidence collection, while reasonably defining the scope of retrieval based on the public interest criterion to avoid excessive interference with administrative professional judgment. Ensuring the integrity of evidence post-acquisition is also paramount, necessitating reliable technical and managerial measures to prevent data corruption or tampering. In practice, the application of electronic document management systems and various data collection tools facilitates the efficient organization and analysis of massive digital information. However, the entire process must comply with data privacy and compliance requirements to ensure personal rights and interests are not infringed upon. Building on this, the review and analysis of digital evidence leverage specialized tools to identify leads and verify facts, thereby serving case investigation and legal argumentation.

The legal recognition and application of digital evidence face multiple challenges concerning integrity, authenticity, and relevance. To ensure its probative value, techniques such as electronic signatures and timestamps are often employed, and expert assistance may be introduced when necessary. The credibility of the evidence source and its direct relevance to the facts of the case are also key focuses of examination. This places higher demands on the digital literacy of procuratorial personnel, who need to accurately understand and properly utilize such evidence. However, current cross-departmental data sharing still faces multiple obstacles, including interest coordination, technical compatibility, and institutional safeguards. To establish an effective data sharing mechanism, systematic advancement is required in rule design, platform construction, and implementation guarantees. At the rule level, basic principles including appropriate scope, classified sharing, and security maintenance should be established, alongside specific regulations clarifying data cataloging, provision and use, and legal responsibilities. Platform construction should focus on achieving automatic data aggregation, processing analysis, and collaborative management. By building integrated systems, data processing capabilities and the intelligence level of supervision can be enhanced.[13]

In specific areas such as minor offense governance, the construction of digital platforms should emphasize three aspects: First, leveraging technologies like big data and artificial intelligence to achieve the integration of data collection, analysis and early warning, and governance decision-making. Second, strengthening internal procuratorial integration and cohesion, clarifying the collaborative responsibilities between case management and other operational departments, and forming a synergistic working force through data fusion and joint analysis. Third, expanding digital pathways for external collaboration. By interfacing cross-departmental platforms, information silos can be broken down, promoting the interconnection of law enforcement and judicial data. Overall, the deepening development of digital procuratorial work requires the systematic integration of digital thinking into legal supervision practice. The focus should be on high-risk and key public welfare areas, promoting the

typological integration and systematic development of big data supervision models to avoid redundant construction. Simultaneously, by improving the quality of individual case handling, broadening data sources, optimizing model construction logic, and deepening the analysis of social governance issues, the potential of digital procuratorial work to empower legal supervision can be fully unleashed. This will continuously enhance the efficacy and precision of administrative procuratorial oversight within the compliance framework.

The development of digital procuratorial work closely integrates the legal supervision function of procuratorial organs with social governance practice. It not only expands the scope of subjects involved in social governance but also promotes the deepening of a diversified, collaborative, and co-governance structure. From a compliance perspective, administrative procuratorial work is entrusted with a more direct role in governance participation. It is no longer limited to functioning indirectly through serving the broader context but is required to actively promote the optimization and refinement of social governance mechanisms through case handling. Traditional legal supervision models often face shortcomings in frequency, precision, and intensity when intervening in social governance. In contrast, digital procuratorial work, utilizing big data technology, provides administrative procuratorial oversight with normalized and precise supervisory means. For example, by extracting key supervisory points from individual cases to construct data models, followed by conducting analysis of similar cases, systemic governance deficiencies can be identified to promote targeted rectification. However, the current construction of procuratorial databases remains in its early stages. Issues such as data updates, insufficient integration, and inadequate compatibility between cross-agency data systems limit the release of judicial data potential and also affect the mature application and practical efficacy of supervision models. Meanwhile, the technical application capabilities of judicial personnel need improvement, and considerations regarding the fairness of technical talent involvement still require careful handling.

To overcome these bottlenecks, it is necessary to establish unified technical standards and data-sharing mechanisms within the judicial system, strengthen internal coordination and cross-domain collaboration, and promote the interconnection of data platforms. By introducing expert training mechanisms and incorporating interdisciplinary talent, the adaptability of digital technology in procuratorial work can be enhanced, optimizing the classification of case management, resource allocation, and process automation, thereby achieving a transformation and upgrade from data management to data governance. At the institutional and mechanism level, efforts should focus on building a co-construction, co-governance, sharing system for digital supervision models. This involves strengthening the data integration responsibilities of case management departments and the anomaly data identification functions of prosecutors. By leveraging multi-agency collaborative platforms to aggregate data resources from various parties, intelligent supervision models can be developed. Furthermore, gradual promotion of innovation and adoption in minor offense governance mechanisms should be pursued, thereby providing solid support for administrative procuratorial oversight to fulfill its supervisory duties within the context of compliance reform.

6. Conclusion

In the context of institutional reforms concerning corporate compliance in criminal cases, administrative procuratorial work has been endowed with new era-specific connotations and responsibilities. The reforms require procuratorial organs not only to fulfill their supervisory duties in facilitating the linkage with administrative penalties after decisions of "non-prosecution based on compliance," but also to propel their transformation from traditionally passive supervisors to proactive participants actively engaging in social governance and promoting lawful and compliant corporate operations. The core of this transformation lies in

the mechanism of "reverse administrative-criminal linkage," which aims to ensure the comprehensive accountability of enterprises for their legal liabilities, thereby addressing governance gaps such as "no penalty after no criminal sanction" and upholding the solemnity and uniformity of the rule of law.

However, practice shows that effective linkage faces multiple challenges, including internal coordination, evidence review, and data sharing. Therefore, it is essential to adhere to the principle of "case-based handling," establishing standardized and regulated internal processes for transferring and reviewing cases within procuratorial organs. Furthermore, strengthening investigative and verification powers is crucial to bridge the evidentiary review gap between administrative violations and criminal offenses. More critically, the Digital Procuratorate Strategy offers a novel pathway to resolving these dilemmas. By constructing cross-departmental data-sharing platforms, developing intelligent supervision models, and promoting the digitization of operational procedures, the capabilities for identifying oversight clues, analyzing case patterns, and urging precise law enforcement can be significantly enhanced. This will evolve administrative procuratorial supervision from a model of post-facto error correction to a governance approach characterized by prior early warning and real-time intervention.

Looking ahead, deepening administrative procuratorial work from the compliance perspective is a systematic undertaking requiring comprehensive development. Internally, it necessitates breaking down data and operational silos within procuratorial organs to form an integrated framework characterized by "case management leading and business units cooperating." Externally, it urgently requires establishing stable and standardized mechanisms for data sharing and operational collaboration among public security, procuratorates, courts, judicial departments, and others. Ultimately, driven by the triple forces of conceptual renewal, institutional refinement, and technological empowerment, administrative procuratorial work can fully realize its pivotal role in corporate compliance reforms. It will not only ensure the seamless integration of criminal incentives and administrative sanctions but also, through high-quality and efficient legal supervision, promote the legalization and modernization of the business environment, achieving an organic unity of "punishing offenses" and "enhancing governance."

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