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Research on the Improvement Path of the Administrative Reconsideration Mediation System

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Abstract

As an important mechanism for the substantive resolution of administrative disputes, administrative reconsideration mediation has experienced a legislative evolution in China from being strictly prohibited to being fully recognized. The newly revised Administrative Reconsideration Law has established it as a basic principle and fundamental procedure. Based on the current legislative status and local practice of administrative reconsideration mediation, this paper analyzes the existing problems such as the ambiguous definition of the scope of application of mediation, insufficient supply of procedural rules, systemic lack of supervision and restriction mechanisms, and the inadequate exertion of supervision functions. In response to the above problems, we should clarify the scope of application by defining the categorized applicable limits and establishing a negative list system, construct a systematic set of procedural rules for the initiation, negotiation and termination of mediation, improve a supervision system integrating internal assessment and external procuratorial supervision, and explore the supervision path of administrative reconsideration opinions in the review of normative documents. By doing so, we can promote the systematic construction of the administrative reconsideration mediation system and effectively exert its due function in the construction of the main channel for resolving administrative disputes in China.

Keywords

Administrative Reconsideration Mediation; Scope of Application; Procedural Rules; Supervision Mechanism; Substantive Resolution of Administrative Disputes.

1. Introduction

Administrative reconsideration mediation has gone through an evolutionary process in China: it was stipulated as "not applicable" in the Administrative Reconsideration Regulations of 1990, the legislation adopted an evasive attitude in 1999 and 2007, it was permitted in principle in the Implementation Regulations of the Administrative Reconsideration Law of 2007, and finally the newly revised Administrative Reconsideration Law of 2023 clearly defined it as a basic principle and fundamental procedure. The new law lists mediation as one of the principles of administrative reconsideration, and its specific application is supplemented and improved by local legislation[1]. Such fragmented legislation is not conducive to the sound development of administrative reconsideration mediation, and it is of practical significance to form a relatively complete and unified set of application rules to provide a reference for the subsequent development and application of administrative reconsideration mediation.

2. Current Status of Administrative Reconsideration Mediation

2.1. Legislative Status of Administrative Reconsideration Mediation

1. Provisions on administrative reconsideration mediation in laws and administrative regulations

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At present, there is no special law formulated for administrative reconsideration mediation in China, and the current Administrative Reconsideration Law contains the following provisions on it. Article 5 defines its basic principles and positioning, Article 39 stipulates the application of basic procedures, Article 73 clarifies the effect of mediation agreements, Article 74 sets forth the general rules for case closure through settlement, and Articles 77, 78 and 83 lay down the principled rules for the guarantee of performance and enforcement. The provisions on administrative reconsideration mediation in the new law mainly emphasize three aspects: first, the principled supervision over the application of administrative reconsideration mediation; second, the protection of the rights of parties to whom administrative reconsideration mediation applies; third, the remedy for the final effect of administrative reconsideration mediation. These provisions are in line with the three functions of administrative reconsideration mediation, namely administrative supervision, administrative dispute resolution and administrative remedy[2].

2. Provisions on administrative reconsideration mediation in departmental rules and departmental normative documents

A search on Pkulaw for departmental rules and departmental normative documents related to administrative reconsideration and administrative reconsideration mediation shows the following results: there are 31 valid departmental rules, none of which are specially formulated for administrative reconsideration mediation; the number of valid departmental normative documents related to administrative reconsideration and administrative reconsideration mediation is 102 and 1 respectively. Based on the available information, most of the current departmental rules and departmental normative documents do not go beyond the content of the Administrative Reconsideration Law. Only the Guiding Opinions on Further Strengthening the Work of Administrative Reconsideration Mediation and Promoting the Substantive Resolution of Administrative Disputes issued by the Ministry of Justice confirms the content of administrative reconsideration mediation in principle and expands its scope of application in an affirmative manner, while most other documents only restate the original legal provisions. The Circular of the China Earthquake Administration on Issuing the Measures for the Administrative Reconsideration Work of the China Earthquake Administration stipulates in Article 35 that after the conclusion of all administrative reconsideration activities, the administrative reconsideration organ shall properly file and transfer documents including the administrative reconsideration mediation agreement in accordance with the relevant provisions on archives management. The Circular of the National Mine Safety Supervision Administration on Issuing the Measures for the Administrative Reconsideration and Administrative Litigation Response Work of the National Mine Safety Supervision Administration stipulates in Article 20 that the National Mine Safety Supervision Administration may apply mediation in handling administrative reconsideration cases, specifies the specific personnel responsible for mediation, and requires that the mediation process be recorded and materials such as mediation work records and mediation agreements be filed. On the whole, after the revision of the Administrative Reconsideration Law, the legal documents at the central department level have not made supplementary and detailed provisions on the specific procedures for the establishment and operation of mediation organs.

2.2. Local Exploration of Administrative Reconsideration Mediation

The strict restrictions on the application of mediation in administrative reconsideration have been lifted after the revision of the new law, and whether an administrative organ has discretionary power or whether a case involves compensation is no longer a prerequisite for initiating the administrative reconsideration mediation procedure[3]. Administrative reconsideration mediation has gone through three stages: prohibition, partial application, and

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mediating all that can be mediated, and local exploration has taken the lead in each stage of its development.

1. Implementation status of administrative reconsideration mediation

Statistics on national administrative reconsideration mediation-related data in the past five years:

Year	Total number of national administrative reconsideration cases	Total number of cases resolved through mediation and settlement	Proportion of mediation and settlement cases
2020	180,796	20,343	11.25%
2021	214,240	22,554	10.53%
2022	210,455	30,020	14.27%
2023	276,131	36,502	13.22%
2024	641,000	168,000	26.3%

Figure 1

According to the official statistical data released by the Ministry of Justice, after the Administrative Reconsideration Law came into force in 2024, the number of administrative reconsideration cases has increased explosively. At the same time, due to the expansion of the scope of administrative reconsideration mediation, the mechanism can accommodate more administrative disputes, leading to a continuous increase in the number of cases resolved through mediation and a significant rise in the proportion of case closure through mediation and settlement.

Overall, the growth rate of the case closure rate through administrative reconsideration mediation is lower than that of the total number of administrative reconsideration cases, indicating that there is still a long way to go to promote the improvement of the legalization level of social governance.

2. Practical models of administrative reconsideration mediation at the local level

In Liaoning Province, the Department of Justice of Liaoning Province has launched the "Eight Methods of Administrative Reconsideration Mediation" on the basis of sorting out the experience in administrative reconsideration mediation and mass work. In Guangdong Province, Haizhu Workstation of the Administrative Dispute Mediation Center has been set up in Guangzhou to resolve administrative disputes through hearings and mediation meetings. Futian District of Shenzhen City has clarified the full-process application of administrative reconsideration mediation, established platforms such as administrative reconsideration mediation studios, and continued to build a mediation platform for both parties to administrative disputes through the judicial-administrative linkage mechanism, realizing the further extension of dispute resolution. In Shandong Province, Huancui District of Weihai City has set up an administrative reconsideration mediation center and organized a "1+1+N" multi-party participation dispute resolution model, which consists of 1 professional mediator, 1 administrative reconsideration officer and N persons in charge of the involved administrative organs. It has also explored the establishment of a "comprehensive" dispute resolution model to fully resolve civil disputes incidental to administrative cases and truly solve the problems of the masses.

3. Existing Problems of Administrative Reconsideration Mediation

The current legal provisions related to administrative reconsideration mediation in China are simple and general in terms of its application rules. Although some regions have made detailed

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provisions and creative explorations, their normativity and effectiveness still need to be improved.

3.1. Ambiguous Definition of the Applicable Limits of Administrative Reconsideration Mediation

1. The lack of norms on the applicable limits of mediation affects the authority of mediation effect

Since the implementation of the new law, the scope of application of administrative reconsideration mediation has expanded rapidly, resulting in a dissonance between the practice of the system and its normative logic. A reasonable scope and normative mechanism for the application of administrative reconsideration mediation have not been established. Despite the expansion of its scope of application, the relevant legal norms are not perfect[4]. In local practice, the norms for the administrative reconsideration mediation mechanism are mostly general and broad, leading to a practical dilemma in the actual application of administrative reconsideration mediation where there are principles but no specific operational steps.

2. Ambiguous scope definition hinders the efficient absorption of more administrative disputes

The definition of the scope of administrative reconsideration mediation should be examined in combination with the institutional framework of administrative reconsideration[5]. At this stage, the ambiguous definition of the scope of administrative reconsideration mediation is mainly reflected in two aspects: first, whether restrictive administrative acts are within the adjustable scope. The Guiding Opinions on Further Strengthening the Work of Administrative Reconsideration Mediation and Promoting the Substantive Resolution of Administrative Disputes issued by the Ministry of Justice stipulates that mediation of restrictive administrative acts can be carried out in a proactive manner, but it does not clearly list restrictive administrative acts as adjustable objects. Second, the inclusion of civil acts. Although administrative reconsideration mediation has the civil characteristics inherent in mediation itself, it should be clearly defined as a part of the administrative act procedure in the administrative reconsideration system, which has led to disputes over whether civil acts are included in the content of administrative reconsideration mediation. The unclear definition of the scope of application of administrative reconsideration mediation to restrictive administrative acts and civil disputes incidental to administrative disputes results in the failure of administrative reconsideration mediation to absorb more administrative disputes on the premise of ensuring quality.

3.2. Lack of Operational Procedural Rules for Administrative Reconsideration Mediation

1. No specific operational norms for mediation are provided in legislation

Since the revised Administrative Reconsideration Law came into force, it has been put into practice for a short time, and the legal provisions do not lay down specific detailed rules for administrative reconsideration mediation. There is a lack of procedural rules for administrative reconsideration mediation, including the initiation procedure, negotiation procedure, mediation time limit and frequency, termination procedure, and supervision procedure[6].

The existing legal provisions are insufficient to support the current complex situation of administrative reconsideration mediation. In the case of "Zhao refusing to accept the failure of the housing acquisition and compensation office in a district of a city in Jilin Province to perform the administrative agreement and applying for administrative reconsideration", the specific mediation acts were carried out by the reconsideration organ in accordance with the spirit of principles and guiding opinions due to the absence of specific legal provisions. Although the dispute was finally resolved, no specific operable procedures have been formed for

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administrative reconsideration mediation, resulting in the lack of stability and replicability of mediation effects. Due to the absence of specific operable procedural norms to follow, the authority of administrative reconsideration mediation has been greatly undermined for some staff engaged in administrative reconsideration mediation. Therefore, it is imperative to accelerate the formalization of its procedural norms.

2. Inadequate procedural rules for reconsideration mediation fail to protect the procedural rights of applicants

Among the 37 typical administrative reconsideration cases released by the Ministry of Justice, 25 were closed by the applicant withdrawing the reconsideration application through coordination and settlement organized by the administrative reconsideration organ. Among them, 9 cases involved the respondent taking the initiative to correct its mistakes and obtaining the applicant's approval to withdraw the administrative reconsideration application, such as the case of "Li refusing to accept the information disclosure reply of the municipal people's government and applying for administrative reconsideration", in which the respondent took the initiative to provide the documents to the applicant. In the other 16 cases where the applicant withdrew the administrative reconsideration application, the administrative reconsideration organ organized both parties to mediate and promoted mutual concessions, ultimately leading to the termination of the administrative reconsideration procedure. For example, in the case of "He refusing to accept the administrative penalty imposed by the traffic police brigade and applying for administrative reconsideration", the administrative reconsideration organ not only pointed out the incorrect basis for the administrative penalty by the respondent and put forward suggestions, but also helped and guided the applicant to make up for the penalty points on the driving license to ensure that he could continue to drive[7]. It can be seen that when mediation is used to resolve administrative disputes, the case is usually closed after the applicant withdraws the reconsideration application through mediation. Administrative reconsideration mediation is not equivalent to "compromising for the sake of superficial harmony", and the resolution of administrative disputes cannot violate the red line of the law[8]. The prevalence of implicit case closure has virtually increased the burden of procedural rights on applicants.

3.3. Inadequate Systematic Construction of Restriction Mechanisms for Administrative Reconsideration Mediation

At present, China's administrative reconsideration mediation is faced with problems such as insufficient restriction mechanisms and inadequate supervision, which are mainly reflected in the lack of internal and external supervision mechanisms for the legality review of mediation content and procedures. At the same time, mediation is also faced with the actual phenomenon of procedural formalism caused by the one-sided pursuit of mediation success rate.

1. Lack of a fairness review mechanism in the mediation process

At present, the application of mediation is likely to lead to the phenomenon that administrative organs make concessions beyond the applicable limits in order to achieve the one-sided resolution of administrative disputes. For example, in the case of "a supermarket refusing to accept the administrative penalty imposed by the market supervision and administration bureau of a city in Jiangsu Province and applying for administrative reconsideration", the applicant's illegal facts were clear. However, in the subsequent administrative reconsideration hearing, the administrative reconsideration organ suggested that both parties reach a settlement on the grounds that the applicant was penalized for the first time, the illegal gains were small, and the penalty was imposed one day before the entry into force of the new provisions, which made the administrative act unreasonable. Finally, the case was closed by formulating an administrative reconsideration mediation agreement. This will set a bad example in the market, making the law-abiding "honest" operators feel unfair and even forced

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to take similar illegal business acts to maintain market competitiveness. This phenomenon not only damages the fair competition environment of the market, but also weakens the deterrent effect and credibility of the law, greatly reducing the social demonstration effect of the administrative reconsideration mediation system[9].

2. Lack of a systematic supervision mechanism

In practice, in order to reduce the revocation rate of the respondent's administrative acts, the supervision mechanisms of administrative reconsideration such as confirmation of illegality and revocation have been circumvented[10].

The current supervision status of administrative reconsideration mediation is characterized by the lack of dual restrictions of internal and external supervision. In terms of internal supervision, the superior supervision procedure for administrative reconsideration mediation has not been clearly stipulated. In terms of external supervision, the intervention of external supervision means by procuratorial and supervisory organs lacks legal basis, and there are no current statutory provisions on the scope of intervention, initiation conditions, procedural norms and effect exertion of external supervision. In the case of "Zhang and the people's government of a city in Heilongjiang Province in the procuratorial supervision case of administrative reconsideration mediation", the applicant failed to obtain a result after three reconsideration applications, and then the case was closed through mediation by the municipal people's government, after which the applicant sued to the court again. During this period, no legal supervision organ intervened, leading to the "protracted handling" of the administrative reconsideration case. Finally, the substantive resolution of the dispute was achieved through the joint efforts of procuratorial organs at three levels. There are no specific operable provisions on the time and procedures for the intervention of other organs, resulting in the failure to extend the individual case phenomenon into a regular means of external supervision for administrative reconsideration mediation.

3.4. Failure of the Supervision Function of Administrative Reconsideration Mediation

The development of administrative reconsideration mediation work needs to take into account the dual characteristics of "fairness" and "efficiency"[11]. However, under the current situation where administrative reconsideration mediation is widely applied to administrative reconsideration cases, there are no relevant institutional arrangements to respond to the supervision function of administrative reconsideration.

1. The non-disclosure of mediation affects the supervision function of administrative reconsideration

How administrative organs conduct self-correction needs to place the negotiation results of both parties under the supervision of the administrative reconsideration organ. However, the current non-disclosure of mediation and the lack of its supervision process have seriously affected the exertion of the supervision function of administrative reconsideration. During the administrative reconsideration period, the information held by both parties is often asymmetric, and the public makes mediation or settlement decisions in a situation of information disadvantage. For cases with many links and complex circumstances, the possibility of evolving into major social risks is higher[12]. Without a relatively complete mediation platform and filing guarantee mechanism, it is difficult to achieve both fairness and efficiency in mediation in administrative reconsideration cases with strong professionalism and commercial nature. Taking non-disclosure as the principle of mediation not only fails to ensure the protection of the fairness of people's rights in individual cases, but also makes it difficult to achieve the efficient goal of promoting the resolution of similar cases through individual cases, thus failing to respond to the important supervision function of administrative reconsideration in the construction of a law-based government.

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2. Difficulty in the function of handling illegal clues in administrative reconsideration mediation

In the new administrative reconsideration system, both mediation and settlement need to be "checked and verified" by the administrative reconsideration organ[13]. The disorderly growth of the implicit case closure model has led to the failure of the supervision function of administrative reconsideration. In addition, the legal effect of administrative reconsideration opinions has been controversial in current practice[14], which has seriously restricted the exertion of their due supervision role. At this stage, the Chinese government is striving to build an administrative dispute resolution path of "prioritizing administrative reconsideration, then administrative litigation, and minimizing letters and visits". Administrative reconsideration should be the first to discover illegal clues and facts in administrative acts, but there are no rules set for the transfer of discovered illegal clues in administrative reconsideration mediation, making it more difficult for administrative reconsideration mediation to exert the supervision function of administrative reconsideration.

4. Countermeasures and Suggestions for Improving Administrative Reconsideration Mediation

4.1. Clarify the Applicable Scope of Administrative Reconsideration Mediation

The definition of the specific scope of application of mediation is still principled. It is necessary to explore the optimization path of the administrative reconsideration mediation system from two aspects: clarifying the categorized applicable limits and establishing a dual list mechanism, so as to help administrative reconsideration mediation resolve administrative disputes in a more efficient and substantive manner.

1. Determine the categorized applicable limits of administrative reconsideration mediation

First, it should be clear that the scope of administrative reconsideration mediation shall be limited to mediation within the scope of the benchmark for administrative discretion, and mediation of restrictive administrative acts shall not be carried out beyond the benchmark. The benchmark for administrative discretion shall be clarified at the municipal level. If it is found necessary to change a restrictive administrative act after review, other dispute resolution methods shall be adopted under the auspices of the administrative reconsideration organ. Second, it shall be clear that civil acts are not within the scope of administrative reconsideration mediation. Taking advantage of the convenience of administrative reconsideration mediation to promote the settlement of incidental civil disputes and cases involving third parties, the parties and the third parties involved in civil cases may sign a separate mediation agreement under the auspices of the administrative organ.

2. Establish a negative list system for administrative reconsideration mediation

On the premise of ensuring the efficiency of mediation acts and the thoroughness of dispute resolution, a negative list system should be established. Administrative reconsideration cases involving minor illegalities or unreasonable acts may be closed through mediation, but if an administrative act is invalid due to incorrect determination of facts, procedural violations, wrong application of legal basis, etc., such invalidity is retroactive and irreparable. As an ex post procedure, administrative reconsideration mediation cannot endow an invalid administrative act with determinacy[15]. Such cases unsuitable for mediation should be excluded. It is suggested to clearly list seven types of cases in the negative list, including cases where the administrative act is obviously legal or illegal, cases involving national interests or social public interests, acts of malicious abuse of litigation rights, cases involving the intersection of administrative and criminal disputes, restrictive administrative acts without a determined discretion benchmark, civil disputes incidental to administrative disputes, and cases where mediation is not applicable according to legal provisions and actual circumstances. This will

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promote administrative reconsideration mediation to better exert its role in meeting the needs of the times for resolving administrative disputes.

4.2. Improve the Procedural Implementation Rules of Administrative Reconsideration Mediation

A sound institutional system is the foundation for doing a good job in administrative reconsideration mediation in the new era. Constructing a scientific, complete and operable institutional system for administrative reconsideration mediation is conducive to improving the systematic, scientific and legalized level of administrative reconsideration mediation work, thus transforming institutional advantages into governance effectiveness[16] .

1. Clarify the initiation mechanism of administrative reconsideration mediation

First, clarify the subject of initiating the mediation procedure and establish a dual path of initiation upon application by the parties and active initiation by the reconsideration organ ex officio[17]. Second, conduct the necessary legality and rationality review when initiating the application procedure to ensure the consensual nature of mediation and safeguard the fairness and voluntariness of mediation. To ensure the unity of procedural and substantive disputes, a triple review mechanism should be established, including formal element review, legality review and appropriateness review. To protect the voluntary nature of mediation, the subsequent legislation shall clearly define the rights to protect the voluntariness of mediation: first, the administrative counterpart has the right to refuse mediation; second, the administrative counterpart has the right to independently decide on mediation[18].

2. Construct a dispute resolution process for administrative reconsideration mediation

To better apply the administrative reconsideration mediation system to resolve administrative disputes, a systematic construction of mediation-based dispute resolution should be carried out from both spatial and temporal perspectives. In terms of space, build a legalized platform for administrative reconsideration mediation to ensure the principal position of the administrative reconsideration organ. Establish the "back-to-back" and "face-to-face" mediation models, that is, the administrative reconsideration mediation organization first explains the law and relevant principles to both parties and then inquires about their claims, and then presides over the mediation, clarifying the neutrality of the reconsideration organ in the mediation process.

In terms of time, clarify the frequency and time limit of mediation, and formulate procedural arrangements to address problems such as "protracted mediation without resolution". For cases with clear facts, definite legal relations, a specific discretion benchmark and a clear scope of discretionary power, an expedited mediation procedure shall be applied with a time limit of 15 days from the date of initiating the mediation procedure. For difficult and complex cases, the time limit may be extended by 15 days upon approval. The mediation procedure may be terminated by either party, but after two "face-to-face" mediations, the mediation procedure shall not be restarted, and the reconsideration organ shall automatically transfer the case to the decision-making procedure to prevent procedural formalism from affecting the efficiency of administrative reconsideration in dispute resolution.

3. Standardize the termination procedure of administrative reconsideration mediation

Classify and standardize the final forms of administrative reconsideration mediation according to two situations. First, for pre-case mediation, establish a reasonable filing and review mechanism for case withdrawal through pre-case mediation and construct archives for case closure through pre-case mediation. Second, for in-case mediation, increase the proportion of explicit case closure through mediation and take the administrative reconsideration mediation agreement as the way of case closure. For cases closed through settlement where the respondent revokes the original administrative act and the applicant withdraws the

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reconsideration application after mediation, a filing mechanism shall be established. If no mediation agreement is reached within the mediation time limit, the reconsideration organ shall ex officio transfer the case to the decision-making procedure immediately for administrative reconsideration review and issue an administrative reconsideration decision in a timely manner.

4.3. Improve the System for the Coordinated Development of Internal and External Supervision of Administrative Reconsideration Mediation

To ensure the legal and reasonable substantive resolution of administrative disputes through administrative reconsideration mediation, it is necessary to construct a guarantee mechanism for administrative reconsideration mediation and supervise and restrict the dispute resolution mechanism, and establish the internal and external supervision procedures for administrative reconsideration mediation.

1. Improve the internal supervision system of administrative organs for administrative reconsideration mediation

The establishment of an internal supervision mechanism for administrative reconsideration mediation can be divided into a recording and evaluation mechanism for mediation cases and a fault tolerance and exemption mechanism. To ensure the legality of administrative reconsideration in dispute resolution and the administrative nature of administrative reconsideration itself, the entire process of administrative reconsideration, including mediation, must be traceable with records. It is necessary to establish a file management and review mechanism for mediation cases. Improve the supervision efficiency and the discovery rate of procedural defects in mediation through the electronization of archives.

In terms of innovating the fault tolerance and exemption mechanism, we can learn from the experience of Ningxia Hui Autonomous Region to establish incentive and protection mechanisms such as the system of exemption for due performance and tolerance for errors in administrative reconsideration mediation, as well as the system of administrative reconsideration officers and a contingent of administrative reconsideration auxiliary personnel to ensure the effective development of administrative reconsideration work. Combine the comprehensive causes of faults caused by subjective negligence and objective factors, and classify them into situations such as no liability, partial liability, talk and warning, and accountability. Provide professional protection for personnel who perform their duties in good faith and effectively stimulate the innovation vitality of mediation.

2. Explore the path for constructing the external supervision system of administrative reconsideration mediation

At the institutional level, the Opinions of the Central Committee of the Communist Party of China on Strengthening the Legal Supervision Work of Procuratorial Organs in the New Era has added the "work of substantive resolution of administrative disputes" to the administrative procuratorial supervision functions of procuratorial organs[19], providing a theoretical basis for the intervention of procuratorial organs in the administrative reconsideration system. First, clarify the types of mediation cases in which procuratorial organs intervene. Priority may be given to fields with relatively great disputes in mediation, such as initially setting administrative reconsideration cases in public security, market supervision and other sectors, and procuratorial organs may be allowed to flexibly arrange and implement the supervision scope of administrative reconsideration mediation cases according to the specific circumstances of the cases or upon application[20]. Second, the content of supervision shall include supervising the compliance of the administrative reconsideration mediation procedure, specifically including the voluntariness of the mediation application, the normativity of the mediation procedure, the neutrality of the mediator and other matters. Third, in terms of supervision methods, procuratorial organs shall focus on supervising whether the

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administrative reconsideration organ correctly applies the law in accordance with their functions. If the administrative reconsideration organ refuses to rectify upon suggestion or criminal clues such as embezzlement are discovered, the clues shall be transferred to other organs. Give play to the coordinated cooperation between administrative reconsideration organs and supervisory organs in anti-corruption to ensure the standardized operation of administrative power on the track of the rule of law[21].

4.4. Strengthen the Supervision Function of Administrative Reconsideration Mediation

It is mainly reflected in two aspects: first, the direct correction mechanism for specific administrative acts; second, the joint supervision of abstract administrative acts.

1. Strengthen the intensity of legality review in administrative reconsideration mediation

In administrative reconsideration mediation, the intensity of legality review of applied cases should be strengthened. For cases with obvious and serious illegalities, it is clearly opposed to using administrative reconsideration mediation to achieve the illegal purpose of interest exchange between the two parties through illegal means. For such acts, the administrative reconsideration organ should focus on the factor of rights protection, make an administrative reconsideration decision to revoke the administrative act through the trial procedure, and not close the case through administrative reconsideration mediation[22].

2. Explore the application of administrative reconsideration opinions in administrative reconsideration mediation cases

On the one hand, the application of administrative reconsideration opinions to specific administrative acts: for administrative reconsideration cases closed through mediation, the reconsideration organ may urge the respondent to take improvement measures by issuing administrative reconsideration suggestions, so as to realize the dispute resolution function of administrative reconsideration while taking into account its supervision function[23]. On the other hand, strengthen and improve the supervision mechanism of administrative reconsideration opinions on abstract administrative acts, and formulate and issue a unified national normative document on administrative reconsideration opinions. At the same time, the formulation and issuing organs of abstract administrative acts involved in the administrative reconsideration opinions must provide explanations or processing replies[24].

5. Conclusion

The modern construction of the administrative reconsideration mediation system is a concrete embodiment of promoting the modernization of the national governance system and governance capacity in the field of administrative dispute resolution, and also an inherent requirement for optimizing the law-based business environment and consolidating the foundation of law-based administration. At present, although administrative reconsideration mediation has obtained a principled status through legislative confirmation, to truly realize its role as the main channel for resolving administrative disputes, it is necessary to base itself on the jurisprudential cornerstones of holistic governance and procedural justice, clarify the institutional boundaries of application, standardize the operational procedures, promote the coordinated development of supervision and improve professional capabilities. This not only requires refined rule supply from the perspective of legislative theory, but also needs to integrate the principle of law-based administration with the spirit of consensual governance from the perspective of methodology. By promoting the transformation of administrative reconsideration mediation from scattered exploration to systematic construction and from policy-driven to law-led, it will not only become a technical tool for efficiently resolving conflicts, but also grow into an important institutional carrier for boosting the construction of

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a law-based government and realizing administrative justice, thus demonstrating its unique institutional value and mission of the times in solving the practical problems of the substantive resolution of administrative disputes.

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