

Original Paper

On the Protection of Citizens' Rights in Maritime Law Enforcement

Chenghan Guan^{1*}, Chen Chen¹ & Shengnan Zhou¹

¹ Dalian Ocean University, Dalian, China

* Chenghan Guan, Dalian Ocean University, Dalian, China

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Abstract

The purpose of this study is to examine the foundations of citizens' rights, the current state of administrative litigation, and the sources of rights violations resulting from administrative actions during maritime law enforcement. It highlights important real-world issues and suggests ways to make improvements by drawing on pertinent national and international theories. In order to contribute to the growth of a more resilient rule-of-law society and government, the study aims to improve the protection of people' rights in administrative reconsideration and litigation through legislative, enforcement, and judicial improvements.

Keywords

*Administrative Litigation, Administrative Acts, Citizens' Rights, Administrative Compensation
lowercase*

1. Background and Importance of the Subject

A significant percentage of state compensation claims nationwide involve cases pertaining to citizens' rights. Any disagreement involving administrative law invariably affects citizens' legitimate rights and interests as well as public confidence in the government. The establishment of a rule-of-law government under Chinese socialism is advanced by in-depth theoretical research on defending people' rights during law enforcement, which also helps to create a stronger framework for preserving human rights. Seeking legal remedies is considered a core norm-based response when administrative colleagues' rights are violated. As the last line of defense, the law is indispensable in the public's opinion.

In actuality, administrative compensation is a way to handle responsibilities brought on by illegal actions taken by administrative bodies. However, whether the legal rights of administrative equivalents can be adequately addressed depends heavily on the procedures and results of such compensation. These rights are not adequately safeguarded by China's current administrative compensation system. By carefully analyzing the protection of citizen rights, this study offers practical suggestions to improve administrative efficiency, strengthen legal support for administrative counterparts, strengthen the theoretical underpinnings of China's administrative compensation system, and create a government that meets public expectations.

When administrative actions harm the interests of administrative counterparts, judicial authorities must decide how and on what legal basis to render decisions. Resolving these issues improves the legitimacy of the judicial and administrative branches. Through law-based government, China, a communist rule-of-law state, seeks to guarantee that its citizens fully enjoy their rights as the nation's masters. An essential component of building a law-based government is holding administrative organs accountable when their inaction results in the violation of legal rights. Administrative equivalents are entitled to state compensation when their legal rights are violated since administrative organs and their employees represent the state in their service to the public.

2. On the Rights of Citizens

2.1 Natural Sources

There are two fundamental dimensions to the concept: First, as human civilization progresses, people's rights naturally develop. Their content varies depending on the place, depending on natural geography, political culture, and philosophical views. Second, these rights are naturally accessible since they are innately inherited from birth. Individuals in early human civilization had the freedom to set standards for behavior, such as the rights to procreate, defend private property, pursue sexual autonomy, and defend life and subsistence. These absolute rights, albeit mainly unrestricted at the time, existed without the limitations of contemporary society, resulting in uneven rights and obligations. Divergent worldviews on private property, individualism, and conventions were cultivated by natural disparities in regional contexts, and these distinctions eventually showed up as discrepancies in how rights were expressed.

2.2 Legal Foundations

Natural rights gave rise to modern citizens' rights, which are based on current legal theories and legislative provisions. Their three main traits are formality, sociality, and subjectivity. First, subjectivity necessitates that particular persons act as bearers of rights and exercise or waive them. The most important aspect of citizens' rights in this context is their subjectivity, which is also the only way to achieve individual rights. Second, sociality is a part of citizens' rights. This implies that the forms, methods, and content of rights must be widely accepted by society as a whole and determined by the will of the people. The rights of citizens are established by social consensus rather than by personal

preference. Lastly, the rights of citizens are official. Only by following certain procedures can state authority ensure citizens' access to their rights while protecting them from unjustified deprivation. But whether or if citizens actually fulfill the intent of their rights depends on execution and real-world conditions rather than the state's commitment.

2.3 Significance of Protecting Citizens' Rights

The objective law of the natural progression of human civilization dictates the protection of citizens' rights. The Code of Hammurabi, the English Bill of Rights, and the French Declaration of the Rights of Man are examples of codified systems that represent the evolution of human civilization from prehistoric, barbaric norms. Both the decisions made by human civilization and the unavoidable direction of social development are reflected in this history. Protecting citizens' rights has become a crucial consideration in scientific decision-making in the modern era, irrespective of a country's political system or philosophy. Decision-making must respect citizens' rights as vital as China has developed a socialist rule-of-law system with unique characteristics. Smooth policy implementation and scientific decision-making are only possible by bolstering the protection of citizens' rights. Upholding people's rights promotes happiness and unity, protects individual rights, and aids in the development and optimization of national social governance structures. Narrowly, it protects individual rights, improves citizen well-being, and fortifies state-citizen alignment in the implementation of policies; broadly, it improves national governance. Thus, the cornerstone of human society advancement is the defense of citizens' rights.

2.4 Relevant Provisions in Chinese Legislation

Constitution of the People's Republic of China (Chapter II: Fundamental Rights and Duties) delineates:

2.4.1 Political Rights:

- a) Freedoms of speech, press, assembly, association, procession, and demonstration;
- b) Voting rights for citizens aged 18+ (exclusions per law);
- c) Rights to critique state organs/officials and report illegal acts.

2.4.2 Personal Rights:

- a) Inviolability of personal freedom (arrest requires prosecutorial/judicial approval);
- b) Prohibition of unlawful detention, search, or bodily violation;
- c) Protection of dignity against insult, defamation, or false accusation;
- d) Inviolability of residence and correspondence privacy.

2.4.3 Religious Freedom:

- a) Freedom to believe/disbelieve; prohibition of coercion or discrimination.

2.4.4 Economic, Cultural, and Social Rights:

- a) Right/duty to work; rest entitlements;
- b) Material assistance for the aged/ill/disabled;
- c) Education rights/duties; academic/artistic freedoms;
- d) Gender equality; state protection of marriage/family/maternity/children;

- e) Support for disabled citizens' employment/livelihood/education.

2.4.5 Supervisory and Compensation Rights:

- a) Rights to supervise state organs (criticism, suggestions, accusations, reports);
- b) Prohibition of fabricated allegations;
- c) Obligation of state organs to investigate complaints;
- d) Right to state compensation for damages caused by unlawful official acts.

3. Current State of Citizens' Rights Protection in Administrative Compensation

3.1 Legislative Framework for Administrative Compensation in China

On March 21, 2022, the Supreme People's Court released the Provisions of the Supreme People's Court on Several Issues Concerning the Trial of Administrative Compensation Cases in order to safeguard the legal rights of administrative counterparts, oversee administrative organs in carrying out administrative compensation obligations, and accomplish substantive resolution of administrative compensation disputes. These clauses combine the National Compensation Law, the Administrative Procedure Law, and real-world administrative adjudication expertise.

The National Compensation Law defines the extent of administrative compensation through a two-way enumeration. As further elucidated in Article 1 of the Judicial Interpretation on Administrative Compensation, Articles 3 and 4 specifically include property and personal losses resulting from illegal administrative actions within the purview of state compensation.

As a catch-all provision, Article 4(4) of the National Compensation Law states that property loss brought on by administrative delay is eligible for state compensation. When the legitimate rights of administrative counterparts are violated when authority is being exercised, Article 2 guarantees the right to compensation. In order to balance rights protection against excessive culpability for administrative infractions, the compensation scope makes a distinction between direct losses (affirmed) and indirect losses (mostly excluded).

Article 69 of the Administrative Licensing Law requires compensation for losses resulting from the revocation of illegal licenses, whereas Articles 7 and 8 deal with the legal effect and revocation of administrative licenses.

3.2 Judicial Realities of Trust Interest Protection

The National Compensation Law and the Administrative Procedure Law both have clauses that allow victims to seek compensation when administrative inaction violates their legal rights. Comprehensive rights protection is undermined by the lack of defined legal criteria, which makes it difficult to resolve all administrative compensation cases consistently, even when certain cases in practice support such claims.

Courts rely on the legal expertise and real-world experience of individual judges due to statutory compensation scope ambiguities, which produces inconsistent decisions. Due to insufficient judicial support, compensation for property losses is still restricted, especially in situations where

administrative inactivity has serious repercussions.

Claimants are required by Article 9 of the National Compensation Law to follow statutory procedures and submit their demands to the organs that are responsible for providing compensation. The onus is on administrative counterparts to demonstrate a link between their losses and administrative actions during trials. But this presents serious difficulties since: the innate imbalance of power that favors administrative bodies; the lack of clarity around administrative actions; restricted access to specialized legal information by administrative counterparts; and Deep and professional legal knowledge is still hard for regular people to grasp, even with rising public legal literacy.

4. Deficiencies in Administrative Relief Mechanisms

4.1 Narrow Scope for Administrative Reconsideration and Litigation

In two main areas, China's administrative reconsideration and litigation processes suffer from an unduly limited scope for case acceptance.

First, when seeking reconsideration or litigation, parties must rely on catch-all clauses for concerns that are becoming more and more important, such as remedy against administrative infringement of personal information rights. Despite their seeming broadening of the scope, these phrases are principled, thus it takes legal thinking to decide whether a particular act is covered by them. As a result, claimants and authorities that award relief have different interpretations of the same legislation. The breadth may be practically limited as a result of authorities rejecting valid cases or claimants incorrectly giving up on claims because they believe they are ineligible.

Second, there is a discrepancy in the scope of lawsuit and reconsideration; litigation covers significantly fewer grounds than reconsideration. This makes it possible for some reconsideration decisions to be made final without going through the legal system. Both systems' limited scopes fail to address even the most serious infringement of individuals' rights, which goes against the intent of the law and the tenet that "where there is a right, there must be a remedy."

4.2 Lack of Independence in Reconsideration Bodies

In China, the original administrative institutions and reconsideration authorities continue to have direct subordinate relationships. Superior governments or departments typically serve as reconsideration bodies, with their internal legal offices handling particular matters. Leaders of the authority must then approve final rulings. Legal offices are vulnerable to outside pressures because of this hierarchical structure, and decision-makers may put departmental interests ahead of objectivity, raising questions about how equitable the results of reconsiderations are.

The efficacy of relief acquired through reassessment is reduced by the absence of independence. As a result, in order to obtain remedies, administrative equivalents may turn to more expensive and difficult channels like litigation. This seriously compromises the legitimacy and effectiveness of the reconsideration process by impeding prompt relief and making it more difficult and expensive to get justice.

4.3 Excessive Burden of Proof on Citizens in Litigation

While citizens experience information asymmetry in legal conflicts, administrative organs, as institutions exercising public power, have access to more information and resources. The duty of demonstrating the causal relationship between administrative actions and damages, however, is with the citizens; this is especially difficult when the evidence is unavailable or includes private government records.

This undue burden leads to unfair litigation conditions: citizens may be at a disadvantage if they are unable to support their claims with enough evidence. Informational asymmetries are further exacerbated by restrictions on obtaining evidence kept by administrative institutions. Such relationships run the risk of jeopardizing the validity of administrative litigation and judicial justice.

4.4 Inadequacy of Compensation Relief

There are still not enough remedies available for administrative violations of the right to personal information. First, many victims of violations have no recourse because compensation is limited to the situations listed in the National Compensation Law. Second, although compensation for physical damage necessitates actual losses, violations of personality rights (like defamation) frequently result in indirect losses that are not covered, such as missed chances from delayed government compensation or lost income as a result of identity problems. Relief is insufficient without total compensation. Furthermore, administrative organs' low financial culpability does not discourage infractions.

4.5 Absence of Proactive Oversight Mechanisms

Although ex post relief procedures mostly provide compensation, they are unable to completely return citizens to their pre-violation state. Strong supervision methods are necessary for effective protection in order to stop infractions and reduce damage. There are inherent limitations to post-violation remedies; for example, money cannot undo harm to one's reputation. To stop violations before they happen, thorough monitoring must be established through the adoption of worldwide best practices and improvements to the legal framework. Raising protection levels and avoiding needless detours can be achieved by fortifying legal protections and taking inspiration from established international systems.

5. Measures to Enhance Citizens' Rights Protection

5.1 Expanding the Substantive Scope of State Compensation

Although indemnification for losses resulting from administrative promises in abstract administrative actions is still unclear, administrative acts foster confidence among administrative counterparts in legal relationships. By including abstract administrative activities in the definition of administrative compensation, the compensation framework would be expanded and administrative counterparts who sustain property harm as a result of such reliance would have legal recourse. In the administrative rule of law, giving administrative counterparts more protection can strengthen the bonds between the people and the government and encourage the growth of a society founded on the rule of law.

In actuality, administrative organs' failure to carry out their responsibilities—whether as a result of illegal activity or administrative inaction—often leads to rights violations. By broadening the scope of compensation, administrative competitors might use administrative compensation claims to obtain significant relief, especially for agency negligence that isn't specifically addressed by current legislation. This strengthens their proactive strategy for obtaining solutions.

Furthermore, the scope of administrative compensation should progressively broaden to accommodate new social needs for the protection of rights, given the rapid evolution of China's economy in the 30 years since the National Compensation Law was passed.

5.2 Enhancing Independence of Reconsideration Bodies

As was previously said, because of their institutional connections to the original administrative organs, China's present reconsideration bodies are not independent, which leaves them vulnerable to outside influences and jeopardizes justice. There are two suggested solutions:

To guarantee unbiased decision-making, first create independent reconsideration tribunals based on US and UK models, shielding the review procedure from intervention by the initial administrative bodies. Second, establish an independent advisory board by taking a cue from Japan's "Review Committee for Information Disclosure and Personal Information Protection". This committee would have to be consulted before administrative bodies could make judgments about reconsideration. This paradigm is a good fit for China's situation because of its knowledge and objectivity. A "Reconsideration Review Committee" could offer objective, fact-based suggestions free from outside influences.

5.3 Appropriately Expanding the Scope of Compensation

The following suggestions are put out in light of the fact that China's National Compensation Law presently only compensates for some rights (such as labor rights, property rights, personal rights, and adjacent rights) and does not cover governmental inaction that violates more general citizen rights:

First, the scope of administrative compensation must be expanded to encompass actions such as administrative inaction that violates personality rights (e.g., defamation, dignity infringement) in order to properly defend the legitimate rights of administrative counterparts. This would improve the applicability of the law and cover a wide range of rights violations.

Second, legal or judicial interpretations should be evolved to integrate indirect losses in particular settings (e.g., economic repercussions from lack of personal freedom) in light of the current law's limiting of compensation to direct property damage. The safeguarding of the rights of the people must change as China's rule-of-law system develops. Practical protection needs would be better served by authoritative interpretations that clarify compensable indirect losses.

5.4 Enhancing Supervision through Case Guidance

In compensation claims, administrative counterparts encounter both subjective and objective difficulties that are made worse by judicial and legislative hold-ups, especially when it comes to rights abuses brought on by administrative inaction. This article suggests creating a case guidance system to address the underutilization of trust interests protection in administrative compensation.

The approach would expand the amount of administrative case precedents, particularly those affecting trust interests, by drawing on practices in the criminal, commercial, and civil domains. Before rendering a decision, judges should research adjudicative reasoning, examine case similarities, and increase predictability and consistency. Standardized reasoning in judgments and ongoing legal training are crucial for enhancing judicial knowledge. They also help administrative colleagues better understand the concepts of protecting trust interests.

Furthermore, the legislative process takes a long time, even though administrative organs need strong legal frameworks and uniform standards. A case guidance system would improve administrative bodies' legal literacy and increase their ability to handle complex situations by providing timely references for addressing trust interests difficulties. By making compensation computations clear and guaranteeing the appropriate use of judicial discretion, it would also increase openness.

5.5 Using Case Guidance to Enhance Supervision

The preservation of trust interests in administrative compensation is not adequately addressed by the legal and judicial systems. It is essential to set up a case guidance system: To improve predictability, standardize court thinking, and make compensation computations more understandable, model administrative cases should be published, especially those involving trust interests. This enhances judges' expertise, increases transparency, and gives administrative organs rapid reference. It also promotes uniform administrative decision-making as legislative procedures evolve.

6. Conclusion

The legitimacy of law-based governance and core public interests are strongly impacted when people's rights are protected in maritime enforcement. Comprehensive reforms are necessary to address the current systemic problems, which include restricted compensation for indirect losses and trust interests, biased reconsideration procedures, significant litigation burdens on citizens, limiting relief channels, and inadequate preventive control. Important steps include: creating independent reconsideration bodies; rebalancing evidentiary burdens through greater disclosure and prosecutorial support; implementing case guidance to strengthen prevention and unify standards; and significantly increasing state compensation to cover indirect losses, abstract acts, and administrative inaction. By taking these actions, a strong protection framework with easily accessible remedies, sufficient compensation, and efficient oversight will be established, raising the bar for maritime law enforcement, defending constitutional rights, and promoting the rule of law in marine affairs.

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