

Original Paper

Research on the Judicial Determination Standards for Illegal Administrative Compulsory Demolition Procedures

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Abstract

In the current process of urban and rural governance, the issue of procedural legality has become the core point of contention in judicial review of disputes over forced demolition, and the damage to rights caused by procedural violations has become a prominent problem in administrative law enforcement governance. Starting from the practice of adjudication, this paper explores the specific judgment paths for the legality review of the administrative compulsory demolition procedure, focusing on the issue of how to establish judicial determination standards for the illegality of the administrative compulsory demolition procedure. By applying the method of normative analysis and case comparison, extract the consensus-based judgment rules in judicial determination. Research has found that judicial authorities are gradually forming operational standards for determination, including standards for strengthening the review of procedural evidence and reversing the burden of proof, standards for distinguishing formal defects from substantive violations, as well as empirical review standards for compensation for procedural violations based on elements such as illegality, damage, and causal relationship. Distill the judicial judgment logic scattered in the reasoning of the judgment into clear judicial determination standards, promote the transformation of administrative law enforcement from procedural awareness to procedural responsibility, and thereby achieve the standardization, verifiability and traceability of responsibility of the administrative forced demolition procedure.

Keywords

Administrative compulsory demolition, Procedural violation, Judicial determination, Procedural legitimacy Administrative compensation

1. Introduction

In recent years, cases of forced demolition of illegal buildings have been on the rise. The parties involved may have their immovable property forcibly demolished by violence without being given the

opportunity to make statements or defenses, thereby causing irreversible damage to their family life, business operations and even property safety. In practice, there are also procedural violations such as the delay of document supplementation behind demolition actions, the formalization of the notice and announcement procedures, the absence of statement and defense procedures, and insufficient evidence retention. Procedural infringement not only weakens the credibility of administration but also makes it a key consideration factor in determining the legality of administrative acts in judicial review. As a result, the issue of forced demolition of illegal buildings has evolved into a complex problem involving institutional rights protection and administrative compensation risks.

To address the issue of procedural violations, the state has successively passed laws and regulations such as the “Administrative Compulsion Law”, the “Urban and Rural Planning Law”, the “Administrative Punishment Law”, and the “State Compensation Law”, along with local regulations, gradually establishing a procedural restraint mechanism. However, from a practical perspective, there are still gaps in the implementation of systems and governance blind spots with overlapping authorities. On the one hand, the program rules are relatively complete at the textual level. On the other hand, due to factors such as law enforcement resources, assessment mechanisms, and administrative driving forces, some law enforcement links have been weakened or absent. The essence of this problem lies in the poor operability of procedural rules and the imperfect responsibility traceability mechanism, which leads to a high incidence of procedural violations and frequent demands for judicial relief. Based on this practical contradiction, this article focuses on the research topic of “the judicial determination standards for procedural violations in administrative forced demolition”, aiming to answer how courts identify the standards for procedural violations from the perspective of judicial review, how to distinguish formal flaws from substantive violations, and how to define liability for compensation and the allocation of evidence in cases where procedural violations cause damage. For this reason, this paper systematically screens typical cases of procedural violations in the forced demolition of illegal buildings in recent years. By combining the interpretation of current legal provisions and legal theory analysis, and adopting a method that combines case studies with normative analysis, it strives to distill the determination standards that are both operational and reflect judicial trends. On this basis, it proposes improvement paths that can be referred to by the judiciary and administration.

2. The Normative System Foundation of the Administrative Compulsory Demolition Procedure

2.1 At the Central Level

Administrative compulsory demolition is a direct compulsory measure taken by administrative authorities in the course of performing their regulatory duties against illegal buildings, illegal land use and other acts in accordance with the law. The requirement for procedural legality stems from the administrative compulsory system. Article 44 of the Administrative Compulsory Law clearly stipulates that the party concerned must first be ordered to make corrections within a prescribed time limit. Only if the corrections are not made within the time limit can the law enter the compulsory enforcement

stage. At the same time, the law requires administrative authorities to fulfill the procedures of urging and announcing before enforcement to ensure that the parties enjoy procedural rights such as statements and defenses. From this, three basic stages of the demolition procedure were established, namely, ordering rectification, urging announcement and compulsory enforcement.

At present, the legal system for administrative compulsory demolition in China is mainly based on central legislation. The “Administrative Compulsory Law” serves as the core norm and, together with the “Urban and Rural Planning Law”, the “Land Administration Law”, and others, forms the basic framework. The implementation requirements are further detailed through administrative regulations and departmental rules. Article 64 of the Urban and Rural Planning Law clearly stipulates that the competent department of urban and rural planning may, in accordance with the law, carry out forced demolition for construction activities that violate the planning after ordering the demolition within a time limit without success. Although the newly revised “Administrative Penalty Law” does not directly stipulate the compulsory demolition procedure, the Supreme People’s Court has already explicitly listed “ordering demolition within a time limit” as an independent cause of action under “administrative penalty” in the “Interim Provisions on the Subject Matter of Administrative Cases”, which indicates that judicial practice has tended to define it as a type of administrative penalty. The newly revised Land Administration Law in 2019 has strengthened the control over illegal land use. Article 77 and Article 83 stipulate that for buildings that violate the land use master plan, a decision to demolish them within a time limit must be made, and forced demolition must be included in the administrative penalty procedure. If the party concerned fails to perform within the prescribed time limit, they shall apply to the court for compulsory enforcement. Although this move highlights the principle of protecting cultivated land in terms of system, it also makes the implementation process rely on judicial channels. In actual operation, it is prone to cause an extension of the processing cycle and an increase in costs.

At the level of administrative regulations and rules, the “Regulations on the Expropriation of Houses on State-owned Land and Compensation” issued by The State Council in 2011 specifically clarifies the compulsory enforcement procedures in Chapter Five. The model of applying to the court for compulsory enforcement stipulated in Article 28 of this chapter is in line with the content of Article 53 of the “Administrative Compulsory Law”. The “Measures for Urban Management and Law Enforcement” issued by the Ministry of Housing and Urban-Rural Development in 2017 detailed the law enforcement procedures and on-site requirements. The “Administrative Penalty Measures for Natural Resources” issued by the Ministry of Natural Resources in 2024 provides procedural guidance for the handling of related illegal buildings. As this article screens case samples based on the search terms of administrative compensation, forced demolition, and illegal buildings, with the aim of ultimately achieving actual compensation, judicial authorities, while applying the norms of demolition procedures, will also invoke the norms of national compensation. Article 2 of the State Compensation Law clearly stipulates that if damage is caused by the illegal exercise of powers by state organs, the victim may request compensation. This thus establishes the prerequisite conditions for compensation

liability arising from procedural violations. Article 11 of the judicial interpretation “Provisions of the Supreme People’s Court on Several Issues Concerning the Trial of Administrative Compensation Cases” issued by the Supreme People’s Court further points out that when administrative organs fail to retain evidence, making it difficult to ascertain the facts, they will bear the adverse consequences of presenting evidence. In this way, a judicial review chain has been formed where procedural violations constitute administrative act violations, and administrative act violations cause damage, and the state’s liability for compensation is immediately initiated.

2.2 Local Level

Compared with the relatively complete institutional system at the central level, there are obvious implementation deviations at the local level during the implementation process. Although some local regulations and rules have made detailed provisions for the forced demolition process, there are widespread problems such as the notice and announcement procedures being merely formalities, the absence of hearing links, and the non-standard delivery of documents. As a result, in actual operation, procedural violations have become the focus of judicial review. When it comes to the administrative act of demolishing illegal buildings, which has a significant impact on the rights of the parties involved, an extremely cautious attitude must be adopted in legislation (Wang, Y. B., 2024).

The normative documents at the local level mainly include local regulations, government rules and other normative documents, which have both local characteristics and the feature of being scattered. For instance, local regulations such as the “Regulations on Urban Renewal of the Shenzhen Special Economic Zone” and the “Regulations on Urban and Rural Planning of Jiangsu Province” have made detailed provisions in terms of the standards for identifying illegal constructions, handling property rights disputes, and the division of responsibilities among departments. While aligning with national laws, they also retain flexibility in enforcement. The implementation measures for removing illegal structures in places like Hangzhou and Suzhou focus on the management of law enforcement processes and emphasize the collaboration among planning, natural resources, and urban management departments. In pursuit of efficiency, some places evade legal procedures under the guise of emergency demolition, and even engage in illegal acts such as forced demolition at night or obstructing the parties from obtaining evidence. The poor connection between local regulations and departmental rules has also led to operational difficulties. For instance, when multiple departments jointly identify illegal constructions, unclear responsibilities may result in shirking or repetitive law enforcement. This move not only infringes upon the procedural rights of the counterparty, but also becomes the main factor for administrative authorities to lose in administrative litigation.

3. The Main Problems of Procedural Violations in Administrative Compulsory Demolition

Based on the statistics of judgment samples from the Judgments Online and the Wko Xianxing Network over the past five years, in administrative forced demolition cases, procedural violations remain the main point of contention in judicial review. Whether the procedure is legal is the entry criterion for measuring whether the administrative forced demolition act is proper. From the perspective of judicial determination, this article holds that procedural violations mainly manifest in two aspects: non-standard program initiation and the absence of program nodes. Although the two occurred at different stages, the essential cause of both was that the administrative authorities failed to fully perform the legal procedures, resulting in the demolition being determined as illegal in the judicial review and thus triggering the liability for compensation.

3.1 *The Program Startup Is Not Standardized*

The initiation stage of the program is the source link of administrative compulsory demolition, and its legality directly determines the effectiveness of subsequent demolition actions. The rectification within a prescribed time limit shall be ordered first, and the performance period shall be clearly defined. If the rectification is not made within the time limit, the demolition may be carried out in accordance with the law. However, in the practice of judicial adjudication, administrative authorities often enter the demolition stage before the conditions for initiation are met or the pre-procedures are completed. In the case where Zheng sued the People's Government of Xiaojiang Town, Pingyang County for forced demolition of houses and administrative compensation, the administrative authority organized the forced demolition without making a written decision to order rectification before the demolition and was unable to provide a delivery voucher. The court, based on the facts, determined that the actions of the defendant administrative organ did not meet the prerequisite requirement of ordering rectification within a time limit as stipulated in Article 34 of the Administrative Compulsory Law, and also violated the provisions of Article 44 of the Public announcement and granting a time limit for self-demolition. As the plaintiff's property suffered losses, the court, in accordance with Article 2 of the State Compensation Law and Articles 31 and 32 of the Provisions of the Supreme People's Court on Several Issues Concerning the Trial of Administrative Compensation Cases, ordered the administrative organ to bear the obligation of compensation for the plaintiff's losses. A similar situation was more evident in the case where Xu Shengjie sued the Zhonghe Sub-district Office of the People's Government of Yinzhou District, Ningbo City for the forced demolition of houses or facilities. The Zhonghe Sub-district neither made a decision to demolish within a time limit nor received instructions from the superior government, but directly carried out the forced demolition. It is worth noting that in this case, the court cited the provisions of the Zhejiang Province Local Administrative Law Enforcement Regulations. According to Article 8 and Article 9 of the Zhejiang Province Comprehensive Administrative Law Enforcement Regulations, sub-district offices can only carry out administrative law enforcement matters authorized by government announcements. At the same time, in accordance with Article 15 and Article 16 of the "Regulations on the Disposal of Illegal Buildings in Zhejiang

Province”, the decision to demolish within a time limit shall be made by the department with jurisdiction. The Zhonghe Sub-district carried out the demolition without making a decision on the demolition within a time limit and without being instructed by the superior government, which is a typical act of overstepping authority. The court ultimately ruled in accordance with Article 74 of the Administrative Litigation Law that the administrative act was illegal. However, due to the insufficient causal relationship between the damage and the act, in accordance with Article 32 of the “Several Provisions on Administrative Compensation Cases”, the claim for compensation is not supported. Such cases reflect the common procedural laxity and the lack of evidence traceability in grassroots law enforcement. Some scholars hold that in cases where there is a lack of a decision on the forced demolition of illegal buildings, the fundamental act of the forced demolition of illegal buildings should continue to be pursued “forward”, that is, the decision on the demolition of illegal buildings within a specified time limit should be regarded as the fundamental act of the forced demolition of illegal buildings (Gao, J. F., & Lu, J., 2025, pp. 87-96).

It can be seen that the problem of non-standard program initiation runs through the process nodes such as the failure to make a decision to order rectification and the over-authority initiation of demolition. Judicial judgments clearly state that failure to initiate procedures in accordance with the law will result in administrative acts being illegal, and when damage is caused, the administrative organ shall bear administrative compensation liability.

3.2 Missing Program Nodes

When it comes to whether the demolition involved in the initiation of the procedure can begin, the procedure nodes reflect precisely how the administrative authorities specifically advance this process. It mainly includes whether the execution of the links such as urging, announcement, service and evidence fixation is in place. In the case where Guo Moujie sued the Natural Resources and Planning Bureau of Weihui City and the People’s Government of Jishui Town, Weihui City for the forced demolition of houses or facilities, the two defendants jointly and directly carried out the forced demolition, but failed to fulfill the prerequisite requirements of Article 65 of the Urban and Rural Planning Law for ordering a stop and making corrections within a time limit. Nor have the procedures of urging and making statements and defenses as stipulated in Articles 35 to 37 of the Administrative Compulsory Law been carried out. Ultimately, the court made a judgment confirming the violation in accordance with Article 70 of the Administrative Litigation Law. As neither party was able to provide a basis for loss assessment, the court ultimately determined the amount of compensation based on the third paragraph of Article 47 of the Interpretation of the Supreme People’s Court on the Application of the Administrative Litigation Law of the People’s Republic of China, with the judge’s discretion, in accordance with his life experience. Given that the Urban and Rural Planning Law, as a special law, has limitations in regulating illegal buildings under construction, it is necessary to strengthen the legal basis by improving the Administrative Compulsory Law, a general law (Sun, Y. P., 2023, pp. 158-160). Procedural flaws are particularly common in the announcement stage. In the administrative

confirmation case of Huangshi City's Moumou Ecological Agriculture Professional Cooperative against the People's Government of Moumou Town, Yangxin County and Xu Mouhua, the "Notice of Order to Stop Illegal Construction" involved in the case failed to inform the rights and obligations, and there was no evidence to prove that separate notification had been made, resulting in the deprivation of the rights of the parties involved. In this regard, the court, in accordance with Article 76 of the Administrative Litigation Law and Articles 2, 4 and 36 of the State Compensation Law, ordered the administrative organ to bear the liability for property damage compensation. This case particularly cited the reversal of the burden of proof as stipulated in Article 11 of the "Judicial Interpretation on Administrative Compensation of the Supreme People's Court", demonstrating that when courts are confronted with procedural violations and clear losses, they adopt a review path of confirming the violation and supporting compensation. In addition, non-standard evidence fixation is also an important manifestation of program node defects. In the case where Gou Mouyuan sued the Guancang Town Government for administrative compensation and non-criminal compensation, the defendant administrative agency failed to conduct full audio and video recording and did not register the items in the property preservation house, which led to the inability to accurately identify the involved property. The court directly ruled that the administrative agency should make advance compensation for the loss part and, in accordance with the provisions of the above-mentioned judicial interpretation, combined with the on-site evidence and common sense, determined the compensation amount at its own expense. In the case of Xu Mouxia v. the People's Government of Heping Town, Yuzhong County for non-criminal compensation, the court pointed out that the defendant's forced demolition methods were improper, resulting in the damage or loss of the plaintiff's recyclable building materials, and compensation should be given. At present, the law enforcement means for the demolition of illegal constructions are lacking, which puts the authorities in a dilemma of insufficient deterrence when responding to resistance, and tough enforcement is prone to intensify conflicts (Yu, X. J., 2020). Moreover, the defendant failed to register and preserve the items inside the house. In response, the court, in accordance with Article 4 and Article 36 of the State Compensation Law, determined that this act was illegal and caused property damage. At the same time, in accordance with the specific provisions on interest calculation in the judicial interpretation, the court ordered compensation for direct losses.

As mentioned above, the problem of missing program nodes is often manifested as having what should be but not having it or having what should be but not having it. The root cause lies in the tool-based understanding of procedural regulations by local administrative authorities. In cases where the notification process is missing, the statements and defenses have not been implemented, the enforcement decisions have not been made, the announcement and service processes lack effective proof, and the demolition methods are illegal, the judicial consequences caused by the absence of procedural nodes show a high degree of consistency. Once any key node is missing, it constitutes a serious procedural violation. If property damage is caused as a result, it will also trigger the state's

liability for compensation. Therefore, on the basis of exploring the inherent meaning of the principle of due process presented in the court trial system, the value of procedure should be respected, procedural justice should be guaranteed, and the review standards of the principle of due process should be constructed (Pan, K. L., & Li, G. H., 2018, pp. 86-94).

4. The Judicial Determination Standards for the Illegality of Administrative Compulsory Demolition Procedures

4.1 The Standards for Strengthening Procedural Evidence Review and Reversing the Burden of Proof

This article, through the search of cases involving violations of the compulsory demolition procedures for illegal buildings, reveals that the majority of judgments indicate that courts are gradually increasing their requirements for evidence of procedural facts. If administrative authorities fail to submit a complete chain of documents, such as orders to rectify, notices of demand, announcement records, service vouchers, and compulsory demolition decisions, the courts will directly determine that the procedures are illegal. In the case of Jin Baosong v. the Sanjiang Sub-district Office of Yongjia County People's Government and others for forced demolition of houses and administrative compensation, the court held that the Sanjiang Sub-district Office of the defendant was unable to prove the legality of its procedures, and the consequences of failure to provide evidence should be borne by the administrative organ. This case fully embodies the principle of "he who asserts must prove" stipulated in Article 34 of the Administrative Litigation Law, as well as the provision that administrative organs bear the main burden of proof. Article 35 and Article 37 of the current Administrative Compulsory Law stipulate that when administrative authorities carry out forced demolition, they must strictly fulfill procedural obligations such as prior notice and listening to statements and defenses, and properly file relevant documents for future reference. During the judicial review process, courts have gradually established a legality review standard that the legality of procedural performance must be restored at the evidence level. This standard not only requires administrative authorities to complete procedures such as notification, urging and announcement in form, but also emphasizes the construction of a closed chain at the evidence level to ensure that the legality of the procedures can be restored and verified. In disputes over procedural violations, the legality of administrative acts no longer solely relies on the self-evidence of administrative authorities, but rather requires verification through an objective chain of evidence. Based on this, when judicial authorities apply Article 34 of the Administrative Litigation Law, they should establish a strengthened application standard of reversing the burden of proof: when an administrative counterpart raises a reasonable question about the legality of a procedure and the administrative authority fails to submit evidence forming a closed chain, it is presumed that the procedure is illegal. This standard can enhance the intensity of review of procedural evidence, promote administrative authorities to move from procedural completion to procedural provability, and achieve a deep integration of procedural review and burden of proof.

4.2 The Criteria for Distinguishing Formal Flaws from Substantive Violations

In the judicial determination of procedural violations, courts will distinguish the severity of the circumstances. Therefore, a distinction standard centered on the degree of impact of procedural flaws on rights should be gradually established: if procedural flaws do not affect the substantive outcome of the decision and only constitute minor flaws, they shall not be revoked; If the defect leads to restrictions on the counterparty's right to state and defend, unclear facts or damage to rights, it will constitute a substantive violation and should be revoked. For instance, in the case of Xu Shengjie mentioned above, although the decision to demolish within a time limit was missing, it did not affect the legality of the demolition. It was only confirmed as illegal and not revoked. In the case of a certain ecological agricultural professional cooperative in Huangshi City, as the "Notice of Order to Stop Illegal Construction" did not specify this content, the plaintiff was deprived of the rights to make statements, defend themselves and request a hearing. The court determined that the act was substantially illegal and revoked the notice. Of course, such revocation does not lead to the invalidity of administrative acts. Violations of legal procedures by administrative acts neither lead to nor should lead to the invalidity of administrative acts. Therefore, they should be fundamentally denied (Yang, D. F., 2024, pp. 1002-1020). This distinction standard is in line with the essence of Article 70 of the Administrative Litigation Law, that is, the people's court should focus on whether the illegal circumstances have an impact on the legality of the administrative act, rather than merely being confined to formal procedures. As a result, judicial review can move from formal legality to substantive legitimacy, ensuring administrative efficiency while making the boundaries for correcting errors in administrative actions clearer.

4.3 The Empirical Review Standards for Compensation for Procedural Violations

In compensation lawsuits arising from administrative forced demolition, the court should establish an empirical review standard with illegality, damage and causal relationship as the core elements: if the procedural violation directly leads to property loss and the demolition object has legitimate rights and interests, the liability for compensation can be established. Both Article 4 of the State Compensation Law and Article 76 of the Administrative Litigation Law reflect this requirement. The establishment of administrative compensation must be based on the premise that the administrative act is illegal and has caused actual damage. In the case of Guo Moujie, although the illegally constructed structures themselves are illegal, the building materials will not become illegal property as a result. Neither party has provided conclusive evidence to prove the amount of loss of the rock wool board iron house involved in the case, and both have stated that they will not apply for an appraisal. Therefore, the court will determine the compensation at its discretion. Courts still tend to protect the legitimate interests of the claimant in building materials and do not mechanically exclude compensation. In the search process of this article, the proportion of such cases is not small. When determining the scope of compensation, courts tend to combine the evidence at the judge's disposal and common sense in life to determine the amount of loss at their discretion. If the administrative agency fails to retain video evidence or

assessment materials, the court will regard this as the consequence of failure to provide evidence due to procedural violations, and the administrative agency shall bear the responsibility. Considering the discretionary coefficient in this way aims to ensure that courts can fully exercise their discretionary power in accordance with the characteristics of each specific case when hearing various cases, and avoid mechanically applying discretionary rules (Chen, X. X., & Zhu, R. N., 2024, pp. 86-90). The establishment of this standard can promote the transformation of administrative compensation from formal judgment to empirical review based on evidence and results, making compensation judgments more predictable.

5. The Improvement Path of the Judicial Determination Standards for the Illegality of Administrative Compulsory Demolition Procedures

The procedural violations of administrative forced demolition exposed during the judicial adjudication process highlight the poor operability of law enforcement. The essence lies in the tension between institutional texts and law enforcement practices. First of all, the principle requirements of legal provisions regarding procedures have been clearly defined; On the other hand, administrative authorities have operational flexibility and discretionary space in complex law enforcement scenarios, which leads to the simplification, skipping or even evasion of procedures. At the institutional level, the ambiguity of some procedural rules provides the possibility for implementation deviations. For instance, the flexible expression of the “notice period” in Article 35 of the Administrative Compulsory Law may lead to differentiated operational standards in different regions. In practice, due to the limited law enforcement resources at the grassroots level and the efficiency-oriented approach of performance assessment, procedural irregularities have become a frequently occurring issue in judicial determinations. Furthermore, as a high-authority act, the procedural legitimacy of administrative forced demolition not only concerns the rights relief in individual cases but also directly affects the credibility of administrative agencies and the overall process of building a law-based government. This also means that the governance of procedural violations by judicial authorities needs to go beyond the simple institutional level. Therefore, this study suggests that the following aspects can be considered to improve the normative improvement path for the operability of judicial determination standards.

5.1 The Document Chain Is Included In the Necessary Review Items for the Initial Judicial Trial

When hearing cases of forced demolition, the court should clearly take the integrity of the document chain as the first requirement for the initial judicial trial. Specifically, it should be determined whether the procedure has been initiated in accordance with the law based on the written order and the list of evidence. The list of evidence includes the decision to order rectification or the decision to demolish within a time limit, the notice of demand, the written or electronic delivery certificate, the announcement record, the decision on compulsory enforcement, as well as the image or mapping report of the demolition site. The review results should be listed in the form of items in the reasoning of the judgment. If the administrative agency is unable to provide evidence for each item, it should clearly

point out the missing items in the reasoning of the judgment and apply the procedure of reversing the burden of proof as illegal. By institutionalizing the document chain as the threshold for the initial trial of cases, judicial authorities can leverage their judicata power to urge administrative agencies to improve evidence retention and procedural compliance before law enforcement, thereby reducing lawsuits caused by the practice of dismantling evidence before obtaining it from the source.

5.2 Refine the Key Points for Identifying Formal Flaws and Substantive Violations

In the judgment, the court should clearly take the test of rights impact as the objective criterion for distinguishing procedural formal flaws from substantive violations. It is suggested that in the reasoning of the judgment, a judgment be made one by one based on four key points: whether the initiation is legal, whether the nodes are complete, whether the evidence can be restored, and whether the rights are guaranteed. First, if the absence of any one of these key points directly causes the party to lose the opportunity to state and defend or to hear, or leads to the inability to restore the facts, then the administrative act should be determined to constitute a substantive violation and be revoked. Secondly, if the defect is merely in terms of procedural form and does not affect the substantive rights of the parties involved, the administrative act can be confirmed as illegal, but the administrative organ should be ordered to make corrections or provide explanations. Courts should clearly list the factual and legal basis for adopting this standard in their judgment documents, so as to reduce the differences in judgment standards among different courts.

5.3 Clarify the Evidence Standards and Loss Determination Rules for Compensation Review

When hearing administrative compensation cases based on procedural violations, courts should specify the evidence standards for the three elements of illegality, damage and causality. In cases where administrative authorities fail to submit key procedural evidence, the court should apply an unfavorable presumption or reverse the burden of proof, and require the administrative authority to bear the main burden of proof for the scope of damage or the causal relationship. In cases where it is impossible to accurately determine the losses, the judgment may be made based on the authorization of the “Interpretation of the Supreme People’s Court on the Application of the Administrative Litigation Law of the People’s Republic of China”, in combination with the evidence on file, expert assessment opinions or common sense of life, and the basis for determination and calculation methods shall be clearly stated in the judgment. In addition, courts can establish several exemplary standard templates for calculating demolition compensation within their jurisdiction, such as the pricing basis standards for building materials value assessment items and labor and transportation cost items, to ensure consistency and predictability of discretion.

5.4 Establish Judicial Acceptance Standards for Electronic Evidence and Full-Process Imaging

The forced demolition work should establish a chain of evidence throughout the entire process, covering on-site photos, videos, surveying and mapping data, announcement records, and execution logs, etc. Given that evidence at the demolition site is prone to loss, it is suggested that the court clarify the key points for accepting electronic evidence and video evidence. The submitter is required to

simultaneously clarify the generation time of the evidence, the acquisition path, the integrity of the link, and the source data such as the timestamp. For the image materials submitted by administrative authorities, the court shall require them to be mutually corroborated with independent surveying and mapping, third-party appraisal or other evidence on record before they can be accepted. Introducing modern information technology into administrative law enforcement and leveraging digital technology to improve the governance environment and expand its scope of application also needs to be carried out under the constraints of the legal order (Sun, W. N., 2024, pp. 52-62). In judicial practice, courts should demonstrate in their judgments the reasons for accepting or not accepting electronic evidence, so as to form evidence rules that can be followed in judicial practice, and thereby encourage administrative authorities to retain evidence in accordance with the law simultaneously before dismantling it.

5.5 Establish a Closed-Loop Mechanism for Judicial Feedback and Administrative Compliance

To enhance the effectiveness of institutionalization, it is suggested that judicial authorities be able to conduct feedback work in a standardized manner after making judgments. In the judgment, in addition to ruling on individual case relief, the types of deficiencies in administrative procedures and the directions for rectification should also be clearly pointed out through attached explanations or judicial suggestions. Typical types of violations should be summarized within an annual or semi-annual period and fed back to the competent administrative department and grassroots law enforcement units. At the same time, it is suggested that local judicial administrative organs and administrative authorities work together to formulate a compliance list for forced demolition, incorporate the determination elements adopted by courts in their judgments into the administrative law enforcement review form, and include them in the compliance guidelines for the pre-law enforcement review procedures. By leveraging the guidance of judicial decisions and the introduction of administrative compliance guidelines, a closed-loop system is formed, from judgment to feedback, then to law enforcement rectification, and ultimately to judicial supervision. This not only ensures the timeliness of judicial relief but also effectively promotes the structural optimization of the law enforcement process.

6. Conclusion

Administrative compulsory demolition is at the intersection of public governance and the protection of individual rights. Whether its procedure is proper or not only concerns the outcome of individual case handling but also reflects the operational level of administrative power. The violation of judicial review procedures does not hinder administrative decision-making, but rather serves as a calibration of the boundaries between power and rights. The determination standards formed by judicial trials can serve as external norms for administrative law enforcement and also draw clear boundaries for the actions of administrative organs. In the process of forced demolition, procedure is the subject that carries rights, and procedural justice is the prerequisite for ensuring the credibility of substantive judgments. The gradual formation of judicial determination standards has provided clear boundaries for administrative authorities at the operational level and also prompted them to re-examine the value of procedures while

pursuing governance effectiveness. In the future, with the improvement of digital governance, the traceability of evidence throughout the entire process, and the public participation system, the standardization of administrative compulsory demolition procedures will shift from outcome control to process governance. It is expected that judicial rationality and administrative self-discipline will work in synergy to make administrative forced demolition a model of law-based governance and shape a modern government image that is both powerful and warm.

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