

Original Paper

Research on the Application of the “Daily Penalty” System in Marine Environmental Protection Administrative Penalties: From the Perspective of Illegal Marine Pollution Discharge

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Abstract

The revision of the Marine Environment Protection Law in 2016 introduced the “daily penalty” system, providing a powerful legal weapon against illegal marine pollution discharge. However, the unique characteristics of the maritime law enforcement environment present numerous difficulties in its application: ambiguous criteria for determining “refusal to rectify,” difficulty in ascertaining the starting point for calculating the continuous violation period, and challenges in preserving evidence under special circumstances. This paper reviews the institutional evolution and normative structure of the “daily penalty” system, focuses on the characteristics of illegal marine pollution discharge, and explores the subjective and objective criteria for determining “refusal to rectify,” the rules for establishing the starting point of a continuous violation, and special evidence collection mechanisms under adverse weather conditions and risks of evidence destruction. Based on this analysis, it proposes institutional recommendations to improve the application of the “daily penalty” in marine environmental protection, aiming to promote its standardized operation in maritime law enforcement practice.

Keywords

Administrative Penalty, Marine Environmental Protection, Daily Penalty, Refusal to Rectify

1. Introduction

The marine ecological environment is characterized by fluidity, integrity, and fragility. Once polluted, it is often difficult to restore. To curb the increasingly severe trend of marine environmental pollution, Article 113 of the Marine Environment Protection Law of the People's Republic of China (hereinafter

referred to as the Marine Environment Protection Law) establishes the “daily penalty” system. It explicitly stipulates that for illegal acts that are refused to be rectified, continuous daily penalties shall be imposed in accordance with the provisions of the Environmental Protection Law of the People’s Republic of China (hereinafter referred to as the Environmental Protection Law). However, the application of the “daily penalty” system in the field of maritime law enforcement faces unique challenges distinct from terrestrial environmental enforcement. Illegal marine pollution discharge is characterized by high fluidity, strong concealment, and the perishable nature of evidence. Coupled with complex and variable marine meteorological conditions, critical aspects such as determining “refusal to rectify,” establishing the starting point of a continuous violation, and collecting on-site evidence are fraught with controversies in both theory and practice. How to integrate the general rules of the “daily penalty” with the special context of maritime law enforcement to construct applicable standards and evidence collection rules suited to maritime characteristics has become an urgent issue for the current marine environmental legal system. This paper aims to take illegal marine pollution discharge as the research object, review the normative framework of the “daily penalty” system, delve into the core problems in its application within maritime law enforcement, and attempt to propose preliminary suggestions for institutional improvement, hoping to provide a reference for the standardized operation of marine environmental administrative sanctions.

2. The Institutional Evolution of the “Daily Penalty” System

The formal establishment of the “daily penalty” system in China’s environmental law field began with Article 59 of the revised Environmental Protection Law in 2014. This law marked the first time a basic law introduced the system of continuous daily penalties, aiming to effectively address the structural defect of “low cost for violating the law” in environmental pollution acts through an accumulative penalty mechanism where “the longer the violation lasts, the higher the fine.” Subsequently, specific laws such as the Air Pollution Prevention and Control Law and the Water Pollution Prevention and Control Law followed suit, constructing a normative system for daily penalties covering major environmental elements (Yang, R., & Yang, H., 2024). On December 15, 2014, the Ministry of Environmental Protection’s ministerial meeting reviewed and approved the Measures for the Implementation of Continuous Daily Penalties by Environmental Protection Competent Departments (hereinafter referred to as the Measures). These Measures further specified the scope of application, implementation procedures, and calculation methods for daily penalties, enhancing the operability of the daily penalty implementation (Liu, Z. J., 2023).

The system of marine environmental protection is lagging behind. During the 2016 legislative revision, the legislative body drew on the successful experience of land-based environmental law enforcement and added a “daily penalty” clause. Article 113 of the current “Law on Environmental Protection” clearly stipulates: “If enterprises, institutions, or other producers and operators violate the provisions of this Law by discharging, dumping, or disposing of pollutants, wastes, or other substances into the sea,

and are fined and ordered to make corrections, the department or institution that made the penalty decision shall organize a review. If it is found that they continue to engage in such illegal acts or refuse or obstruct the review, they shall be subject to daily continuous penalties in accordance with the provisions of the 'Law on Environmental Protection' of the People's Republic of China.” It can be seen that the current daily penalty system in China mainly applies to illegal discharge of pollutants, and the premise of its application is that the offender has been fined, ordered to correct, or refuses to correct.

3. Application Difficulties of the “Daily Penalty” System in Illegal Marine Pollution Discharge

The behavioral characteristics of illegal marine pollution discharge differ from those of land-based fixed-source pollution, presenting distinct particularities. Marine pollution discharge mostly occurs from vessels, which can navigate freely across vast sea areas. This often leads to a separation between the location where the illegal act occurs, where it is discovered, and where it is investigated, creating difficulties in determining jurisdiction and subsequent follow-up supervision. Furthermore, many marine pollution discharges are short-lived. For example, a vessel might quickly dump waste through an open-bottom design during navigation, with the entire process lasting only a few minutes. This instantaneous nature makes on-site detection extremely challenging. Additionally, natural factors like sea currents, wind, and tides can rapidly dilute and disperse pollutants, making it difficult for water sample collection to accurately reflect the concentration at the time of discharge.

3.1 Ambiguous Criteria for Determining “Refusal to Rectify”

The daily penalty system established in Article 59 of the Environmental Protection Law operates on progressive application requirements: penalty, order for rectification, and refusal to rectify. Determining “refusal to rectify” constitutes a key link in initiating continuous penalties. However, the definition of “refusal to rectify” at the current normative level remains somewhat ambiguous, and applying it to the context of illegal marine pollution discharge further highlights conflicts between theory and practice. Literally, “refusal to rectify” encompasses two dimensions: “refusal,” indicating the subjective mindset of the actor, and “failure to rectify,” representing the objective state (Xu, R., 2025). Article 13 of the Measures for the Implementation of Continuous Daily Penalties by Environmental Protection Competent Departments specifies “refusal to rectify” as two scenarios: first, when a re-inspection finds the illegal discharge of pollutants continuing, focusing on the persistence of the objective outcome; second, refusing or obstructing the re-inspection, focusing on subjective obstructive behavior. This definition provides a basic framework for enforcement practice, but its limitations are equally evident: the provision adopts a “categorized enumeration” approach rather than a “principled definition,” making it difficult to cover complex situations. For instance, if an actor has taken steps to rectify but fails to completely eliminate the illegal consequences due to technical difficulties, can this still be classified as “refusal to rectify”? Similarly, if the failure to rectify within the deadline is due to force majeure, is there a culpable “refusal” subjectively? The current norms lack guidelines for situations involving “attempts made but no effect achieved” or “failure to rectify due to

objective reasons,” leaving enforcement agencies with insufficient normative basis in handling individual cases.

Furthermore, the determination of “refusal to rectify” is logically linked to the normative content of the rectification order itself. Ambiguity in the latter further exacerbates the uncertainty of the former. Whether a rectification order should target “ceasing the illegal act” or extend to “eliminating the illegal consequences” is not uniformly stipulated in current laws. A direct consequence of this normative gap is the drift in the criteria for judging “refusal to rectify”: if the rectification order is understood merely as a command to stop the act, then “failure to rectify” is only manifested as the continuation of the act; if it is understood as a composite order including the obligation to eliminate consequences, then “failure to rectify” should also include the failure to remove the pollution consequences. This uncertainty in the normative content means that determining “refusal to rectify” lacks a stable logical premise.

Considering the particularities of maritime law enforcement, transplanting the terrestrial enforcement rules for “refusal to rectify” to the maritime domain further exposes its inherent shortcomings. The “re-inspection logic” presupposed in terrestrial enforcement is based on the relatively fixed spatial location of the violator, allowing enforcement agencies to confirm rectification through another on-site inspection within thirty days after the order. However, the primary subject of marine pollution discharge—vessels—is highly mobile. By the time of re-inspection, the involved vessel may have already left the original sea area, objectively limiting the enforcement agency’s ability to track and supervise. In such cases, the objective criterion of “finding the violation continuing upon re-inspection” faces applicability obstacles: if on-site re-inspection cannot be conducted, it is difficult to directly prove the persistence of the illegal state. Moreover, maritime operations are significantly affected by natural conditions; severe weather might force a vessel to relocate its operation site. When an actor uses such objective reasons as a defense for failing to cooperate with a re-inspection or rectify in a timely manner, determining subjectively whether a “refusal” exists becomes a practical difficulty. The standard of “refusing or obstructing re-inspection” established by current norms presupposes the actor’s active obstructive behavior and is difficult to apply directly in cases where failure to cooperate is due to objective obstacles.

3.2 Difficulty in Determining the Starting Point of a Continuous Violation

Article 59 of the Environmental Protection Law explicitly stipulates that daily continuous penalties shall be calculated from “the day following the date of the order for rectification.” The rationale behind setting this starting point embodies the institutional logic of “granting an opportunity for correction”: the daily penalty is not a punishment for the initial illegal act, but an aggravated liability imposed on the party who, having been given the chance to correct, still fails to do so. In other words, the daily penalty mechanism is triggered only when, after receiving the rectification order, the party objectively continues the illegal state and subjectively intends to refuse compliance (Zhang, K., & Chang, Y.-C., 2022, p. 14994). However, applying this institutional logic to the maritime law enforcement scene

reveals significant challenges to its presupposed factual basis. Taking illegal dumping as an example, enforcement agencies typically discover the violation after the dumping operation is completed, through post-event means such as tracking vessel trajectories, inspecting residual cargo in holds, or nighttime patrols. At this point, ordering the “cessation of the illegal act” factually has no immediate object to stop—the discharge act itself has already concluded, and the pollutants have been released into the marine environment.

This dilemma prompts a theoretical inquiry into the effectiveness of the rectification order system in the maritime context: when the rectification order is issued, the illegal act has already ended. Does the “act” targeted by the order still exist? If not, does the rectification order still hold normative significance? If the rectification order is confined to stopping an “ongoing illegal act,” then for cases where the discharge is completed, the order might face the awkward situation of having “no act to rectify.” However, if the validity of the rectification order is denied on these grounds, it would mean that in cases of instantaneous discharge, the daily penalty system might be inapplicable due to the void starting point. This clearly contradicts the legislative intent of strengthening marine environmental protection and curbing persistent illegal behavior.

A deeper issue lies in the unclear functional role of the rectification order in illegal marine pollution discharge cases. From a literal interpretation, the rectification order targets the correction of the “illegal act.” From a teleological interpretation, its purpose is to prevent the continuation or recurrence of the illegal state. However, for a completed discharge act, the illegal state is primarily manifested in the persistent existence of pollution consequences, not the ongoing nature of the discharge act itself. At this point, a controversy arises: should the rectification order target “eliminating the pollution consequences” or “refraining from committing a similar act again”? If the latter, does the criterion for determining “refusal to rectify” need to shift from “continuing the same act” to “committing a similar act again”? These questions remain unanswered within the current normative framework. Furthermore, the fact that the discharge act has ended by the time the rectification order is issued raises questions about the determination of a “continuous state.” The daily penalty presupposes a “continuous state” of the illegal act, with its penalty cycle starting from the day after the rectification order. But if the discharge act has already ceased when the order is given, does a “continuous state” still exist? If “continuous state” is understood as the persistence of the discharge act itself, then clearly it does not. However, if it is understood as the party’s continuous state of violating the obligation set by the rectification order, then the specific content of that obligation needs further definition. This normative uncertainty leaves the application of the daily penalty in marine discharge cases without a clear logical starting point.

Thus, the difficulty in applying the rectification order system to marine discharge cases is essentially a structural tension between the institutional logic of an “act-based penalty” and the factual scenario of a “state-based penalty.” The rectification order targets “ongoing illegal acts,” whereas marine pollution discharge often presents a pattern of “act completed - consequences persist.” If this tension is not

adequately addressed at the normative level, it may not only lead to logical difficulties in applying the daily penalty system in the maritime domain but also potentially affect the effectiveness and credibility of marine environmental protection enforcement.

3.3 The Time-Sensitive Dilemma of Evidence Preservation

Article 17 of the Marine Administrative Penalty Implementation Measures stipulates that where evidence may be destroyed or subsequently difficult to obtain, it may, upon approval, be registered and preserved on a priority basis for a period of seven days. The original intent of this system is to temporarily fix perishable evidence through legal procedures, providing a basis for subsequent investigation, evidence collection, and fact-finding. However, applying this time limit rule to the maritime law enforcement context, the fluidity and uncontrollability of the marine environment, coupled with the evanescent nature of the evidence itself, means that the statutory period of “seven days” often fails to fulfill its intended function to a considerable extent. The resulting dilemma in evidence preservation poses a substantial challenge to the factual foundation for imposing administrative penalties.

Evidentiary materials in the marine environment are highly variable. In illegal discharge cases, for example, primary evidence types include residual substances in holds, water samples, and oil slicks. The existence of such evidence is highly dependent on specific spatiotemporal conditions. Factors like currents, tides, wind, and water temperature can alter the distribution, concentration, and even chemical composition of pollutants within a short time, or even cause them to dissipate completely. Simultaneously, routine operations of the vessel as a mobile platform, such as docking, cleaning, or maintenance, can also lead to the loss of key evidence. In this context, the seven-day preservation period often fails to physically “preserve” the evidence—its loss does not begin after the preservation period expires but accelerates from the moment of the incident, often within hours or even minutes. Moreover, priority registration and preservation is merely the starting point, not the endpoint, of evidence preservation. After completing the registration and preservation, enforcement agencies typically need to initiate procedures like testing and appraisal to obtain probative test reports or expert opinions. However, testing and appraisal themselves take time: submitting samples, scheduling with testing institutions, and the analytical cycle can all mean that the actual completion time of testing exceeds the seven-day preservation period. When the test report is issued, the original sample may have already expired or become invalid, and disputes over the validity of such evidence often become points of contention in subsequent judicial reviews of administrative penalties.

Examining the forced shift in methods of proof, the high risk of evidence destruction compels enforcement agencies to adjust their evidence collection strategies. When direct evidence cannot fully reconstruct the facts of a violation, enforcement practice often turns to collecting and using circumstantial evidence. While such indirect evidence can, to some extent, form a corroborative chain, its probative value heavily relies on the logical correlation and integrity of the chain. In the absence of direct evidence, how to select, integrate, and interpret circumstantial evidence to prove the facts in

issue to the legally required standard becomes a complex issue with both technical and normative dimensions. Especially in administrative litigation, courts tend to scrutinize the integrity of the evidence chain strictly. Whether there are logical gaps in the circumstantial evidence or whether it can exclude reasonable doubt often determines the success or failure of a case. Administrative litigation typically requires the administrative authority to provide evidence that can prove the facts in issue clearly and convincingly. However, when evidence cannot be collected due to natural destruction or its validity is diminished due to timing issues, whether enforcement agencies can meet this standard through supplementing with circumstantial evidence lacks uniform judicial criteria. Different courts may have varying opinions on the probative value of circumstantial evidence, and the same case could lead to opposite judgments depending on the sufficiency of the evidence presented. This uncertainty not only affects the fairness of individual case handling but also impacts the stability and predictability of marine environmental enforcement.

4. Suggestions on the Application of the “Daily Penalty” System to Illegal Discharge of Sewage at Sea

4.1 The Unity of Subjective and Objective in Identifying “Refusal to Rectify”

The term “refusal to rectify” serves as a balanced evaluation criterion for polluters’ compliance with corrective obligations, considering both subjective intent and objective circumstances (Xie, C. X., & Yan, W. L., 2021, pp. 5-8, p. 147). Therefore, in practice, even when corrective measures are not completed on schedule, the subjective intent to refuse compliance should be assessed. If the polluter has indeed started to make corrections and has made efforts but has not achieved the desired effect, it should not be regarded as “refusal to correct”. Offshore operations are highly susceptible to natural conditions, where parties may fail to evacuate contaminated waters promptly due to adverse weather or cease discharges immediately when equipment malfunctions occur. In these cases, if the parties can prove that they have made reasonable efforts but still cannot avoid the continuation of illegal status, the principle of unity of subjectivity and objectivity should be adopted to determine whether it still constitutes “refusal to correct”, and “blameability” should be included in the determination framework. When a party has taken substantive corrective measures but fails to achieve immediate results due to force majeure or unforeseen events, it should not be directly deemed as “refusal to correct”; conversely, if the party passively responds and delays rectification, even if they ultimately cease discharging pollutants passively before the re-inspection, it can still be considered that they subjectively exhibit a “refusal” state.

In addition, the special consideration of “refusal to correct” in maritime law enforcement should be combined with the characteristics of maritime law enforcement. Firstly, the content of the order to correct should be feasible in practice. If a ship is required to immediately cease operations and return to port for inspection under severe weather conditions, which may endanger navigation safety, the party concerned should be allowed to propose a reasonable corrective plan. It would be inappropriate to

simply conclude that the ship refuses to correct by claiming it “did not immediately cease operations.” Secondly, marine pollution control is complex, and certain remediation measures (such as salvaging dumped waste) are objectively difficult to implement. At this point, the focus should be on whether the parties have taken remedial measures commensurate with their capabilities, rather than demanding a complete elimination of the pollution consequences. Finally, whether the parties cooperate with the investigation, truthfully explain the situation, and actively report the progress of correction should be regarded as an important reference for judging the subjective state. The Measures explicitly define “refusal or obstruction of re-examination” as a scenario of non-compliance, meaning that those who actively cooperate with re-examination and truthfully report their corrective actions may be given lenient recognition at the court’s discretion, even if they have not fully met the standards (Man, C. C., 2021).

At the legislative level, it is recommended to further refine the criteria for determining “refusal to correct” in the “Implementation Regulations of the Law on Environmental Protection” or departmental rules, taking into account the particularities of maritime law enforcement: clearly defining the exemption scenarios for active correction. If a party has implemented substantive corrective measures but the effects are delayed due to force majeure or unforeseen events such as severe weather or equipment malfunctions, it shall not be deemed as “refusal to correct”. However, the party concerned should bear the burden of proof and complete the correction in time after the obstacle is removed. The evaluation system should incorporate subjective factors such as cooperation with investigations, proactive reporting of progress in rectification, and implementation of temporary control measures, to avoid judging “refusal to correct” solely based on objective outcomes. The rules of distinguishing different types of pollution discharge behaviors. The former focuses on whether the pollutant discharge is stopped, while the latter focuses on whether the same kind of behavior is carried out again.

4.2 Clarifying the Starting Point and Calculation Rules for Continuous States

The logic starting point of solving the dilemma of continuous state calculation is to reposition the function of order to correct from the purpose interpretation. The normative intention of the order to rectify should not be limited to the prevention of a single illegal act, but should extend to the requirement that the party concerned should not continue to commit the same illegal act. The reasonableness of this explanation is that the penalty imposed by daily penalty is not the past behavior that has been completed, but the continuous violation of the legal obligation. Even if the emission is instantaneous, if the party engaged in the same operation again after receiving the order to correct, it can be considered as “continuing to violate the law”, thus meeting the prerequisite for daily penalty. For instantaneous pollutant discharge, if each discharge is treated as an independent act, daily penalty calculation becomes impractical; conversely, if multiple discharges are considered as a continuous whole, the criteria for determining “continuity” must be established (Ma, X., 2020). The author thinks that the following dimensions can be grasped: First, the continuity of the intention of the behavior, whether the multiple acts of pollution discharge is based on the same subjective intention, the same

purpose of operation, is the core element of the continuity. If the parties continue to dump waste in the same voyage and the same operation contract, even if the dumping time is short, the intention of dumping can be considered as one. On the contrary, if the interval between two discharges is long and the purpose of the operation changes, it should be regarded as different illegal acts. The second is the integrity of the operation plan. The offshore operation is usually carried out according to the pre-established plan. For example, the ship carries out dumping operation in the same sea area for several days, although each dumping behavior can be independently distinguished, but as a whole, it constitutes a complete operation cycle. In this case, it is more consistent with the factual form of the behavior to regard the series of behaviors in the operation cycle as a continuous illegal entity. Third, the interruption effect of supervision intervention, the intervention of law enforcement department and order to correct have the legal effect of interrupting the continuous state, setting up a new obligation of non-action for the party concerned, so that the subsequent behavior of the party concerned has an independent legal evaluation basis. If the party commits another violation after receiving the decision, the continuous state should be recalculated from the beginning, rather than cumulatively with the original act.

The legal effect of ordering correction should be established. The corrective order is not only aimed at the illegal acts that have occurred, but also at warning the party not to continue or repeat the same kind of acts. If the party commits a new violation after receiving the decision, it shall be deemed as a new violation. The establishment of this rule helps to clarify the logical connection between the order to correct and the penalty calculated by day, and avoid the system running empty due to the misreading of the function of the order to correct. In addition, the interruption of the penalty cycle should be regulated accordingly. If the party completely stops illegal operations, voluntarily reports, and accepts supervision, the penalty calculation period shall be interrupted. However, if operations are suspended due to adverse weather or other objective reasons and subsequently resumed, the suspension period shall still be counted within the penalty calculation cycle. Establish the rule of cumulative calculation of multiple violations. For the same type of pollution discharge in the same sea area and operation period, it can be regarded as a continuous violation, and the continuous state can be calculated from the date of the first discovery, but the correction period after the intervention of law enforcement should be deducted.

4.3 Improving Evidence Collection Rules in Special Situations

Evidence Fixation and Procedure Safeguard in Bad Weather Under the conditions of strong wind, fog and night, the difficulty of evidence collection is greatly increased. Therefore, special rules should be constructed from both procedural and substantive aspects. At the procedure level, the emergency evidence collection procedure should be established. In cases where evidence collection cannot be conducted through standard procedures under adverse weather conditions, law enforcement officers are permitted to adopt measures such as simplified documentation, preliminary video recording, and subsequent corrections. The Rules of Investigation and Evidence Collection for Marine Administrative

Law Enforcement stipulate that the on-site record shall truthfully document the time, location, and environmental conditions of the seizure. When weather conditions affect the preparation of the record, the objective situation should be noted in the record to provide background information for the subsequent evidence review. At the entity level, the indirect evidence system should be used reasonably. When direct on-site evidence is unavailable, a complete evidential chain can be formed by cross-referencing documents such as the shipboard inspection record, crew interrogation records, voyage logs, construction records, and AIS trajectory data.

In addition, the risk of evidence loss should be considered in the preliminary registration and preservation as well as the supplementary evidence collection. Article 17 of the Implementation Measures for Marine Administrative Penalties provides that if evidence is likely to be lost or difficult to obtain later, it may be registered and preserved in advance upon approval, with a preservation period of seven days. For maritime law enforcement, the seven-day retention period may be too short, as vessels could depart shortly after and pollutants might dissipate rapidly. In this regard, the following countermeasures may be considered: First, make full use of the “immediacy” of the advance registration and preservation. When evidence is found to be at risk of being lost, the registration and preservation procedure should be initiated immediately, with priority given to securing evidence that is prone to loss. The second is to expand the scope of “evidence”. In addition to traditional physical and documentary evidence, the collection of electronic data should be emphasized, such as VDR (Vessel Data Recorder), AIS (Automatic Identification System) data, and video surveillance footage. These electronic data offer advantages such as tamper-resistance and strong traceability, making them particularly suitable for maritime law enforcement scenarios (Wang, S. C., & Chen, P., 2019, pp. 91-103). Third, establish a fast track for inspection and identification. For samples requiring testing, an emergency testing mechanism should be established with qualified testing institutions to ensure that preliminary testing is completed and results are secured within the statutory retention period.

Finally, the application of the evidential rule of apparent advantage has special significance in the maritime environmental law enforcement. The so-called obvious advantage evidence standard, also known as clear and convincing proof standard, is the main proof standard in administrative litigation, and its strictness is between the advantage evidence standard and the exclusion of reasonable doubt standard. In the case of illegal discharge of pollutants at sea, we should not lower the proof requirement because of the difficulty of obtaining evidence, nor should we demand to exclude all doubts. The key is to examine whether the evidence in the case can corroborate each other and form a complete chain, so that the judge is convinced that the possibility of the existence of illegal facts has obvious advantages. In the context of daily penalty imposition, law enforcement agencies must demonstrate not only the initial violation but also the persistent state of “non-compliance”. For the latter, the evidence of the continuous illegal state can be formed by the comprehensive analysis of the record of the reexamination, the statement of the party concerned, the work log and so on.

5. Conclusion

The introduction of the “daily penalty” system marks the transformation of marine environmental protection law enforcement from “one-time penalty” to “sustained deterrence”. However, the vitality of the system lies in its effective implementation. The mobility, instantaneousness and evidence loss of illegal discharge on the sea pose special challenges to the application of “daily penalty”. This paper attempts to outline the basic framework of daily penalty in maritime from three dimensions: the determination of “refusal to correct”, the starting point of continuous state, and the construction of special rules of evidence collection. Research indicates that the determination of “refusal to rectify” should adhere to the principle of unity between subjective and objective criteria, incorporating “attributability” into the evaluation framework. The calculation of continuous status must account for the persistent nature of maritime operations, with rules established based on the legal effect of corrective orders. For special evidence collection, reasonable application of prior registration and preservation, indirect evidence systems, and the standard of clear advantage evidence should be employed while respecting maritime law enforcement principles. Looking ahead, with the new round of revision of the Law on Environmental Protection and the improvement of supporting regulations, the application of the daily penalty system in the marine field will become increasingly refined and standardized. The law enforcement agencies should adhere to the principle of proportionality between crime and punishment, not only to exert the deterrent function of daily punishment, but also to avoid the mechanical application of the law that damages the legitimate rights and interests of the parties. Only in this way can we realize the dual functions of education and punishment of the administrative penalty system while effectively protecting the marine ecological environment.

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