



ХА ШУЦЗЮЙ,

профессор

Юридического института

Хэйлунцзянского

университета,

доктор юридических наук

hashuju@163.com

150000, КНР, провинция

Хэйлунцзян, г. Харбин,

ул. Сюэфу, д. 74

Характеристики надзорного права в Китайской Народной Республике¹

Аннотация. В современном Китае законодательство в области надзора обладает уникальными характеристиками, сочетающими правовой и политический аспекты, выступая в качестве связующего звена между национальным законодательством и партийными нормативными актами, обеспечивая тем самым институциональную основу для перевода борьбы с коррупцией в русло правового регулирования. Надзорные законы тесно увязаны с внутренними партийными документами, отражают ключевые принципы и концепции внутрипартийного регулирования и, по сути, являются юридическим выражением партийной дисциплины, что придает им более заметную политическую направленность по сравнению с обычными правовыми нормами. Политическая сущность надзорных законов проявляется в их неизменной приверженности руководству партии, служению общим задачам партии и государства, а также защите фундаментальных интересов народа.

Юридические характеристики надзорного законодательства заключаются в его центральной роли в системе правового государства, определяемой конституционной обусловленностью, специализированным характером и процессуальной регламентацией.

Ключевые слова: надзорное право, политическая сущность, юридические признаки

DOI: 10.17803/2311-5998.2026.141.5.186-194

¹ Статья выполнена в рамках научно-исследовательского проекта Министерства юстиции Китайской Народной Республики по проблемам построения правового государства и исследованию теории права на министерском уровне в 2024 г. на тему «Исследование системы административной медиации в контексте комплексного урегулирования споров» (номер проекта: 24SFB2010), а также в рамках ключевого проекта по научным и социально-экономическим исследованиям провинции Хэйлунцзян на 2025 г. на тему «Исследование путей подготовки высококвалифицированных кадров в области верховенства права, ориентированных на сотрудничество с Россией, в контексте национальной стратегии».

HA SHUJU,

Professor, Law School of Heilongjiang University, Doctor of Law

hashuju@163.com

No. 74, Xuefu Street, Harbin City, Heilongjiang Province, China

Characteristics of Supervisory Law in the People's Republic of China

Abstract. *In modern China, surveillance legislation has unique characteristics that combine legal and political aspects, acting as a link between national legislation and party regulations, thereby providing an institutional framework for translating the fight against corruption into legal regulation. Supervisory laws are closely linked to internal party documents, reflect the key principles and concepts of internal party regulation, and are essentially a legal expression of party discipline, which gives them a more visible political focus than conventional legal norms. The political essence of the supervisory laws is manifested in their unwavering commitment to the leadership of the party, serving the common goals of the party and the state, as well as protecting the fundamental interests of the people. The legal characteristics of supervisory legislation are its central role in the system of the rule of law, determined by constitutional conditionality, specialized nature and procedural regulation.*

Keywords: *supervisory law, political essence, legal characteristics*

1. The development of surveillance legislation in modern China

The establishment of the supervisory system in modern China has primarily depended on the creation of a Control Commission, along with the development and refinement of supervisory laws and regulations.

On March 11, 2018, the First Session of the 13th National People's Congress adopted the "Amendment to the Constitution of the People's Republic of China". Article 52 of the amendment stipulates that the seventh section "Supervisory Commission" shall be added to Chapter 3 "State Institutions" of the Constitution². The most distinctive feature of the oversight system reform lies in the consolidation of previously fragmented anti-corruption functions — formerly dispersed across multiple departments — into a centralized authority, namely the National Supervisory Commission. This marks a transition from the initial decentralized model of "multi-departmental collaborative involvement" to a current model characterized by centralized coordination and unified operations. The establishment of the National Supervisory Commission reflects not only a structural transformation at the national institutional level driven by the reform of the state supervision system, but also a fundamental reorganization informed by a critical assessment of traditional anti-corruption agencies and their operational strategies.

² See: Amendment to the Constitution of the People's Republic of China // URL: https://www.gov.cn/xinwen/2018-03/11/content_5273222.htm (accessed: 20.08.2025).

This reform has significantly reshaped both the primary law enforcement mechanisms for anti-corruption efforts and their underlying institutional framework, while exerting direct and tangible effects on the targets of supervisory activities³.

On March 20, 2018, at the first session of the National People's Congress of the 13th convocation, the Supervision Law of the People's Republic of China⁴ was adopted. The publication and entry into force of this Law have provided a solid legal foundation for the operational activities of the Oversight Commission. As a significant institutional achievement in advancing the reform of the state supervision system, this Law plays a pivotal role in strengthening the Party's centralized and unified leadership over anti-corruption efforts, establishing a centralized, unified, authoritative, and efficient state supervision system with Chinese characteristics, and achieving comprehensive oversight coverage of all public officials.

On October 26, 2019, the Fourteenth Meeting of the Standing Committee of the Thirteenth National People's Congress adopted a decision authorizing the National Supervisory Commission of the People's Republic of China to formulate supervisory rules. This authorization enables the Commission to promulgate regulations in accordance with the Constitution and the laws of the People's Republic of China. On September 20, 2021, with the approval of the Central Committee of the Communist Party of China, the National Supervisory Commission issued Announcement No. 1, publishing the "Regulations on the Implementation of the Supervision Law of the People's Republic of China"⁵.

On December 25, 2024, at the thirteenth meeting of the Standing Committee of the National People's Congress of the fourteenth convocation, it was decided to amend the Law on Supervision. These amendments, based on Xi Jinping's "Thoughts on Socialism with Chinese Characteristics in the New Era", reflect the state will and important decisions of the CPC Central Committee to further deepen the reform of the state supervision system. The amendments include strengthening the rule of law in the field of surveillance, in particular by supplementing the provisions on "respect for and protection of human rights and freedoms"; improving the procedure for conducting inspections and inspections, as well as clarifying their scope; optimizing the timing of detention measures and strengthening anti-corruption tools and measures⁶.

On June 1, 2025, the revised Provisions on the Application of the People's Republic of China Supervision Law were issued through Announcement No. 2 of the National Supervisory Commission⁷. This revision aims to ensure the accurate implementation

³ *Chen Wei*. The Scope of Jurisdiction for Investigation of Duty-related Crimes from the Perspective of Full Coverage of Supervision, *Legal Science // Journal of Northwest University of Political Science and Law*. 2024. No. 4. P. 152—153.

⁴ The Supervision Law of the People's Republic of China // URL: https://www.gov.cn/xinwen/2018-03/26/content_5277463.htm (accessed: 24.09.2025).

⁵ Regulations on the Implementation of the Supervision Law of the People's Republic of China // URL: https://www.ccdi.gov.cn/fqk/law_display/7100 (accessed: 20.08.2025).

⁶ The full text of the Law on Supervision (amended version dated December 2024, effective June 1, 2025) // URL: https://www.lyjw.gov.cn/sitesources/lysjwjcw/page_pc/xsqjw/xgq/djfg/article75666ce8bb8a44a38b1b7bd174f420ac.html (accessed: 24.9.2025).

⁷ Announcement of the National Control Commission of the People's Republic of China (No. 2) // URL: https://www.ccdi.gov.cn/toutiaon/202505/t20250530_425980_m.html (accessed: 24.9.2025).

of the Supervision Law by incorporating recent legislative amendments, consolidating and further advancing achievements from the reform of the national supervisory system, and reinforcing the principle of accountability in the exercise of supervisory authority. Key revisions include enhancing the general provisions to emphasize the rule of law in supervisory activities — for instance, a new clause has been added to stipulate “ensuring the impartial exercise of supervisory powers in accordance with the law”; clarifying and strengthening the functional responsibilities of supervisory organs to align with contemporary requirements of supervisory practice, including the establishment of new standards for oversight in the field of information technology; and refining procedures for inspections and investigative operations to guarantee legal compliance and ensure comprehensive, effective coverage of supervised entities.

2. Discussion on the Nature of Surveillance Legislation

The principal characteristics of supervisory regulations constitute a critical component in the study of supervisory legislation. The issue concerning the legal nature of these regulatory instruments continues to be a subject of scholarly debate within Chinese academic circles. Some scholars regard supervisory regulations as independent legal norms that are analogous in nature to general laws and regulations, and recommend examining their characteristics through the application of fundamental principles of legal regulation⁸.

Other scholars interpret supervisory norms as political directives characterized by party-specific norms, and tend to analyze them through the lens of internal party regulations⁹. The third group of experts highlights the interdisciplinary character of supervisory norms, which integrate legal and political dimensions, viewing them as an institutional mechanism that facilitates coordination between state legislation and intra-party regulations while serving as a critical safeguard in strengthening anti-corruption efforts grounded in the rule of law¹⁰.

The first perspective overlooks the fact that supervisory regulations were established within the broader context of reforming the national supervision system to meet modern governance requirements. Concurrently, the Supervisory Commission was integrated with the Party's Discipline Inspection Commission and placed under the leadership of Party committees at all levels, thereby ensuring the Party's centralized and unified leadership in anti-corruption efforts. As a result, these regulations possess not only legal significance but also distinct political characteristics.

The second perspective, while acknowledging the practical integration of the Discipline Inspection Commission and the Supervisory Commission and recognizing

⁸ *Qin Qianhong, Shi Zehua*. The Nature, Status and Legalization of Supervisory Regulations // Legal Forum. 2020. No. 6. P. 89.

⁹ *Wang Jianqin, Chen Siyu*. Strong Political Legal Norms: Reconsidering the Nature of Supervision Regulations — Based on the “Regulations on the Implementation of the Supervision Law” // Henan Social Sciences. 2022. No. 5. P. 5—7.

¹⁰ *Wang Yuan*. Research on the Basic Attributes of Supervisory Regulations // Journal of Shanghai University of Political Science and Law. 2024. No. 03.

the close linkage between supervisory norms and internal Party regulations, fails to appreciate the critical role of supervisory regulations in upholding the rule of law in anti-corruption work. Furthermore, it neglects the unique legal attributes that distinguish supervisory regulations from internal Party rules.

The author adopts the third stance. On one hand, supervisory regulatory acts — classified as legislative and subordinate legal instruments — are closely aligned with criminal law, criminal procedure law, and other branches of statutory legislation. They conform to general legal standards and exhibit the defining characteristics of legal norms. On the other hand, these acts also correspond to party regulations, reflecting the fundamental principles and concepts of intra-party rule systems. In effect, they serve as a legal manifestation of internal party rules and carry heightened political significance compared to ordinary legal instruments. Therefore, in formulating supervisory regulations, it is essential to fully recognize their distinctive attributes and ground the development process in a comprehensive understanding of their dual nature — encompassing both legal and political dimensions.

3. Political attributes of surveillance legislation

Political attributes reflect the essential characteristics and value foundation of the control and supervision system. Disciplinary control and oversight constitute integral components of a political system, and the authority to conduct inspections and exercise supervisory powers represents a direct expression of political authority. Acknowledging the leadership role of the Communist Party of China within the overarching framework of national governance is a central objective of the state supervision system¹¹. The initial objective of the government oversight reform was to strengthen and consolidate the leading role of the Communist Party of China (CPC) in anti-corruption efforts aimed at overcoming obstacles to corruption in order to achieve Chinese-style modernization.

The Control Commission, which acts as a specialized body performing the functions of State supervision, is exclusively political in nature and does not belong to either the judicial or administrative branches of government. The legislation being formed under the leadership of the Chinese Communist Party corresponds to the process of modernization and transformation of the country in the context of its unique historical and cultural traditions, reflecting the relationship between the rule of law and politics in modern China. Since the implementation of the rule-of-law strategy, China has consistently proclaimed the concept of legislation under the leadership of the Communist Party, which has been repeatedly emphasized in key official documents and in major political forums¹². Currently, the fight against corruption is regarded as a key priority of state policy, as evidenced by legislative initiatives in the field of oversight.

¹¹ See: *Wang Xipeng*. Disciplinary Inspection and Supervision in the Process of Chinese-Style Modernization: Institutional Attributes, Capacity Requirements, and Role Mechanisms // Journal of the Party School of the Central Committee of the C.P.C. (National Academy of Governance). 2025. No. 4. P. 128.

¹² See: *Zou Yanyan*. The Party Leads Legislative Activity: Rationale, Doctrinal Foundations, and Institutional Support // Huxiang Forum. 2022. No. 1. P. 87.

The emphasis on the Party's leading role in formulating regulatory oversight measures constitutes a central component of this legislative framework. The political direction of supervisory legislation is defined by adherence to Party leadership, facilitating the realization of shared strategic objectives between the Party and the state, while safeguarding the fundamental interests of the people.

3.1. Observance of the principle of absolute leadership of the party

The development, revision and implementation of laws and regulations in the field of supervision are always based on the leadership of the Chinese Communist Party as a fundamental principle. This approach consolidates and standardizes the centralized and unified leadership of the party's supervisory activities in the form of laws and regulations, ensuring that the supervisory authorities perform their duties exclusively under the leadership of the party. This serves as an important institutional guarantee for advancing the party's self-revolution and deepening comprehensive and strict self-control. In accordance with this, article 2 of the Law on Supervision states: "State supervision is carried out under the leadership of the Chinese Communist Party."

In the domain of disciplinary control and oversight, Party leadership and the promotion of an honest government are not only closely interconnected but also mutually reinforcing. The centralized leadership of the Party in combating corruption facilitates the systematic consolidation of years of accumulated experience and institutional knowledge, ensures goal alignment and unified action, and thereby enables a coherent integration of the Party's objectives with national priorities, developmental tasks, and societal interests. This framework fully leverages the strategic advantages inherent in Party leadership. Consequently, the integration of Party and state governance represents a fundamental manifestation of the Party's leading role in the oversight system. Unified Party leadership and the coordination of supervisory functions ensure the seamless integration of Party and state monitoring mechanisms, enhance the comprehensiveness and effectiveness of the oversight system, strengthen the authority of anti-corruption efforts, and enable comprehensive supervision over all public officials exercising authority.

3.2. Promoting the Implementation of the Shared Strategic Objectives of the Party and the State

Legal and regulatory frameworks in the supervisory domain serve not only to standardize the exercise of oversight authority but also to advance strategically significant objectives of the Party and the State, such as combating corruption and modernizing the public administration system. By clearly delineating the scope, responsibilities, and procedures of supervisory activities, these frameworks enhance accountability and institutional checks on public officials, reinforce the rule of law, support political stability, ensure the effective operation of state institutions, and facilitate the consistent implementation of major policy decisions by the Party and the State, thereby contributing to their successful realization.

The anti-corruption campaign in China is conducted under the centralized and unified leadership of the Communist Party of China (CPC) Central Committee, with discipline inspection and supervisory organs carrying out their duties in a coordinated and systematic manner, reflecting the distinctive characteristics of

China's institutional framework¹³. The Chinese model of anti-corruption governance is party-led, operating under the centralized and unified leadership of the Communist Party of China (CPC). In this framework, Party committees at all levels bear primary responsibility for implementing anti-corruption policies, while supervisory organs at corresponding levels ensure effective organizational execution. A pivotal development following the 18th National Congress of the CPC was the comprehensive reform of the disciplinary inspection and supervision system, which emerged as a major institutional innovation within the national anti-corruption strategy and significantly advanced the implementation of related measures. Under this mechanism, Party committees assume principal responsibility, while disciplinary inspection commissions assist Party committees in coordinating anti-corruption efforts. These commissions function as specialized anti-corruption agencies operating under the Party's unified leadership. Furthermore, disciplinary inspection and state supervision bodies operate through an integrated institutional structure, facilitating the seamless convergence of their functions. This institutional arrangement — integrating Party-led initiatives with state supervision — represents a critical advancement in China's governance system, substantially enhancing the effectiveness of anti-corruption mechanisms and establishing a solid foundation for advancing socialist modernization with Chinese characteristics¹⁴.

3.3. Protecting the fundamental interests of the people

The supervisory authority constitutes one of the fundamental powers entrusted by the people to the state under modern governance frameworks, serving as a critical mechanism for combating corruption and ensuring the impartial exercise of public authority. The Commission for Discipline Inspection functions as the principal institution responsible for overseeing the conduct of civil servants on behalf of the citizenry, thereby guaranteeing that the exercise of state power aligns with the will and interests of the people¹⁵. In this capacity, the supervisory authority embodies the practical application of popular sovereignty within the state's oversight system. The standardized and systematic operation of this authority enables comprehensive public oversight across public service and administrative domains, thus effectively safeguarding the fundamental rights and interests of the populace. The Supervision Law, which prioritizes the prevention and punishment of corruption and misconduct detrimental to citizens' interests, enhances the institutional framework for exercising state power. It curbs arbitrary decision-making and official malpractice, formally institutionalizes the people's right to participate in state governance, implements the principle of "putting the people at the center," and reinforces the social foundation of party leadership.

¹³ Contribution to the high-quality development of disciplinary control and supervision in a new era: an interview with Wu Yulian, Chairman of the Chinese Association of Disciplinary Control and Supervision // Chinese Journal of Disciplinary Control and Supervision. 2023. No. 24. P. 23.

¹⁴ See: *Wang Xipeng*. The origin, evolution and essence of "disciplinary control and supervision" // Research on disciplinary control and supervision in China. 2025. No. 1. P. 41.

¹⁵ *Zhang Yang, Han Qian*. Theory and optimization of the mechanism of implementation of supervisory powers in the context of synergy of disciplinary control and legal regulation // Journal of Zhengzhou University. Philosophy and social sciences. 2025. No. 4. P. 71.

Supervisory standards are generally binding, possessing distinct legal characteristics while also exhibiting commonalities with other laws and regulations. The legal attributes of supervisory regulatory actions are defined by their constitutional foundation, functional specificity, procedural legitimacy, and their pivotal role within the broader legal system.

4. Legal Characteristics of the Legislative Framework on Supervision

4.1. The constitutional basis of the legislation on supervision

Supervisory regulatory acts are grounded in the Constitution as the fundamental legal framework and are strictly guided by its provisions regarding the nature, status, functions, and powers of supervisory authorities. These acts serve as a concrete manifestation of the constitutional supervision system and must not contravene its principles or underlying spirit, ensuring that state supervision activities are conducted strictly within constitutional boundaries. Consequently, the operation of supervisory authorities is supported by a robust and well-defined legal framework. The constitutional provision of the People's Republic of China stating that "The Supervisory Commissions at all levels are the state supervisory organs"¹⁶ establishes their independent institutional status, clearly delineates their functional role within the national system of power oversight, and provides a solid legal basis for the legitimacy of supervisory authority at the foundational level of the legal system.

4.2. The specialized nature of surveillance legislation

Supervisory legislation exclusively governs legal relations within the supervisory domain by establishing a well-defined framework of powers for supervisory authorities, including monitoring, investigation, and the imposition of disciplinary measures against public officials. It delineates the scope and limits within which these powers may be exercised and sets forth procedures for document management and other organizational matters. Importantly, it does not encroach upon the substantive regulatory domains of civil, criminal, or administrative law, thereby constituting an independent body of legal norms in the field of supervision.

The supervisory authority, established under the PRC Law on Supervision, possesses a distinct legal status that sets it apart from traditional governmental institutions. First, in terms of functional scope, it encompasses not only broad oversight responsibilities but also integrates administrative investigation and disciplinary disposition powers, as well as certain functions traditionally associated with the judiciary, thereby forming a hybrid anti-corruption mechanism that unifies administrative, judicial, disciplinary, supervisory, and investigative functions. Second, regarding its structural composition, the supervisory authority incorporates characteristics typically distributed across the legislative, executive, and judicial branches, exercising authority over all stages of the public official lifecycle — from appointment and management to supervision and accountability — thus constituting a comprehensive and cross-functional governance entity with extensive jurisdictional authority.

¹⁶ The Constitution of the People's Republic of China // URL: http://www.npc.gov.cn/npc/c191/c505/201905/t20190521_263492.html (accessed: 25.09.2025).

4.3. Procedural Legality

Procedural justice, also known as due process, is a universal principle that embodies “visible justice”¹⁷. It is upheld through the consistent application of established, rational procedures and methodological steps.

The Supervision Law, enacted at a pivotal stage in China’s ongoing legal modernization and the advancement of the rule of law, was formulated with a clear recognition of the significance of adhering to procedural norms and the potential risks arising from their violation. In this context, the legislation places substantial emphasis on supervisory procedures: not only do the General Provisions affirm fundamental principles such as legality and procedural compliance, but key substantive chapters also underscore the necessity of strict adherence — particularly in regulating evidence collection and safeguarding the rights and legitimate interests of individuals under investigation. Notably, stringent regulatory requirements have been established for operational investigative measures and the application of detention. Consequently, the legislative framework in the field of supervision establishes comprehensive and rigorous legal procedures governing every phase of supervisory authorities’ operations — from preliminary verification and case initiation to investigation, evidence handling, documentation of communications, complaint review, and decision-making regarding persons under supervision. These provisions serve not only to clearly delineate the exercise of supervisory authority and prevent its misuse but also to uphold citizens’ rights and legitimate interests, thereby aligning with core rule-of-law principles, including governmental legality and due process.

Conclusion

Supervisory laws constitute a distinct category of regulations that occupy an intermediate position between sector-specific legal statutes and intra-party directives, thereby exhibiting unique characteristics. The National Supervisory Commission is the sole authority responsible for formulating these laws. As a political institution by nature, its involvement imparts a distinctly political character to supervisory laws, distinguishing them from ordinary legal instruments. In substance, supervisory norms represent a legally codified form of internal party regulations and must align with the fundamental principles and frameworks governing such intra-party rules. Nevertheless, as supervisory laws are classified as formal legal acts, they possess corresponding legal attributes and must remain consistent with other relevant sectoral laws. Furthermore, they must be drafted in accordance with established standards for the formulation of regulatory documents. Given the institutional integration and equal standing of the Disciplinary Inspection Commission and the Supervisory Commission within a unified structure, the political and legal dimensions of supervisory laws are organically integrated both in their textual formulation and practical implementation.

¹⁷ *Zhang Wenxian*. Research on the main categories of law. Beijing : Publishing House of the Chinese University of Politics and Law, 1993. P. 56.