

On the Democracy of Administrative Decision Making Procedure

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Abstract: Administrative decision makers must fully obtain and analyze decision-making resources to meet the requirements of various stakeholders. Only when administrative decision-making deeply reflects public opinion, can it be actively implemented and the goal of administrative management be achieved. Disclosure procedure, hearing procedure and consultation procedure are important guarantee for the democracy of administrative decision-making procedure.

Keywords: *Disclosure procedure; Hearing procedure; Consultation procedure; Expert argument procedure*

I. INTRODUCTION

Administrative decision-making is an important link in the process of administrative management. According to the importance and scope of influence of the problem to be solved, administrative decision-making can be divided into general decision-making and major decision-making. General administrative decision-making has less impact on the interests of society and citizens. In order to improve the administrative efficiency, it is generally decided by the chief executive individually, and the decision-making procedure is also under the flexible control of the chief executive; Major decisions involve the direction of a region's economic development and are closely related to the interests of many citizens, so decision-making procedures should be followed.

Democracy should be emphasized in decision-making process. There are many reasons why the decision-making process should pay attention to democracy. First of all, whether the process is democratic or not is related to the vital interests of citizens. In essence, administrative decision-making is an expression process of public opinion, and whether it can represent public opinion depends mainly on the democracy of decision-making procedure. Only by fully developing democracy can public opinion be fully expressed. Without democracy in the decision-making process, the content of the decision-making is difficult to reflect the public opinion, and the administrative management can not achieve good results. Secondly, the democracy of the decision-making process can maximally eliminate the arbitrariness, willfulness and paranoia of the decision-makers. The process of citizen participation in decision-making is also a process of supervising administrative decision-makers, which can urge decision-makers to treat decision-making seriously.

II. THE PROCEDURE OF GUARANTEEING THE DEMOCRACY OF ADMINISTRATIVE DECISION

The following procedures can guarantee the democracy of administrative decision-making.

A. Disclosure procedure of administrative decision-making information

The disclosure of administrative decision-making information is the premise of the democratization of

administrative decision-making. "Sunshine is the best preservative". The disclosure of administrative decision-making information is an important means to improve the quality of decision-making and strengthen the responsibility consciousness of decision-makers.

The information disclosure of administrative decision-making requires that the information disclosure of government decision-making departments should be legal, comprehensive, timely, fair and convenient to the people. Legality means that the decision-making information to be disclosed must be within the scope permitted by law, and it is not allowed to be disclosed if it involves state secrets, business secrets and personal privacy; Comprehensiveness means that all aspects of decision-making, including decision-making matters, decision-making departments, decision-making procedures, decision-making basis, decision-making executive subject, decision-making implementation results and decision-making supervision methods and other basic information of decision-making should be made public. Timeliness means that the decision-maker should disclose their decision-making information within the time prescribed by law; Justice means that the decision-maker should open their decision-making information to the public so that the public can understand the corresponding decision-making information in a fair and equal way; Convenience to the people means that information related to administrative decision-making should be made public in a way that is convenient for the public to consult and accept.

Administrative decision-making information can be disclosed in the following ways: publishing government information by means of newspapers, radio, television, government websites and other media; setting up information collection points, government information bulletin boards, electronic screens and other facilities in the main offices of government organs; holding a press conference, etc

The disclosure of decision-making information should not only be a form, but also allow the public to express their opinions on the disclosed information. Only when the public can express their opinions and their opinions have a practical impact on the decision-making, can the information disclosure have practical significance.

B. Hearing procedure

The hearing procedure of administrative decision-making refers to a procedure in which the subject of administrative decision-making listens to the opinions of the public, relevant groups, especially the interested groups in the decision-making process. The establishment of the hearing system of administrative decision-making increases the transparency and openness of decision-making, which is not only conducive to the democratization of decision-making objectives, but also promotes the decision-making departments to change their decision-making methods and lay a solid foundation for

scientific decision-making..

There are various forms of hearing, such as consultation meeting or formal hearing. What kind of hearing should be adopted should be decided by the decision-making organ according to the nature and content of administrative decision-making and the scope and degree of its influence on the public, but the way of hearing must ensure the full and fair expression of public opinions.

After the hearing, decision-making department shall classify and sort out the public's opinions and suggestions on the administrative decision-making, and shall adopt the reasonable opinions put forward by the public; If it is not adopted, reasons shall be given. Through the hearing, the administrative decision-making department can make full use of the public's knowledge and experience to achieve more mature and perfect thinking. At the same time, the decision-making department is not bound by the hearing opinions, maintains the initiative and flexibility of decision-making, does not hinder the administrative efficiency, and does not form a heavy burden on the administrative decision-making department.

The flexibility of hearing mode can ensure that the administrative decision-making organs have enough space to balance democracy and efficiency in decision-making. However, if the administrative decision-making may involve the major interests of the society and may affect social stability, the administrative decision-making department is required to hold a hearing. The advantage of the hearing is that it can fully protect the public's right to participate, and ensure that the public can fully debate the factual basis of administrative decision-making. The record of hearing should be the legal basis of administrative decision.

In order to play the greatest role of hearing, the legislation should clearly stipulate the decision-making hearing procedure, such as the content of the hearing should be open to the public and the media; the public should be given enough time to put forward suggestions on decision-making matters; the participants of the hearing should be broad and representative.

C. Consultation procedure

After the draft decision-making is formed, it shall be made public to solicit opinions from the public. The procedure of soliciting opinions widens the channels of democracy, strangles some decisions that may damage the rights and interests of citizens in the formulation stage, reduces obstacles to future implementation, so as to improve the quality of decision-making.

In order to prevent soliciting opinions as mere formality, the decision-making departments should do the following: First of all, after the publication of the draft, decision-making departments widely solicit opinions in different ways according to the scope and extent of the impact of administrative decisions on the public. When soliciting opinions, full attention should be paid to the opinions of members of different groups,

experts and scholars. Secondly, the channels for citizens to express their opinions should be unimpeded. Decision-making departments shall specify the ways, methods, starting and ending time and contact information, including correspondence address, telephone number and E-mail address, for the public to submit opinions. Thirdly, the time for decision-making departments to solicit public opinions must be long enough to ensure that the public has enough time to express their opinions. Fourthly, due to the lack of understanding of the background and professional knowledge involved, the public may not really understand the published draft, so it is difficult to judge draft decisions. Therefore, in order to really let the public express their opinions, the administrative decision-making organs should also widely publicize the background and content of the draft through newspapers, magazines, radio, television and other media. The decision-making organs will sort out the opinions solicited, absorb the reasonable opinions into the draft decision-making, and explain them publicly if they have not been absorbed.

D. Expert argument procedure

Administrative decision-making involves all areas of society and has a great impact on society and civil rights. Therefore, the possible impact on economy and society should be fully considered when they are made. As a public administration department, the decision-making department should organize experts to demonstrate the necessity, feasibility and scientificity of the draft decision-making scheme in order to make up for its lack of professionalism. Compared with government managers, experts' argumentation on administrative decisions is more professional, and experts are not affected by interest relations, and their argumentation is more objective. Therefore, consulting experts on administrative decisions is an important way to ensure the scientific nature of major decisions.

CONCLUSION

Administrative decision-making involves huge social and economic interests. If there is a lack of extensive participation of the public in the process of administrative decision-making, it will be difficult for administrative decision-making to obtain the general acceptance of the society and the public, and law enforcement and justice will have to pay a high price. Therefore, we should emphasize the democracy of administrative decision-making process to ensure the democracy of administrative decision-making.

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