

On the Application of the Principle of Proportionality in the Field of Administrative Punishment—A Case Study of Huge Fines for the Sale of Leeks

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ABSTRACT

Although the principle of proportionality is known as the "imperial principle", there is no clear legal basis for the application of the principle of proportionality in administrative law enforcement in China and it is difficult to exercise administrative discretion correctly. Administrative law enforcement officers only follow the principle of administrative legality in law enforcement, without considering the legitimate interests of the administrative counterparts and social benefits, thus infringing on the legitimate rights of the administrative counterparts. By introducing the embodiment of the principle of proportionality in China's legislation, judiciary, and law enforcement, and exploring the dilemma of the principle of proportionality in the above-mentioned fields, this paper hereby proposes how to appropriately apply the principle of proportionality to solve the conflicts between administrative subjects and administrative counterparts and explores how can the principle of proportionality better function.

PRESENTATION OF THE PROBLEM

2019, Henan Nanyang, a vendor, Yue, who operates a supermarket in front of a housing estate, which sells 11 pounds of leeks was sampled and tested as unqualified by the market supervision bureau of Neixiang County, Nanyang City, Henan Province. After learning about the situation, Yue presented a purchase order. But the name, quantity, unit price, signature, date, and other key information on the purchase order are blank, only wrote the three numbers of "312". In this regard, Yue explained that he had a supplier Li and asked for relevant information, but Li refused to provide it. To find out the source of the unqualified leeks, the market supervision and management department (hereinafter referred to as "City Supervision Bureau") found the supplier Li, Li admitted that Yue had imported vegetables from her, but did not admit that the batch of unqualified leeks originated from her.

On March 17, 2020, the staff of the City Supervision Bureau, after a hearing, made an administrative penalty decision to fine Yue 30,000 yuan and confiscate the illegal income of 14.19 yuan, and ordered Yue to improve the food purchase inspection records.

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Yue was not convinced and thought that the City Supervision Bureau's punishment is too heavy, so he sued the court, asking the court to revoke the above administrative punishment. The court of first instance held during the trial that, according to Article 4 of the Administrative Punishment Law (2017) [1] and Article 136 of the Food Safety Law [2], it could be found that Yue's violation was relatively minor and slightly socially harmful, and the penalty of a fine of 30,000 yuan for Yue was too heavy, so the amount of the fine was changed to 10,000 yuan. City Supervision Bureau appealed to the court of the second instance against the first instance judgment. After review, the court of the second instance held that the first instance court's decision took into account the nature of Yue's illegal behavior itself and the current situation of his business, which is conducive to the creation of a good business environment, so the penalty decision was upheld and the claim of the City Supervision Bureau was rejected.

In practice, there are many other administrative penalty disputes similar to the above. For example, in 2017, Beijing rustic green iron pot noodle stew restaurant was reported to be selling cold dishes over the scope of permitted matters operating on the Internet, and Beijing Yanqing District Yanqing Town Food and Drug Administration confiscated the illegal income of 27 yuan and imposed a fine of 50,000-yuan administrative penalty decision. The court eventually changed the penalty decision from a fine of 50,000 yuan to a fine of 10,000 yuan. [3] It is not difficult to see that in the above case, the administrative subject thought that the administrative punishment was made following the principle of administration according to law and was correct, but the Administrative counterparts thought that his rights and interests were excessively infringed. In the specific law enforcement process, the law enforcement officers have to consider a higher level of requirements, which is reasonable administration. The most important thing to consider in reasonable administration is the principle of proportionality. In a specific administrative act, if the administrative subject fails to recognize that the ends and means are inappropriate or do not achieve the minimum ratio of profit to loss, it will also result in improper administrative actions.

From the above cases, the application of the principle of proportionality is very important to guide administrative law enforcement officers to make lawful and reasonable administrative punishments. What problems exist in the specific application of the principle of proportionality and how the administrative subject should apply the principle of proportionality to make administrative punishment is the core content of this article.

THE ORIGIN OF THE PRINCIPLE OF PROPORTIONALITY AND ITS DEVELOPMENT AFTER ITS INTRODUCTION INTO CHINA

From historical origin, Germany was the first civil law country to advocate the principle of proportionality, and the rule of the law practice of the principle of proportionality originated from the field of police jurisprudence in Germany in the nineteenth century. As early as the end of the 19th century, Prussian general law stipulated that it was the duty of the police to "take such measures as are necessary for

the maintenance of public order," while unnecessary measures were not part of the "duties of the police. In judicial practice, the then High Administrative Court, in administrative proceedings, made it one of the elements of review whether the measures taken by the police exceeded the limits necessary to achieve the purpose. This shows that at the end of the 19th century, the principle of necessity, which is one of the elements of the principle of proportionality, was not only stipulated in German legislation but also applied in its judicial practice. However, it must be noted that at this time the principle of proportionality had a limited connotation and scope of application, mainly in the field of police law. [4] With the development of democracy and the rule of law, the principle of proportionality was extended to almost all areas of administration. For example, Germany enacted the Administrative Enforcement Act in 1953, which provides in Article 9, paragraph 2, that "The method of coercion must be in proper proportion to its purpose. When deciding on the method of coercion, the least possible infringement on the person and the public should be considered." As can be seen, administrative enforcement in Germany must also follow one of the most fundamental principles of its administrative law - the principle of proportionality. The principle of proportionality fully reflects the protection of the legitimate rights and interests of the administrative counterpart, which requires that the coercive method adopted by the administrative organ should contribute to the achievement of the purpose, and when multiple coercive methods can also achieve the purpose, the one that causes the least damage to the rights and interests of the parties should be chosen. [5]

The principle of proportionality has been much discussed in China, and the translation and publication of Japanese scholar Koichi Aoyagi's "The Violation of Fundamental Human Rights and the Principle of Proportionality" in 1988 was regarded as the first time that the principle of proportionality appeared in the vision of Chinese scholars. The interpretation of the principle of proportionality by Chinese scholars is still based on the German "three-order theory", which contains three sub-principles: the principle of adaptability, the principle of necessity, and the principle of proportionality in a narrow sense. The principle of adaptability means that the means taken, and the purpose pursued should be compatible, that is, the specific measures taken by the administrative organ in exercising its administrative discretion must be consistent with the purpose of the law.

The principle of necessity refers to the existence of a variety of alternative measures to achieve the purpose, the means that have the least impact on the rights of the relator should be selected, emphasizing that the administrative organ in the case of multiple ways to achieve a certain administrative purpose, and should adopt the way that has the least damage to the rights and interests of the parties. In the aforementioned case, the City Supervision Bureau to meet the requirements of the relevant provisions of the Food Safety Law [6], made 30,000 yuan of punishment to the offeree, the scale of punishment when compared to and Yue's illegal circumstances and harmful consequences, is obviously too harsh, infringing on the legitimate rights and interests of the relative. The principle of narrow proportionality means that it is not enough for the administrative subject to consider only the principles of adaptability and necessity when making specific administrative acts. The administrative act, especially the implementation of

administrative penalties will inevitably cause conflicts between the administrative subject and the administrative counterparts and should also measure the measures taken and whether their purpose is proportional and proportionate. For example, some scholars believe that the principle of proportionality uses the unique "ends-means" correlation as a framework for analysis and aims to achieve the effect of "prohibiting excess" in order to maintain the substantive justice of the law. In concrete operation, the principle of proportionality, through the organic collaboration among the three sub-principles of appropriateness, necessity, and balance, can make a more appropriate judgment on whether the relevant civil law system, civil adjudication, and the exercise of civil rights interfere excessively with the rights and freedoms of the relevant subjects, and can propose corresponding solutions. [7] Some administrative law scholars believe that, under the current "national conditions" in China, it is more "reasonable" to replace the principle of reasonableness with the principle of proportionality, at least in the field of administrative law, as a uniform benchmark for reviewing all discretionary administrative acts. [8] The key point of this article is that the principle of proportionality has not been applied properly in the field of administrative penalties. Some scholars believe that the principle of proportionality has not been used in the administrative procedure law and the relevant judicial interpretation and has not been changed into a concrete and operable standard. In the absence of case law tradition of the judicial system and mode of operation, the judge cannot, and dare not take the initiative to create a new way. [9] The solution to the above dilemma is not a task that can be accomplished in just a few words. The first and foremost key is to sort out the existing legislation and judicial practice of the principle of proportionality in China.

CURRENT APPLICATION OF THE PRINCIPLE OF PROPORTIONALITY IN ADMINISTRATIVE LEGISLATION AND JUSTICE

The current administrative law textbooks are rarely devoted to the principle of proportionality, and most of them are treated as a sub-section of the principle of administrative reasonableness. Although the principle of reasonableness is one of the basic principles of administrative law in China, it should not be confused with the principle of proportionality. In the field of administrative law, certain systems have emerged at the legislative level that is consistent with the principle of proportionality. For example, the newly revised Administrative Penalty Law in 2021 put forward the concept of "first violation of impunity" and created the system of "first violation of impunity", which stipulates in Article 33, "Minor violations and timely correction, no harm caused by the consequences, no administrative punishment. The first violation of the law and minor and timely correction of the consequences of harm, shall be exempted from administrative penalties. The parties have evidence sufficient to prove that there is no subjective fault, and no administrative penalty. The laws and administrative regulations provide otherwise, from its provisions. The administrative organ shall educate the person concerned if the violation of the law is not subject to administrative punishment according to law." In addition to this, Article 5, paragraph 2 provides that

"the setting and implementation of administrative penalties must be based on the facts, and the facts, nature, circumstances of the violation should be equal to the degree of social harm." Article 5 of the Administrative Coercion Law provides that "the setting and implementation of administrative coercion shall be appropriate. The use of non-coercive means can achieve administrative management purpose, shall not set and implement administrative coercion." It is a direct point that the implementation of administrative coercion is based on the principles of adaptability and necessity. From the above-mentioned law, it can be seen that the principle of proportionality, although only a doctrinal concept and no specific laws and regulations directly, but in the law contains "appropriate", "moderate", "necessary limits", "mitigating", "obviously unjust", "manifestly improper", "fit for purpose" can be considered an expression of the idea of proportionality.

It can be seen that the principle of proportionality is limitedly reflected in administrative legislation and cannot be concretized from the legislative level. The first application of the principle of proportionality in China's courts can be traced back to the case of Harbin City Planning Bureau v. Heilongjiang Huifeng Industrial Development Co in 2000. In this case, the Supreme People's Court wrote in the last paragraph of the administrative verdict: "The penalty decision made by the Planning Bureau should be tailored to the extent of the impact and order Huifeng to take corresponding corrective measures to ensure the realization of the administrative objectives while taking into account the protection of the rights and interests of the offeree, and should be limited to achieving the objectives and goals of administrative enforcement so that the rights and interests of the offeree suffer minimal infringement. In the penalty decision made by the appellant, the area removed was larger than the area blocked, which unnecessarily increased the loss of the appellee and caused an excessive adverse impact on the appellee. The trial judge was correct in finding that the penalty decision was manifestly unjust. The original judgment changed the penalty decision made by the appellant, although it reduced the area of demolition and changed the amount of fine, but also achieved the purpose of not blocking the top of Xinhua Bookstore and sanctioning the illegal construction of Huifeng so that the commercial service building built by Huifeng complied with the planning requirements of Central Avenue in the overall planning of Harbin City and achieved the purpose of law enforcement, and the change of penalty made by the original trial was not improper. " [10] This passage accurately explains the principle of proportionality, combined with the specific circumstances of the case, not only providing a reference for similar administrative litigation cases later but also providing a strong argument for the practical application of the principle of proportionality in the field of administrative law in China. In 2010, the principle of proportionality was officially defined for the first time in the review of *Chen Ning v. Liaoning Zhuanghe City Public Security Bureau's decision not to grant administrative compensation* in *China Administrative Trial Guidance Cases, Volume 1*. [11] In the background of the analysis, it is suggested that the "principle of proportionality" of the administrative act applied in *Chen Ning's* case is one of the more recognized standards for reviewing discretionary acts. It means that the administrative subject should take into account the realization of the administrative objectives and the protection of the rights

and interests of the relatives, and if the realization of the administrative objectives may adversely affect the rights and interests of the relatives, such adverse effects should be limited to the smallest possible scope and limit, and the two should be in proper proportion. [12] Combined with the case of "the sky-price leek fine", we can find whether the court of the first instance considered that the City Supervision Bureau's punishment was too heavy compared with Yue's violation of the law, or the court of the second instance proposed that the administrative punishment should be combined with education to protect the legitimate rights and interests of the administrative counterpart, it shows that the court took into account the principle of proportionality in the specific trial process.

There is no doubt that litigation can to a certain extent to the administrative counterpart by the unreasonable infringement of the implementation of relief and can be a good use of the principle of proportionality to resolve disputes, taking into account the legal and social benefits. However, if we look at the law enforcement side, one of the purposes that we want to achieve is to deal with the problem that the administrative order is damaged after the relative's behavior violates the laws and regulations, if we only rely on the court's remedy afterward, this purpose will be difficult to achieve, and it is not conducive to the realization of the administrative body's management function. So, what is the problem with the application of the principle of proportionality in administrative punishment?

REASONS FOR THE PROBLEMATIC APPLICATION OF THE PROPORTIONALITY PRINCIPLE

With reference to our legal system, legislation, and practice on the principle of proportionality, the author believes that there are mainly the following reasons for the difficulty in applying the principle of proportionality in practice.

Short Introduction Time, Not Yet Localized

China is a civil law system, in the legal form, unlike the case law of the common law system, civil law countries generally have a code for important sectoral laws, supplemented by single-line regulations, constituting a more complete system of statutory law. Only the laws and regulations enacted by the legislative authority have the force of law, the judiciary cannot create laws, but must strictly enforce the law, which leads to the use of the principle of proportionality in China's courts to decide with reference value not legally valid. In addition, the concept of proportionality is a "foreign product" and has been introduced for a short period. China's rule of law system has been rebuilt since 1978, [13] and it has only been forty years since then, so it is difficult to "criticize" it and adapt it to China's unique legal system in a short period because of the insufficient absorption and utilization of foreign legal concepts. From the judicial practice after the introduction of the proportionality principle in China, it is easy to find that the principle of administrative reasonableness, which includes the proportionality principle, is only taken as one of the basic principles of administrative law, and is not

regarded as a standard of judicial review as in the common law system, and judges are restricted to the scope of their jurisdiction when applying it, not to mention trying to turn the proportionality principle into a tool for judicial application.

Lack of Clear Legal Provisions to Guide the Application of the Principle of Proportionality

The principle of proportionality not only originated from the need to regulate the administrative act of infringement but also focuses on the administrative act of infringement in the process of development and practice. At present, the application of the principle of proportion is mainly designed around the administrative act of infringement, with the "minimum infringement" as the core, that is, the administrative organs in the possible means to achieve the purpose of the group to choose a means of the least infringement of the rights and interests of the relative. [14] Although the spirit of the principle of proportionality is reflected in our laws and regulations, the principle of proportionality has never been explicitly proposed in the law. For example, Article 27 of the Administrative Punishment Law stipulates the mitigating circumstances and non-punishment circumstances of administrative punishment and gives different forms of punishment according to different circumstances of the violation, and Article 5, Paragraph 1 of the Public Security Management Punishment Law [15] requires the public security organs in the process of handling cases, must be specifically analyzed according to illegal circumstances, and according to the nature and the degree of harm, the appropriate application of the law, adhering to the principle of punishment responsibility and equivalent to the violation of the law to deal with the case. Although both state that the administrative subject should consider the appropriate response when exercising administrative discretion and should not infringe upon the rights and interests of the administrative counterpart, it always lacks authority compared with the clear legal provisions, and it is difficult for law enforcement officers to use it as a reference for their behavior, which directly leads to the difficulty of the principle of proportionality being directly applied in administrative punishment.

The Lack of Capacity of Law Enforcement Officers, it is Difficult to Apply the Principle of Proportionality

When performing specific administrative acts, the main subject of applying the principle of proportionality is mainly the front-line law enforcement officers. At present, the legal status of grass-roots law enforcement officers does not match with the corresponding regulations, and there are phenomena such as uneven quality of law enforcement officers, arbitrary law enforcement, and failure to consider whether the means of law enforcement are equivalent to the purpose, which is not only a manifestation of the proliferation of administrative discretion but also an important reason for the difficulty of applying the principle of proportionality in practice. The principle of proportionality is inherently subjective. For example, Article 24 of the Law of the People's Republic of China on Public Security Management Punishment stipulates

that when statutory circumstances arise, the public security authorities may impose a detention of up to 15 days, a fine of 200 yuan, or a warning on the person concerned. Administrative law enforcement officers can choose three types of punishment. When deciding punishment, without considering whether the punishment is comparable to the factual nature, circumstances, and social harm of the violation, it is an abuse of administrative discretion and a violation of the principle of proportionality. It is difficult for administrative law enforcement officers to make relatively uniform results and regulate the exercise of administrative discretion in the same or similar administrative punishment cases because of the differences in individual self-awareness, education, values, and thinking dimensions, which will make it difficult to promote the principle of proportionality in practice.

WAYS TO APPLY THE PRINCIPLE OF PROPORTIONALITY TO RESOLVE CONFLICTS BETWEEN ADMINISTRATIVE SUBJECTS AND THE PUBLIC

First of all, it should be clear that the ultimate purpose or value pursuit of administrative punishment is that, after administrative punishment is given to citizens, legal persons, or other organizations for violating the administrative order according to law, the violation of the administrative order is corrected, and the wrongful state or illegal consequences caused by such behavior are corrected so that the administrative order returns to normal. [16] It can be said that administrative punishment is a balance of punishment and education, from the provisions of Article 6 of the Administrative Punishment Law: "The implementation of administrative punishment to correct violations shall insist on the combination of punishment and education, and educate citizens, legal persons or other organizations to consciously abide by the law." It will be able to be reflected. The contradiction between administrative law enforcement officers and the relative is the mismatch between the specific punishment made by law enforcement officers and the relative's rights and demands, which is also the problem that administrative organs often face after making administrative punishment.

In the case of the "sky-high price leek punishment", the problems of the administrative body are mainly manifested in the following three aspects: First, the combination of punishment and education is not achieved. In this case, the City Supervision Bureau thought that the Food Safety Law was intended to be punitive, and if the punishment was too light, it could not reflect the punitive nature of the legislative intent. In other words, administrative law enforcement officers think that administrative punishment is aimed at punishment, and this perception is wrong. Article 1 of the Administrative Penalties Law directly states that administrative penalties are intended to safeguard public interests and social order to protect the legitimate rights and interests of citizens, legal persons, or other organizations. [17] The purpose of the Food Safety Law is also to protect the dietary health as well as the life safety of citizens. Second, there are unreasonable law enforcement procedures. Market supervision and management departments to carry out normal supervision and sampling, in the "test report" before the completion of the first presumption of sampling food for unqualified, to be confirmed

after the test before the sale, but this is particularly improper for leeks and other edible agricultural products that are not easy to keep fresh. Third, the mechanical implementation of "law enforcement", did not correctly apply the principle of proportionality. The Market Supervision Bureau believes that the administrative penalties imposed under Article 123 of the Food Safety Law are lawful, but it is still not enough just to enforce the law. In practice, it is necessary to apply the principle of proportionality according to the specific circumstances of the case, the circumstances of the violation, the consequences of the harm, and the attitude of the parties after the fact.

On how to use the principle of proportionality to solve the above problems, the author thinks the relevant cases can be a glimpse of two, such as "Yinghai Company v. Wenchang City Environment Bureau, Wenchang City Government Administrative Penalty Case" [18], emphasizing that the law should not be imposed, the administrative organ should fully consider the facts, nature, circumstances, and social harm of the relative's illegal acts when making administrative punishment, and measure the necessity of punishment. For example, the case of Chen Ning v. Liaoning Zhuanghe City Public Security Bureau, in which the decision of no administrative compensation was made, provides a very detailed answer to the question of how to apply the three principles of proportionality in practice, which can be said to be the "shortest range" for similar cases in the future. [19] To sum up, we can consider the feasible way of the principle of proportionality in administrative punishment from the following three aspects.

Apply Administrative Discretion and Set Reasonable Benchmarks for Discretion

Talking about administrative punishment must first consider administrative discretion, the principle of proportionality as a path constituting the governance of discretionary power, which specifically targets the discretionary power of means in the state power of limiting citizens' rights.[20] If we want to adequately regulate the problems of improper means, wrong purposes, and wrong procedures that easily appear in administrative punishment, we should establish and improve the quantitative benchmark of administrative punishment by the principle of proportionality. In a broad sense, the benchmark of discretion is a system built with the content of regulating the exercise of administrative discretion, generally in the form of normative documents, which are more programmed, structured, and relatively unified requirements of thinking, rather than the rather personalized, empirical and even random calculations of law enforcement officers. [21] When making specific administrative penalties, the administrative law enforcement body should take into account the actual economic and social situation in the region as well as the law enforcement methods, fully consider the regional differences, tailor them to local conditions, refine them into specific measurable standards, and punish the relative according to the nature, circumstances, subjective viciousness, and social harm of the illegal acts. For example, if A steals in a public place, according to Article 49 of the Public Security Administration Punishment Law of the People's Republic of China, he can be detained for more than five days but not more than ten days and fined not more than five hundred yuan; if the circumstances are more serious, he can be detained for more than ten days but not more than fifteen days and

fined not more than one thousand yuan. This means that law enforcement officers are free to rule on the administrative detention of fifteen days plus a fine of one thousand dollars or just five days of detention without a fine, of which there is a lot of room for discretion, which requires the legislature to clarify and refine the statutory discretionary benchmarks.

At present, the practice is more by the local government to develop the system related to the discretionary power of administrative punishment, lacking unified standards. In the future, under the promotion of the local legislature and judicial organs, consideration should be given to introducing corresponding laws and regulations to provide a strong basis for the exercise of administrative discretion.

Build a High-Quality Law Enforcement Team

At present, the quality level of China's law enforcement team varies, and the law enforcement process is problematic, making it difficult to apply the principle of proportionality in law enforcement. Law enforcement officers do not consider the legislative purpose of the laws and regulations on which they base when they make punitive actions, and often only consider how to punish the administrative counterpart in the process of punishment, which seriously deviates from the original intention of combining punishment and education, and the punishment for illegal acts is not appropriate, and conflicts between law enforcement officers and individual operators in urban management are more common in life. For example, in the "1•9 Guangzhou city management beating incident", the city manager, to maintain the city's appearance, imposed administrative punishment on the illegal counterparts according to the "Urban Management Enforcement Measures", which is not wrong, but some law enforcement officers inevitably made administrative actions contrary to the principle of proportionality due to their enforcement ability, legal literacy or even out of self-interest. To better play the role of the proportionality principle in grassroots law enforcement, administrative organs should organize administrative law enforcement officers to participate in legal training, effectively study the legal provisions, accurately understand and grasp the purpose of punishment; establish a power list, optimize the accountability system of administrative subjects, and strengthen the accountability system of law enforcement based on the power and responsibility list, so that it can become an effective weapon to supervise law enforcement subjects.

Emphasis on Judicial Remedies to Protect the Rights and Interests of the Relative

In the process of administrative punishment, the administrative organ should protect the legitimate rights and interests of the relative and choose the means to execute the least damage to the interests of the relative. If the law enforcement officers fail to do so, post-event relief is particularly important.

When the people's court accepts the relevant litigation cases, it should first focus on reviewing whether the administrative organ's law enforcement action is based on the correct law, and then deeply investigate whether the administrative punishment infringes

on the interests that the citizens do not have to bear. Secondly, it should focus on reviewing whether the administrative subject applies the correct procedure and whether the act is lawful. Finally, the court should fully apply the principle of proportionality in the specific review to prevent excessive infringement on relative rights. Because of its independent legal status, the court can give full play to its role as a remedy by introducing the principle of proportionality in the scope of judicial review. In addition, the typical cases made by the people's courts are not only to provide an effective reference for how the courts can base on the proportionality principle afterward but also to achieve the purpose of forcing the administrative subjects to correctly apply the proportionality principle.

The author believes that if the Supreme Court can compile judicial cases on the principle of proportionality and make relevant case interpretations to provide some basis for a specific application, it can, to a certain extent, make up for the restrictions on the application of the principle of proportionality under the current statutory system in China.

CONCLUDING REMARKS

The importance of the principle of proportionality for the reasonable resolution of administrative disputes and the appropriate administrative punishment is naturally self-evident. Although there are still many problems with the application of proportionality in China, the principle of proportionality has been applied in practice, which shows that there is still much room for the development of proportionality in China. It explains the connotation of the principle of proportionality, discusses in detail the application of the principle of proportionality in Chinese legislation, administration, and judiciary, points out the reasons why it is difficult to apply the principle of proportionality in the field of administrative punishment, and proposes corresponding solutions. The correct application of the principle of proportionality not only allows administrative subjects to better manage the administrative order and safeguard the public interest in practice but also is an indispensable tool to improve the rule of law in China and accelerate the adaptation to the needs of social transformation.

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