



Analysis on the Countermeasures of Corruption Problems in the Internal Railway Public Security Organ

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Abstract

The internal enforcement and supervision work of railway public organ is carried out through two aspects. On the one hand, the inspection, supervision and legal authorities perform their duty to the subordinated organs according to the law; On the other hand, the above authorities supervise and correct the illegal behaviors. As an indispensable part of modern administration, the administrative accountability system is the basic institution for railway public security organ as well as its individuals to exercise their functions and duties as well as supervise the accountability mechanism. The new direction in the process of the government management innovation and the political mechanism reform depends on the high efficiency of the internal supervision mechanism, which calls for the acceleration of the pace of reform in China's political civilization construction and democratic law construction.

Key words: The internal railway public security organ; Countermeasures; Corruption

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INTRODUCTION

During recent years, the call of reform in the railway public security organs is daily increasing. However, the

effective prevention against corruption as well as the countermeasures against corruption in the internal railway public security system is rather insufficient. The main reason is that the survival and development of railway public security organs have to be attached to the supply of the railway transport enterprise, the personnel, salary, material are greatly dependent on the railway transport enterprise, forming the extremely morbid enterprise management system in the administrative organ.

1. THE EXISTING CORRUPTION PROBLEMS IN THE INTERNAL RAILWAY PUBLIC SECURITY ORGANS

1.1 The Overlap of Duty and Power in Various Departments

1.1.1 The Unclear Distribution of Power in Various Supervision Departments

The clarification of scientific distribution of power and duty is the precondition to establish a sound organization system. The internal supervision work in the public security organs contains pushing forward the operation of public security organs according to law and performing its function as a whole and supervising its internal departments, which is conducive to build a responsible, rational division of labor, coordinated, standardized and high-efficient public security system under the framework of internal supervision. But so far, the cohesion of function in the internal supervision of the departments of public security organs has been unsatisfied. Both the supervision institutions, including the public security organs internal supervision system, audit work and internal terms, and the administrative regulations are unclarified and undefined, let alone the distinct boundary in various audit institutions in inspection, supervision and the law administration as well as the clear power distinction among different departments in the internal supervision mechanism in the railway public security organ.

1.1.2 The Overlap of Duty in Various Departments

Due to the unclear distinction in supervision and responsibility institutions in different departments and non-uniform standards among different supervision, the supervision resources are severely wasted. For example, if the duty from the police departments overlaps with those of the specialized departments with administrative supervision functions, this will cause resources waste. The behaviors of violation of laws and regulations must accept the legal department review, investigation and responsibility identification, including reporting, auditing according to the regional divisions. Financial management problems are supervised by the supervision and auditing departments and accountability mechanism. Complaint divisions is responsible for all kinds of problems. Supervision department shall firstly judge the nature of the case and then decide whether they have the right of investigation. The complaint division can take charge of some behaviors that were taken place for a period of time. Specifically, in *The Duty of Internal Supervision of the Ministry of Public Security Work in the Organ*, the duty of internal supervision in the department is summarized. However, it is not difficult to find that at least one department overlaps its duty and function with other ones. For instance, the police inspector functions of supervision department completely overlap with the first function of discipline inspection departments; Article 3 related to the legal department and article 1 related to the department of supervision and administration violates Article 6 related to the discipline inspection department, "it should receive the supervision, report and accusation from the citizens, social organizations and the public security organs".

1.2 Unscientific Distribution of Supervision Power

1.2.1 The Overlaps of Supervision Task in Different Supervision Departments

The setting of the various supervision main body in the public security organ may result in the evasion of responsibility and invalid repeated work, which will not only lead to the waste of the supervision resources, but also disrupts the supervision evaluation. For instance, if the disciplinary inspection department and supervision department can share the same right in the same case in the early intervention, they face the same supervision of the object and the same supervision material, their judgement would vary greatly due to their different department regulations. That is to say, the same material leads to huge differentiation, in which the meaning of internal supervision is lost. And the invalid supervision work can only cause huge burden to the heavy public security work.

1.2.2 Lack of Distinct Legal Authorization in Several Needed Power

The internal supervision power of the public security department is to supervise the performance of its duties, but it lacks supervision over the part that is unclearly

authorized by the law. As an internal investigation department, the supervision department must to accept the complaints from the public and the question from the leadership, including enquiring from the colleagues, visiting complaints people, recording the complaints work, saving the audio and video data and complaining to the leak of privacy behavior. In addition, the supervision department should guide and urge the grass-roots units and police organs to carry out tasks. Whereas the inspection power and police power are unauthorized, which is very common in the legal system, auditing and other sectors.

1.3 Lack of Self-Inspection Mechanism

The supervision department in public security organs holds the power of supervision, decisions, administration. It is for sure that the appropriate use of power is closely related to the fairness, impartiality and openness to the internal supervision work. However, at present, the internal supervision system of the public security organ and various supervision departments are all in parallel positions and it is difficult to supervise each other.

2. THE REASONS OF CORRUPTION IN THE RAILWAY PUBLIC SECURITY ORGANS

2.1 Inner Reasons

2.1.1 Invalid Rules and Regulations

For some leading cadres of the railway police, the rules and regulations are just a decoration hanging on the wall of the office. There are always enormous excuses for the escape from the restrict of the rules and regulations, they had never realized the loss of self-consciousness in their heart as a servant of the people. Instead, they spare no efforts in thinking about the ways to maximize their interest at the cost of abusing their power. As a matter of fact, they are unconscious of the power is a two-edged sword, what they would face with next is the serious consequence. Other cadres exercise their administrative right arbitrarily. They just choose what they like to do and ignore the rest.

2.1.2 Adjusting the Regulation at Their Will

Several leading cadres in the railway public security organs find it hard to exercise their power and implement the regulations and rules due to the interest of their department or their own. Therefore, they adjust the regulation at their will and avoid the harsh part of the rules, deceiving their leaders and supervision departments by making the regulation more flexible.

2.2 Outer Reasons

2.2.1 Mixture of Management Institution in Government and Enterprise

The railway public security policemen are transformed as national civil servants since 2009. Before, the railway

public security organ has been under the leadership of the railway enterprises. The personnel, finance and logistics are authorized and taken charge of by the ministry of railways or local railway bureaus. It was not until 2013 that railway reform has been carried out drastically that change the ministry of railways into railway corporation. Its name is changed from the public security organ in the ministry of railway into railway public security organ, which remains as a police organ attached to the railway corporation and called as the 10th public security organ. Over the years, the railway public security is still under the leadership of railway corporation and local railway enterprises in the field of personnel, finance and logistics. Hence, the embarrassment condition that our national organ is under the leadership of the enterprise has never been changed.

2.2.2 Incomplete Education Prevention Mechanism

Corruption prevention education should be carried out through warning education. Most of the policemen from the railway public security organ is formed by railway worker. They are uneducated in the public security system. Therefore, we must vigorously erect the right ideology through learning the theory of CPC's constitution and improving the personal pursuit, fighting against the thoughts of corruption. We should hold some anti-corruption education program on a regular base, citing good example of policemen who refuses temptation, is ready to help, and brave enough during the law enforcement process so as to educate the public. Meanwhile, we should learn from some illegal case and avoid making the same mistake.

3. COUNTERMEASURES AGAINST THE INTERNAL CORRUPTION PROBLEM IN THE RAILWAY PUBLIC SECURITY ORGAN

3.1 Construct a Scientific Internal Supervision Mechanism

The public security supervision committee should hold regular meetings every quarter to analyze the current status of the police force and propose the main measures to strengthen the work of public security supervision in view of the existing problems. At the same time, we should supervise the duty of policemen and the internal institutions of the supervision organs through inspecting the internal mechanism and fulfilling the duties of supervision and complaints. To establish a handling mechanism for complaint reporting against illegal actions, we should conscientiously implement the CPC and government's selection and appointment system, strengthen supervision and inspection measures on the basis of experiment, combines the actual conditions of the public security organs work with the working process,

gradually establishing and improving the system of accountability system by setting a fixed term and finding the true fault source and demanding his resignation.

3.2 Clarify the Responsibility in the Internal Supervision Mechanism

This paper argues that integrating the internal function of the internal public security organ like discipline inspection, supervision auditing, labor belongs to the work of discipline inspection and supervision and auditing departments. We need to maintaining independence while construct a joint supervision mechanism which is able to solve various supervision problems, like "dysfunctions", "inefficiency" and so on. Strengthening the joint effort of supervision and improving the efficiency of supervision. In addition, the unification of supervision departments should be on a higher level than other law enforcement departments so as to ensure the authority of supervision, which is an effective way to realize reasonable supervision. The internal supervision should be taken charge by the secretary of the discipline inspection commission, responsible for unified command, arranging monitoring, coordinating supervision and using compulsory means. The competent authority shall report to the higher administrative authority and shall be responsible to the lower administrative authority so as to achieve the effect of supervision and ensure the smooth implementation of supervision.

3.3 Erect a Sound Accountability Institution

3.3.1 Standardize the Unified Accountability Process

When a law enforcement officer commits a suspected act of accountability, he must give a full and reasonable explanation to the supervisory organ on whether his law enforcement action meets the requirements of his duty. If the supervisory organ is not convinced of this explanation, the officers of the public security organ are not enough to alleviate or relieve their responsibilities, they must bear the responsibility for the suspected wrongdoing. If the alleged conduct is arranged by the public security organs, this also needs to give explanation to the legal department or business department and get their permission according to the requirement. The introduction of accountability system is a fair investigate procedure for public security organ and its policemen to fully state their reasons and defend their rights.

3.3.2 Build a High-Efficient and Authorized Accountability Institution

"The Hong Kong government has set special institution ICAC to deal with corruption cases within the public security organs in 1974." In the beginning of the establishment of the department, it quickly solves the case of "Hong Kong chief superintendent Peter Fitzroy godber corruption and Tsim Sha Tsui police station collective malfeasance". This suggests that internal supervision obviously cannot effectively restrict the collective faulty

law enforcement behavior. On the contrary, we should make full use of the external force and minimize the fault of public security organ through combining the internal and external conditions. According to China's national conditions, we can consider to strengthen the cooperation between the provincial supervision departments founded by central government and provincial law enforcement departments, combining the faulty law enforcement behavior with the accountability system in the supreme people procuratorate.

CONCLUSION

To sum up, as a special government functional department, the railway public security organ is different from any other local public security organs. In addition to ensure the security of our society, solve vicious criminal cases,

it safeguards the railway system which is the longest mileage of a country's economic arteries. Therefore, the railway public security organ should strictly eliminate the corruption problem within the internal organ and get rid of the potential damage to our country.

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