

Optimizing the Change Decision Mechanism in Administrative Reconsideration: Key to Effectively Resolving Administrative Disputes

Hongyan Yu¹

¹ Zhejiang Normal University, Jinhua, Zhejiang, China

Correspondence: Hongyan Yu, Zhejiang Normal University, Jinhua, Zhejiang, China.

doi:10.56397/SLJ.2025.04.07

Abstract

How to resolve administrative disputes quickly and effectively is the key to realizing the goal orientation of the main channel of administrative reconsideration. As a kind of decision for the substantive settlement of administrative disputes, the new Administrative Reconsideration Law has refined and emphasized the importance of the decision to change. Looking at the current situation of China's change decision system, there are still imprecise scope of application, the order of application is unclear, subjective exclusion of review organs and other dilemmas. In order to solve the above problems, the change decision should be positioned as the core of the administrative reconsideration decision system, focusing on the realization of the function of administrative reconsideration to substantively resolve administrative disputes, following the legitimacy, clarifying the scope of administrative reconsideration, constructing a typology of administrative reconsideration, expanding the exceptions to prohibit unfavorable administrative reconsideration, and speeding up the construction of an administrative reconsideration talent team by perfecting the means of the public administrative reconsideration system. Optimize the administrative environment for reconsideration and related systems by speeding up the establishment of reconsideration teams and improving the system for publicizing reconsideration decisions, in order to ensure that the decision to amend can be applied properly and efficiently.

Keywords: change of decision, administrative review, substantive resolution of administrative disputes, main channel

1. Introduction

With the establishment of administrative reconsideration as the main channel for settling administrative disputes¹, how to realize the

“case settlement” and “settlement of complaints and petitions” through administrative reconsideration has become the key. As one of the administrative reconsideration decisions of the change decision in the administrative reconsideration decision system, can make the outstanding administrative legal relationship clear and fixed, carrying the substantive

¹ See Zhou Youyong. (2021). The Role of the Main Channel of Administrative Reconsideration and Its Institutional Options. *Jurisprudence*, (6), p. 17.

resolution of the dispute in the case of the rule of law expectations. Based on this, the revision of the Administrative Reconsideration Law in 2023 strengthened the application of the change decision and made more detailed provisions on the change decision. However, the abstract nature of the law makes it difficult to cover all possible cases, and the complexity of individual cases often exceeds the preset scope of the law. The provisions of the new law on administrative reconsideration of the change of decision are still in doubt and require further study and research. At the time of the implementation of the new Administrative Reconsideration Law, this paper combined with the positioning of administrative reconsideration as the main channel for substantive resolution of administrative disputes of the target orientation, in order to crack the administrative reconsideration of the change of the decision of the priority of the application of the real dilemma as a starting point, to explore the change of the decision of the decision of the administrative reconsideration of the system of functional positioning and system optimization, in order to improve the administrative reconsideration of the decision of the system to achieve the goal of the positioning of the administrative reconsideration.

2. A Reality Check on the Application of Administrative Review Change Decision

The value of the system can only be realized in practice, and the advantages of the administrative reconsideration system can only be transformed into system effectiveness in practice. Therefore, it is necessary to change the decision in the administrative reconsideration of the application of the situation to examine, summarize the application of the dilemma and analyze the reasons for its emergence.

2.1 Status of Application of Decisions on Changes in Administrative Reviews Before the Revision of the Administrative Review Law

Before the new Administrative Reconsideration Law was amended, the change decision had long been on the periphery of the nature reconsideration system. The data show that the percentage of administrative reconsideration cases in which the change decision was applied

in 2022 is 0.52%¹. At the local level, almost no change decisions were applied in the 660 decisions publicized in the public column of administrative reconsideration results of the Department of Justice of Zhejiang Province². Similarly, according to the public announcement of the administrative reconsideration work of Shanghai Municipality in 2022, Shanghai Municipality concluded 8,817 administrative reconsideration cases (including transfer) in 2022, and only 4 cases were applied to change the decision in the concluded cases. ³Such data show that the change of decision in practice presents “low application rate, high rate of inactivity” characteristics, its system effectiveness due to the review organs to avoid the application of the serious void. The neglect of the change decision is one of the outstanding problems that limit the administrative reconsideration to play the role of the “main channel”.

2.2 Analysis of Causes

Focusing on the review organs and the system of administrative review and change of decision to analyze, the change of decision itself system defects as well as administrative organs based on the “benefit-risk” measurement are difficult to prefer the application of change of decision is an important reason, in particular, mainly include the following points.

2.2.1 Uncertainty about the Scope of a Change Decision

The Administrative Reconsideration Law, as amended in 2017, adopts a hybrid legislative model, in which revocation decisions, change decisions, and confirmation decisions are applied together to the five situations specified in Article 28 of the Law. Only Article 47 of the Regulations for the Implementation of the Administrative Reconsideration Law makes separate provisions for the system of change decisions. However, the article uses the term

¹ Data source: “Statistics on National Administrative Reconsideration and Response Cases in 2022,” in Ministry of Justice of the People’s Republic of China, Legal Information Network of the Chinese Government. https://www.moj.gov.cn/pub/sfbgw/zwxgk/fdzdgknr/fdzdgknrtjxx/202307/t20230711_482419.html, accessed February 8, 2024.

² Accessed on February 7, 2024.

³ Data source: “Situation related to administrative reconsideration and administrative appeal work in the city in 2022,” in Shanghai Municipal Bureau of Justice. https://sfj.sh.gov.cn/2020zxgk_xzfy/20230712/e191fdd74f1a44598858f3f52124f2c3.html, accessed February 7, 2024.

“may be changed”, and in this context, even if the administrative reconsideration case meets the criteria for the application of a change decision, the reconsideration body may still use other types of decisions to avoid the application of a change decision.

2.2.2 Ambiguity as to the Order of Application of the Change Decision

Under the mixed legislation model, the priority of the application of the change decision is not clearly highlighted. In the absence of a clear distinction between the conditions and order of application of the decision to change, the decision to revoke and the decision to confirm the violation, the review body has greater autonomy in choosing the type of decision to apply. Taking into account other factors, such as convenience, the review bodies tend to favor the use of revocation or confirmation decisions, with the exception of change decisions, which are often not applied.

2.2.3 Subjective Exclusion of the Review Organ

At the level of difficulty in performing its duties, compared with the use of confirmation decision and revocation decision, the review organ needs to judge the legality and reasonableness of the original administrative act, and also needs to correct the error of the original administrative act on the basis of this, and to make a legal, reasonable and justified decision again. This means that, once the reconsideration authority applies the decision to change the need for evidence collection, the application of laws and regulations and the writing of legal documents and other aspects of more complex tasks. Secondly, at the level of litigation rules, the reconsideration authority will become a separate defendant if it adopts the change of decision, which will bring more pressure on itself to respond to the litigation. Therefore, most of the reconsideration organs are subjectively excluded from the application of the change decision.

2.2.4 Respect for the Principle of Administrative Efficiency

In fact, insufficient evidence in the category of cases, the legal provisions of the change of the decision to apply the specific circumstances of the provisions of the ambiguous, controversial, and administrative reconsideration decision system of the scope of application of the revocation of the decision of the cross-fertilization of the reconsideration body can make a change of the decision can also be

applied to the revocation of the decision to close the case. In the case of a change decision, the reviewing authority is required to conduct a new investigation and collect evidence. When a revocation decision is adopted, the original administrative act is made by the organ that made the original administrative act on the basis of the facts and evidence that have been investigated and collected to make a new administrative act again. In contrast, it is more efficient and convenient for the original administrative organ to complete this work.

2.3 Amendment Response

The newly revised Administrative Review Law overcomes the dilemma of the original mixed legislative system by separately specifying the applicable circumstances of the change decision through the enumerated legislative mode. However, the tension between the formal rationality and substantive rationality of the law leads to the uncertainty of interpretation and application of the abstract rules in the application of individual cases¹. A careful comparison of the application of several types of administrative reconsideration decisions can be found, there is a cross between the scope of application of different types of decisions, the legislative provisions still need to be further interpreted to clarify the application of various types of decisions. In terms of the order of application, the new law has formed a logical relationship of “change first and then revocation” in the order of the provisions, emphasizing the priority of the application of the decision to change. However, in terms of the specific content of the provisions, there are no specific provisions on the nature and positioning of the decision to change, which would provide specific and clear provisions.

3. Functional Position of the Change of Decision on Administrative Review

The overall structure and detailed design of a system is determined by its dominant function². Therefore, first of all, it should be clear that in the administrative reconsideration as the main channel for resolving administrative disputes under the goal of positioning changes in

¹ See Yu Lingyun and Dong Jiale. (2024). The Application of Administrative Reconsideration Changing Decision. *Zhejiang Social Science*, (2), pp. 66-67.

² See Deng Youwen. (2023). The Realistic Dilemma, Functional Positioning and Institutional Optimization of Mediation in Administrative Review. *China Administration*, (1), p. 31.

administrative reconsideration to change the position of the function of the decision of the innovation, and as a guide to change the decision of the construction of the system optimization, in order to crack the change of the decision of the application of the reality of the problem.

3.1 Guidance on the Change of Decision of Administrative Reconsideration by the Change of Its Functional Position

The functional position of administrative reconsideration is constantly being iterated and updated according to the changes of the times and the needs of the society. From 2011, the Central Committee of the Communist Party of China formally put forward the initiative of giving full play to administrative reconsideration as the main channel for resolving administrative disputes to the adoption of the Administrative Reconsideration Law in 2023, which explicitly included “giving full play to the role of administrative reconsideration as the main channel for resolving administrative disputes” in the provisions of the purpose of the legislation, the positioning of administrative reconsideration has been formally upgraded from the policy level to the legal level. The position of administrative reconsideration has realized the transformation from policy level to legal level,¹ thus, the goal, structure and system of administrative reconsideration system ushered in an all-round adjustment.

For administrative reconsideration, the positioning of “main channel” means that in the existing multiple dispute resolution mechanism, the center of gravity of resolving administrative disputes is shifted from administrative litigation to administrative reconsideration; and the center of gravity of administrative reconsideration function is shifted from supervising the administrative organs to substantively resolving administrative disputes. Substantive resolution of disputes has an obvious result orientation, focusing on the positive response to and satisfaction of the subjective reasonable interests at the time, and avoiding the idleness of the procedure.² Among the several forms of decision of administrative reconsideration, the

decision to change is more in line with the inherent requirements of the substantive settlement of administrative disputes, and it is the form of decision that should be prioritized and applied under the goal orientation of the main channel of the settlement of administrative disputes.

3.2 Multiple Functions of Change Decision

The first is the “substantive dispute resolution function”. The process of change decision is actually an illegal or improper elements of the abstraction, and legal and reasonable requirements to replace the process, is the review organ in the case of the facts of the original illegal and improper administrative action to adjust to the reasonable and lawful state of the steps. Its biggest role lies in the timely resolution of administrative disputes that have been characterized.

The second is the “efficient and convenient function”. As a direct error-correcting reconsideration decision, the reasonable application of the change decision can avoid procedural vacillation and improve the efficiency of administrative dispute resolution. On the one hand, the reconsideration body in the original administrative organ to make the administrative act of supervision and review of the administrative act should be corrected and adjusted to correct the error can avoid the applicant to return to the administrative procedure, improve the effectiveness of dispute resolution, at the same time, the reconsideration body has been the efficient use of the facts of the case to reduce the part of the operation of the administrative procedure is not necessary, as well as the people, financial, physical input and consumption, and thus reduce the reconsideration body.

The third is “procedural function”. Change decision as a direct error correction system to avoid the complexity of the revocation of the decision and other indirect error correction system, to a certain extent, to avoid procedural idleness, reduce the possibility of the same case into the reconsideration process again.

3.3 Core Positioning of the Change Decision

Under the target orientation of administrative reconsideration as the main channel for resolving administrative disputes, the system of change decision should be at the core of the administrative reconsideration decision system. From the function of the system, change the

¹ See Yu Lingyun and Dong Jiale. (2024). The Application of Administrative Reconsideration Changing Decision. *Zhejiang Social Science*, (2), p. 71.

² See Jiang Bixin. (2012). On the Substantive Settlement of Administrative Disputes. *People's Justice*, (19), p. 13-18.

decision has the comparative advantage of the substantive resolution of administrative disputes and its own unique advantages, at the same time both dispute resolution, high rate and procedural triple function, in line with the goal of administrative reconsideration, reflecting the fundamental purpose of reconsideration for the people.

3.3.1 Legal Basis

The core positioning of the administrative reconsideration decision has a normative basis in law. The newly revised Administrative Reconsideration Law optimizes the decision system of administrative reconsideration, and refines the decision to change. In the order of change decision in the first place, and at the same time expand the scope of application of the decision to change, strengthen the review of the right to change the depth of review, highlighting the reasonable use of the decision to change.

3.3.2 Theoretical Basis

The core status of the administrative reconsideration change decision has a theoretical basis. Compared with the previous administrative reconsideration decision system, which focuses on revocation, repositioning the change decision as the core of the administrative reconsideration decision system has the following outstanding advantages. First, the change decision directly responds to the people's real demand, avoiding the administrative procedure of idling or entering into the litigation, thus reducing the people's energy consumption and waste of resources. Second, the application of the change decision can simultaneously realize the triple function of internal supervision of the administrative system, the relief of the rights of the administrative relatives and the substantive settlement of administrative disputes.¹ After the decision is made, the original administrative organ of the administrative act made by the review organ of the timely supervision and correction, the role of the applicant's illegal and improper administrative act disappeared and corrected. The applicant's right to obtain redress, the dispute is settled.

3.3.3 Practical Basis

It has the realistic demand to solve the

administrative disputes fundamentally. With the development of society, the administrative relative's interests demand more and more diversified, the increase of administrative disputes is inevitable, and the current administrative disputes show more and more complicated, professional trend, the characteristics of administrative reconsideration itself makes it become the solution to the above specialization, complexity of the administrative disputes of the first choice, and in the administrative reconsideration, change the decision of the characteristics of the administrative reconsideration organs make it become the reconsideration organs in the consideration of the decision of first choice target.

The application of change decisions has rich practical experience. In 1990, China first made relevant provisions on the change of decision in the Regulations on Administrative Review. Over the years, change the decision in administrative reconsideration has been widely practiced, many times to achieve remarkable results, in which the reasonable use of the decision to change the contribution can not be ignored.

Realistic conditions for the realization of the function of the change decision are gradually emerging. The new Administrative Procedure Law on the review organ staff specialization, professional level of provisions, enhance the professional level of the review organ, improve the scientific and credibility of the conclusion of the review. In addition, the new Administrative Procedure Law has enriched the way of applying for reconsideration, established the agency system of administrative reconsideration, the material correction system, etc. to facilitate the citizens to apply for and participate in the administrative reconsideration, and safeguard the lawful rights and interests of the parties concerned, so that administrative reconsideration to become the main channel to resolve administrative disputes has become a possibility, and also let the change of decision to substantively resolve the administrative disputes of decision-making has a greater space to play.

4. Improvement of the Administrative Reconsideration Change Decision System

As mentioned above, the new Administrative Review Law has transformed the core of the administrative review decision system into the

¹ See Li Yue. (2023). On Substantial Resolution of Administrative Disputes in the Perspective of Changing Decisions of Administrative Review. *China Law Review*, (5), p. 222.

change decision. Therefore, it should focus on the repositioning of the dominant function of the change decision,¹ optimize the relevant system and supporting facilities of the change decision according to the requirements of effectiveness, convenience and fairness in the application of the change decision, and realize the substantive settlement of administrative disputes by clarifying the scope of application, typologically constructing the applicable circumstances, and perfecting the relevant system.

4.1 Clarifying the Scope of Application of Change Decisions

The new Administrative Reconsideration Law singles out the decision to change an administrative reconsideration, which to a large extent solves the problem posed by the mixed legislation of several types of decisions. However, in terms of content, there are still some provisions that are relatively vague. In order to make the application of the decision to change more normative and reasonable, the scope of application of the change decision should be clarified. Specifically, the following difficulties need to be resolved.

First, the relationship between “incorrect application of the basis” and “application of the basis is not legal” should be clarified. The new “administrative procedure law” Article 63 and Article 64 of the administrative reconsideration of the type of decision on the scope of application of the expression have a certain degree of overlap. From a textual point of view alone, the scope of “unlawful application of the basis” is narrower than that of “incorrect application of the basis”. In addition to the category of “unlawful”, “inappropriate” also includes unreasonable and other types of errors in the application of the basis. In the Exposure Draft of the Revised Administrative Review Law, the provisions on the application of the basis are expressed only in Article 75 on the application of the change decision. Therefore, it should be considered that when there is an error in the basis of application, priority should be given to the application of the change decision in order to ensure that its function of substantively resolving administrative disputes is given full play.

Second, the establishment discretionary standard of “inappropriate content”. The judgement of the appropriateness of the content is affected by certain subjective factors of the administrative organs, and the results of different administrative organs on the same case sometimes inevitably have certain differences. At this time, there is the original administrative organ to make the discretionary power, the initial judgement should be respected by the reviewing body of the controversy.² If the negative attitude, once the review body feels that the content is inappropriate to change the original administrative act will inevitably appear around the phenomenon of the same case different judgments. Therefore, can be set on the “content is inappropriate” judgment benchmark, give the review body in a little authority within the scope of the right to change.

Third, the distinction between “unclear facts, insufficient evidence” and “unclear main facts, insufficient evidence”. According to the new “Administrative Reconsideration Law” Article 63, Article 64 of the provisions of the former applies to change the decision, the latter applies to revoke the decision, the core lies in the fact that the hierarchy and the effectiveness of the evidence: the main facts need to refer to the civil procedural law in the definition of the “basic facts” standard, limited to the administrative in relation to the qualification of the subject matter, the nature of the case determination, rights and obligations and the substantive impact of the results of the main facts, and indirect facts are auxiliary, derivative facts. The determination of insufficient evidence is based on the lack of evidence of the essential core essential facts, unlawful methods of obtaining evidence, substantial contradictions between the evidence or unlawful exclusion of forensic evidence and other circumstances.³ Therefore, it is possible to establish an “essential facts-core evidence” review system through judicial interpretation that clarifies the rules for determining the two types of facts and evidence and removes the legal ambiguity in the application of this type of review decision.

¹ See Deng Youwen. (2023). The Realistic Dilemma, Functional Positioning and Institutional Optimization of Mediation in Administrative Review. *China Administration*, (1), p. 32.

² See Huang Xuexian. (2024). The Change Decision in the New Administrative Review Law and Its Improvement. *Law Review*, (1), p. 145.

³ See Guan Baoying. (2022). Study on the Insufficiency of the Main Evidence of Administrative Behavior. *Journal of Shanghai University of Political Science and Law (Rule of Law Series)*, (1), p. 44.

4.2 Addition of Exceptions to the Prohibition of Unfavorable Changes

The new Administrative Reconsideration Law is based on the relevant system of China's Administrative Procedure Law, and provide that a more unfavorable change decision may be made against the applicant when a third party makes a contrary request. In fact, only such an exception is too one-sided. First of all, Article 3 of the new law clearly stipulates that the administrative reconsideration organs should adhere to the principle that error must be investigated, and there is a certain conflict between the prohibition of unfavorable changes in itself and the principle that error must be investigated. Second, administrative reconsideration is different from administrative litigation, the scope of review of administrative reconsideration is greater than the administrative litigation; administrative reconsideration review intensity than the administrative litigation is also more stringent. Therefore, in relation to the provisions of the administrative litigation law needs to make differentiated adjustments, for example, can try to expand the prohibition of adverse changes in some special areas of the exception. Before the trial implementation is not mature, taking into account the specificity of individual cases, the article can be added to the "and other circumstances" to make the provision has a certain degree of underpinning.

4.3 Typological Construction of Applicable Circumstances

When the new law has enumerated the applicable circumstances of the administrative reconsideration change decision, in order to determine the scope of the change decision "to change as much as possible", and to break through the fence of fuzzy boundaries of the application of the change decision, the scope of application enumerated in the new law can be used as a benchmark for the application of the change decision to carry out a typology of the construction of the applicable circumstances.

4.3.1 The Category of Improper Exercise of Discretion

Administrative discretion in the maintenance of fair, just and reasonable administration at the same time, but also can be free, flexible specific and bring certain risks and challenges¹, in order

¹ See Jiang Mingan. (2009). On Administrative Discretion and Its Legal Regulation. *Hunan Social Science*, (5), p. 55.

to prevent the discretion of arbitrary, ambiguous, elusive, the discretion must be regulated. In administrative reconsideration, the reconsideration organ must be the original administrative act of legality, reasonableness of a comprehensive review. In the case of the facts are clear, the evidence is sufficient, based on the correct, only the content is not appropriate, if the court needs to the original administrative conduct of the reasonableness of a comprehensive review. Based on the supervisory function of administrative reconsideration and the unique hierarchical system within the administrative organ, the reconsideration review must not only examine the legality of the administrative act in each case, but also effectively supervise the administrative discretion of the original organ.

4.3.2 Failure to Correctly Apply the Basis Category

The first is the incorrect application of the provisions on which the administrative act is based, such as the failure to apply the new law when there is both a new and an old law. The second is the absence of legal provisions on which the administrative act is based. In the reconsideration body has found the facts of the case are clear, the evidence is solid, the procedure is lawful only if there is an error in the application of the basis should be applied to change the decision, the original administrative organ of the administrative act of the application of the basis for adjustment.

4.3.3 Unclear Facts, Insufficient Evidence Category

For the original administrative act of the facts are unclear, insufficient evidence of the case, but after the review body has been examined by the facts of the case, obtain sufficient evidence, according to the facts and evidence, directly deal with the applicant and the original administrative organ of the dispute to make a change in the decision. In this category, there is a dispute over the understanding of the expression "unclear facts and insufficient evidence", such as how to define the facts and evidence here, and whether it includes only the main facts and evidence². At the same time, there is a question as to whether a case must

² See Li Yue. (2023). On Substantial Resolution of Administrative Disputes in the Perspective of Changing Decisions of Administrative Review. *China Law Review*, (5), p. 224.

have both unclear facts and insufficient evidence in order to comply with this provision. Therefore, depending on the extent of the review body's powers to investigate and obtain evidence, it should make a case-by-case assessment and prioritise the application of the change of decision to the cases within its competence.

4.4 The Improvement of the Relevant System

Solving the existing problems of the administrative reconsideration change decision system is a systematic project, in addition to the need to improve the change decision system itself, improve the degree of refinement of the legislation, but also need to improve the entire environment of the reconsideration as well as the related system¹. Starting from many aspects, strengthen the cooperation between the system, enhance public awareness and participation, only in this way can give full play to the functional value of administrative reconsideration, to build a harmonious society to provide legal protection.

4.4.1 Accelerate the Construction of Review Personnel

The effective operation of the administrative reconsideration system to support the reconsideration of the professionalism of the personnel as a support, the current reconsideration authorities in China are faced with a shortage of talent reserves, the reality of weak legal professionalism dilemma: a large number of reconsideration of the lack of systematic background in legal education, it is difficult to accurately apply the rules of law, resulting in the reconsideration of the decision of the impartiality of the doubt,² grass-roots reconsideration authorities, the phenomenon is particularly obvious. To this end, it is necessary to strengthen team building in three aspects: first, strict professional access and training, set standards for personnel selection in accordance with the new legal norms, and improve the regular business training and pre-appointment evaluation mechanism; second, push forward

the reform of professionalism, realize the separation of review positions from the functions of the legal department, and establish an independent professional sequence and fixed staffing; third, introduce external professional forces, and absorb experts and scholars through the Administrative Review Commission to participate in case deliberation and build a "professional judgment + neutral supervision" composite decision-making mechanism.

4.4.2 Improving the Public System of Review Decisions

Publication of administrative reconsideration decisions is a cornerstone of the system for promoting administrative supervision and safeguarding the credibility of reconsideration, and has a dual value in realizing the goal of "the main channel for resolving administrative disputes": on the one hand, publication of individual cases pushes the administration to act in accordance with the law and prevents the abuse of power; on the other hand, it provides a model of practice for improving the reconsideration system. Article 79 of the new Administrative Procedure Law should be used as the basis for improving the disclosure rules in three aspects. First, to strengthen the time limit constraints, to establish a time-limited public mechanism after the conclusion of the case, taking into account the efficiency and quality. Second, to ensure the comprehensiveness of the disclosure of reconsideration decisions, requiring that the full text of the decision letters of all completed cases be made available on the Internet, and synchronizing the "full disclosure of the contents of individual cases" with the "systematic disclosure of the total volume of cases". Third, the implementation of categorized publicity, according to change, revocation and other types of decisions to establish a special database, dynamic monitoring of the rate of application of change decisions, to ensure that the principle of "change as much as possible" is put into practice. This will not only enhance the transparency of the review, but also provide a standardized sample for academic research, forming a virtuous circle of system optimization.

5. Remarks

The new Administrative Reconsideration Law has refined the application of the change decision and placed it in a prominent position, making the change decision the core of the administrative reconsideration decision system.

¹ See Cui Menghao. (2020). Reconstruction of the Decision System of Administrative Reconsideration. Doctoral Dissertation, East China University of Political Science and Law, p. 109.

² See Liu Xin and Chen Yue. (2016). Analysis of the Effectiveness and Progress of the Reform of the Administrative Reconsideration System — Research Report on the Administrative Reconsideration System. *Administrative Law Research*, (5), p. 56-57.

Based on the positioning of administrative reconsideration as the main channel for resolving administrative disputes, the priority application of the change decision is conducive to realizing the goal of resolving administrative disputes on the merits. However, the applicable circumstances stipulated in the legislation are ambiguous, and the applicable priority is not clearly stipulated in the legislation. In practice, the review authority based on various factors may be difficult to change the change of the decision to be ignored, little use, the status quo of prudent use. However, the reasonable application of the change decision system is not only the above problems, such as the expansion of the scope of application of the change decision, in the administrative agreement and other administrative behavior in the specific operation of the rules and so on. Under the goal orientation of the main channel of resolving administrative disputes, giving full play to the functional value of the change decision is the key to realising the substantive resolution of administrative disputes. Only when the change decision of administrative reconsideration is properly applied can the natural advantages of administrative reconsideration be fully realized. Therefore, whether in the future legal practice or theoretical research, the application of the change decision needs to be further studied and resolved.

References

- Cui Menghao. (2020). Reconstruction of the Decision System of Administrative Reconsideration. Doctoral Dissertation, East China University of Political Science and Law, p. 109.
- Deng Youwen. (2023). The Realistic Dilemma, Functional Positioning and Institutional Optimization of Mediation in Administrative Review. *China Administration*, (1), pp. 31, 32.
- Guan Baoying. (2022). Study on the Insufficiency of the Main Evidence of Administrative Behavior. *Journal of Shanghai University of Political Science and Law (Rule of Law Series)*, (1), p. 44.
- Huang Xuexian. (2024). The Change Decision in the New Administrative Review Law and Its Improvement. *Law Review*, (1), p. 145.
- Jiang Bixin. (2012). On the Substantive Settlement of Administrative Disputes. *People's Justice*, (19), pp. 13-18.
- Jiang Mingan. (2009). On Administrative Discretion and Its Legal Regulation. *Hunan Social Science*, (5), p. 55.
- Li Yue. (2023). On Substantial Resolution of Administrative Disputes in the Perspective of Changing Decisions of Administrative Review. *China Law Review*, (5), pp. 222, 224.
- Liu Xin and Chen Yue. (2016). Analysis of the Effectiveness and Progress of the Reform of the Administrative Reconsideration System – Research Report on the Administrative Reconsideration System. *Administrative Law Research*, (5), pp. 56-57.
- Yu Lingyun and Dong Jiale. (2024). The Application of Administrative Reconsideration Changing Decision. *Zhejiang Social Science*, (2), pp. 66-67, 71.
- Zhou Youyong. (2021). The Role of the Main Channel of Administrative Reconsideration and Its Institutional Options. *Jurisprudence*, (6), p. 17.