

On the Law Enforcement Rights of China Coast Guard

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Abstract: In 2018, China included the maritime police force into the armed police force. As a maritime armed law enforcement force integrating military, administrative, and criminal investigation functions, it exercises comprehensive maritime law enforcement powers, and is responsible for managing sea areas, fighting crime, and protecting the marine environment. Carrying out international cooperation and other maritime rights enforcement capabilities. Maritime rights protection and law enforcement is an important historical mission entrusted by the state to the maritime police force in the new era. The main task of the maritime police force is law enforcement. Reasonable and lawful law enforcement is the basis for the maritime police force to perform its duties.

Keywords: Coast Guard Force; Rights Protection and Law Enforcement: Power Boundary

1. Introduction

As we have seen, unlike the development process of human life, human society has moved from land to sea along with economic development. Land resources have been over-exploited and depleted. The rich marine resources have opened the door to a new world. Coastal countries have shifted their sights to the rich marine space. China's emphasis on the ocean is also gradually increasing, and the fertile sea areas play a pivotal role in China's economic development. At the same time, maritime security issues are also facing this huge challenge, which puts forward higher requirements for China's maritime security law enforcement. The Chinese Coast Guard has been established for a relatively short time, and many issues need to be improved. Concentrating law enforcement forces and strictly controlling the sea areas under national jurisdiction is of great significance in safeguarding maritime sovereignty and safeguarding maritime safety.

2. Definition of the nature of China Coast Guard:

Regarding the nature of the maritime police, most scholars actually define it from the perspective of the police, thinking that "the maritime police is an extension of the land police to the sea and is one of the components of the police. "However, some scholars believe that the definition of maritime police attributes from the perspective of the police will affect the formal authority of their law enforcement functions. They believe that "the maritime police is the unity of rights protection and law enforcement". Based on the experience of various countries in the world regarding the functions and organization of the maritime police, it mainly includes the functions and powers of maintaining maritime security, protecting the marine ecological environment, and developing international cooperation. In general, the maritime police force is a maritime force that exists as a law enforcement force.

After the establishment of the Chinese Coast Guard, its components are mainly active soldiers, police and civil servants, so it has its own particularity in its nature. First of all, after the Coast Guard has been transformed into an armed police force, it is still a law enforcement force rather than a military attribute. There are many differences between it and the navy in terms of law enforcement objects, law enforcement scope, and law enforcement status. Moreover, the maritime police is also different from the land police in that it has its special nature in terms of the scope and target of law enforcement activities. Therefore, the Chinese Coast Guard is a professional maritime armed law enforcement force. According to the authorization of the Standing Committee of the National People's Congress, it exercises independent maritime law enforcement powers, guards maritime borders, and safeguards maritime rights and interests.

3. China Coast Guard Law Enforcement Power

Maritime law enforcement power refers to the power to manage maritime conduct. Unlike land law enforcement, maritime law enforcement power is set more concentrated and exercised by a certain subject. Due to objective conditions, it is not like the establishment of multiple and comprehensive law enforcement agencies on land. The institutional setting of law enforcement forces integrates the criminal jurisdiction of public security and is divided into sea areas to cover fisheries, marine protection and other areas. In addition, the maritime law enforcement power has a large scope of action, and maritime criminal investigations within the scope of criminal acts such as the contiguous zone, exclusive economic zone and continental shelf, as well as international conventions and treaty obligations, are subject to foreign-related law enforcement. Finally, the power boundaries of law enforcement power in different sea areas are different. According to the principle of criminal jurisdiction of the criminal law. For persons with nationalities of other countries, their criminal enforcement powers are also subject to varying degrees of restrictions in accordance with the differences in the jurisdictional sea areas and their matters.

The law enforcement power of China's maritime police has changed from a single police function to a comprehensive maritime law enforcement function. Maritime law enforcement powers have been continuously concentrated, and the boundaries of law enforcement powers have also expanded to varying degrees.

4. Problems and Suggestions in the Authority of China Coast Guard

First, although the Standing Committee of the National People's Congress has given the maritime police the power of maritime rights protection and law enforcement, it has not refined it. This may lead to unclear powers and responsibilities in the process of executing law enforcement tasks at sea. Improve the maritime law enforcement system led by the Basic Maritime Law, and refine their respective powers and responsibilities, which have a better auxiliary role for the effective conduct of maritime law enforcement, and also maintain the law enforcement authority of the maritime police.

Second, the China Coast Guard and other authorities have overlapping functions when performing their duties, and the boundaries between these powers need to be clearly delineated. The reason for delimiting the maritime law enforcement authority and the power of local public security organs is that: local maritime law enforcement has very obvious industry characteristics, and the maritime police bureau and other local maritime administrative law enforcement agencies are in a guiding relationship. According to their respective development goals, the government has a reasonable focus and assigns the local government the responsibility of maritime law enforcement in the territorial waters, which can effectively exert its own local expertise and serve the local economy.

5. Conclusion

The establishment of the Chinese Coast Guard has concentrated maritime law enforcement forces to maintain maritime security and crack down on maritime crimes. However, there are some shortcomings in the formation process of the maritime police and the specific setting of powers, resulting in the failure of effective enforcement of law enforcement. Establish a complete maritime law enforcement system, divide maritime law enforcement ownership boundaries, and enable maritime law enforcement agencies to perform their duties, better maintain maritime safety, develop maritime economy, and protect national security and territorial integrity.

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