

The Dilemma and Breakthrough of Criminal-Administrative Linkage in Environmental Resources Cases from the Perspective of Evidence “Transformation”

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Abstract: *The core challenge in contemporary environmental justice lies in the misalignment between administrative law enforcement evidence and criminal judicial proof standards. Administrative evidence such as environmental monitoring reports often fail to meet the stringent “beyond a reasonable doubt” standard required in criminal proceedings. There exists significant institutional conflict between the “dominant evidence” rule for administrative violations and criminal prosecution requirements. Critical evidence like electronic data and expert opinions face ambiguous admissibility rules in criminal proceedings. From a systemic perspective, the administrative subordination of environmental crime elements leads to excessive reliance on administrative evidence in criminal justice. Incomplete procedural coordination mechanisms and fragmented accountability systems have resulted in practical distortions such as “penalty substitution for criminal prosecution.” To address this dilemma, it is essential to reconstruct mechanisms centered on evidence synergy, establish evidence conversion guidelines, and develop a “tiered proof standard.” Innovative approaches including “two-way consultation and joint evidence collection” models and digitalized information-sharing platforms for criminal-administrative proceedings should be implemented. Additionally, establishing ecological restoration liability offset rules, piloting “administrative compliance non-prosecution” systems, and coordinating legal revisions to build a “trinity” legal safeguard framework are crucial for meeting environmental governance demands.*

Keywords: Evidence “Transformation”; Environmental Resource Cases; Criminal-Administrative Linkage; Reverse Criminal-Administrative Linkage.

1. INTRODUCTION

In the process of advancing the modernization of the national governance system and governance capacity, the criminal-administrative linkage mechanism for environmental resource cases has become an important issue in the construction of the rule of law in China. However, under the current legal framework, the criminal-administrative linkage for environmental resource cases still faces deep-seated challenges. There are significant gaps between administrative law enforcement and criminal justice in terms of evidence rules, accountability, and procedural coordination, leading to frequent occurrences of practical distortions such as “penalties replacing criminal punishment” and “criminal penalties being imposed before criminal proceedings.” Such institutional friction is particularly evident in the implementation of major strategies like ecological protection in the Yangtze River Economic Belt and environmental governance in the Yellow River Basin, which not only hinders the effectiveness of environmental rule of law but also impedes the realization of the goal of “jointly prioritizing protection over large-scale development.” Although the positive criminal-administrative linkage mechanism has become relatively mature and is being progressively implemented, the reverse criminal-administrative linkage faces issues such as insufficient legal provisions, weak theoretical support, and lack of practical experience. Therefore, efforts to promote the reverse criminal-administrative linkage hold significant value [1]. This paper focuses on the core contradiction in the transformation of administrative law enforcement evidence into criminal litigation in environmental judicial practice. By analyzing the rule conflicts between administrative monitoring data and criminal proof standards in practice, it identifies three major bottlenecks in the criminal-administrative linkage for environmental resource cases and ultimately constructs a three-dimensional linkage mechanism system encompassing “evidence transformation, procedural coordination, responsibility synergy,” aiming to contribute to the improvement of criminal-administrative linkage in environmental resource cases.

2. THE PRACTICAL DILEMMA OF CRIMINAL-ADMINISTRATIVE COORDINATION IN ENVIRONMENTAL RESOURCE CASES FROM THE PERSPECTIVE OF EVIDENCE “TRANSFORMATION”

The effective operation of the criminal-administrative coordination mechanism is directly linked to the achievement of ecological governance objectives. “Given the rising trend of crimes in environmental protection and resource conservation sectors, optimizing the criminal-administrative coordination mechanism for environmental public interest litigation cases has become an urgent priority. This requires focusing on three key approaches: forward coordination, reverse coordination, and bidirectional coordination.” [2] In environmental resource cases, the core challenge of evidence conversion stems from institutional friction between administrative law enforcement and criminal justice systems at the evidentiary rule level. This friction manifests through three fundamental contradictions: conflicting evidence types, disparities in proof standards, and lack of conversion rules. The legal roots of these issues can be traced back to inherent logical divisions and value orientation differences within the public law system.

2.1 Conflict in Evidence Types: Systematic Discrepancy Between Administrative Law Enforcement Evidence and Criminal Evidence Standards

The systemic gap between administrative law enforcement evidence and criminal evidence fundamentally stems from paradigmatic differences in evidence system design between administrative procedure law and criminal procedure law. “Both theoretical consensus and judicial practice generally hold that China’s administrative case proof standards are lower than those for criminal cases.” [3] This has led to controversies regarding whether ecological damage assessment data obtained through criminal proceedings can directly serve as grounds for administrative penalties, which remains a core issue in bridging criminal and administrative evidence systems. Taking the 2024 case of Liu Moumou et al. illegally fishing aquatic products during the Yangtze River basin fishing ban period as an example: prosecutors determined Liu’s actions constituted administrative violations, but the catch volume failed to meet criminal prosecution thresholds, resulting in a non-prosecution decision. According to the Administrative Penalty Law, law enforcement agencies should initiate administrative penalties. However, criminal proceedings require forensic opinions to satisfy the “beyond a reasonable doubt” standard (exclusion of reasonable doubt), while administrative penalties only demand “dominant evidence”. Ecological damage assessment reports serve sentencing references in criminal proceedings, but with unclear evidentiary validity in administrative procedures, authorities are forced to re-commission evaluations—a practice that wastes resources and delays ecological restoration opportunities.

Administrative law enforcement evidence primarily consists of technical documents such as administrative determination opinions and environmental monitoring reports, whose evidentiary value stems from the professional and efficiency requirements of administrative authority. According to administrative law principles, the formation of administrative evidence follows the administrative priority principle, emphasizing timeliness and expertise. For instance, the Environmental Protection Law of the People’s Republic of China authorizes environmental authorities to commission professional institutions to issue monitoring reports, which inherently possess probative force in administrative procedures. In contrast, the criminal evidence system is grounded in the logic of “final judicial adjudication,” requiring evidence to undergo courtroom cross-examination and meet the “beyond a reasonable doubt” standard. This systemic disparity has led to a “legitimacy crisis” for administrative law enforcement evidence in criminal proceedings. Technical monitoring reports may be challenged due to issues like the qualifications of evidence collectors or procedural compliance, with scholars arguing that monitoring reports differ from expert opinions and thus lack corresponding legal classification. Administrative determination opinions may also be excluded due to the absence of judicial review mechanisms. At a deeper level, there exists a fundamental conflict between the “formal authenticity” required for administrative evidence and the “substantive authenticity” demanded in criminal cases. Administrative law enforcement focuses on rapid objective fact determination and tends to adopt the “preponderance of evidence” standard, while criminal justice emphasizes “clear facts and conclusive evidence,” establishing a direct-evidence-centered proof system—a disparity particularly prominent in environmental crime investigations.

2.2 Differences in Proving Standards: Discontinuity in Evaluating Illegality Between Administrative Violations and Criminal Offenses

The 2024 case of illegal logging by Sun in Gaoqing County, Shandong Province, has escalated the evidence-based conflict to a more acute level. Sun cut down trees without obtaining a logging permit, and administrative law enforcement determined his actions violated the Forest Law. However, when the case was transferred to criminal proceedings, prosecutors questioned the evidentiary validity of monitoring data—specifically whether the dominant evidence standard applicable to administrative enforcement could be used in criminal litigation. The difference in proof standards between administrative violations and criminal offenses fundamentally reflects varying evaluation mechanisms for the degree of illegality within the public law system. Administrative violations center on “order disruption,” with their proof standards adhering to the dominant evidence rule: administrative agencies can impose penalties if they demonstrate that the likelihood of illegal activity outweighs its absence. This standard design prioritizes administrative efficiency and aligns with the principle of administrative convenience. In contrast, criminal offenses, as the most severe form of illegal conduct, require proof standards reaching the “beyond reasonable doubt” level. This not only fulfills the principle of “presumption of innocence” but also serves as institutional safeguards for the “proportionality of punishment” doctrine. From a legal perspective, this evidentiary gap highlights functional differences between administrative and criminal penalties: administrative penalties aim to “correct misconduct” through deterrence to restore order, while criminal penalties combine punishment with prevention, emphasizing severe penalties to achieve both specific and general deterrence. Functional differentiation determines differentiated evidence rule configurations. However, in environmental resource cases, a ‘rule vacuum’ emerges in the connection between criminal and administrative proceedings. When administrative enforcement evidence fails to meet criminal proof standards, criminal prosecution may be terminated due to insufficient evidence, while administrative penalties cannot be initiated under the principle of ‘no double jeopardy,’ resulting in a paradox of ‘dual indulgence.’

2.3 Lack of Evidence Transformation Rules: Institutional Obstacles in Criminal-Administrative Coordination

The “Evidence Transformation Rule” remains uncoded in China’s criminal procedure legislation but has been consistently applied in judicial practice. This principle refers to investigative authorities employing specific methods to convert evidence that formally fails to meet legal requirements and thus lacks evidentiary validity into admissible evidence. The absence of this rule fundamentally reflects insufficient legislative provisions for the criminal-administrative coordination mechanism. Current legal frameworks only provide general guidelines for criminal conversion of administrative evidence. For instance, Article 52 of the Criminal Procedure Law permits administrative agencies to serve as witnesses in criminal proceedings but fails to specify conversion procedures, review criteria, or exceptions for administrative evidence. This legislative gap has created a “rule dilemma” in judicial practice, manifesting in two aspects: First, administrative enforcement agencies lack awareness of criminal judicial requirements for securing evidence, leading to exclusion of critical evidence due to procedural flaws. Second, criminal judicial authorities exercise discretionary power in reviewing administrative evidence, potentially overlooking its unique value through excessive emphasis on criminal priority. The absence of evidence transformation rules exposes imbalances in power distribution within the public law system, with administrative and judicial authorities lacking institutionalized coordination mechanisms for environmental governance. The lack of procedural safeguards for judicial admissibility of administrative evidence further exacerbates this issue. The tension between environmental crimes’ administrative subordination characteristics and criminal justice’s independence requirements creates a “legality paradox” in evidence conversion: overemphasizing transformation risks undermining judicial authority, while strict restrictions may encourage criminal activities.

The elements constituting environmental crimes rely on administrative determinations, forming a “pre-administrative, post-criminal” model. However, administrative law enforcement evidence has long been questioned in criminal proceedings due to inherent deficiencies, while technical evidence remains excluded from criminal prosecution thresholds due to lack of conversion rules. The evidence conversion dilemma manifests in dual aspects during criminal-administrative coordination: high standards for criminal evidence create challenges in secondary administrative evidence collection during “criminal-to-administrative conversion,” while formal flaws in administrative evidence hinder criminal prosecution efficiency during “administrative-to-criminal conversion.” These issues collectively constitute systemic barriers to specialized environmental justice systems. Environmental crime coordination primarily focuses on evidence alignment and conversion mechanisms, as well as institutional framework development. This “dual obstruction” essentially represents concrete manifestations of

“rule conflicts” in environmental governance. Further analysis reveals that evidence conversion issues have transcended individual cases, becoming systemic obstacles to judicial specialization in environmental matters. This demonstrates that evidence alignment, conversion processes, and coordination mechanism development remain key focal points in discussions about criminal-administrative coordination within environmental crime studies [4].

3. CAUSES OF THE DILEMMA IN CRIMINAL-ADMINISTRATIVE COORDINATION OF ENVIRONMENTAL RESOURCE CASES FROM THE PERSPECTIVE OF EVIDENCE “TRANSFORMATION”

In the governance framework of environmental resource cases, the effective operation of criminal-administrative coordination mechanisms faces structural institutional barriers, fundamentally stemming from conflicts between divergent value orientations and normative logics within the public law system. “Current administrative offenses exhibit deficiencies in both substantive and procedural mechanisms for reverse criminal-administrative coordination, hindering their practical efficacy.” [5] These conflicts manifest primarily as the “administrative subordination paradox” at the substantive law level, the absence of evidence coordination mechanisms at the procedural law level, and legislative gaps in evidence conversion rules. These interwoven issues collectively constitute institutional constraints hindering the specialization of environmental judicial processes.

3.1 The Paradox of “Administrative Subordination” at the Level of Substantive Law: Blurred Power Boundaries Between Administrative and Judicial Authorities

The “administrative subordination” inherent in the elements constituting environmental crimes constitutes the substantive legal root of institutional barriers in the criminal-administrative coordination system. This characteristic manifests as environmental criminal law’s excessive reliance on administrative legal norms, necessitating administrative determinations as prerequisites for exercising criminal judicial authority. From a jurisprudential perspective, such institutional design fundamentally blurs the boundaries between administrative and judicial powers, giving rise to dual legal dilemmas.

First, the “administrative subordination” violates the independent value of criminal law as the ultimate safeguard. The evidence conversion rules in administrative-criminal reverse linkage fail to balance the legality of administrative actions with the convenience of evidence utilization. According to the principle of rule-of-law states, administrative and judicial powers should adhere to the “separation of powers” principle—where administrative agencies enforce laws while judicial bodies adjudicate disputes. However, in environmental crime cases, determinations of constitutive elements such as “illegal hazardous waste discharge” and “serious environmental pollution” require prior administrative approval. This institutional design reduces criminal judicial power to a “secondary confirmation” of administrative decisions, undermining the finality and independence of judicial authority. Second, “administrative subordination” weakens the normative protection objectives of environmental criminal law. Environmental criminal law should establish independent behavioral norms and sanction systems to achieve special protection of ecological interests. Yet excessive reliance on administrative determinations reduces criminal norms to “aggravating clauses” for administrative penalties, making environmental crime determination entirely dependent on administrative needs. Such institutional arrangements not only blur the boundaries between administrative violations and criminal offenses but also deprive environmental criminal law of regulatory capacity for emerging environmental risks. When administrative oversight lags behind environmental issues, criminal justice faces systemic challenges of lacking legal basis. Meanwhile, the concept of ‘administrative subordination’ undermines the normative protection objectives of environmental criminal law, reducing criminal provisions to mere ‘enhancement clauses’ for administrative penalties. This blurs the boundaries between administrative violations and criminal offenses, diminishes environmental criminal law’s capacity to address emerging environmental risks, and creates potential conflicts with the principle of legality in criminal law, thereby fostering arbitrary judicial practices.

3.2 Absence of Evidence Adjudication Mechanisms at the Procedural Law Level: Imbalance Between Procedural Justice and Efficiency Values

The institutional absence of evidence linkage mechanisms constitutes a procedural manifestation of obstacles in criminal-administrative coordination. The disconnect between administrative law enforcement and criminal justice regarding procedural rules such as evidence collection, preservation, and transfer fundamentally reflects the

institutional conflict between procedural justice and administrative efficiency values. Such procedural barriers pose triple legal challenges to environmental judicial fairness.

First, disparities in evidence legality review standards lead to procedural backflow. Administrative law enforcement prioritizes efficiency, adhering to the “administrative convenience” principle in evidence collection procedures that permit simplified methods like presumptions and sampling. In contrast, criminal proceedings emphasize procedural justice, requiring evidence collection to strictly comply with statutory protocols. When administrative evidence enters criminal judicial processes, differences in legality review standards often result in evidence exclusion, creating “procedural backflow” criminal cases are returned to administrative procedures for supplementary investigations due to evidentiary flaws. This not only undermines judicial efficiency but also disrupts procedural stability.

Secondly, the breakdown of evidence preservation mechanisms jeopardizes evidentiary validity. Administrative law enforcement evidence preservation primarily serves administrative penalty requirements, with measures often failing to meet the stringent standards of criminal proceedings. For instance, environmental monitoring data collection may lack witness presence, and inspection records might omit equipment calibration details. Such procedural flaws could be deemed “illegal evidence” in criminal trials, rendering critical evidence invalid. This procedural barrier fundamentally reflects the value hierarchy disparity between administrative and judicial procedures regarding evidentiary requirements. “If certain co-defendants or related offenders are initially transferred in reverse order while others remain under review for prosecution or trial, the validity of relevant evidence remains unresolved.” [6]

Thirdly, the absence of evidence transfer rules has sparked disputes over the allocation of the burden of proof. Current legislation lacks clear procedures for transferring administrative law enforcement evidence to criminal justice systems, leading to selective transfers in practice. Administrative agencies may only submit favorable evidence while concealing unfavorable evidence, while prosecutors might refuse to accept evidence due to insufficient documentation, resulting in procedural inefficiencies. This systemic gap reduces the connection between criminal and administrative proceedings to a “piecemeal puzzle of evidence,” deviating from the principle of “equal access to justice” inherent in procedural fairness.

3.3 Legislative Gap in Evidence Transformation Rules: Value Conflict Between Formal Rationality and Substantive Rationality

The legislative deficiency in evidence conversion rules is the core issue hindering the connection between criminal and administrative proceedings, which is related to the inherent differences between administrative law enforcement evidence and criminal judicial evidence in terms of collection entities, procedural requirements, and review methods [7]. First, the ambiguity in the standards for converting evidentiary capacity leads to the abuse of judicial discretion. Current laws do not clearly define the evidentiary capacity standards for administrative law enforcement evidence, granting judicial authorities excessive discretion in evidence review. This may result in mechanically applying criminal evidence standards to exclude administrative evidence or excessively relaxing conversion conditions, reducing criminal proceedings to a ‘reconsideration procedure’ for administrative penalties, thereby violating the value balance requirements of the evidence system. Second, the absence of rules for converting evidentiary probative force weakens the function of evidence review. The lack of unified standards for assessing the probative force of administrative law enforcement evidence leads to a ‘dual evaluation’ phenomenon in judicial practice. Prosecutors use administrative penalty decisions as the basis for criminal prosecution while conducting substantive reviews of administrative evidence, violating the principle of ‘prohibiting double jeopardy’ and turning evidence review into a ‘secondary evaluation’ institutional quagmire. Finally, the lag in conversion rules for special types of evidence hinders judicial innovation. With the professional development of environmental justice, new forms of evidence such as electronic data have emerged in large numbers, yet current evidence conversion rules remain confined to traditional evidence types, lacking standardized review criteria and conversion procedures for new evidence. This constrains technological innovation in environmental justice, leaving China’s environmental governance facing a governance dilemma of ‘rule deficit.’

4. RELIEF STRATEGIES FOR CRIMINAL-ADMINISTRATIVE COORDINATION IN ENVIRONMENTAL RESOURCE CASES FROM THE PERSPECTIVE OF EVIDENCE “TRANSFORMATION”

In the process of specialization in environmental justice, the essence of the criminal-administrative coordination mechanism lies in reconciling divergent value orientations and normative logics within the public law system. This reconciliation requires not only overcoming the constraints of “administrative subordination” at the substantive law level, but also reconstructing evidence coordination rules at the procedural law level, while addressing institutional gaps in evidence transformation. The mechanism reconstruction centered on evidence synergy fundamentally achieves dynamic equilibrium between administrative and judicial powers in environmental governance through redefining legal principles regarding evidentiary capacity, proof standards, and procedural rules.

4.1 Refining the Rules for Evidence Conversion

The paradox of “administrative subordination” in environmental crime elements fundamentally stems from criminal justice's excessive reliance on administrative determinations. This institutional dependence not only blurs the power boundaries between administrative and judicial authorities but also reduces environmental criminal law to an “enhancing clause” for administrative penalties. To reconstruct evidence conversion rules, it is essential to establish the evidentiary probative force of administrative evidence at the legal theory level and develop a differentiated evidence evaluation system.

4.1.1 Clarifying the criminal probative force of administrative evidence: From formal review to substantive evaluation

The reliance of environmental criminal law on administrative determinations essentially constitutes a “hidden transfer” of judicial authority over administrative power. To resolve this dilemma, it is imperative to establish legislative standards for the evidentiary admissibility of administrative law enforcement through criminal proceedings, which requires clarifying the legal boundaries between administrative and criminal evidence at the theoretical level. The “preponderance of evidence” standard for administrative evidence and the “reasonable doubt exclusion” requirement for criminal evidence fundamentally reflect distinct value orientations in truth discovery across different litigation stages. In environmental crime cases, a “dual review” mechanism should be implemented: formally verifying the lawful source of administrative evidence while substantively examining its relevance to the facts under investigation. For instance, when using environmental monitoring reports as administrative evidence, critical scrutiny must focus on whether they meet the formal requirements for expert opinions under Article 52 of the Criminal Procedure Law, while also assessing compliance with national standards for monitoring methodologies and traceability of data collection. This “formal-substantive” review model not only safeguards the independence of criminal justice but also prevents blanket rejection of administrative evidence.

4.1.2 Establishing Tiered Proof Standards: The Specific Application of Proportionality Principle in Environmental Crimes

The diversity of environmental crime types necessitates a flexible approach to proof standards rather than a one-size-fits-all approach. Pollution-related crimes and resource destruction crimes exhibit significant differences in legal interests infringed, behavioral patterns, and consequences, providing a legal rationale for establishing tiered proof standards. Under the principle of proportionality, severe environmental crimes that harm major public interests should be subject to rigorous standards approaching “beyond reasonable doubt,” while crimes involving non-recoverable resources like illegal logging may adopt more lenient “high probability” standards. This differentiated approach does not constitute a breakthrough in criminal proof standards but achieves a balance between environmental protection objectives and lenient sentencing through tiered evidentiary requirements. Implementing tiered proof standards allows for differentiated application of administrative penalties and criminal sanctions, grounded in the understanding that environmental crimes’ harm extends beyond immediate damage to include potential ecosystem risks. Such standards enable precise alignment with the social hazards inherent to different crime types.

4.2 Optimization of the Coordination Procedure Between Administrative and Criminal Proceedings

The absence of evidence admissibility mechanisms at the procedural law level fundamentally reflects a value conflict between procedural justice and administrative efficiency. To achieve a dynamic balance between the two, it is necessary to reconstruct evidence transfer rules from a jurisprudential perspective and establish a procedural framework that integrates power checks and balances with collaborative mechanisms.

4.2.1 Establishing a “two-way mechanism and joint evidence collection” framework: An institutional innovation for power checks and balances

The procedural differences in evidence collection between administrative law enforcement and criminal justice fundamentally stem from their divergent prioritizations of efficiency versus fairness. Administrative enforcement focuses on swift resolution, while criminal justice emphasizes procedural justice. To bridge this gap, establishing a “two-way consultation” mechanism is essential. In major environmental cases, ecological authorities and judicial institutions can engage in pre-trial coordination regarding evidence collection strategies, technical standards, and legal application. This consultative relationship neither constitutes administrative interference in judicial power nor judicial overreach of administrative authority, but rather represents procedural collaboration tailored to environmental governance complexities. For instance, in cases involving complex technical assessments, judicial agencies may provide early guidance on evidence collection, while administrative bodies seek prosecutorial input on specialized matters. Such interactive mechanisms achieve power equilibrium through procedural pre-emptiveness, effectively preventing both criminal justice’s “post-facto critique” of administrative procedures and administrative authorities’ “preemptive shaping” of judicial processes.

4.2.2 Promotion of the “Criminal Execution Information Platform”: Implementation of the Principle of Transparency

The absence of evidence transfer regulations fundamentally stems from procedural chaos caused by information asymmetry. Establishing a nationwide unified criminal-administrative information platform must be grounded in transparency principles to ensure full traceability throughout case transfers, evidence sharing, and adjudication outcomes. From a legal perspective, the platform’s value extends beyond improving coordination efficiency—it fundamentally implements procedural justice through technological means. For instance, blockchain technology ensures evidence immutability to guarantee authenticity when administrative evidence enters criminal proceedings, while node control enables real-time tracking of evidence transfers to prevent procedural violations like selective transfers. These technological governance mechanisms essentially represent digital manifestations of procedural justice. Their legal rationale lies in demonstrating how technical frameworks can compensate for limitations of traditional procedural law in addressing increasingly complex environmental governance challenges, thereby achieving “visible justice.”

4.3 Collaborative Design for Responsibility Transition

The legislative gap in the rules of evidence conversion stems fundamentally from the separation between administrative liability and criminal liability. To achieve liability convergence, it is necessary to reconstruct the environmental legal liability system from a jurisprudential perspective and integrate the concept of restorative justice into the criminal-administrative linkage mechanism.

4.3.1 The Offset Rule Between Ecological Restoration and Administrative Penalties: A Legal Framework for Unified Liability

The traditional environmental legal liability system prioritizes punishment while overlooking the unique characteristics of ecological restoration. To achieve synergy between criminal and administrative liabilities, it is essential to establish a linkage mechanism between restoration actions and liability mitigation. “Given the expansive nature of administrative power and the restraint inherent in criminal law, environmental protection legislation should generally follow administrative law principles first, followed by criminal regulation for acts causing severe irreversible damage to ecosystems, human health, or public/private property.” [8] From a jurisprudential perspective, this offset rule embodies the principle of “liability unity.” [9] Both administrative penalties and criminal sanctions ultimately aim to restore damaged ecological interests. When offenders implement remediation measures such as stock enhancement programs or vegetation restoration, the severity of administrative penalties can be proportionally reduced. This design does not diminish “costs of violations” but rather transforms liability forms to shift from “punitive justice” to “restorative justice.” The legal rationale lies in the restorability of environmental interests, where liability assessment should be directly proportional to restoration outcomes.

4.3.2 Exploring “Administrative Compliance Non-Prosecution”: Institutional Innovation for Compliance Incentives

The criminological-administrative coordination in corporate environmental compliance rectification

fundamentally addresses how administrative supervision and criminal justice can form synergistic governance mechanisms. The introduction of the “administrative compliance non-prosecution” system requires establishing the legitimacy of compliance incentives through legal reasoning. This institutional design embodies the “preventive liability” concept: By mandating corporate establishment of environmental compliance systems, it shifts environmental regulation from “post-event penalties” to “pre-event prevention.” When enterprises complete compliance rectifications, lenient administrative penalties or exemption from criminal liability create a closed-loop accountability mechanism. Such coordinated design does not violate the principle of “legal definition of crimes and punishments,” but achieves environmental governance’s “Pareto optimality” through diversified liability forms. Its legal rationale lies in the fact that environmental criminal law should simultaneously fulfill punitive and preventive functions in risk society contexts, with compliance incentives serving as the institutional vehicle for this functional transformation.

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