

# IMPACTS OF THE DEVELOPMENT OF URBAN AGGLOMERATIONS ON CHINESE LEGISLATIVE SYSTEM

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*Аннотация.* Несмотря на то, что экономические реформы, прошедшие в Китае за последние 30 лет, весьма значительны, структура органов власти почти не претерпела значительных изменений. Элемент централизации правотворческого процесса неоправданно силен, в связи с чем подавляющее большинство местных органов власти (за исключением собраний народных представителей ряда крупных городов) не имеют сколько-нибудь реально значимой роли в правовом регулировании. Для дальнейшего равномерного развития страны представляется необходимым предоставить местным собраниям народных представителей в городах гораздо более широкие полномочия в нормотворческом процессе.

*Introduction.* The building and developing of urban agglomerations have been speeding up these years, especially from 2008, more than ten city agglomerations development plans obtained the approval of the State Council which is the highest administrative organ of China. It brings about great impacts on Chinese traditional institutions and social development. Some measures should be taken and some changes must take place in order to get with the development of urban agglomerations. However, things are not so simple. In the article I will discuss the impacts of the development of urban agglomerations on Chinese legislative system. Maybe from this question, we will become more aware of the difficulty and complexity of Chinese reforms.

**1. Basic reasons of urban agglomerations development plans' appearance.** Since 1949, a set of planning system was built up in China. From state power structure to people's ideas, all were adjusted to serve the system. Although economic development became the core task of the state since the reform and open policy was implemented in 1978, and *what has been changed are mainly the government functions rather than state power structure*. In this case, market economy has huge development, but political system or power structure still keeps the planning system model. The powers of government still almost exist in everywhere. In order to get better economic development, all the local governments take the various efforts or measures. They even conduct local protectionism in their policies or legislation. Repeated construction and closed development phenomena are very serious. This development pattern is called *Administrative Division Economy* by some Chinese scholars, which obviously is not helpful for the healthy development of market economy. The appearance of urban agglomerations can be considered as a try to transform the traditional development pattern.

**2. Impacts on the Legislative system of China.** The development of urban agglomerations can have an important impact on local political system and the traditional power operation mode, because the former needs equal participation

and cooperation. As a part of state powers, the legislative power will also be affected, and then the legislative system ought to alter.

There are two types of legislation in China, which are central legislation and local legislation. Each type contains both National People's Congress's legislation and administrative legislation. But not all the local People's congresses (PC) and governments have local legislative powers. Only the provincial and the Large City level PCs and governments have local legislative powers. In each urban agglomeration, only one or two cities belong to the class of Large City, others have no legislative powers. Then the demands of law in the development of urban agglomerations are mainly supplied by central or provincial legislation. The cities that make up each urban agglomeration can do little. It's not a good choice for urban agglomerations' development, because the better is to let all the cities participate or even decide the related legislation actively. *Furthermore, autonomous legislation by urban agglomerations which is based on the cooperation of cities is needed.* But according to current legislative system, almost all cities have no legislative power. Then changes must be made.

In order to obtain better development, urban agglomerations need more autonomy, including some independent legislative powers. But according to current legislative system, central legislative organs have huge legislative powers and local legislative organs nearly have no independent legislative powers. It's necessary to re-allocate legislative powers between central and local legislative organs. Besides, it is also very important to cut state powers and expand public participations during the development process of urban agglomerations.

**3. How to make the changes?** If we still rely on the traditional legislative system, that is to say, all the needs of law by the development of urban agglomerations are supplied by central and provincial legislation, the urban agglomerations will never gain the autonomous and healthy development. Too large state power is not a good news to the development of urban agglomerations because the latter should take market-oriented economic development pattern. If the state power structure is not changed, the development of urban agglomeration will repeat or continue the low-efficiency and low-participation development path. Possible changes may be to give more autonomy to the cities in order to let them carry out the legislative cooperation, as well as to make the national authority should keep away from some social affairs and allow the public to participate in the cooperation legislation among the cities. We should also try to seek collaboration between the city governments and social organizations and allow the latter to provide some public services. For these things, state legislation had better not intervened directly or only provide legal support or security.

Although the advice may look very wonderful, it is difficult to be carried out. Firstly, all the urban agglomeration plans are worked out by the governments.

That means the governments will still play a key role in the urban agglomerations' development. It is very difficult to keep the state organs including the legislative power away. Secondly, the re-allocation of legislative powers is difficult to realize separately because the legislative power is one part of the state power structure in China. The re-allocation of legislative powers cannot come true without the change of state power structure. Thirdly, because of this, the collaboration between the governments and social organizations is hard to do in a short time. The public will still have not enough interest to participate in the development of urban agglomerations besides the legislation as the development or legislation do not have much direct business with them. Finally, we cannot find one way to solve the problems in the development process of urban agglomerations. In other words, things are not so simple and our rationality is limited.