

# **Comparative Study of Administration Executive System of Macao and Mainland China**

## **ABSTRACT**

Administrative Authority exercising public authority, the executive relative to the implementation of a money payment, limit certain acts or omission, from the administrative action made until content, only clearly the rights and obligations, but the final aim of administrative action is to achieve its contents. Legislators generally recognized three categories of implementation of the target: execution to pay money, deliverables, obligations.

Macao's Executive administrative enforcement system included as a part of administrative procedures, reflected in the implementation of the Self-implemented, deliverables and obligations in the implementation, to act by the authorities since the implementation of the administrative organ has two identities, firstly administrative organ, secondary enforcement authorities; executive pay money shall be handed over to the other organs.

Mainland China's administrative enforcement system, is Justice-led model, the principle of apply to Court, or according to the law authorities to enforce the exception; The Bill to preserve the same principle, with the universal enforcement of the right, such as compulsory allocation, forced sale of property, etc., by law specifically authorized administrative organs, administrative enforcement of the Chinese mainland has its own characteristics.

On the allocation of executive rights, the Macao's Based model,

executive on its own execution, although the implementation of the payment of money to be transferred to another department, but the sector is still part of the executive; and the Mainland China adopts a "Application Court implementation of the principle", the executive for the exception, "the Justice-led", We believe that administrative decisions execution by the judiciary, it could easily lead to confusion of roles, also tends to delay the administrative efficiency.

Macau Administrative Enforcement only remain in the general provisions of the controversial "Code of Tax Implementation" the implementation of the application, other purpose of the substantive rights and enforcement procedures could not be clearly defined, compared to the Mainland China to be implementation specific legislation, it seems better reflect its procedures.

This paper going to compare the Administrative Enforcement of comparison Macao and Mainland China, from the perspective of comparative jurisprudence in Civil Law with the different legal system (one country two system) in the different provisions so as to take to review the existing system strengths less than .

**Keywords:**

**Administrative Enforcement  
Based Model**

**Self-implemented  
Justice-led Model**