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ИССЛЕДОВАНИЕ ПРОБЛЕМ СУДЕБНОЙ ПРАКТИКИ, СВЯЗАННЫХ С ПРАВОМ НА ПРЕДЪЯВЛЕНИЕ ИСКА В ПУБЛИЧНО-ПРАВОВЫХ СПОРАХ В СФЕРЕ ПРОИЗВОДСТВЕННОЙ БЕЗОПАСНОСТИ
A STUDY ON THE JUDICIAL CHALLENGES OF PLAINTIFF STANDING IN SAFETY PRODUCTION PUBLIC INTEREST LITIGATION

Аннотация. Публично-правовое судопроизводство в защиту общественных интересов в сфере производственной безопасности представляет собой важный судебный механизм предупреждения рисков, связанных с безопасностью труда и производства, а также обеспечения общественной безопасности. Однако определение круга лиц, обладающих правом на предъявление иска, на протяжении длительного времени осложняется неопределённостью законодательного регулирования и неоднородностью судебной практики.

Цель настоящего исследования заключается в уточнении правовых границ круга лиц, обладающих правом на предъявление иска в рамках публично-правового судопроизводства в защиту общественных интересов в сфере производственной безопасности, выявлении и решении практических проблем, включая несогласованность судебных критериев, ограниченный круг надлежащих истцов и недостаточную эффективность досудебных процедур, а также совершенствовании правовой системы регулирования данной категории дел.

В исследовании применяются методы нормативно-правового анализа, сравнительно-правового исследования и анализа научной литературы. Систематически рассматриваются соответствующие научные публикации, анализируются положения законодательства Китая и правила судебного рассмотрения дел о защите общественных интересов в сфере производственной безопасности, а также проводится сравнительный анализ правового регулирования круга лиц, имеющих право на предъявление иска, в более развитых сферах защиты общественных интересов, включая экологические споры, защиту прав потребителей и административное судопроизводство в защиту общественных интересов.

На основе анализа существующих институциональных недостатков предлагается модель определения круга лиц, обладающих правом на предъявление иска, предусматривающая приоритетное участие административных органов, дополнительное привлечение общественных организаций и субсидиарную роль органов прокуратуры. Такая модель позволяет восстановить ключевую функцию судопроизводства в защиту общественных интересов — предупреждение рисков – и усовершенствовать механизм совместной защиты общественных интересов в сфере производственной безопасности с участием как публичных, так и частных субъектов.

Abstract. Safety production public interest litigation is an important judicial mechanism for preventing risks to workplace and production safety and safeguarding public safety. However, the determination of plaintiff standing has long been hindered by ambiguous legislation and inconsistent

judicial application. This study aims to clarify the legal boundaries of plaintiff standing in safety production public interest litigation, address practical problems such as inconsistent judicial standards, the limited range of eligible plaintiffs, and the limited effectiveness of pre-litigation procedures, and improve the legal framework governing such litigation. This study employs normative analysis, comparative research, and literature review. It systematically reviews the relevant literature, interprets China's legal provisions and adjudication rules on safety production public interest litigation, and compares the plaintiff standing regimes in more mature areas, including environmental public interest litigation, consumer public interest litigation, and administrative public interest litigation. Based on an analysis of the current institutional deficiencies, this study proposes a plaintiff standing framework that gives priority to administrative authorities, supplements participation by social organizations, and assigns a fallback role to procuratorial organs. Such a framework seeks to strengthen the preventive function of public interest litigation and improves the collaborative public interest protection system that integrates both public and private actors in the field of safety production.

Ключевые слова: Общественная безопасность; многостороннее управление; превентивное правосудие; недостатки правового регулирования права на предъявление иска.

Keywords: Public safety, multi-stakeholder governance, preventive justice, deficiencies in plaintiff standing.

INTRODUCTION

Safety production is closely related to people's lives and health as well as social stability. It is a core component of grassroots social governance and risk prevention and control in China. At present, safety production risks have become increasingly concealed, interconnected, and persistent. Hidden hazards are more difficult to identify, while the traditional regulatory model, which mainly relies on administrative penalties and special inspections, often imposes legal accountability only after major or particularly serious accidents occur. As a result, it is difficult to achieve risk prevention at the source. The amended Safety Production Law of the People's Republic of China (Standing Committee of the National People's Congress, 2021) introduced provisions on safety production public interest litigation. This marks the formal involvement of judicial mechanisms in protecting public interests in the field of safety production and reflects the gradual establishment of a risk prevention and control model featuring administrative regulation as the primary mechanism and judicial accountability as the safeguard of last resort.

The Supreme People's Procuratorate of China has successively issued several White Papers on Procuratorial Public Interest Litigation (2023, 2025), continuously promoting judicial participation in the comprehensive governance of safety production. Compared with more mature areas of public interest litigation, such as environmental protection and consumer rights protection, safety production public interest litigation still lacks supporting judicial interpretations. Existing legislation provides only general and principled provisions. It does not clearly define the statutory scope of eligible plaintiffs, the order of standing among multiple plaintiffs, the eligibility criteria for industry-based social organizations, or uniform judicial standards for reviewing plaintiff standing. In judicial practice, courts at different levels exercise broad discretion, resulting in inconsistent determinations of plaintiff standing, frequent procedural conflicts, and divergent judicial decisions. These problems undermine the institutional value of public interest litigation and weaken its preventive function in addressing safety risks before accidents occur. Against this legal background, a systematic analysis of the institutional challenges surrounding plaintiff standing in safety production public interest litigation from the perspective of normative legal research is of both theoretical significance and practical necessity. Such an analysis can also contribute to improving the governing rules on plaintiff standing in this field.

This study addresses four interrelated questions. First, what rules currently govern plaintiff standing in China's safety production public interest litigation, and where do they leave uncertainty? Second, how do legislative design, institutional responsibilities, procedural arrangements, and sector-specific risks contribute to inconsistent application? Third, which approaches to plaintiff eligibility and priority developed in environmental and consumer public interest litigation may be adapted to this field? Fourth, how can these insights inform a workable allocation of litigation roles? Through normative interpretation and comparative analysis, the article develops a proposed three-tier framework that assigns primary responsibility to competent administrative authorities, a supplementary role to qualified social organizations, and a fallback supervisory role to procuratorial organs. The framework is a normative proposal rather than an empirically tested model.

LITERATURE REVIEW

Scholars have developed a relatively comprehensive theoretical framework for plaintiff standing in public interest litigation. Existing studies mainly focus on the legal foundations of the right to sue, the public trust doctrine, and the theory of the private attorney general. Sun (2025) reconstructed a hierarchical order for exercising litigation rights based on the need for differentiated protection of public interests. The proposed framework seeks to resolve conflicts among plaintiffs, balance the functional advantages of different plaintiff groups, and improve a coordinated system for protecting public interests. Yang (2023) examined the qualification requirements and practical application of different plaintiffs in environmental public interest litigation. The study identified deficiencies in the existing eligibility criteria and proposed corresponding improvements. He (2025) introduced the concept of preventive administrative public interest litigation, providing theoretical support for both the protection of citizens' rights and the safeguarding of public interests in China.

Li (2007) argued that, to strengthen procedural safeguards in public interest litigation, courts should encourage and support lawsuits brought by citizens or social organizations that have no direct personal interest in the dispute, while placing reasonable limits on the exercise of their litigation rights. Huang (2018) maintained that different procedural rules should be designed according to whether defendants voluntarily rectify their unlawful conduct when public interests have been harmed or are under threat. Zhang (2019) pointed out that administrative public interest litigation differs from ordinary administrative litigation in several respects, including the claims that may be brought, the establishment of a third-party participation mechanism, and the allocation of the burden of proof. Liu (2023) argued that, to improve the scientific design of rules governing the scope of accepted cases, legislation should incorporate systematic provisions, exclusionary clauses, and residual clauses.

A broad consensus has emerged among Chinese scholars regarding plaintiff standing in well-established fields of public interest litigation, particularly environmental protection and consumer rights protection. In the field of consumer public interest litigation, Liu (2021) argued that the model in which procuratorial organs serve as the sole plaintiff has significant governance limitations. The study proposed that the eligibility criteria for social organizations should be appropriately relaxed in light of practical needs so as to encourage broader public participation in supervision. Xue (2024) examined market competition regulation and demonstrated that a diversified plaintiff structure can effectively address regulatory blind spots in public interest litigation.

Among all categories of public interest litigation, environmental public interest litigation has developed the most mature theoretical and institutional framework in China. Li (2020) and Liu (2018) argued that a hierarchical plaintiff model, under which industry-based social organizations serve as the primary plaintiffs and procuratorial organs play a supplementary role as the safeguard of last resort, has become well established. The corresponding order of standing has been formally incorporated into judicial interpretations, promoting effective integration between legal theory and judicial practice.

Scholars have also extended their research to other areas involving public welfare. Cao (2025) proposed a hierarchical and sequential framework for plaintiff standing in public interest litigation

concerning employment discrimination. Studies on food and drug safety and personal information protection likewise demonstrate that a diversified and coordinated plaintiff system is better suited than a single-plaintiff model led solely by procuratorial organs to meet the needs of comprehensive public interest governance (Zheng, 2022; Li, 2022).

Research specifically addressing plaintiff standing in safety production public interest litigation mainly falls into three categories: evaluation of institutional functions, analysis of judicial challenges, and proposals for institutional improvement. Zhang (2024) argued that preventive safety production public interest litigation faces major challenges in judicial practice, particularly with respect to legal application and the identification of competent authorities. Clarifying the relationship between comprehensive regulation and sector-specific regulation remains a difficult issue for both law enforcement and judicial authorities. Zhao (2024) reviewed the relevant judicial rules and concluded that the absence of clear standards for determining plaintiff standing is a major institutional obstacle to the development of public interest litigation.

Wang (2023), Cheng (2023), and other scholars identified procedural deficiencies, including the ineffective operation of pre-litigation procuratorial recommendations and the absence of a statutory order of standing among multiple plaintiffs. Ding (2025) suggested drawing on the mature experience of environmental public interest litigation to establish a legally defined order of standing. From the perspective of preventive justice, Wang (2026) proposed optimizing the rules on plaintiff standing to better support front-end risk prevention and control in the field of safety production.

Other supporting studies have focused on general procedural rules, the allocation of powers, and safeguards against abusive litigation in public interest litigation. Wang (2017) argued that expanding plaintiff standing and establishing appropriate incentive mechanisms are two important approaches to overcoming institutional bottlenecks in environmental public interest litigation. Wang (2026) maintained that procuratorial organs should respect the priority of administrative authority while performing their legal supervisory functions in a timely manner when public interests are at stake, thereby safeguarding law-based administration. Liu (2023) examined the order of standing among multiple plaintiffs and provided a theoretical basis for the institutional proposals developed in this study. Deng (2008) proposed that procuratorial organs, administrative authorities, public welfare organizations, industry associations, other social organizations, and individual citizens should all be recognized as eligible plaintiffs in public interest litigation. Liu (2026) further argued that the normative elements defining the scope of accepted cases require further theoretical clarification and recommended the introduction of systematic provisions, exclusionary clauses, and residual clauses to improve the scientific design of the rules governing case acceptance.

The literature reveals four connected research gaps. First, established theories of plaintiff standing do not fully account for the administrative dependence, technical complexity, and preventive orientation of safety production regulation. Second, much of the scholarship identifies inconsistent decisions without sufficiently examining the legislative and institutional reasons for divergent standing determinations. Third, proposals for broader participation rarely specify an operational sequence among administrative authorities, qualified social organizations, and procuratorial organs, or concrete eligibility criteria for sector-specific organizations. Fourth, comparisons with environmental and consumer public interest litigation often lack a common analytical basis for assessing whether existing standing arrangements are transferable. The present study responds to these gaps through normative analysis and a proposed allocation of litigation responsibilities; it does not claim to establish the proposal's effectiveness through case-level empirical testing.

METHODS

Research Design

This article uses a qualitative, normative legal research design supported by comparative legal analysis. The inquiry proceeds from the interpretation of existing legal provisions and judicial policy

documents to the identification of institutional gaps and their theoretical implications. It then compares standing arrangements in related fields of public interest litigation and assesses their relevance to China's safety production regulatory framework. The resulting institutional proposal is evaluated for legal coherence and allocation of responsibilities, not for measured judicial outcomes.

Data Sources

This study relies exclusively on publicly available and authoritative normative materials. No judicial case data or empirical datasets are used. The research materials are drawn from three main sources. First, Chinese legal and regulatory documents. These include the Safety Production Law of the People's Republic of China (2021 Revision), the Civil Procedure Law of the People's Republic of China, the Administrative Procedure Law of the People's Republic of China, and the provisions on public interest litigation contained therein, as well as the relevant judicial interpretations jointly or separately issued by the Supreme People's Court and the Supreme People's Procuratorate. Second, official judicial policy documents. These include the White Papers on Procuratorial Public Interest Litigation issued by the Supreme People's Procuratorate of China in 2023 and 2025, theoretical articles on safety production public interest litigation published in the Procuratorial Daily, and the guiding opinions on handling public interest litigation cases issued by the Supreme People's Procuratorate. Third, academic literature. A total of 29 authoritative references were reviewed, including articles published in leading Chinese law journals, master's and doctoral theses, international legal scholarship, and official normative documents. All materials are publicly accessible through the China National Knowledge Infrastructure (CNKI), official government websites, and other authoritative databases. The literature covers the theoretical foundations of public interest litigation, institutional studies in specific fields, and specialized research on safety production public interest litigation.

Research Methods

Three methods structure the analysis. Normative legal interpretation is used to examine legislation, judicial interpretations, and policy documents concerning the legal basis and procedural limits of plaintiff standing. Comparative legal analysis considers standing rules in China's environmental and consumer public interest litigation and, where supported by the reviewed materials, approaches in other legal systems. A structured review of the academic literature identifies competing doctrinal positions and unresolved institutional questions. The study does not undertake statistical analysis, interviews, or original case-data collection; accordingly, its findings concern the normative framework rather than the measured prevalence of particular judicial practices.

FINDINGS

The documentary analysis identifies four interrelated weaknesses in the normative framework: insufficiently specified eligibility rules, an uneven allocation of litigation roles, the absence of a clear order of standing, and incomplete pre-litigation coordination. These findings describe the implications of the reviewed legal and policy materials; they should not be read as estimates of the frequency of particular outcomes in court.

There remains a normative gap in the current legal framework for safety production. The Safety Production Law of the People's Republic of China provides only in general terms that competent authorities and relevant organizations may bring safety production public interest litigation. It does not clearly specify the categories of eligible plaintiffs, their eligibility criteria, or the boundaries of their litigation rights. Compared with environmental public interest litigation and consumer public interest litigation, which have more detailed lists of eligible plaintiffs, the field of safety production lacks supporting judicial interpretations. As a result, there is no uniform legal basis in judicial practice for determining whether industry-based social organizations or local regulatory authorities have plaintiff standing.

Under the policy orientation reflected in existing safety production judicial practice, the structure of eligible plaintiffs is imbalanced. Procuratorial organs have become the core and dominant

plaintiffs in safety production public interest litigation. By contrast, administrative authorities with regulatory duties and professional social organizations in the safety production sector rarely participate in litigation. The diversified plaintiff system envisioned by legislation, namely a co-governance structure involving administrative authorities, social organizations, and procuratorial organs, has not been effectively implemented. The judicial supervisory function has been moved excessively to the front end. This has compressed the institutional space for administrative authorities to correct their own conduct and for social organizations to conduct social supervision. It also departs from the original design of public-private collaborative governance in public interest litigation.

The current legal framework for safety production does not establish a statutory order of standing among multiple eligible plaintiffs. It therefore cannot clearly define the hierarchical relationship among administrative performance of duties, social supervision by social organizations, and fallback litigation by procuratorial organs. When several eligible plaintiffs bring lawsuits over the same harm to public interests in safety production, there are no clear procedural coordination rules. This may lead to repeated litigation, parallel proceedings, and mutual exclusion among lawsuits. Such procedural uncertainty may increase the use of judicial and administrative resources.

The rules governing pre-litigation procedures remain incomplete. In safety production public interest litigation, the rules on pre-litigation procuratorial recommendations are overly general. They do not clearly define the criteria for assessing whether administrative authorities have performed their duties and completed rectification. Nor do they specify rectification periods or procedures for secondary supervision. In judicial practice, some administrative authorities carry out perfunctory or merely formal rectification before cases directly enter litigation. As a result, the pre-litigation procedure has become less effective in filtering cases and urging administrative authorities to correct problems on their own. Many public interest disputes that could have been resolved through administrative regulation flow directly into judicial proceedings. This increases the number of safety production disputes while producing limited improvement in safety production regulation and supervision.

DISCUSSION

Four institutional factors help explain the identified gaps. First, the relatively recent introduction of safety production public interest litigation left important questions of standing and procedure to subsequent interpretation. This incremental legislative approach provides flexibility but also creates uncertainty. Second, the concentration of technical regulatory competence in administrative authorities complicates the division of responsibility between regulation, public-interest representation, and judicial supervision. Third, reliance on established procuratorial procedures may discourage the development of clear routes for participation by other eligible actors. Fourth, the technical demands of identifying and evaluating safety risks make undifferentiated expansion of standing difficult to justify. Any broader access to litigation therefore requires transparent competence and eligibility requirements. These explanations are institutional interpretations of the reviewed materials, not causal findings derived from interviews or court-level data.

The analysis aligns with scholarship identifying uncertain standing rules and limited coordination among potential plaintiffs, while extending that discussion to the allocation of institutional responsibilities. Environmental and consumer public interest litigation offer useful points of comparison because their eligibility and procedural arrangements are more developed. Their rules, however, cannot be transplanted without considering the technical and administrative characteristics of safety production. The article therefore advances a differentiated sequence of participation: competent administrative authorities should ordinarily address regulatory risks first; qualified social organizations may supplement protection where legally authorized; and procuratorial organs should retain a supervisory and fallback function when public interests remain inadequately protected. This sequence is offered as a legislative design proposal. The comparative materials reviewed here do not establish a uniform international rule requiring that sequence in every jurisdiction.

The article's principal theoretical contribution is to distinguish the allocation of plaintiff standing in a technically specialized, prevention-oriented field from general models of public interest litigation. It clarifies the proposed relationship between administrative regulatory competence, participation by qualified social organizations, and procuratorial supervision. At the practical level, the three-tier framework offers a basis for discussing future judicial interpretations and procedural coordination rules. Such rules would need to specify eligibility criteria, notice and priority among potential plaintiffs, responses to overlapping claims, and standards for assessing administrative rectification during pre-litigation review. If adopted and implemented effectively, these measures could strengthen preventive protection and reduce avoidable procedural conflict. Their actual effects remain a question for subsequent empirical research.

CONCLUSION

This normative study identifies gaps in the rules governing plaintiff standing in China's safety production public interest litigation and proposes a differentiated three-tier allocation of responsibilities. Under the proposed approach, competent administrative authorities have priority in addressing regulatory risks, qualified social organizations provide supplementary public-interest protection, and procuratorial organs serve as a safeguard where other mechanisms are insufficient. Clear eligibility standards, coordination rules, and more effective pre-litigation review would be needed to operationalize this framework. The proposal is a basis for legislative and doctrinal discussion, not evidence that the arrangement has already been implemented or empirically validated.

Limitations of the Study

Two limitations qualify the conclusions. First, the research relies on normative legal materials and published scholarship rather than interviews, a coded sample of judicial decisions, or administrative implementation data. Statements about institutional tendencies therefore require further empirical verification. Second, the proposed three-tier allocation remains a general framework; separate standing and procedural rules for civil and administrative public interest litigation in safety production have not been fully developed. Future research should test the framework against documented cases and specify the eligibility, sequencing, and review requirements appropriate to each procedural pathway.

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