
Discussion on the Construction of Legal Risk Prevention and Control System of Local Government Public Management from the Perspective of Rule of Law

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Abstract: The rule of law serves as the cornerstone principle in ensuring the legitimacy and fairness of government actions within local public administration, while also acting as a critical foundation for enhancing the effectiveness of local public management and mitigating legal risks. Exploring the establishment of a legal risk prevention system for local public administration from a legal perspective has become a central task in the ongoing reform and optimization of local governance. Based on this, the article first briefly elucidates the necessity of constructing such a system from a legal standpoint, then delves into its implementation strategies. The aim is to provide actionable insights for improving the level of law-based administration and preventing or resolving legal risks in local public management.

Keywords: Rule of law; Local government; Public administration; Legal risk; Supervision; Intelligitization

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1. Introduction

With the deepening of the rule of law and the continuous improvement of the national governance system, higher demands are being placed on local governments' public management. Strengthening legal risk prevention and control, with the rule of law as the core principle, has become a critical path to enhance local governments' public management capabilities, fully exercise their regional governance functions, and improve the compliance and legality of their administrative actions. From a legal perspective, current public management practices in some local governments still face challenges such as weak legal awareness, insufficient risk warnings, incomplete institutional systems, inadequate supervision, and poor accountability implementation. These issues have hindered the establishment of a scientific and robust risk prevention system, thereby affecting the effectiveness of local government public management. To further strengthen local governments' risk prevention capabilities and establish a systematic, routine, and institutionalized risk management mechanism, it is essential to continuously enhance the construction and optimization of legal risk prevention systems for public management under the rule of law framework.

2. The necessity of constructing the legal risk prevention and control system of local government public management from the perspective of rule of law

2.1. The core handling of promoting the construction of the government by law

From a legal perspective, establishing a legal risk prevention and control system in local government public management serves as a pivotal measure to advance the construction of a law-based government. By implementing such a system, it facilitates the thorough implementation of legally defined powers and responsibilities and law-based administration, enabling legal thinking and methods to be fully integrated into all aspects of local government public management. This effectively shifts the exercise of administrative power from the traditional “experience-driven” approach to a “law-based” model ^[1]. Through the systematic and institutionalized development and operation of this legal risk prevention and control system, it effectively addresses legal loopholes in traditional local government administrative practices, thereby providing a solid foundation for advancing grassroots-level law-based governance.

2.2. Key measures to standardize the operation of administrative power

From a legal perspective, the establishment of a scientific and robust legal risk prevention system by local governments in public administration can effectively delineate the boundaries of their authority, thereby reducing risks such as overreach, abuse of power, and procedural flaws. Moreover, the implementation of this system helps address the traditional issues in local government management, such as prioritizing efficiency over procedures and political achievements over the rule of law, ensuring that administrative power operates in a standardized, lawful, and transparent manner. This approach effectively mitigates legal risks in local government operations at their source.

2.3. The realistic need to reduce administrative disposal cost

From a legal perspective, strengthening the construction and operation of a legal risk prevention and control system in local government public management is a practical necessity to reduce administrative disposal and social governance costs. Specifically, the establishment of such a system overcomes the limitations of the traditional post-event remediation-based risk management model in local government public management. By implementing a comprehensive risk management mechanism encompassing “prevention, in-process control, and post-event remediation,” it not only enhances the efficiency and effectiveness of risk management but also effectively reduces the occurrence of legal disputes, including administrative litigation losses, administrative reconsideration revocations, and state compensation claims. This approach significantly minimizes public interest losses caused by improper local government performance and lowers the costs of administrative disposal ^[2].

3. Strategies for the construction of legal risk prevention and control system of local government public management from the perspective of rule of law

3.1. Building a legal system to strengthen the legal foundation of risk prevention and control

From a legal perspective, the establishment of a legal risk prevention and control system in local government public management must prioritize the development of a rule-of-law institutional framework, which serves as the fundamental safeguard for effective risk management. Therefore, local governments should adhere to the regulations governing the construction of a law-based administration, creating a practical and well-coordinated risk prevention system. This ensures that legal risk management in public administration is conducted in accordance with established rules and procedures.

The first step involves developing localized public management legal risk prevention and control measures. Local governments should analyze legal risks in public administration based on regional conditions, identify risk prevention needs, and formulate practical implementation plans. These plans must clearly define responsible entities, delineate their duties, specify the scope of application, outline core procedures, and establish standardized risk resolution protocols. By establishing robust legal risk prevention frameworks, this approach institutionalizes risk management practices,

effectively addressing longstanding issues in traditional local governance such as “lawless prevention” and “arbitrary risk control.”

The second measure involves establishing a scientific and standardized legal risk inventory system for key sectors. Local governments should conduct systematic analysis of high-risk areas across multiple dimensions, including administrative decision-making, approvals, penalties, contracts, government procurement, and grassroots governance, based on local public governance realities. Legal risks should be categorized by standard levels, with clearly defined responsible entities and actionable prevention measures for each risk tier in critical sectors. This approach enables “inventory-based management and precision risk control” in key areas.

Third, establish enforceable special regulations for legality review. In the context of local government public management, it is essential to strengthen the development of enforceable special regulations for legality review within the framework of rule-of-law institutional construction. These regulations should address major administrative decisions, significant law enforcement actions, and administrative normative documents by defining their review scope, standards, timelines, and requirements from a legal perspective^[3]. Simultaneously, the principle that ‘no action shall be taken without legality review’ must be adopted as a fundamental guideline for local government administrative actions, thereby establishing a robust institutional safeguard for legal risk prevention in public management.

3.2. Establish a full-process control mechanism to achieve comprehensive legal risk prevention

Traditional local government public management primarily adopts a post-event remediation approach to legal risk management, failing to integrate legal risk prevention into all aspects of public administration, which results in suboptimal outcomes. From a rule-of-law perspective, local governments should enhance their awareness of legal risk prevention and embed legal review and risk control into every stage of public management. This would transform the current “post-event remediation” model into a comprehensive chain of prevention and control encompassing “prevention, in-process management, and post-event remediation.”

3.2.1. Proactive prevention

In local government public management, risk prevention through preventive measures emphasizes strict “entry control” to effectively mitigate legal risks at the source. Local governments should rigorously implement mandatory legality review procedures. For all major public management matters, departments must conduct thorough reviews under the guidance of professional legal experts, including government lawyers and legal advisors, to provide scientifically grounded opinions. Decision-makers should base administrative decisions on these evaluations, postponing or adjusting non-compliant items. Simultaneously, a risk assessment mechanism must be established for high-profile public matters and those closely related to citizens’ interests. This mechanism requires preliminary legal risk analysis and the preparation of comprehensive reports, which should inform targeted risk mitigation strategies. Additionally, local governments should standardize public participation and expert consultation processes. For matters legally requiring public input and expert evaluation, standardized procedures must be followed to ensure scientific, effective, and democratic decision-making, thereby effectively preventing legal risks.

3.2.2. In-process governance

The mid-term risk control mechanism for public administration legal risks in local governments emphasizes rigorous enforcement standards to regulate administrative conduct and effectively mitigate legal risks. Local governments should establish standardized administrative procedures to standardize personnel performance. Specifically, they must define statutory requirements, operational norms, and accountability checkpoints for administrative processes, including approvals, penalties, and enforcement measures, from a legal perspective. These procedures should be refined to meet practical governance needs. Standardized workflows can effectively prevent arbitrary actions and procedural flaws in local government operations. Simultaneously, governments should implement dynamic monitoring systems utilizing big

data, cloud computing, and AI technologies to enhance digital governance platforms. These platforms enable real-time supervision of administrative processes, allowing early detection of emerging legal risks. When risks are identified, the platform issues alerts with risk mitigation recommendations, prompting responsible departments to implement corrective actions, thereby resolving potential legal issues at their source ^[4].

3.2.3. Post-event remediation

For local governments' legal risk prevention in public administration, this strategy emphasizes rigorous post-event review mechanisms. It focuses on systematically evaluating the effectiveness of risk control measures to drive improvements through assessment. Local governments should establish case-specific accountability review systems. When major legal risks emerge during public administration, such as administrative litigation losses or revoked administrative reconsideration decisions, professional teams must conduct comprehensive reviews. These teams should analyze the root causes of legal risks, develop evidence-based corrective measures, and produce formal review reports. Furthermore, governments must implement closed-loop management for risk rectification. For identified legal issues, they should identify responsible entities, clarify rectification responsibilities and standards, and require timely corrective actions. This ensures that similar legal risks do not recur in subsequent public management processes.

3.3. Establishing a professional prevention and control team to strengthen talent support for risk management

From the perspective of the rule of law, in the construction of the legal risk prevention and control system in the public management of local government, we should pay more attention to the construction of professional risk prevention and control team, fully realize the importance of the legal literacy of public officials and the ability to perform their duties according to law to strengthen the effectiveness of legal risk prevention and control, so as to improve the personnel training system and build a professional risk prevention and control team as follows:

- (1) Strengthen the cultivation of legal thinking: Local governments should enhance the legal awareness of public officials when building specialized legal risk prevention teams. Core training materials should include President Xi's thoughts on the rule of law, the Constitution, administrative law, and public management regulations. Systematic training should be provided during initial employment, with these topics also forming the main content of ongoing training programs. By regularly organizing legal seminars and case studies, local governments can effectively embed legal principles into the daily work of public officials, reinforcing their legal mindset in official duties;
- (2) Implement targeted legal training programs: When establishing specialized legal risk prevention teams, local governments should adopt a categorized training approach to enhance the precision and effectiveness of legal education. Specifically, tailored training content can be developed for different roles, including decision-makers, law enforcement officers, and administrative service personnel. For instance, public officials in decision-making positions should focus on legal training covering the legality review of major administrative decisions and risk assessment requirements. Those in law enforcement roles should prioritize legal application standards and administrative procedures. Administrative service personnel should concentrate on legal provisions related to government services and administrative contracts ^[5];
- (3) Refine the evaluation mechanism with a rule-of-law orientation at its core: When establishing specialized legal risk prevention teams, local governments should develop a performance assessment system that prioritizes legal compliance. The effectiveness of legal risk management and the fulfillment of legal duties should serve as key criteria for evaluating both public administration and civil servants' job performance. By clearly defining legal indicators and increasing their weighting in assessments, this approach will strengthen civil servants' legal awareness and enhance their legal literacy.

4. Conclusion

In conclusion, from a rule-of-law perspective, local government public management must enhance legal risk prevention awareness, continuously improve the construction of rule-of-law systems, establish comprehensive process control mechanisms, and build professional risk prevention teams. This will form a risk prevention system that meets the needs of local government public management under the rule-of-law framework, thereby supporting the development of grassroots rule-of-law governments. Moving forward, to further refine the legal risk prevention system, local governments should integrate social resources and fully leverage the collaborative role of diverse stakeholders, including social organizations, judicial bodies, and enterprises, to create a collective force for risk prevention in public management. Simultaneously, efforts should be made to strengthen preventive legal systems, ensuring scientific risk prevention at the source to guarantee the lawful and orderly conduct of local government public management.

Disclosure statement

The author declares no conflict of interest.

References

- [1] Zhao J, Wang K, 2025, How Can Explainable Machine Learning Be Applied to Prediction Research in Public Administration? Taking the Scale Economy Effect of Local Governments as an Example. *China Administrative Management*, 41(3): 76–89.
- [2] Cai Q, Zhao Y, Zhang Q, 2023, Assessment of Local Government Public Crisis Management Capability Based on Analytic Hierarchy Process: A Case Study of Liaoning Province. *Journal of Ezhou University*, 30(6): 58–61.
- [3] Xu Y, 2022, Exploring the Cultivation of Innovative Public Management Talents in Local Governments in the New Era. *Business Observation*, 2022(7): 81–83.
- [4] Han Y, 2022, Exploring the Construction of an Indicator System for Local Government's Social Governance Capacity. *Journal of Hubei Open Vocational College*, 35(4): 142–144.
- [5] Zhang X, 2021, A Brief Discussion on the Legalization of Government Public Management. *Office Business*, 2021(18): 86–87.

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