
Reviewing Article 136 of the Public Security Administration Punishment Law: “Sealing of Public Security Violation Records” Through the Lens of Xi Jinping Thought on the Rule of Law and the Overall National Security Outlook: A Legal Pathway for Deferred Application, Investigation of Specific Issues, and Mitigation of Risks from External Improper Influence

[Wei Meng](#)*

Posted Date: 15 December 2025

doi: 10.20944/preprints202512.1250.v1

Keywords: sealing of public security violation records; deferred application; Xi Jinping thought on the rule of law; comprehensive national security outlook; committee for investigating specific issues; external undue influence; institutional security



Preprints.org is a free multidisciplinary platform providing preprint service that is dedicated to making early versions of research outputs permanently available and citable. Preprints posted at Preprints.org appear in Web of Science, Crossref, Google Scholar, Scilit, Europe PMC.

Copyright: This open access article is published under a [Creative Commons CC BY 4.0 license](#), which permit the free download, distribution, and reuse, provided that the author and preprint are cited in any reuse.

Disclaimer/Publisher's Note: The statements, opinions, and data contained in all publications are solely those of the individual author(s) and contributor(s) and not of MDPI and/or the editor(s). MDPI and/or the editor(s) disclaim responsibility for any injury to people or property resulting from any ideas, methods, instructions, or products referred to in the content.

Article

Reviewing Article 136 of the Public Security Administration Punishment Law: “Sealing of Public Security Violation Records” Through the Lens of Xi Jinping Thought on the Rule of Law and the Overall National Security Outlook: A Legal Pathway for Deferred Application, Investigation of Specific Issues, and Mitigation of Risks from External Improper Influence

Wei Meng ^{1,2,3}

¹ Dhurakij Pundit University, Thailand; weimeng4@acm.org

² The University of Western Australia, AU

³ Fellow, Royal Anthropological Institute, UK

Abstract

The newly introduced ‘sealing of public security violation records’ system under the revised Public Security Administration Punishment Law has sparked intense debate due to its implications for public safety expectations concerning highly sensitive activities such as drug-related offences, occupational access boundaries, and data governance risks. This paper refrains from making factual determinations regarding online allegations against any specific individuals or institutions. Instead, it adopts a ‘systemic security governance’ methodology to explore how the legislature can achieve risk containment, factual clarification, and institutional consolidation within the rule of law framework when significant societal doubts arise (including ‘indications of potential external undue influence during the legislative proposal stage’) and supporting regulations have yet to form a rigid closed-loop system. This paper proposes: guided by the normative benchmarks of scientific, democratic, and lawful legislation emphasised in Xi Jinping Thought on the Rule of Law, and framed by the risk management principles of coordinating people’s security, political security, and institutional security as required by the overall national security outlook, the NPCSC should lawfully arrange for the temporary suspension of Article 136’s key application provisions within a specified timeframe. concurrently initiating investigations into specific issues or specialised reviews. This would establish an auditable governance chain of ‘first contain risks, then investigate thoroughly, finally consolidate,’ thereby minimising systemic spillover costs to public safety, data security, and public trust without undermining institutional objectives.

Keywords: sealing of public security violation records; deferred application; Xi Jinping thought on the rule of law; comprehensive national security outlook; committee for investigating specific issues; external undue influence; institutional security

Writing Statement and Scope Limitations

1. This paper constitutes a normative legal study. It addresses solely institutional design, statutory procedures, and risk governance pathways.

2.Regarding online allegations concerning specific scholars or institutions “receiving foreign funding” or “manipulating legislation,” this paper neither endorses, repeats, nor makes factual determinations on such claims. This paper solely addresses: how to lawfully initiate verification and damage control mechanisms within China’s legal framework when credible leads or significant suspicions arise, and how to achieve institutional repair under the overarching national security framework.

3.In-text citations employ the author-year parenthetical style; end-of-text references are listed according to APA 7th edition standards and provide verifiable web links.

1. Problem Statement: Institutional Innovation under Article 136 and “Implementation Risk”

1.1. Regulatory Framework and Effective Date

Article 136 of the newly amended Public Security Administration Punishment Law establishes a three-tiered structure comprising the ‘sealing principle—exceptional access—confidentiality obligation’, specifying that the law shall take effect on 1 January 2026 (Caixin Weekly, 2025; National People’s Congress, 2025). The core of the provision lies not in ‘deleting records’ but in restricting public access and disclosure while preserving channels for state organs handling cases and relevant entities to conduct lawful queries (CBN Weekly, 2025).

1.2. The Essence of Controversy: Shifting from Value Judgements to Implementation Conditions

Controversy centres intensely on the boundaries and controllability of ‘lawful access’: which entities may access records ‘in accordance with state regulations’? Are the approval chain for access, the principle of minimal necessary disclosure, audit trails, and accountability for breaches sufficiently robust? For highly sensitive categories such as drug-related offences, how can public expectations of ‘zero tolerance’ governance be reconciled with the ‘sealing system’? These questions determine whether the system will ultimately ‘reduce stigmatisation’ or ‘induce indiscriminate access/black market exploitation and erode public trust’ (Yicai, 2025; Caixin Weekly, 2025).

2. Normative Framework: The Unified Requirements of Xi Jinping Thought on the Rule of Law and the Overall National Security Outlook

2.1. Xi Jinping Thought on the Rule of Law: Ensuring Sound Legislation and Good Governance Through ‘Scientific Legislation, Democratic Legislation, and Legislation in Accordance with the Law’

Authoritative discourse emphasises the need to focus on improving legislative quality as the key task, advancing scientific and democratic legislation, and refining legislative systems and procedures (Ministry of Justice, 2022). Within the framework of comprehensively advancing law-based governance, the coordinated promotion of scientific legislation, strict law enforcement, impartial adjudication, and universal observance of the law necessitates that highly contentious provisions transcend mere declarations of values. Instead, they must achieve a closed-loop system of rules that are ‘predictable, enforceable, monitorable, and accountable’ (Communist Party of China Website, 2025).

Normative inference A: When supporting rules for legal provisions remain immature and carry high spillover risks, the legislature’s adoption of a governance approach combining ‘procedural deceleration (deferred application) with rule-first implementation’ constitutes accountability for legislative quality rather than a concession to legislative authority.

2.2. *Holistic National Security Outlook: Elevating System Implementation Risks to 'System Security Governance'*

The Comprehensive National Security Outlook emphasises safeguarding national security as the 'paramount task,' integrating development with security (Xinhua News Agency, 2014; Qiushi Journal, 2024). At the institutional level, the 'sealing of public security violation records' simultaneously addresses: public safety (risk governance of drug-related offences and social order stability), data security (record access permissions, leaks, misuse, and cybercrime supply chains), and political-institutional security (whether legislative sovereignty and procedural authority can withstand undue influence and the divisive effects of rumours).

Normative Inference B: Should significant doubts arise regarding 'potential external undue influence in the legislative proposal process,' the strategy most aligned with the overall national security outlook is not 'public opinion countermeasures,' but rather 'legal verification—authoritative conclusions—institutional patches,' thereby restoring institutional and political security through procedural justice.

3. Statutory Toolkit: Legal Basis for Suspension of Application and Investigation of Specific Issues

3.1. *Article 16 of the Legislation Law: Authorisation Mechanism for Temporary Adjustment or Suspension of Application*

Article 16 of the Legislation Law stipulates that the National People's Congress and its Standing Committee may, in accordance with the needs of reform and development, authorise the temporary adjustment or suspension of application of specific provisions of laws within prescribed timeframes and scopes (National People's Congress, 2023). The relevant provisions further state that where practices prove feasible, the relevant laws shall be amended in a timely manner; where conditions are not yet ripe, the authorisation period may be extended or the provisions reinstated (Supreme People's Procuratorate, 2023).

Institutional Implications: The 'time-limited, scope-limited' suspension of Article 136's application does not contravene the rule of law principle. Rather, it constitutes a statutory safeguard provided by the Legislation Law to reduce institutional trial-and-error costs and ensure the maturation of regulatory frameworks.

3.2. *Article 71 of the Constitution: Investigation Committees on Specific Issues*

Article 71 of the Constitution stipulates that the National People's Congress and its Standing Committee may establish investigation committees on specific issues when deemed necessary, and may adopt corresponding resolutions based on the investigation reports (National People's Congress, 2018).

Institutional Implications: When disputes escalate to questions of 'significant procedural irregularities in the legislative process or major societal controversies,' the Constitution provides a state-level fact-finding mechanism to counterbalance online narratives.

3.3. *Statutory Boundaries Against External Improper Influence: Authority to Identify 'Agents'*

The Implementation Rules of the Counter-Espionage Law explicitly state that espionage organisations and their agents shall be identified by the State Council's national security authorities, defining the term 'espionage organisation agent' (State Council, 2017; People's Daily, 2017).

Institutional Implications: Public discourse should be proceduralised as 'clues – lawful investigation – statutory agency determination – accountability/clarification and remediation,' rather than having societal dissemination directly supplant legal adjudication.

4. Core Argument: Why the Key Aspect of Article 136 Should Be “Temporary Suspension Followed by Consolidation”

4.1. IRAC-1: Legitimacy and Necessity of Suspension of Application

Issue: When supporting regulations are inadequate and disputes involve public security and data security, can and should the Standing Committee of the National People’s Congress suspend the application of key provisions under Article 136?

Rule: Article 16 of the Legislation Law confers upon the National People’s Congress and its Standing Committee the authority to decide on the temporary adjustment or suspension of specific provisions of laws (National People’s Congress, 2023).

Analysis: The implementation risks of Article 136 centre on the ambiguous boundary between ‘disclosure to external parties’ and ‘lawful access requests’. Should a dual failure occur – where ‘information that should be accessible remains inaccessible, while information that should not be accessible is accessed indiscriminately’ – public security, data security, and public trust would all be simultaneously compromised (CBN, 2025). The objective of suspending application is not to negate the sealing system, but to transform its implementation from ‘abstract provisions’ into an ‘audit-capable regulatory framework’: first establishing unified national-level detailed rules and audit responsibilities, then rolling it out comprehensively. This aligns with scientific legislation’s requirement for ‘enforceability’ (Ministry of Justice, 2022).

Conclusion: The NPCSC not only possesses the authority but also bears the imperative, under conditions of high spillover risk, to implement a time-bound suspension arrangement for critical application aspects of Article 136. This safeguards public safety and institutional credibility.

4.2. IRAC-2: Procedural Handling of Significant Doubts and Clues of External Improper Influence

Issue: How should significant societal doubts regarding ‘potential external improper influence on legislative proposals’ be addressed to concurrently meet rule-of-law and national security requirements?

Rule: Article 71 of the Constitution provides a mechanism for investigating specific issues (National People’s Congress, 2018); the determination of ‘agent’ status is conducted by national security authorities in accordance with the law (State Council, 2017).

Analysis: The overall national security outlook requires the coordinated management of political security and institutional security; if significant doubts remain unresolved for an extended period, they will erode legislative authority and social trust (Qiusi Journal, 2024). Through special investigations or targeted reviews, establishing a chain of evidence covering the ‘funding-access-argumentation-adoption-voting-implementation’ process can achieve two objectives: clarifying unfounded allegations while holding accountable those with proven misconduct, thereby addressing systemic loopholes.

Conclusion: The approach should adhere to ‘no preconceived conclusions, but mandatory verification under law,’ utilising constitutionally authorised investigative mechanisms to achieve authoritative characterisation and institutional rectification.

5. Approach: A Directly Implementable Roadmap of “First Contain the Damage, then Investigate Thoroughly, and Finally Consolidate”

5.1. Suspension of Enforcement: Scope, Duration and Conditions for Resumption

Recommendation 5.1.1 (Scope): Suspend key enforcement provisions in Article 136 directly related to ‘public provision/disclosure’ and ‘enterprise-end query access’; retain internal query and evidence retention mechanisms required for state organ investigations to ensure drug control and public security governance remain unaffected (CBN Weekly, 2025; Caixin Weekly, 2025).

Recommendation 5.1.2 (Duration): A 6–12 month suspension period with a hard condition of ‘resumption upon meeting standards’.

Recommendation 5.1.3 (Resumption Conditions): At least the following four mandatory supporting measures must be completed: ① Query whitelist (entities, positions, scenarios, grounds, approval chain); ② Minimum necessary return (prioritising ‘presence/absence’ or risk level); ③ Full-chain audit trails (who searched, when, why, and to what granularity); ④ Severe penalties for abuse/leaks and unified accountability criteria (calculable, traceable liability).

5.2. Clarification: Evidence Chain Model for Specific Investigations/Special Reviews

Based on Article 71 of the Constitution (National People’s Congress, 2018), it is recommended to adopt a ‘closed-loop evidence chain’ approach rather than ‘narrative counterbalancing’: proposal chain, justification chain, conflict of interest chain, external contact chain, adoption chain, and implementation chain. Where national security assessments involving ‘proxy’ entities are concerned, such matters should be referred ex officio to national security authorities for legal confirmation (State Council, 2017).

5.3. Standardisation: Establishing an Auditable National Standard System for ‘Lawful Access’

To genuinely implement Article 136, ‘exceptional access’ must evolve from a flexible concept into a rigid regulatory framework: unified interfaces and tiered authorisation, standardised audit protocols, harmonised procedures for handling breaches, and consolidated job risk catalogues with dynamic update mechanisms.

6. Objections and Responses

6.1. Objection 1: A Moratorium Would Undermine Destigmatisation and Resocialisation Objectives

Response: The purpose of a time-limited moratorium is to establish controllable boundaries for the system. Without auditing and accountability mechanisms, sealing records may instead trigger underground searches and black market activities, exacerbating social inequality and entrenching stigma (CBN, 2025).

6.2. Objection 2: Verifying External Undue Influence Will Create a Chilling Effect on Academic Exchange

Response: This paper advocates a ‘conflict of interest disclosure—procedural review—evidence closure loop’ approach, not the securitisation of normal academic exchange. Moreover, the legal authority to confirm ‘proxy’ status resides with statutory bodies; verification itself serves to clarify facts, restore trust, and plug loopholes (State Council, 2017).

7. Conclusion

From the perspective of Xi Jinping Thought on the Rule of Law, the continued legitimacy of Article 136 hinges upon achieving both ‘high-quality enforceability’ in the context of scientific legislation and ‘supervisability and accountability’ in the context of democratic legislation (Ministry of Justice, 2022; Communist Party of China Website, 2025). Viewed through the lens of the overall national security outlook, the sealing system must holistically balance people’s security, data security, and institutional security: When supporting mechanisms are immature and significant societal doubts arise, the legal framework should adopt a ‘first contain losses, then investigate thoroughly, finally consolidate’ approach through Article 16 of the Legislation Law (temporary suspension mechanism) and Article 71 of the Constitution (specific issue investigation mechanism). This ensures procedural justice upholds legislative authority, institutional patches safeguard national security, and mature rules maintain societal trust (National People’s Congress, 2023; National People’s Congress, 2018; Xinhua News Agency, 2014; Qiushi Journal, 2024).

Appendix A. Evidence Chain Verification Checklist for Risks of Undue External Influence

Appendix A.1. Funding Chain

Core Issue: Are there undisclosed funding arrangements, commissions, sponsorships, or research grants that constitute undue influence over legislative topics, texts, and academic agendas?

Key Verification Points:

1. Official funding agreements and project initiation documents

Original documents including cooperation agreements, project proposals, and memoranda of understanding signed between the Swedish International Development Cooperation Agency (SIDA) and relevant intermediary organisations (e.g., the Wallenberg Institute) with Chinese universities/research centres.

(Material reference: 〈US instigates neutral Sweden's SIDA to fund Zhao Hong's institution with 40 million, drawing scrutiny〉)

Specific clauses detailing total funding amounts (e.g., '€250,000 annually, totalling approximately RMB 40 million'), funding periods (reported as 'approximately 20 years from 1998/2004 to 2025'), and expenditure allocation structures (tuition fees, foreign faculty remuneration, equipment, internship funds, etc.).

(Source material: 〈US instigates neutral Sweden's SIDA to fund Zhao Hong's institution with 40 million yuan, drawing scrutiny〉)

2. Internal financial and audit records

Financial ledgers, annual budget and final accounts reports, and audit reports of the funded entity detailing overseas funding sources and usage.

Whether any discrepancies exist with publicly disclosed information, such as 'hidden funding' or 'project bundling'.

3. Funding and Remuneration at the Individual Level

Whether key academic leaders, project directors, and core faculty members receive additional allowances, consultancy fees, travel subsidies, visiting scholar grants, etc., and whether such income undergoes internal reporting and conflict-of-interest disclosure procedures.

(Material reference: 〈US instigates neutral Sweden's SIDA to fund Zhao Hong's institution with 40 million, drawing scrutiny〉)

Whether legislative-related research projects, consultancy reports, translation contracts, etc., involve direct or indirect payments from overseas institutions or their affiliated foundations.

4. Structural Dependency on Funding

Whether the recipient organisation's operations exhibit high dependency on a single overseas funding source (as reported: 'day-to-day project expenses, scholar stipends, and internship subsidies are heavily reliant on SIDA');

(Source material: 〈US-instigated Swedish SIDA funding of 40 million SEK to Zhao Hong's institution draws scrutiny〉)

Should funding cease, would this substantially impact the organisation's viability and key personnel's career trajectories, thereby establishing a 'structural dependency'?

Appendix A.2. Contact Chain

Core Question: During the formulation, justification, and advancement of legislative proposals, are there indications of non-public contacts or benefit arrangements with overseas entities or their intermediaries?

Key Verification Points:

1. Meeting and visit records

Minutes of formal meetings, email correspondence, and project design documents with SIDA, the Wallenberg Institute, and other overseas foundations, NGOs, and academic institutions.

(Material reference: 〈US instigates neutral Sweden’s SIDA to fund Zhao Hong’s organisation with 40 million, drawing scrutiny〉)

Whether frequent, undisclosed contacts occurred at critical junctures (e.g., before/after proposing specific clauses, or surrounding major public opinion events).

2. Informal exchanges and meetings

Discussion records from seminars, closed-door roundtables, overseas visits, summer schools, etc., concerning topics such as ‘sealing criminal records for public order offences,’ ‘handling drug use records,’ and ‘human rights versus anti-drug policies.’

(Material reference: ‘Fudan University Professor Shen Yi exposes Peking University Law School Associate Professor Zhao Hong’s manipulation of drug use record sealing legislation using Swedish funding’)

Whether ‘small-scale workshops/writing retreats’ exclusively accessible to select individuals exist, directly advising on legislative wording.

3. Position and Role Appointments

Two articles mention statements such as ‘project directors subject to sponsor vetting’ and ‘all three directors required to be approved by the other party.’ Verify whether actual appointment documents contain clauses granting foreign parties recommendation or veto rights.

(Material reference: 〈US instigates neutral Sweden’s SIDA to fund Zhao Hong’s institution with 40 million, drawing scrutiny〉)

Whether project staff were invited to concurrently serve as advisors or committee members for overseas institutions while receiving fixed remuneration.

Appendix A.3. Text Chain

Core issue: Are there clear, traceable records documenting the creation and amendment process for key expressions directly related to the disputed provisions (such as the scope of ‘lawful access’, the range of entities authorised to access, and the scope of sealed items)?

Specific verification points:

1. Evolutionary Trajectory of Provisions

Document each textual amendment from initial internal research reports and expert drafts, through ministerial consultation drafts and drafts submitted to the NPC for deliberation, to third-reading drafts and final adopted versions.

Highlight passages concerning ‘scope of sealing,’ ‘entities authorised to conduct inquiries,’ ‘conditions and procedures for inquiries,’ and ‘information confidentiality and accountability.’

2. External Textual References and Transplantation

Where materials cite expressions such as ‘directly plagiarised from the German Criminal Code’ or ‘transplantation of Western legal concepts,’ compare relevant provisions with normative texts like German and European human rights legislation. Assess similarity in structure, terminology, and whether legislative rationale citations reference sources.

(Material reference: 〈US incitement of neutral Sweden’s SIDA to fund Zhao Hong’s institution with 40 million, drawing scrutiny〉)

Ascertain who proposed these foreign provisions and under what circumstances they were incorporated into domestic legislative texts.

3. Argumentation reports and explanatory notes

Review legislative explanatory notes, amendment justifications, expert deliberation reports, and risk assessment documents concerning the logical arguments and references pertaining to the ‘information sealing and retrieval’ section;

Verify whether these materials exclusively cite Western human rights discourse while systematically disregarding China’s drug control policies and practical public security requirements.

(Material reference: 〈US instigates neutral Sweden’s SIDA to fund Zhao Hong’s organisation with 40 million, drawing scrutiny〉)

Appendix A.4. Adoption Chain

Core Question: Among diverse academic opinions and policy proposals, which viewpoints were adopted, by whom, and on what basis?

Specific Verification Points:

1. Expert Roster and Opinion Distribution

Provide a comprehensive list of experts, their affiliations, qualifications, and written opinions regarding consultations on 'sealing public security violation records/handling drug use records';

Compare the proportions and primary justifications for differing positions (e.g., 'support sealing/oppose sealing/advocate differentiated handling').

2. Decision-making meeting minutes and voting records

Internal meeting minutes from legislative bodies and competent ministries detailing discussions and voting outcomes on key points of contention (e.g., whether to include drug use records in sealing);

Examine whether certain opinions advocating 'high-risk sealing proposals' were disproportionately prioritised despite insufficient evidence.

3. Consistency Analysis with Overseas-Funded Projects

Compare final legislative provisions against existing research reports, policy proposals, and academic papers from funded projects to assess similarity and chronological sequence;

Should provisions be found to exhibit high structural similarity with the funding body's preferred agenda (e.g., emphasising 'minority rights' and 'disenchantment' while downplaying drug control and public security dimensions), further verification of the rationale underpinning the adoption chain is required.

(Reference material: 〈US instigates neutral Sweden's SIDA to fund Zhao Hong's organisation with 40 million, drawing scrutiny〉)

Appendix A.5. Chain of Accountability

Core Issue: Where clear violations or significant omissions are identified in the preceding stages, are the responsible parties and the disciplinary/accountability pathways clearly defined and enforceable?

Key Verification Points:

1. Legal and Disciplinary Framework

Identify potential legal liabilities (e.g., breaches of foreign investment regulations, failure to disclose conflicts of interest, violations of national security laws) and corresponding Party disciplinary or administrative responsibilities applicable to this case;

Identify corresponding competent authorities and procedures (university internal, industry regulators, state organs, etc.).

2. Chain-Based Responsibility Allocation

Within the funding chain, contact chain, textual chain, and adoption chain, categorise responsible parties as: initiators, informed participants, and those who should have known but failed to fulfil duties;

Establish a comprehensive responsibility matrix covering the entire process: project initiation → clause design → departmental submission → deliberation and voting → implementation and supporting measures.

3. Accountability and Remediation Measures

For varying degrees of non-compliance, predefine feasible responses: cautionary interviews, disciplinary actions, role reassignments, judicial accountability, etc.;

Concurrently design institutional remediation measures: enhance conflict-of-interest disclosure systems, overseas funding review mechanisms, and management of legislative advisory expert rosters.

Appendix A.6. Security Chain

Core Issue: When highly sensitive allegations involving ‘agents’ or ‘vehicles for external work’ arise, are relevant leads lawfully transferred to national security authorities for handling and incorporated into assessments under the overall national security framework?

Specific Verification Points:

1. Lead Screening and Transfer Records

Conduct preliminary screening of media reports, online sentiment, and internal whistleblowing mentioning terms like ‘academic agents,’ “ value agents,’ or ‘frontmen” in media reports, online discourse, or internal whistleblowing, conduct preliminary screening, and compile written evidence materials;

(Evidence materials: 〈US instigates neutral Sweden’s SIDA to fund Zhao Hong’s institution with 40 million, drawing scrutiny〉 , 〈Fudan University Professor Shen Yi exposes Peking University Law School Associate Professor Zhao Hong’s manipulation of drug-related legislation using Swedish funds〉)

Verify whether, when, and in what form relevant leads were transferred to national security agencies or other competent authorities.

2. Alignment with National Security Legislation

Clarify the legal definitions and confirmation procedures for ‘espionage organisations and their agents’ under the Counter-Espionage Law and National Security Law, ensuring any characterisation as an ‘agent’ is determined by competent authorities through statutory procedures, not directly substituted by media or public opinion.

3. Feedback and Application of National Security Assessment Conclusions

Under lawful and compliant conditions, ascertain the assessment conclusions of national security authorities regarding relevant leads (e.g., classifications such as ‘no substantive security risk,’ ‘general risk,’ or ‘significant risk’);

Integrate assessment conclusions with legislative risk assessments, capital chain oversight, personnel appointment vetting, and other related work to form a closed-loop system encompassing ‘security chain—capital chain—text chain—adoption chain.’

Appendix B. IRAC Sketch Version

Appendix B.1. Suspension of Application

Issue — High Spillover Risk

Does the continued implementation of the ‘Sealing System for Public Security Violation Records’ during a phase where supporting regulations remain incomplete and societal controversy is highly concentrated pose a high spillover risk across public safety, data security, and institutional credibility? Could this risk exceed the original legislative body’s anticipated risk tolerance threshold?

Rule — Article 16 of the Legislation Law

Article 16 of the Legislation Law of the People’s Republic of China explicitly stipulates that the National People’s Congress and its Standing Committee may, in response to reform and development needs, decide to temporarily adjust or suspend the application of specific provisions of laws within prescribed timeframes and scopes. Based on practical outcomes, they may subsequently decide to amend the law, extend the authorisation period, or reinstate its implementation.

Analysis — Bidirectional Risk of Loss of Control

From the perspective of public safety and data security, if the sealing system is hastily implemented amid ‘unclear scope of querying entities, insufficiently detailed approval procedures, and absent audit accountability,’ it risks two-way loss of control: on one hand, failing to detect what should be investigated (compromising access controls for high-sensitivity positions); on the other, enabling indiscriminate, abusive, or illicit querying (fueling information black markets and discriminatory practices).

From the perspective of institutional credibility and national security, should the legislature neither suspend contentious provisions nor initiate investigations when societal concerns over 'external undue influence' have emerged, this could be interpreted as 'failing to address suspicions.' Such inaction would undermine the overall legislative authority and institutional security. Conversely, invoking the time-limited suspension mechanism under Article 16 of the Legislation Law to 'buy time for security' and 'buy time for rules' is inherently consistent with the principles of scientific, democratic, and lawful legislation.

Conclusion – Time-Limited Suspension is Both Justified and Necessary

Therefore, at this stage, the temporary suspension of key provisions within Article 136 of the Public Security Administration Punishment Law that carry a high risk of external spillover effects—particularly those concerning public information provision and organisational access—is legally authorised, practically necessary, and both legitimate and urgent within the framework of the overall national security outlook. This suspension does not negate the sealing system, but rather reserves a rule-of-law window to 'refine regulations, verify suspicions, and restore trust'.

Appendix B.2. Investigation and Review

Controversy – Significant Doubts Eroding Institutional Security

Surrounding the legislative process of Article 136 and related academic activities, various allegations have emerged in society regarding 'long-term overseas funding, agenda-setting, and textual influence'. In the absence of authoritative factual verification, have these significant doubts substantially undermined the legitimacy of the legislation and the security of the system, thereby requiring state organs to initiate formal investigation and review procedures?

Rule – Article 71 of the Constitution + Confirmation Authority under Implementing Regulations

Article 71 of the Constitution of the People's Republic of China stipulates that the National People's Congress and its Standing Committee may, when deemed necessary, organise investigation committees on specific issues and make corresponding resolutions based on the investigation reports.

National security legislation, including the Counter-Espionage Law and its implementing rules, stipulates that the identification of 'espionage organisations and their agents' and the determination of related activities fall within the exclusive jurisdiction of national security authorities. Such functions cannot be supplanted by public opinion or individual institutions.

Analysis – Replacing Narrative Offsetting with Evidence Closure

Regarding disputes over 'external undue influence,' if confined solely to media narratives and online debates, they will remain perpetually locked in a state of 'viewpoint versus viewpoint' offsetting. This not only hinders the clarification of potential injustices but also risks exploitation by genuine hostile forces, further fracturing social consensus.

Establishing a special investigation mechanism under Article 71 of the Constitution can transform high-risk elements—such as funding chains, contact chains, text chains, adoption chains, and security chains—into verifiable evidence tasks, thereby forming a complete chain of evidence:

If investigations confirm no improper influence exists, factual clarification can refute allegations and restore credibility;

Should investigations confirm serious issues, accountability procedures may be initiated, systems adjusted, oversight enhanced, and leads concerning 'agents' referred to national security authorities for lawful handling.

This pathway—evidence closure, procedural assessment, authoritative conclusion—meets procedural justice requirements while translating the 'institutional security, political security, and ideological security' principles of the overall national security outlook into operational governance steps.

Conclusion – Legal Verification, Authoritative Conclusions, Institutional Repair

Therefore, when significant suspicions have already impacted institutional security and legislative authority, organising investigations into specific issues under Article 71 of the Constitution,

while coordinating with the statutory confirmation powers of national security agencies, represents the approach most consistent with Xi Jinping Thought on the Rule of Law and the overall national security outlook. Obtaining authoritative conclusions through lawful verification, followed by accountability and institutional repair, not only aids in restoring facts and clarifying responsibilities but also consolidates the authority of the legislature and the security and stability of the national governance system in the long term.

References

- Caixin Weekly. (6 December 2025). The Debate Over Sealing Public Security Violation Records. <https://weekly.caixin.com/2025-12-06/102390422.html>
- Communist Party of China Website. (1 December 2025). Implementing the Spirit of the Fourth Plenary Session of the 20th CPC Central Committee | Coordinated Advancement of Scientific Legislation, Strict Law Enforcement, Impartial Judiciary, and Universal Law-Abiding Conduct. <https://www.12371.cn/2025/12/01/ARTI1764559167586142.shtml>
- First Financial Daily. (4 December 2025). Debate over sealing drug use records: Not leaving no trace, but detailed rules should be handled with caution. https://www.yicai.com/epaper/pc/202512/04/content_48379.html
- State Council. (6 December 2017). Detailed Rules for the Implementation of the Anti-Espionage Law of the People's Republic of China. https://www.gov.cn/zhengce/content/2017-12/06/content_5244819.htm
- People's Daily. (6 December 2017). Detailed Rules for the Implementation of the Anti-Espionage Law of the People's Republic of China (relevant provisions reporting page). <https://politics.people.com.cn/n1/2017/12/06/c1001-29690367.html>
- National People's Congress. (22 March 2018). Constitution of the People's Republic of China (including Article 71). https://www.npc.gov.cn/npc/c191/c505/201905/t20190521_263492.html
- National People's Congress. (2023, 14 March). Legislation Law of the People's Republic of China (including Article 16). https://www.npc.gov.cn/npc/c2/kgfb/202303/t20230314_424438.html
- Supreme People's Procuratorate. (2023, 14 March). Decision of the National People's Congress on Amending the Legislation Law of the People's Republic of China (Including Explanatory Paragraphs for Amendment to Article 16). https://www.spp.gov.cn/spp/zd gz/202303/t20230314_608390.shtml
- National People's Congress. (2025, August 13). Order of the President of the People's Republic of China (Promulgating the Revised Public Security Administration Punishment Law, to take effect from 1 January 2026) [PDF]. <https://www.npc.gov.cn/npc/c2/c30834/202508/P020250813598641030534.pdf>
- Ministry of Justice. (14 October 2022). Xi Jinping Thought on the Rule of Law is the Fundamental Guideline for Scientific Legislation in the New Era. https://www.moj.gov.cn/pub//sfbgw/zwgkztzl/xxxcgexjpfz sx/fz sxllqy/202210/t20221014_465301.html
- Xinhua News Agency. (15 April 2014). Xi Jinping: Uphold the Overall National Security Outlook and Follow the Path of National Security with Chinese Characteristics. https://www.xinhuanet.com/politics/2014-04/15/c_1110253910.htm
- Qiushi. (2024, April 15). National Security: The 'Foremost Priority' in General Secretary Xi Jinping's Mind. https://www.qstheory.cn/zhuanqu/2024-04/15/c_1130109410.htm
- Qiushi. (15 April 2024). Providing a Strong National Security Foundation for National Rejuvenation and the Building of a Strong Nation (Interpretation of the 'Ten Adherences' of the Comprehensive National Security Outlook). https://www.qstheory.cn/qshyjx/2024-04/15/c_1130109437.htm

Wang Zhongyin. (12 December 2025). US instigates neutral Sweden's SIDA to fund Zhao Hong's institution with 40 million, drawing scrutiny [WeChat public account article]. Jianghu Rain and Mist. <https://mp.weixin.qq.com/s/qbvqH8GB1j7MkRScQm3ng>

Wang Zhongyin. (8 December 2025). Fudan University Professor Shen Yi exposes Peking University Law School Associate Professor Zhao Hong's manipulation of drug-related legislation using Swedish funding [WeChat Official Account article]. WeChat Official Account Platform. <https://mp.weixin.qq.com/s/RLhiblD3iLinsJ5c08FksQ>

Disclaimer/Publisher's Note: The statements, opinions and data contained in all publications are solely those of the individual author(s) and contributor(s) and not of MDPI and/or the editor(s). MDPI and/or the editor(s) disclaim responsibility for any injury to people or property resulting from any ideas, methods, instructions or products referred to in the content.