Administrative Enforcement in Myanmar: A Comparative Study of Legal Mechanisms for Government Enforcement Action

Mya Sandi Khin[1]* Dr.Paramaporn Weeraphan** Dr.Orapan Pangkaew*** Dr.Phatthanan Taladsub****

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ABSTRACT

This article examined the legal measures to take legal enforcement actions by authorities against individuals for those who non-compliance with legal prescriptions issued by the regulator state. There were administrative enforcement systems that were used in several nations, but Myanmar neither adopts them nor offers a measure that was comparable to them. Although Myanmar's Constitution served as the legal basis for all public actions, there was no clear indication of the legitimate administration connected to a real possibility of the decision-making process. The notion and legislation from the United Kingdom, Germany, and France on the administrative enforcement system were presented in this paper, together with an analysis to apply to the ongoing issues in Myanmar. The authors suggested that Myanmar statutes should provide specific provisions for liability of administrative actions because the current nature of enforcement by administrative bodies depended on their specific areas of statutes. As a result, the enforcement mechanism will be increased by justification since the authorities were constrained by the authorizing statutes through standardized enforcement procedures. Therefore, it is required to have an administrative framework for developing new criteria for governmental organizations, encouraging individuals to acknowledge more enforcement information, and ultimately leading to an effective enforcement mechanism.

Keywords: Government, Procedures, Administrative enforcement

[1]*Corresponding author: myasandikhinlaw@gmail.com*

**Student, Master of Laws Program, Department of Law, Faculty of Interdisciplinary Studies, Khon Kaen University*

***Assistant Professor, Department of Law, Faculty of Interdisciplinary Studies, Khon Kaen University*

****Lecturer, Department of Law, Faculty of Interdisciplinary Studies, Khon Kaen University*

*****Lecturer, Department of Public Administration, Faculty of Interdisciplinary Studies, Khon Kaen University*

Introduction

The notion of administrative enforcement by public officials is the process of ensuring public compliance with legal prescriptions issued by the government. Yet, securing or enforcing regulatory compliance is only part of the administrative management continuum between state and citizen. The legal procedures for administrative enforcement are also essential to guarantee justice and fairness for those whose rights are being enforced.

Nowadays, it is inevitable for legislatures to provide extensive power to administrative bodies, but the exercise of such powers by the authorities has the potential to result in considerable injustice. It is generally accepted that fair and transparent administrative procedures governing the interaction between the public sector and individuals are essential for citizens to maintain their trust and confidence in a just legal system and in those who enforce it. The successful enforcement depends on the fairness and openness of the administrative investigation, as well as making sure that the parties concerned are aware that the administrative decision-making process was reasonable [1].

Myanmar uses the 2008 Constitution (the Constitution) as the legal foundation for all public actions, in contrast to the majority of other nations, which harmoniously apply administrative law and constitutional law to all administrative activities in this contemporary era. However, Myanmar Constitution does not establish a specific right of legitimate administration that is connected to a real possibility of the decision-making process. In light of the administrative law concept and procedure, Myanmar has no consensus on whether or how these concepts are interpreted or implemented as Myanmar has been entirely cut off from the outside world since the 1970s [2].

There are several issues in Myanmar law, some of which are caused by a lack of regulations and others by the context in which those regulations are applied. Moreover, there is no certain scope and limitations of administrative power over the administrative bodies in the Constitution.

It can be seen that Section 224 of the Constitution of Myanmar mandates that ministries of the Union Government are responsible for managing, directing, supervising, and inspecting the activities of their subordinate governmental agencies and organizations by the requirements of the Constitution and the existing laws, contributing to this. This measure could raise the legality of the performance of day-to-day activities in public bodies, but in this context, it lacks procedural clarity for the exercise of public authority. At the same time, Sections 377 and 378 of the Constitution declare that persons whose basic rights have been violated by the government are entitled to a writ application to be heard by the Supreme Court. This helps to increase access to justice, but there have some difficulties to obtain and the available remedies are not appropriate for regular administrative decisions.

There was a notable case, “Professor Dr. Daw Kyin Htay vs. Ministry of Education (No. 290 Civil Miscellaneous Application 2013)”, relating to the decisions of the Ministry of Education to terminate a professor, and head of the Department of Economics at Yangon Distance University, under Section 41 of the Civil Servants Law due to poor interactions with colleagues and students without departmental

inquiry was conducted for this allegation on March 2013. The ministry was charged with violating section 375 of the Constitution, which states that everyone has the right to legal representation in court. On April 28, the Supreme Court heard oral arguments in the matter after accepting to consider it and decided to deny the decisions of the ministry.

According to that case, it is clear that Myanmar is uncertain about the method of administrative decisions and the transparency in decision-making since it does not have specific legal procedures for the administrative system, which is why there is no legal action has been taken against them.

Another administrative scandal in Myanmar was "U Kyaw Min and two others vs. the Head of Department, Urban Planning and Land Administration Department of Yangon City Development Committee (YCDC)." On October 15, 2008, the applicant U Kyaw Min acquired the land from U Ba Swe. They request the map and list of the land for the registration of the sale contract from YCDC, but YCDC denied their application. The applicant requested the Supreme Court to grant a writ of mandamus to reconsider the decision. The Supreme Court ruled that the YCDC had violated the departmental rules by refusing to release the map and list of land. The writ of mandamus will be granted to force the YCDC to reconsider its decision and respect the rights of the citizens. This scandal proves the necessity for immediate refinement of the scope of governmental authority in actual enforcement situations.

Above mentioned issues of Myanmar law and administrative cases that occurred in Myanmar, it is noticeable that administrative bodies face challenges in the use of their administrative enforcement authority, the legal basis for their regulatory actions, and the extent of government power in the enforcement. As a result, other countermeasures are required to address enforcement issues in Myanmar. A comparative study of Myanmar laws and foreign laws is one of the measures supporting the development of Myanmar administrative enforcement procedures legislation.

Therefore, this study was conducted to address the current enforcement challenges by analyzing how other countries handle these enforcement matters. The legal theories and principles relating to enforcement practices in the United Kingdom (UK), Germany, France, and Myanmar were examined to compare different countermeasures that could be effectively applied to Myanmar legislation. This article was divided into three parts: basic principles and legal procedures for enforcement activities; the analysis of the legal measures on administrative enforcement actions in Myanmar; and the conclusion and suggestions by the authors.

Objectives of the study

The aims of this study were

1. To identify the nature of bureaucratic management in light of the government-citizen interaction in legal enforcement in Myanmar

2. To analyze and compare the legal measures for administrative enforcement in the UK, Germany, France, and Myanmar

3. To propose recommendations to solve legal problems arising from government enforcement under Myanmar laws

Methodology

The method employed in this article is based on documentary research, which was undertaken by researching, comparing, and analyzing statutory legislation, government documents, case rulings, scholarly articles, and peer-reviewed articles to analyze the phenomenon of administrative systems in Myanmar and developed administrative countries.

Basic principles of administrative enforcement action

The basic principles of administrative enforcement measures can be outlined as follows:

1. The principle of the rule of law

The basic principle of effective legal enforcement actions refers to procedural fairness, which necessitates adherence to a specific set of procedural rights. This is a foundation and essential component of the basic rule of law concept, which maintains that the only means by which public authority can be legitimately exercised by the law and within its boundaries. The two primary standards set by the concept of the rule of law in administrative law are the preservation of public authorities within the scope of their powers and duties and ensuring that they adhere to the pertinent rules of decision-making processes. Additionally, it mandates that a balance be made between the individual rights and reasonable interests of all parties involved in the administrative processes to operate effectively and efficiently administrative functions [3].

2. The principle of proportionality in administrative measures

Another ideal principle for public authorities is the principle of proportionality which is a fundamental and effective means for the legal oversight of administrative discretionary authority in public actions. It is a protection against the excessive exercise of administrative authority and is regarded as an administrative authority that may only act to the precise degree necessary to accomplish its goals. It means that the executive should adhere to proportionality when producing executive orders and legislation about penalties. In particular, the principle of proportionality emphasizes that any action taken by a public authority that affects a fundamental human right must be: reasonable to achieve the intended goal; necessary to achieve the goal; and sufficiently rational that the person in question can be reasonably expected to accept the action [4].

Result of research

1. Legal measures for administrative enforcement action

The United Kingdom

In the UK, national regulatory agencies and local authorities are mainly responsible for enforcement activities, and their actions are required to follow the principles of regulatory enforcement. The

Regulatory Enforcement and Sanctions Act 2008 (RESA) is a UK Parliament Act that aims to offer more comprehensive enforcement of rules across local authority boundaries, greater coordination between local authorities and central government, and more effective enforcement of laws. Where an administrative function contributes to ensuring compliance with, or the enforcement of, regulations, limits, conditions, standards, or guidance that relate to any activity under or by a relevant statute, it falls under the jurisdiction of RESA [5].

In addition to the RESA, administrative officials are responsible for enforcing the terms of the Regulators' Code 2014 which sets a clear, flexible, and principles-based framework for regulatory agencies' interactions with those they regulate and regulatory execution that guides and allows regulators to build their service and enforcement policies to meet the requirements of organizations and other regulated entities. Regulators operating under the jurisdiction of the Regulators' Code are diverse, but they all have one overarching goal to regulate for the protection of the vulnerable, the environment, social, or other purposes.

In the UK, the RESA and Regular Code outline the principles of regulatory enforcement through their conduct, including the obligation for actions to be transparent, accountable, proportionate, and consistent as well as the limitation of their efforts to only those necessary circumstances to avoid unnecessary regulatory burdens [6].

The types of enforcement actions available by the authorities under the Co-ordination of Regulatory Enforcement Regulations (CORE regulations) 2017 which was made under the RESA consist of the service of notices or orders, issuance of certificates, commencement of proceedings in a court or a tribunal, the imposition of any sanction (whether civil or criminal), the administering of simple caution, and enforcement undertakings [7]. Sanctions are mentioned in the law of the UK, for example, fixed monetary penalties, discretionary requirements, stop notices, and enforcement undertakings. In addition, government operations are subject to numerous types of oversight including administrative appeals, tribunals, ombudsmen, and judicial review by the courts.

One of the enforcement cases in the UK, R (Anufrijeva) v Secretary of State for the Home Department [2004] 1 AC 604, declared that administrative decisions made under the law have legal force and are binding on the administrative entity that made them. As a result, an administrative official may only rely on a decision that is unfavorable to an individual once that person has been informed of it.

Germany

Germany has a different notion of an administrative enforcement system than other common law countries do. The federal government has primarily legislative responsibilities whereas the 16 federal states (Länder) implement the majority of federal laws according to the separation of functions among different levels of government [8].

Federal agencies are typically not engaged in service delivery since the federal administration only executes a small amount of policy. Instead, they frequently provide policy direction and experience or participate in administrative and assistance activities [9]. Therefore, the Länder are primarily responsible for putting legislation into effect, as stated in the Basic Law [10]. They implement both state and federal legislation

in the same way. To execute and enforce state and federal law, the Länder highly depends on the districts, counties, and municipalities [11]. In general, most of these administrative actions taken by the federal government bodies, institutions, as well as the Länder, and local authorities that carry out federal legislation on behalf of the federation are governed by the Verwaltungsverfahrensgesetz, German Administrative Procedure Act 1976 (VwVfG).

According to the provisions of VwVfG, the administrative authority is bound by determinateness and assurance of its actions. For example, the content of regulatory action must be properly mentioned in written, electronic, and other forms [12]. Such actions should be supported by a statement of the grounds, including the principal supporting evidence and appropriate legal justifications, which shall be presented in writing or electronically. The declaration of reasons is not required, nevertheless, if the administrative action does not violate any of a person's rights [13].

The general procedures or limitations of regulatory enforcement activities on non-compliance, the rules of substantive sanction law, procedural sanction rules, the specific part of substantive sanction law, and a few general offenses that are not specifically related to other areas of law are specified in the Administrative Offences Act 1987 (Ordnungswidrigkeiten, OWiG). By this system, administrative agencies particularly specialized authorities operating within their areas of competence may issue monetary fines that are designated as noncriminal. However, imprisonment is not a permissible form of punishment [14].

Administrative authority is bound by notification, determinateness, and assurance of its actions which are required to disclose the intention of their administrative acts. OWiG provided the principle of proportionality by that of their enforcement action, including inspection, confiscation, and sanctions. Also, the principle of investigation in which the investigation's type and scope will be decided, and it will not be constrained by the participants' submissions or applications to admit the evidence according to Section 24 of the Administrative Procedure Act (VwVfG).

In Germany, VwVfG, and OWiG provide broad legal requirements for the administrative authorities to consult with affected parties and to notify affected parties or the general public of administrative decisions. The aggrieved party has the option of filing an appeal or accepting the punishment which would finish the process. Therefore, the potential ways for individuals and entities to challenge administrative decisions are administrative appeal, objection, and court action.

Furthermore, in the judicial decision of 23 Sept 1969, 52 BGHZ 325, 328, the administrative authority has a responsibility to aid any person who, as a result of his or her negligence or ignorance, may put his or her rights at risk when participating in any administrative enforcement processes. Therefore, an individual may be advised about any statements or clarifications, may have errors in his application corrected, or may be asked for an application if one is lacking by an administrative body.

France

France's administrative structure and legal system may be unique, albeit they are not out of the ordinary among modern nations. Administrative authorities are empowered to make decisions that impose

responsibilities on citizens unilaterally, which is a fundamental component of administrative law. The legislation and regulations that outline the parameters of the administrative decisions made by different administrative agencies serve as the foundation for this authorization [15].

In France, there has been a slow emergence of comprehensive approaches to public administration practices. Until the Code on the Relations between the Public and the Administration (CRPA) was established in 2015, France lacked a complete text on the non-litigation administrative process, in contrast to Germany, which had comprehensive law on administrative procedure in 1976 [16].

According to the CRPA, public officials need to respect the law, and fairness is the subject of interest in the area of independence and impartiality. Article L100-2 of CRPA specified that the government upholds the principle of legality and operates in the public interest. It is constrained by the requirement of neutrality and adherence to the secularism principle. It ensures that all individuals will be treated fairly and follow the equality principle of the French CRPA.

Moreover, the right to immediate notification of unfavorable administrative decisions extends to every person. The regulatory authority has the right to unilaterally or collectively issue a formal notice that calls for adherence to the regulation within a given time frame and imposes sanctions on the offender. The offender is given a chance to follow the regulations before any actual sanction is imposed. However, if the offender does not take any compliance steps by regulations, the punishment will be implemented by the regulatory authority. The individuals have the right to file a claim with the administration requesting it to rethink its decision (administrative) or may bring a case before the administrative courts to contest an administrative decision.

When the authorities are ordered to pay money, the decision simply serves as authorization to do so. If the claimant has not received payment from the state within two months of its decision and the judgment is final and specifies the precise amount to be paid, they may decide the accounting officer of the responsible public body and demand payment. The claimant should approach the prefect or the supervisory body for the public entity in question if it is a local authority or other non-state body. The supervising authority has the right to utilize its resources to satisfy the judgment and to replace the decision of the relevant authority with its own. As a consequence, a prefect in Corsica argued that he lacked the authority to dispose of Santa Maria Poggio communal property to pay a judgment debt as a result of the tribunal administratif of Bastia's ruling in the claimant's favor. His refusal was overturned by the Conseil d'Etat because he made a legal mistake [17].

2. Analysis of legal measures on administrative enforcement action in Myanmar

Nowadays, a well-functioning society and public confidence in the government are crucial outcomes of ensuring successful compliance with laws and regulations. The methods used to enforce violations by legal entities have also changed, becoming more sophisticated and international in scope, with a profound effect on society and the economy. Myanmar laws have recently taken on a tendency that demonstrates the significance of the power of administrative bodies to society as a whole. This is

because some of these laws establish different liability that is specifically applied to authorities. However, the author believes that there are certain legal issues with the system of administrative enforcement for non-compliance with rules and regulations in Myanmar which will be discussed below.

(i) Uncertainty in the method of administrative enforcement actions

As a quasi-judicial function of the administrative authorities and under the various applicable laws, Myanmar union ministries, union-level organizations, and government departments consider public law controversies between the government departments and individuals across various administrative processes. Different laws relating to different institutions have their hearing procedures, decision-making systems, and organizational patterns to carry out their quasi-judicial activities. This indicates that there are no comprehensive legal requirements for the actions of government departments about matters like the need to disclose justifications for decisions, enforcement procedures, information access, and due process in decision-making.

In the UK, the RESA provides the methods of each enforcement action including the detailed procedures for the fixed monetary penalties, discretionary requirements, stop notices, and enforcement undertakings, not only it clarified the regulators but also the regulated parties and individuals. This provision effectively eliminates the ambiguity issues in the administrative enforcement process; when considering the regulated person side, it is quite ensuring for the consequences of the administrative determinations. In Germany, administrative officials must comply with the requirements of Sections 17, 23, and 56 of the OWiG while taking enforcement actions including regulatory fines, object confiscations, and cautioning or warning actions.

In contrast to the UK and Germany, Myanmar's administrative authorities are not required to follow standardized enforcement action procedures; instead, they must execute their responsibilities by the laws that apply to each specific area. Unfortunately, the statutes do not specify detailed methods of enforcement actions. The authors opined that it is quite impractical to oversee the actions of authorities and this may cause obstacles for the citizens when administrative personnel are enforcing cases against them or should have been aware that they were doing so. Therefore, the procedures for enforcement actions by authorities should be extended to the different laws to accomplish the purpose of targeted enforcement. So that the enforcement will be effective, proportionate, and dissuasive sanction, especially for those regulated persons who will be affected by it.

Moreover, Myanmar does not have additional alternative enforcement measures or administrative sanctions that can be applied to the regulated individuals committing the offenses. Apart from fines and imprisonment, several nations offer other optional procedures to be enforced on individuals; in the UK, the law provides other optional procedures for the authorities to be inflicted upon the regulated parties such as a stop notice from engaging in a certain activity, a commitment to act in the manner and within the period set out in the enforcement undertakings, etc., and in Germany, the authorities can order the confiscation of objects and in France, the authorities also can sanction the

offenders by order for suspension or revocation of the authorization, warning to stop the violated activities, etc.

The authors argue whether the provision in Myanmar law, which imposes merely a fine and imprisonment as punishment, will be able to properly address the offenses committed by private individuals. The author also believes that other alternative measures, such as administrative sanctions like warnings and stop notices, should be widely used to minimize the imposition of overly harsh penalties for minor violations.

(ii) The scope of government enforcement powers in administrative enforcement

Nowadays, legislatures exert influence over an administrative body by defining its jurisdiction and power, establishing policy goals for the administrative organ, and determining whether the executive may govern the public. In line with this authority, administrative authorities initiate and carry out their enforcement functions by informing regulated parties of an agency's enforcement priorities through guidance documents and bringing enforcement actions against individuals or legal entities for violations of a law or regulation. To put it simply, the executive cannot peruse matters that are outside the scope of the authorizing statute in any administrative proceeding.

In the UK, administrative authorities shall be liable to comply with the RESA's regulatory principles, which indicate that regulations should only be focused on issues that require a response and should be implemented in a transparent, responsible, proportionate, and consistent manner. In Germany, the jurisdiction to enforce the regulatory offenses shall lie with the administrative authority defined by statute, or, in the absence of such clarification, the highest considerably competent Land authority, or, insofar as the law is implemented by federal authorities, the considerably competent federal ministry.

In Myanmar, like in other nations, the authorizing statutes granted the authority to implement and enforce their provisions. However, the provisions of the powers of specific authorities by the authorizing statutes arguably do not extend to the range of administrative jurisdiction. The author viewed that it is not the justification for the level of authority affecting the citizens. It may be taken into account to limit the precise scope of enforcement powers for the justification of their existence and perform credibility with the people by inspiring confidence in the administrative enforcement process.

(iii) The mechanism to contest the rights of the citizens

Myanmar, a country undergoing a democratic transition, has a common law tradition without specific administrative laws and mechanisms concerning the administrative duties of the government. Citizens have more freedom of expression and engagement as a result of the country's increased opening up since 2011, which has given rise to a new setting where people can voice their concerns and objections to government actions. So far, Myanmar has not had many legal procedures that give individuals the ability to complain concerning government agency actions.

Although fundamental rights and the ability to petition for writs are guaranteed by the Constitution, administrative law, which would provide citizens with a remedy against improper government conduct, is not specifically established in the country. The absence of a solid and transparent legal framework in Myanmar that would support administrative law and judicial scrutiny of executive decisions is one of the biggest problems that lie ahead.

Currently, the way to challenge an administrative decision is to move the matter up the administrative hierarchy in the hopes that a higher-ranking official will overturn or modify the subordinate's decision. Noticeably, these decisions are uncommon, arbitrary, inconsistent, and lacking written well-reasoned judgment. Many regulations, including the food law, Myanmar investment law, farmland law, land law, etc. provide redress within the administrative framework but aim to restrict someone's ability to bring a related dispute before a court.

The notable feature in legislation that has been apparent since 2011 is the tendency to add finality provisions. These finality provisions usually stipulate that a committee, which has review authority over a particular application procedure, can make decisions that are final and cannot be questioned. However, even though a particular piece of legislation contains a finality clause, finality clauses are not always very effective. For this reason, the Supreme Court is prepared to review administrative actions and omissions on a legal basis and, if necessary, to use its authority to issue writs to either invalidate administrative acts or compel the administrative authority to carry out its duties under the law. Although the majority of their cases had been unsuccessful, several applications had already been refused at the preliminary stage. Moreover, the regional or state high courts are exempt from this right.

However, there was the first leading case, Professor Daw Kyin Htwe v. Minister, Ministry of Education (2013) Union Supreme Court of Myanmar (Unreported Case) 290, in which the Supreme Court ruled that a government minister’s decision was unlawful. The case concerned an economics professor who had been forced to retire from her position by the minister of education. She complained to the Supreme Court to issue the writ of certiorari against the minister’s decision and claimed that the minister misuse his jurisdiction under the Civil Servant Law. The Supreme Court ruled that the minister’s decision was ultra vires and granted the certiorari.

Another administrative scandal in Myanmar is “U Kyaw Min and two others vs. the Head of Department, Urban Planning and Land Administration Department of Yangon City Development Committee.” The Supreme Court decision on administrative acts is that a writ of mandamus can be issued to accomplish a citizen’s right since the refusal of the Yangon City Development Committee (YCDC) to issue the map and list of land is a failure to carry out the citizen’s right. The Supreme Court ruled that the refusal of YCDC to deliver the map and list of land was a violation of the terms of the Urban Planning and Land Administration Department Rules and granted a writ of mandamus to force it to reconsider the decision of YCDC.

The above-mentioned cases highlight that the development of procedural fairness is required in many areas of law, such as public servant employment, municipal affairs, land issues, and so on. Although writ applications ensure the basic rights of citizens are protected, they do not fully meet the needs of individuals in day-to-day administration since such resources have various limitations to access such as case limitation, inaccessibility in the region or state high courts, not transparency to access case hearing by public and time-consuming to get to the Supreme Court. This indicates that when individuals are mistreated or penalized by government authorities, the writ application falls well short of expectations.

According to the authors, there are two ways to address this issue: firstly, the administrative appeal should be widely available throughout all legal contexts and more widely applied in Myanmar to provide citizens with an accurate system for filing complaints; and second, the application of writs should be expanded to include the authority of regional or state high courts to provide citizens with an accurate system for judicial review.

Conclusion and suggestions

The most essential responsibility of administrative bodies is considered to be the execution and enforcement of statutes. Securing or enforcing regulatory compliance for the sake of public order, however, is only part of the administrative management continuum between state and citizen. Rules, standards, and procedures for administrative enforcement actions are critical in maintaining justice and fairness for those subject to the enforcement process.

Considering the findings of the study in the laws of various countries including the United Kingdom, Germany, and France, and the problems with administrative enforcement found in Myanmar, the laws and regulations concerning administrative provisions in Myanmar should be adopted to efficiently solve the issues between the government and the populace.

Legislation perspective

As discussed in the previous section, Myanmar lacks a general law governing administrative enforcement operations. At this point, the following suggestions are made to enhance Myanmar law:

1. There should be a clear general provision for regulatory enforcement actions in Myanmar that outlines the criteria under which administrative officers are liable for accountability, the same as the clause in the RESA of the UK and the OWiG of Germany.

2. The provisions of the powers of specific authorities by the authorizing statutes arguably do not extend to the range of administrative jurisdiction. It may be taken into account to limit the precise scope of enforcement powers for the justification of their existence same as the regulatory principles in RESA of the UK and perform credibility with the people by inspiring confidence in the administrative enforcement process.

3. Administrative authorities are not required to follow standardized enforcement action procedures; instead, they must execute their responsibilities by the laws that apply to each specific area which do not specify detailed methods of enforcement actions. It is quite impractical to oversee the actions of authorities and this may cause obstacles for the citizens when administrative personnel are enforcing cases against them or should have been aware that they were doing so. Therefore, the procedures for enforcement actions by authorities should be extended to the different laws to accomplish the purpose of targeted enforcement.

4. The provision in Myanmar law, imposes merely a fine and imprisonment as punishment, to respond to the offenses committed by private individuals. The author believes that other alternative measures, such as administrative sanctions like warnings and stop notices, should be widely used to minimize the imposition of overly harsh penalties for minor violations in Myanmar.

5. Myanmar, a country undergoing a democratic transition, has a common law tradition without specific administrative laws and mechanisms regarding the administrative duties of the government. It is necessary to provide the specific administrative rights of the citizens as a general provision for the administration to effectively support the complaint system of citizens and solve the problem of insufficient writ application in Myanmar. Therefore, the authors suggest this problem in two alternative ways: the administrative appeal should be widely available throughout all legal contexts and more widely applied in Myanmar to provide citizens with an accurate system for filing complaints as the administrative appeals of the UK, Germany, and France; and the application of writs should be expanded to include the authority of regional or state high courts to provide citizens with an accurate system for judicial review.

Enforcement perspective

The enforcement actions, therefore, become more appropriate after a specified provision on administrative enforcement action is developed. The legal administration mechanisms will be followed when the government authorities apply the law. Moreover, it would eliminate the enforcement issue that Myanmar experienced.

Administrative reform perspective

As Myanmar goes through the transition to democracy, it must consider reforming its administrative law and review system to build and enforce the rule of law and create responsible, effective, and efficient governance. The government must ensure that citizens have the opportunity to express perspectives that can affect these processes and make information on proposed legislation, regulatory reforms, and law enforcement readily available in real time.

Last but not least, due to the current political scenario in Myanmar, which is largely based on its Constitution, introducing legislation administrative legislation and an enforcement mechanism is not as straightforward a procedure as it would be in other countries. Though the effort may be lengthy and challenging, it is not impossible to provide principles and a legal basis for a new administrative law

system that is adapted to the realities in Myanmar. Everything will seem different from how it does right now, and potentially better if the people of Myanmar are encouraged and given the chance to compete in governance.

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