

# ***Research on the Protection of Rights and Interests of People with Disabilities in the Public Administration Process under the Perspective of Good Governance***

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**Abstract:** As the process of building a harmonious society continues to advance, the problems of disadvantaged groups, including people with disabilities, have been highlighted in the process of public administration in China in recent years. This paper tries to focus on the defects in the current process of protecting the rights and interests of people with disabilities in China from the perspective of good governance and proposes effective ways to protect the rights and interests of people with disabilities from three dimensions: from the rule of man to the rule of law, from the power-based to the service based, and from the government-based to the society-based, in order to promote social and political stability and create a harmonious society with positive interaction.

**Keywords:** good governance, public administration, people with disabilities, protection of rights and interests

## **1. Introduction**

Good governance theory is the latest development of Western governance theory. At present, the research on good governance theory in China is still at the level of a simple theoretical introduction, and the research related to its integration with practice has not been systematized yet.

Good governance is a public administration process to maximize the public interest, and its basic elements and core concepts are precisely the most missing elements in the protection of the rights and interests of vulnerable groups. Therefore, how to protect the legitimate rights and interests of socially vulnerable groups, especially the disabled, is a proper part of the concept of good governance. At present, there are 85 million disabled people in China, accounting for 6.34% of the total number of people in the country [1]. Compared with other countries in the world, China has a much larger number of disabled people. Therefore, it is necessary to study various problems arising from the protection of the rights and interests of disabled people in China from the perspective of good governance.

Based on the perspectives of various disciplines such as management, law and sociology, this paper focuses on the observation and summary of social facts, and analyzes the shortcomings in the protection of the rights and interests of people with disabilities in contemporary China. On this basis, it explores how to apply the core concept of good governance to improve the mechanism of protecting

the rights and interests of vulnerable groups in China and, on this basis, searches for effective improvement paths for the protection of the rights and interests of people with disabilities. It is hoped that this will provide some reference for constructing a harmonious society, and meeting the challenges of the globalization era.

## **2. Theoretical Basis and Core Concepts**

### **2.1. Good Governance**

Good governance is a derivative of governance theory, which originates from governance theory but is higher than governance theory. The United Nations Economic and Social Council believes that good governance should include characteristics such as participation, consensus, accountability, transparency, responsiveness, effectiveness and efficiency, equity, non-exclusion of any group or individual, and the rule of law [2].

Regarding the definition of good governance, the American economist Leftwich explains it as an efficient public service, a respect for human rights at all levels of government and a pluralistic institutional structure [3]. It follows that good governance is a public administration process that maximizes the public interest, and its essential characteristic is the cooperative management of public life by the government and civil society [4]. Indian scholars Harsh Mander and Mohammad Asif pointed out in their book “Good Governance: People-Centered Governance” that good governance is judged only when its focus is on the lowest level of public interest, that is, the interests of the underprivileged [5]. This indicates the legitimacy of using good governance theory to explore the issue of protecting the rights and interests of people with disabilities.

### **2.2. People with Disabilities**

As mentioned earlier, the basic elements and core concepts of good governance are precisely the most missing elements in the protection of the rights and interests of vulnerable groups. The so-called vulnerable groups refer to those who have difficulties maintaining their general rights to survival and development and enjoying social life through their own strength [6]. Among these, people with disabilities, as a special vulnerable group, need extra attention in the protection of their rights and interests in the public administration process.

People with disabilities refer to those who have lost or are not normal in some tissues or functions in the psychological, physical, or human structure and are totally or partially incapable of performing some activities in a normal way [7]. Since the 21st century, Chinese government departments have gradually paid more attention to people with disabilities, however, the cause of people with disabilities still lags behind the overall level of social and economic development. Therefore, it is of great practical significance to pay attention to the protection of the rights and interests of people with disabilities in the process of public administration.

## **3. Deficiencies in the Protection of Rights and Interests of People with Disabilities in the Current Public Administration Process**

In China, the ultimate goal of public administration is to achieve the fundamental interests of the broadest number of people. In this regard, this paper will analyze the defects and shortcomings of the current protection of the rights and interests of the disabled in China from three aspects: government failure, closed system and group dilemma.

### **3.1. Inadequate Rights Protection Mechanism**

The cost of living for people with disabilities is higher than that of normal people due to the limitations of their working ability and skills, as well as the additional expenses required for medical treatment and rehabilitation, which leads to a higher reliance on public goods and services [8]. Furthermore, a significant proportion of people with severe disabilities who have lost their working abilities need to rely entirely on public goods and services to survive. However, due to financial constraints, although China is currently increasing its financial commitment to people with disabilities, there is still a large gap between the financial capacity of public administrations and the need to alleviate the problems of people with disabilities at this stage. According to the “Statistical Bulletin on the Development of Disabled Persons’ Business in 2022”, by the end of 2022, there were about 85 million people with disabilities in China, of which 21.871 million received corresponding social security support, accounting for 25.7% of the total number [1].

### **3.2. Insufficient Participation of Social Forces**

It is undeniable that government support has always played a very important role in protecting the rights and interests of people with disabilities in China. The most typical example is the establishment of the social security system, which fundamentally guarantees the minimum economic resources for people with disabilities.

However, in a well-functioning society, public administration should allow the full participation of forces outside the government to compensate for government deficiency. However, social organizations are rarely involved in the protection of the rights and interests of people with disabilities in China. Related reports show that there are currently more than 6,200 social organizations for people with disabilities registered with the civil affairs department in China [9], with an average of less than one social organization for every 10,000 people with disabilities, which is clearly insufficient. The lack of social organizations for people with disabilities makes it difficult for them to meet the real needs of most people with disabilities and fundamentally improve their living conditions.

### **3.3. Group Dilemma for People with Disabilities**

In real life, the rights and interests of people with disabilities are more likely to be violated. However, due to their own abilities and conceptions, people with disabilities are often unable to come forward to defend their legal rights and interests in the public administration system.

On the one hand, people with disabilities have the problem of their own ability to obscure their rights and interests. For objective reasons, their survival ability is often poor, which leads them to spend more time earning a living than focusing on whether their rights and interests are being met. In addition, most people with disabilities do not have regular jobs or are only engaged in low-end industries, which leads to their lower social status and less voice, making it difficult for their interests to attract wide attention from the society.

On the other hand, people with disabilities also have the problem that their own concepts obscure their rights and interests. Due to their lack of educational experience and the influence of traditional thinking, people with disabilities are generally too passive in their awareness of their rights.

## **4. The Improvement Path of Protecting the Rights and Interests of People with Disabilities**

The implementation of assistance and support for people with disabilities in the process of public administration is a vivid interpretation and substantive embodiment of fairness and justice. In view of the current situation of protecting the rights and interests of people with disabilities in China, public administration institutions should reasonably draw on the combination of government autonomy and

social autonomy presented by good governance, and fully consider the needs of people with disabilities in the whole process, from system design to policy implementation.

#### **4.1. From Rule of Man to Rule of Law**

The political development from “sage politics” to “rule by law” is a great achievement of human society. It is also an inevitable choice for China’s political development to move from “rule of man” to “rule of law”. The rule of law is a new management concept. To realize good governance, it is necessary to build a government under the rule of law, and the construction of a government under the rule of law requires changing the tradition of the rule of man.

##### **4.1.1. Legislative Protection of the Rights and Interests of People with Disabilities**

Legislation is the indispensable premise of the rule of law. The legal protection of people with disabilities requires that the special characteristics of this group be taken into account at the beginning of law-making. Specifically, first of all, the legislation for the legal protection of people with disabilities should adhere to the combination of the principle of equality and the principle of special protection. With the further deepening of social division of labor, it will be difficult to enhance the competitive status of people with disabilities in the society if they are only protected in the usual equal way, but not positioned as special subjects for protection. Secondly, the legislation of legal protection for people with disabilities should adhere to the principle of giving priority to fairness and efficiency. In the final analysis, the reason why the legal rights and interests of the disabled are infringed on is that the inefficiency in the development of the market economy has led to the competition for the exclusive use and unreasonable distribution of various resources. Finally, the principle of equal emphasis on protection and development should be adhered to in the legislation for the legal protection of the disabled. In the design of the system for the protection of the rights and interests of the disabled, equal emphasis should be given to the protection and development.

##### **4.1.2. Law Enforcement Protection of Rights and Interests of People with Disabilities**

The law enforcement process should be the process of providing services for people with disabilities, and further standardizing the law enforcement process has special significance for the protection of the rights and interests of people with disabilities. Specifically, first of all, the government has the responsibility to provide more favorable social conditions. When the rights and interests of people with disabilities are infringed upon, the government should actively provide relevant legal approaches to rescue and support the rights and interests of people with disabilities. Secondly, the government should continuously improve the capacity of law enforcement officers in the practice of law and organize regular study tours for law enforcement officers, so that law enforcement officers can truly enforce the law and uphold the concept of serving the public. Finally, the government should establish a reasonable reward and punishment mechanism. The punishment of law enforcement officers who violate the law can prevent other law enforcement officers from making the same mistakes and increase their motivation to enforce the law.

##### **4.1.3. Judicial Protection of the Rights and Interests of People with Disabilities**

At present, the judicial protection for people with disabilities in China mainly exists in some laws such as, criminal prosecution and civil prosecution, but the scope of protection is relatively limited, and there is still a problem that people with disabilities cannot find a reasonable legal basis to seek judicial remedies when their rights and interests are infringed. Therefore, further improving the judicial protection mechanism for the rights and interests of people with disabilities is of substantial

significance to the protection of their rights and interests. Specifically, firstly, ensure the independence and legitimacy of the judicial process, and exclude any external factors that may affect the equal status of the parties in litigation. Secondly, improve the pre-litigation mediation system. If disputes between vulnerable groups and another party can be resolved through pre-litigation mediation, it can save social capital on the premise that the rights and interests of vulnerable groups can get timely relief. Finally, improve the legal aid system. Based on the integration of excellent foreign experience and the specific practice in China, the service targets and levels of legal aid are formulated, so that legal aid can better play its proper role in the protection of the rights and interests of people with disabilities.

## **4.2. From Power-Based to Service-Based**

The shift of government from power-oriented to service-oriented functions is the mainstream direction of global public administration reform and development. In China's case, with the development and improvement of the socialist market economy system, public administration departments should also respond to the needs of those striving to realize the transformation from a power-based to a service-based approach.

### **4.2.1. Strengthen the Channels for Expressing the Rights and Demands of People with Disabilities**

The government's responsibility is the source of its credibility and legitimacy [10]. The long-term goal of protecting the rights and interests of people with disabilities should be shifting from passive resolution of interest demands to active development of interest needs. Therefore, it is crucial to establish and improve a set of operable channels for the expression of the rights and interests of people with disabilities. Specifically, the government should establish a set of channels for expressing the rights and interests of people with disabilities with clear operation processes, precise time points, and a fine division of responsibilities, and ensure transparent and smooth communication channels from the government to people with disabilities.

### **4.2.2. Strengthen the Social Welfare System for People with Disabilities**

The welfare system for people with disabilities is an important prerequisite for good governance. Countries and regions around the world that have been more successful in protecting the rights and interests of people with disabilities have always established a sound welfare system as a support for governance. At present, China has provided the corresponding material basis for improving the welfare system for the disabled. However, in order to better protect the rights and interests of people with disabilities, China must seize the favorable opportunity to promote the equalization of public services and give more special preferential treatment to people with disabilities. Specifically, in addition to the general social insurance, medical care, employment and education, China should also highlight the provision of financial assistance, welfare care, family services and other protection services for people with disabilities, strengthen the construction of grassroots service networks, and build a social welfare system for people with disabilities that combines general and special protection from horizontal to vertical.

## **4.3. From Government-Based to Social-Based**

Public administration, under the perspective of good governance, should revert from the government as the sole subject of power to the government and society as plural subjects in managing national and social affairs. Stakeholder participation is an important prerequisite for good governance [11].

Objectively speaking, the extensiveness and complexity of the rights and interests of the disabled brings huge challenges to the government's supervision, and the social organizations and self-organization of the disabled can help the government's management at the micro level. Therefore, the government should fully trust and cultivate the existence of non-institutional forces, give them equal status at the legal and policy levels, and form a new governance mechanism in which the government, social organizations and self-organizations of persons with disabilities can each play their own role and cooperate in the protection of the rights and interests of persons with disabilities at different levels.

#### **4.3.1. Regulate and Support Social Organizations**

The proposal of good governance theory, in fact, sets a new relationship between the government and social organizations. Social organizations should have carried out extensive cooperation with the government in the field of public administration and played an important role in providing public goods, mobilizing social resources, and safeguarding citizens' rights and interests. In fact, there is a natural linkage between social organizations and people with disabilities. The grassroots nature of social organizations, with their mission of serving the grassroots and being close to ordinary people, making the social organizations can follow up services and deal with problems more flexibly and quickly, and have obvious advantages in paying attention to the disadvantaged groups. Although social organizations play an indispensable role in the protection of the rights and interests of people with disabilities, there is still a relative lack of social organizations in China. Therefore, in order to better protect the rights and interests of people with disabilities, firstly, the government can appropriately liberalize the entry threshold to increase the number of social organizations. Secondly, the government can introduce supportive policies, provide assistance in terms of taxation and funding, strive to cultivate a number of national or regional social organizations for people with disabilities.

#### **4.3.2. Nurture and Support Self-organization of People with Disabilities**

Self-organization is a mode of governance based on emotionality, identity and common ambition, with the characteristics of self-management and self-service, and plays an important role in the field of public administration. People with disabilities are the direct beneficiaries of rights and interests protection, and they are the most aware of their own plight and needs, therefore, the most effective way to protect people with disabilities is to enhance their ability to "self-organize". The goal of self-organization is to create a model of activity that complements traditional management institutions, so both public administration and self-organization have responsibilities [12]. In China, self-organization of people with disabilities has not been around for a long time, and although its members are highly motivated, there are deep-rooted problems such as lack of talents, insufficient funding, and irregular and non-transparent internal management, as well as irrational participation such as mobbing government departments, which needs proper guidance. Therefore, while fostering and supporting self-organizations of persons with disabilities, the government should also promote the registration of associations and gradually facilitate the transformation of self-organizations of persons with disabilities from informal institutions to formal institutions. In addition, self-organizations of persons with disabilities should also clarify their goals and missions, formulate corresponding bylaws and disciplines, make their internal governance structure scientific and institutionalized, and move toward modern associations.

## 5. Conclusion

This paper attempts to examine the problems in the protection of the rights and interests of people with disabilities in China and proposes path options for the protection of people with disabilities from the perspective of good governance, in order to provide some new perspectives on the protection of the rights and interests of people with disabilities in China. Based on social facts and research findings, this paper summarizes three paths to improve the protection of the rights and interests of people with disabilities: first, strengthen the construction of the rule of law, and continuously improve the legislation, law enforcement and judicial system for the protection of the rights and interests of people with disabilities; second, establish a service-oriented consciousness, and continuously improve the channels for expressing the rights and interests of people with disabilities and the social welfare system for people with disabilities; third, attach importance to social power, and continuously regulate and support social organizations and self-organizations of people with disabilities. and self-organization of people with disabilities.

Although there are still some obstacles and dilemmas in the current public administration process, the trend of reform and development is unstoppable by anyone. With the development and progress of the times, with the continuous innovation of people's ideas, and with the continuous reform of public administration mechanisms, the rights and interests of people with disabilities in China will definitely be effectively protected, China's public administration will definitely achieve world-renowned results, and the goal of good governance will definitely be realized!

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