

# Initiative Cooperation: Exploring a New Intergovernmental Model for Dealing with Risk of Tobacco Monopoly Administrative Law Enforcement

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**Objective:** The risk of administrative law enforcement is slowly being exposed to the public. The law enforcement of tobacco monopoly administration plays an important role in maintaining the stability of tobacco market and promoting the benign development of tobacco industry. However, due to the combination of subjective and objective factors, there are many risks in the process of tobacco monopoly law enforcement, which seriously affect the effectiveness of tobacco monopoly law enforcement. In risk society, risk has the characteristics of fluidity and cross-region, which increases the difficulty of administrative law enforcement among local governments. The purpose of this paper is to explore a new model to deal with the risk of local government enforcement against tobacco monopoly administration. **Methods:** The research adopted the field survey method, 75 local officials were interviewed, including 68 effective interviews and 7 invalid interviews, then analyzed the manifestations of passive cooperation through multiple cases. **Results:** We found that when risk of tobacco monopoly administrative law enforcement occur frequently, local intergovernmental still choose not to cooperate or cooperate passively at the request of the central government. By analyzing the forms of passive cooperation, we established an analytical framework of initiative cooperation and worked out three elements of initiative cooperation: trust, consensus and tacit understanding. **Conclusion:** Initiative cooperation is the highest form of cooperation and the best choice for local intergovernmental to deal with risk of tobacco monopoly administrative law enforcement.

**Key words:** risk of tobacco monopoly administrative law enforcement; local intergovernmental; initiative cooperation; cross regional

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## INTRODUCTION

Administrative law enforcement risk refers to the serious adverse consequences and harms caused by unreasonable law enforcement actions of administrative organs and their staff in administrative law enforcement. Due to the cross-regional and fluidity of risks, it is more difficult for local governments to enforce the law across domains. As the thoughts and behaviors of the subject and object of administrative law enforcement are uncontrollable, there must be risks in administrative law enforcement. Tobacco monopoly administration law enforcement and administrative law enforcement is a special relationship with the general, due to the limitations of their thought of tobacco monopoly administration law enforcement officers and all aspects of environment, the influence of tobacco monopoly administration law enforcement process of all kinds of risk is difficult to eliminate, and in the current social media network developed, once appear, law enforcement and irregularities, It would quickly spread widely, seriously damage the image of the tobacco industry, and even shake the monopoly system.

There is only one central government in each country but there are huge amount of local intergovernmental. Local government is closely related to the daily life of people, and is more related to the geographical and ecological environment. It is a crucial part of national political system, the independence of local intergovernmental when they are implementing tasks does not mean they must do it independently.<sup>1</sup>At present, we are living in a highly complex and uncertain risk society, the occurrence of risk of tobacco monopoly administrative law enforcement has put forward new challenges for the national political system. How to deal with the relationship between local intergovernmental in order to cope with risk of tobacco monopoly administrative law enforcement is particularly important. This article tries to answer the question: When risk of tobacco monopoly administrative law enforcement raises, will local intergovernmental take initiative cooperation rather than listen to the voice from the central government and then work passively? Some scholars believe that when risk of tobacco monopoly administrative law enforce

ment have occurred in the territory, it's the best that the lower-level government listens to the direction from the superior government, while, this point of view cannot be firmly squashed since that for local governments, they are indeed not possessed with sufficient rights to formulate and implement policy, they can gain merits and make no mistakes or at least gain no merits and make no mistakes only by awaiting orders from superior government and then fulfill the tasks on time. Other scholars argue that risk of tobacco monopoly administrative law enforcement have occurred within the territory, there is no need to cooperate because risk of tobacco monopoly administrative law enforcement are usually hidden and tend to occur suddenly. From the development of policies to implementation, it is very important to focus on timeliness. Local intergovernmental when working cooperatively takes time to form tacit understanding and cannot respond quickly. These scholars are still sticking to the sociology concept of Durkheim (Society is self-contained and is an independent entity, it will have a broad and far-reaching influence on individuals in specific territories), and they neglected the emergence of the theory of globalization in the 1970s which has challenged the social concept of Durkheim. Concerns and researches on social topics worldwide have made scholars' attention no longer only limited to the territory but also turned to cross-domain, commodity transactions and cultural exchanges. After the 21st century, scholars represented by John ▪ Urry tried to surpass the sophisticated social concept from Durkheim and turned to study the "social mobility" phenomenon. This school did not firmly squash the value of social concept, but emphasized that there are indeed still certain equally important entities.<sup>2</sup>The risk of tobacco monopoly administrative law enforcement mentioned herein emphasize that society is the restriction of risk, which is used to explain that this risk is not personal, national, political, economic and it have social property. Risks are multifaceted, and this exact qualified property makes risk of tobacco monopoly administrative law enforcement mobility and cross-domain. In summary, cooperation is the primary choice when prevent and relieve risk of tobacco monopoly administrative law enforcement, as for the actions of how to cooperate requires further discussion. In our daily

life, when crisis occurs, whether it is an individual or collective, it is scripted behavior that we deal with them by cooperation and we will now displace the crisis to displace the risk prevention. Subsequent phase, cooperation is still an optimal choice. This article explains the new meaning of the term "intergovernmental" in the background of risk of tobacco monopoly administrative law enforcement, discusses the changes in behavioral modes between local intergovernmental when they respond to risk of tobacco monopoly administrative law enforcement, and further explores behavior patterns of initiative cooperation.

This article contains five parts:

- 1) Brief overview of behavior pattern changes from local intergovernmental when respond to risk of tobacco monopoly administrative law enforcement.
- 2) Research methods and analysis framework.
- 3) Analysis of factors of initiative cooperation.
- 4) Significance of initiative cooperation.
- 5) Conclusion.

## **PASSIVE COOPERATION TO INITIATIVE COOPERATION: BEHAVIOR PATTERN CHANGES FROM LOCAL INTERGOVERNMENTAL WHEN RESPOND TO RISK OF TOBACCO MONOPOLY ADMINISTRATIVE LAW ENFORCEMENT**

The current social society is at a highly complex and high uncertain stage, the underlying factor is the frequent occurrence and mutual transformation of all kinds of risks, and finally appears as risk of tobacco monopoly administrative law enforcement. In the governance of risk of tobacco monopoly administrative law enforcement there are three stages: prevention, relief and response. In this article, we mainly focus on the third stage. The arrival of risk make the government more crucial than ever and when risk occurs, the government is the coordinating body and possess good medical services and financial systems, only the government is capable and has power and influence to make such large-scale decision.<sup>3</sup> With the development of society, the country's administrative system has gradually separated from the original self-disciplined and centrali-

zed control behavior, the governance and reform between central and local governments enabled local intergovernmental to be relatively independent actors, and they have relative self-sovereign when cope with risk of tobacco monopoly administrative law enforcement. The arrival of risk society has brought cross-domain challenges to local intergovernmental. Cooperation has become one of the interactive relationships between local intergovernmental. It is a natural reaction when risk has arrived. This natural reaction is mostly passive, unconscious scripted behavior, and does not create more value in order to cope with risk of tobacco monopoly administrative law enforcement. How long can passive cooperation last? When central government requires local intergovernmental cooperation, can local intergovernmental reject? How to change the passive cooperation into initiative cooperation? What kind of cooperation is a proactive cooperation? What kind of results will initiative cooperation present?

In the analysis of passive cooperation, this article mentions a concept which is scripted behavior (Leonard Mlodinow) that has no conscious mechanized behavior, which helps individual or organization to reduce time of thinking upon operations. But this is not the fundamental way of resolving risk of tobacco monopoly administrative law enforcement in local intergovernmental, we must break through this passiveness and seek initiative cooperation since the most important incidents in human society are borne by joint actions (cooperation). In initiative cooperation, consistent intention from or organizations the fundamental premise. The consistent intention is with three forms: trust, consensus and tacit understanding. In the case of no trust, no consensus, and no tacit understanding, can the local government cooperate in response to risk of tobacco monopoly administrative law enforcement? Is this cooperation initiative or passive? For these two questions we will discuss somewhere else. In this article we will first explore the behavioral model of local intergovernmental response to risk of tobacco monopoly administrative law enforcement in the ideal state. The above problem is intended to show one argument: local intergovernmental need the behavior pattern of initiative cooperation to deal with the occurrence of risk of tobacco monopoly administrative law enforcement.

## RESEARCH METHODS AND ANALYSIS FRAMEWORK.

### Fieldwork and methods

This paper adopts qualitative research methods, combined with interviews and cases to present the basic performance and formation process of the phenomenon. In terms of research method, the case study is a deep description of the "bounded system" and an analysis of the real-life context. It aims to explain the fuzzy relationship between phenomena and situations, and put forward and explore the theory by analyzing the action mechanism between variables (Merriam, 2009:40). This paper aims to explain the objective phenomena in real life and explore the generative logic of phenomena, so it is suitable for qualitative research methods.<sup>4</sup> Although quantitative methods can more accurately calculate the causal relationship between variables, statistical methods may not be able to find a variety of factors hidden within the local government organization which affect organizational behavior. Therefore, to understand the behavior mode of local government in dealing with risk of tobacco monopoly administrative law enforcement, we should enter the local government to observe its operation, so as to grasp the variables of behavior mode change more completely.

In view of the cross domain and liquidity feature of risk of tobacco monopoly administrative law enforcement, this paper will choose the case study method. Through the case study, we found that the multivariate variables in the case therefore dig out the commonness of a phenomenon, and can also summarize a series of characteristics behind the phenomenon, so as to make the research results more accurate, effective and stable (Merriam, 2009:40). The case of this article comes from the author's field investigation of local government X in Northwest Shandong, China from year 2019 to 2020. The scope of the survey covers municipal and county (District) local intergovernmental (street offices and township governments are grass-roots governments and are not included this survey). 75 key local government officials were interviewed, of which 68 were valid and 7 were invalid. According to the arrangement of interview recordings and the report of field investigation, we will first summarize several respon

se performance modes of local intergovernmental when risk of tobacco monopoly administrative law enforcement appears, and then analyze the three factors of cooperation in combination with the analytical framework of initiative cooperation.

### The main forms of passive cooperation

In the field survey we conducted, passive cooperation has occurred and specific expressions were varied. According to the participatory observation and depth interview, we summarized several expressions of "passive cooperation":

Performance 1: The central government issued documents, and local intergovernmental had to cooperate.

An official of Z city provided us with a real example of "forced cooperation":

When dealing with a series of risk of tobacco monopoly administrative law enforcement and the transformation risks of risk of tobacco monopoly administrative law enforcement, local intergovernmental take cooperation in response to the documents of the central government. This cooperation is passive and temporary. Due to the division of administrative regions, interests and other factors, it is difficult for local intergovernmental to cooperate without the coercive force from the central government. Even if there is, it is inefficient or ineffective. For example, for the particularly prominent problems, when the local intergovernmental reach consensus through negotiation and coordination, the power of third-party government such as superior government or media is highly needed. (Interview record BYDY20191015)

Performance 2: The central government requires cooperation, but due to unsound supervision and regulation, local intergovernmental have the form of cooperation but there is no manifestation of cooperative action.

A leader of P city introduced their regional cooperation office to the author. After opening the door, the musty smell could not dissipate for a long time. It can be seen that no one has worked in this place for a long time. In the interview, the official told me that the government requires cooperation, however, do we have to cooperate? This depends on the strictness of governmental supervision. Various

organizations in local intergovernmental are actually particularly concerned about matters within their jurisdiction: first, most officials are still compassionate and want to better serve the people; second, leaders want political achievements, and they have absolute decision-making power within their jurisdiction. After cross regional cooperation, each leader only has the right to make suggestions and democratic consultation is needed before making decisions; third, the scope of each administrative region has obvious boundaries. For example, SH city and NJ City even prefer to sacrifice development in their own new district so as to avoid cooperation. (Interview record BYDY20191120)

Performance 3: In the early days of the outbreak of COVID-19, the government did not ask for cooperation.

In January 2020, when my research was carried out for the third month, COVID-19's news had been transmitted to the whole country by the media. Before the central government made a clear attitude, local government did not take any action. However, rumors flew and everyone is jittery. I came to L City, the work here was as usual, and there was no epidemic prevention. In my few days in L City, i attended more than ten meetings, which did not involve the issue of COVID-19 and intention of cooperation. During this period, I interviewed an official who served as the principal responsible person in charge of epidemic prevention during the prevention and control of atypical pneumonia(SARS) in 2003. He told me that during the SARS period, the mobility of the population has not been highlighted, and most epidemic situations were relatively concentrated. As long as there was centralized prevention and people control and take charge of their own administrative areas well, the occurrence of epidemic situations in the region will be blocked, and there was no cooperation with other governments. (Interview record BYDY2020120)

Performance 4: After the outbreak of COVID-19, the central government attached great importance and local government was closely following the document policies and presented passive cooperation.

At the beginning of Chinese lunar calendar year in 2020, COVID-19 broke out in the country, and the whole nation was quarantined and road was

closed. Taking the opportunity of being a street volunteer, I visited the leader on duty in Y county and the border of the county. The leader told me that is every county was responsible for the road closure of their border within their own administrative areas, that is, there was two checkpoints in each border, and that was waste of resources. Through coordination, it could be simply done by one local government. Let's take a further look at the road along the boundary of administrative regions. It is also very difficult to walk on since the boundary is vague, therefore none would fix it. (Interview record BYDY20200205)

Performance 5: Cooperation spirit is the premise of initiative cooperation, and social openness is the basis of initiative cooperation.

In March 2020, the whole country entered the stage of national combating epidemic period, money and materials were donated to help Wuhan city. During this period, I interviewed a government cadre who was about to lead a team to support Wuhan. He said that when the epidemic came, the central government was our strength, and the people had energy and spirit, which directly launched an objective guarantee for the cooperative system. In such environment, the society was open and there was the premise of cooperative action, the highest level of cooperation is a form of social life, followed by interpersonal relationships and actions from people as part of this life form, negotiation and discussion is smooth and cooperation is naturally formed, problems are solved efficiently. (Interview record BYDY20200310)

In the process of investigation, we can clearly see such a clue: the whole society is gradually presenting a process of complexity, which breaks the natural order of the previous society and puts forward the requirements of rebuilding the order. The local government without cooperation is solving some problems and has achieved the results of balancing order. However, we also see that it has not solved the more complex problems in risk of tobacco monopoly administrative law enforcement, and even when it is solving a complex problem, it will usher in a more complex problem. It is in this context that looking for initiative cooperation has become an inevitable choice. The existing concept of cooperation is often vague, and it is even more difficult to clarify the initiative

cooperation.

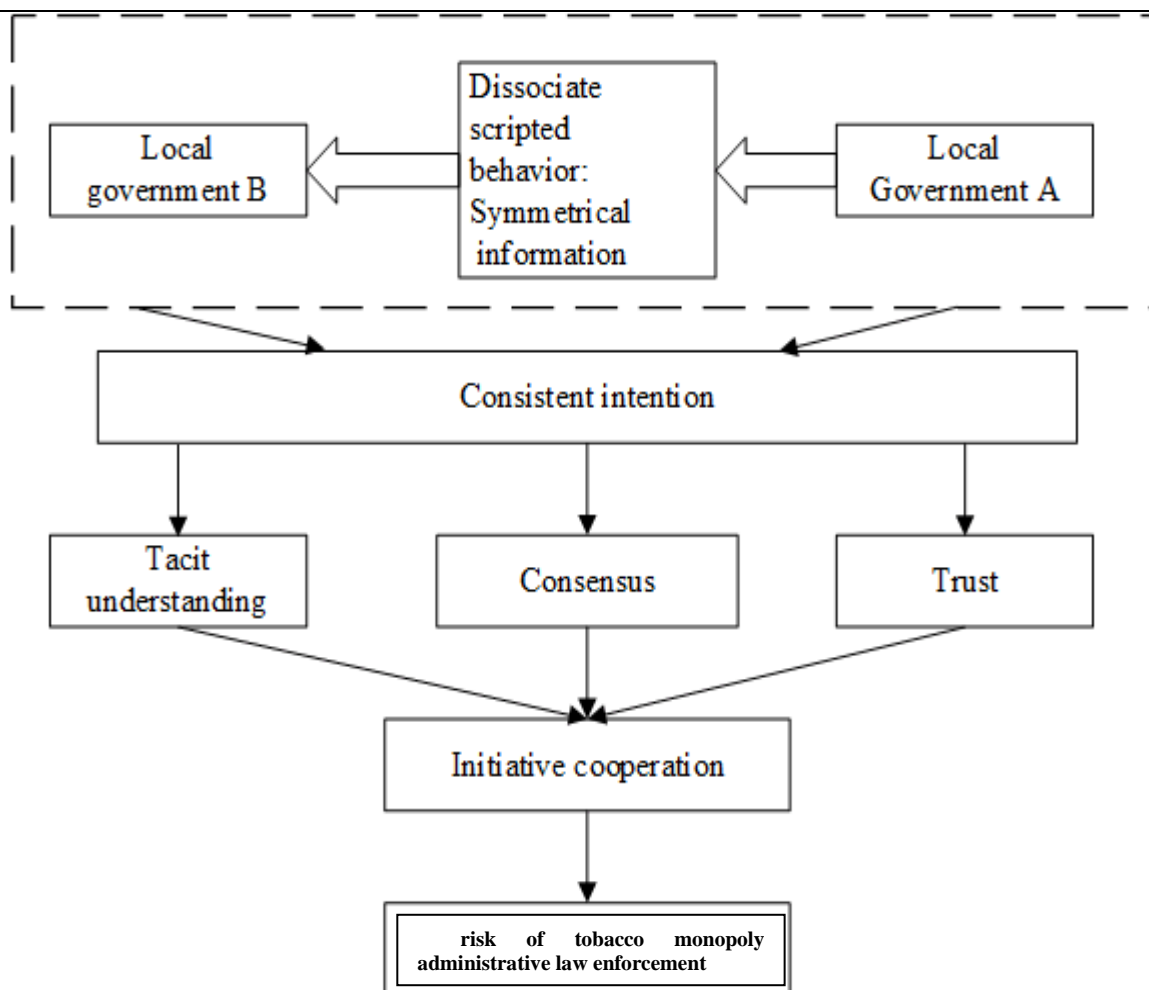
The root of initiative cooperation is symbiosis, and its basic goal is to provide a balanced order for social symbiosis, and fundamentally eliminate the dependence of local intergovernmental on the central government, so it is a free order. The order of initiative cooperation is not based on coercion, but requires authority in cooperation. This authority has the characteristic of coercion, but it is essentially different from the authority under centralization. The authority of initiative cooperation will not exist in the form of external pressure, or in the form of internal exclusion while accepted or obeyed by organizations or people in behavior.

The biggest obstacle in initiative cooperation is social closure. A closed unit or system cannot produce the intention and motivation of cooperation. Only an open system will have the need for cooperation and will find the ways and possibilities of initiative cooperation. We sort out three variables in initiative cooperation: trust, consensus and tacit understanding. The analytical framework of this paper will also follow the framework of dissociated behavior in passive cooperation and trust, consensus and tacit understanding in

initiative cooperation. The relationship of the three variables is equal, and they all play a key role in strengthening the initiative cooperation. They will eventually evolve into factors of initiative cooperation and the correct model for local intergovernmental to deal with risk of tobacco monopoly administrative law enforcement.<sup>5</sup>

### **Initiative cooperation analysis framework**

It is a dynamic and complex process to address risk of tobacco monopoly administrative law enforcement. This paper tries to construct an analytical framework for initiative cooperation. The framework believes that when risk of tobacco monopoly administrative law enforcement exist, local intergovernmental can find a new way to deal with them only by recognizing the essential connotation of scripted behavior and finding a breakthrough in passive cooperation. Finally, collective wisdom emerges to balance social order and help government system reform and achieve social harmony. In the whole framework, risk of tobacco monopoly administrative law enforcement is the external driving force of initiative cooperation.



Framework of initiative cooperation.

Sources: Author.

## FACTOR ANALYSIS OF INITIATIVE COOPERATION

### Trust

The basis of establishing social order is the cooperation relationship. Social theorists believe that trust is needed to promote cooperation to ensure the benign operation of society. The trust in this article is relative: In the two sides of communication, local government A believes that trust is formed when local government B has motivation to promote their interests. Trust is also the cornerstone of the maintenance of the two parties' relationship. Trust is conducive to cooperation, but however trust can also generate unfavorable factors such as the closed relationship formed by trust could hinder cooperation, therefore we have an additional consensus and tacit factors in the text as a supplement. Although interests come first in the industr

ial society, the organization's requirements for trust will be more strong than ever when the risk arrives.

### Consensus

According to Habermas, the formation of consensus requires the subject to choose understandable expression. First, the subject can express his intention so that the listener can accept it, so that the speaker and the listener can identify and resonate against the background of recognized norms. Consensus will not eliminate differences, but make differences obtain a state of common existence. In the process of reaching consensus, there may be a situation that the form of consensus is adopted in the process of trade-off, which is the failure of consensus, that is, there is no consensus. The failure of consensus is a problem of recognition, which is particularly important in political life. Only when both parties acknowledge the failure of consensus can they

reach consensus in future communication.

### **Tacit Understanding**

Since the latter half of the 20th century, risk of tobacco monopoly administrative law enforcement have increased sharply, which makes us pay attention to the tacit understanding between local intergovernmental in dealing with risk of tobacco monopoly administrative law enforcement in addition to trust and consensus. That is to say, unlike reaching consensus, initiative cooperation based on tacit understanding has more moral characteristics.

If consensus is the unity of intention constructed through discourse, the tacit understanding is the consistent understanding of the goals and tasks of cooperative action, which shows the internal consistency of intention among local intergovernmental. In our social sciences, the word tacit understanding has not become an academic concept to be used, but is indeed a social phenomenon of interpersonal communication in our daily life. Only after we are now in the risk society and eager to initiative cooperation, the tacit understanding is once again highlighted, and initiative cooperation is the unconditional cooperation when tacit understanding reaches a certain peak.

### **SIGNIFICANCE OF INITIATIVE COOPERATION**

Initiative cooperation is rooted in the pursuit of the value of both parties. For cooperation, comparing the goals and strategies of sharing action, sharing results may not be so important. When cooperative action is in progress, the results are naturally occurring. Almost all science in the modern industrial society contains the pursuit of certainty, and constant willing to find certainty in uncertainty, however, in the process of continuously searching for certainty, we found that instead of reducing, uncertainty has increased. Especially that we have entered a highly uncertain era, which is the risk society according to German sociologist Baker, therefore the problem we have to solve now is not to pursue certainty, but to think about how to deal with uncertainty. Establishing initiative cooperation on the basis of trust, consensus, and tacit understanding make the relationship between local intergovernmental appreciable, and establish a good order to help to resolve risk of

tobacco monopoly administrative law enforcement.

### **CONCLUSION**

The law enforcement risks of tobacco monopoly administration are manifested in various forms, and the reasons are also very complex and most of them are potential risks, which are difficult to be completely eliminated and can only be prevented and controlled as far as possible.<sup>6</sup> Based on liquidity risk characteristics across the mergence and built up between the local government response to the new model of tobacco monopoly administration law enforcement risk that initiative cooperation can play a positive role in the prevention and control, from before the occurrence of a risk prevention, occur when the response and the summary, the administrative law enforcement personnel can in under the guidance of the system to take effective measures to reduce the risk of harm, Promote the risk prevention and control system to play its role in practice and guide the smooth implementation of tobacco monopoly administration law enforcement.<sup>7</sup> After the risk response action of tobacco monopoly administrative law enforcement, a major risk accident reporting system should be established to reflect in tobacco monopoly.

Administrative law enforcement in the risk source, risk response organization performance behavior, risk management process, risk treatment results and other content of tobacco evaluate the administrative law enforcement behavior of tobacco monopoly, and report to the risk management department on a regular basis to provide a basis for the risk assessment of tobacco monopoly administrative law enforcement and the reference.<sup>8</sup> a few retail stores advertised and sold flavored tobacco products and discounted tobacco products below the listed price. Retail stores with more tobacco ads and lower municipality-level smoking prevalence were less likely to be compliant with local tobacco advertising regulations relative to retail stores in other municipalities.<sup>9</sup>

Our conclusions are: First, the cross-domain and liquidity feature of risk of tobacco monopoly administrative law enforcement urge local intergovernmental to cooperate when deal with risks; second, existing passive cooperation cannot be a dealing pattern at this present stage;



third, we are at the time of highly complex and high uncertainty, risk of tobacco monopoly administrative law enforcement are diversity, only to build in trust, consensus, and tacit understanding that can make local intergovernmental to resolve risks, therefore emerging a collective wisdom (the whole is greater than parts combined).<sup>10</sup>

### Author Declaration

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