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A Study on the Challenges and Safeguard Mechanisms in the Exercise of Procuratorial Investigation and Verification Powers in Civil Enforcement

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Abstract— *The power of China's procuratorates to investigate and verify in civil enforcement is established at the normative level, yet its operation is constrained by path dependence on trial-supervision paradigms and the coercive, fast-moving character of enforcement. Rigid initiation thresholds, the absence of coercive deterrents, court–procuratorate data silos, and weak binding force of supervisory outputs impair both procedural and substantive fairness. Grounded in the doctrinal separation of adjudication and enforcement, this article diagnoses these dilemmas and proposes four interlocking reforms: concurrent ex-officio oversight, tiered limited coercive safeguards backed by judicial disciplinary referrals, real-time digital integration across agencies, and a closed-loop accountability regime for procuratorial recommendations. This reconstruction turns enforcement oversight into substantive check-and-balance and offers theoretical reference for the forthcoming Civil Compulsory Enforcement Law.*



Keywords— ***Civil Enforcement, Power of Investigation and Verification, Procuratorial Supervision, Digital Procuratorate, Judicial Compulsory Measures, Legal Dogmatics***

I. INTRODUCTION

Civil compulsory enforcement is the concluding, "last-mile" stage of civil justice, yet an executory title does not guarantee satisfaction: debtors conceal assets through sophisticated strategies, and enforcement agencies may act passively or overreach. Procuratorial oversight of civil enforcement is the constitutionally grounded safeguard that constrains public authority and protects private claims. China's top-level judicial policy has made this a priority: the Opinions on Strengthening the Legal Supervision Work of Procuratorial Organs in the New Era (Central Document No. 28) mandates deepened supervision over civil, administrative, and criminal enforcement, emphasizing precise, substantive fact-finding through thorough investigation (Tang, 2025).

At the statutory level, Article 221 of the amended Civil Procedure Law establishes the procuratorate's power of investigation and verification, marking an intentional transition in civil procuratorial supervision from static paper review toward dynamic, empirical verification. To implement this mandate, the Supreme People's Court and the Supreme People's Procuratorate jointly issued the Provisions on Several Issues Concerning Legal Supervision of Civil Enforcement Activities, and the Supreme People's Procuratorate promulgated the revised Rules of the People's Procuratorate on Supervision of Civil Litigation. Joint provisions on access to duplicate copies of case files in civil, administrative, and enforcement cases further demonstrate a sustained effort to break through longstanding institutional divisions between the judiciary and the procuratorate.

An operational paradox persists despite these advances. Civil execution differs fundamentally from trial: it is inquisitorial, unilaterally coercive, and marked by shifting assets and irreversible dispositions, so reviewing court dockets cannot redress illicit terminations, flawed valuations, or passive delays (Xiao, 2024). Procurators

seeking facts meet resistance or refusal from executing courts, assisting agencies, and evasive debtors, yet the investigative power is non-coercive, giving them no procedural sanctions to compel cooperation. Deprived of rigorous deterrent tools, supervision risks degenerating into an ineffective formality, compromising the policy goal of precise oversight at the final stage of civil justice (Zhang, 2023).

Civil-procuratorship scholarship has centered on trial supervision—fraudulent litigation, evidentiary standards, and final-judgment review—whose constructs of procedural restraint, party disposition, and judicial passivity (Fan, 2015) do not travel cleanly to enforcement. Adjudication authoritatively declares substantive rights; enforcement coercively realizes established claims (Dang, 2022). Transposing a passive trial-oversight posture onto fast-moving execution strips the procuratorate of its functional utility.

External oversight of civil enforcement is a distinctive feature of the Chinese system. Civil-law jurisdictions entrust execution to executing judges or specialized enforcement courts wielding statutory coercive powers; common-law systems leave creditors to private-law devices such as charging orders, garnishment, and writs of execution, with any review of enforcement conduct situated largely within the courts. China's model—an independent constitutional supervisory organ exercising investigative and verification powers over court enforcement—is unusual, and its experience tests whether a non-coercive external organ can discipline state execution power without itself holding compulsory measures. This institutional distinctiveness lends the Chinese experience broader comparative significance, contributing not only to Chinese procedural scholarship but to the comparative literature on the institutional design of execution oversight and the separation of functions between adjudication and supervision.

To fill this gap, this article analyzes the structural contradictions inhibiting procuratorial investigation and verification in civil enforcement—information asymmetries, incomplete legislative authorization, and rigid procedural doctrine—and proposes a reform pathway: a dual-track initiation mechanism permitting ex officio intervention, limited coercive safeguards backed by judicial sanctions, real-time court–procuratorate data sharing, and a closed-loop accountability framework for procuratorial recommendations.

II. LITERATURE REVIEW

2.1 Domestic Scholarship on Civil Procuratorial Supervision and the Investigative-Verification Power

Chinese scholarship has developed along two main tracks. The first concerns the nature and operation of the investigative-verification power itself: early doctrine conceptualized it as an auxiliary, procedural instrument derived from the constitutional mandate of legal supervision, with three cardinal attributes—strictly supervisory, supplementary, and non-coercive (Gong & Yang, 2014; Dong, 2020). Fan (2015) examined its operational mechanism and procedural boundaries; later work turned to the practical dilemmas of exercising it, with Liao et al. (2019) identifying the tension between supervision and restriction, and Zhang (2023), approaching the subject from the rigidity of procuratorial legal supervision, arguing that its soft, non-coercive design undermines deterrence.

The second track treats civil-enforcement procuratorial supervision as a distinct field. Dang (2022) distinguished its functional orientation from trial supervision, stressing that the coercive, administrative character of execution requires mechanisms different from those designed for adjudication. Xiao (2024) and Xiao and Li (2024) examined its practical exploration and institutional improvement; Teng and Zhu (2024) analyzed key and difficult issues; Wu (2024) addressed its legislative expression and the incompleteness of statutory authorization. More recently, Chen and Ma (2025) studied the difficulties of supervising termination-of-enforcement cases, Wang and Zhao (2025) proposed institutional optimizations, Zhou et al. (2025) reviewed the investigative-verification power from the perspective of full-process supervision, and Jin and Jing (2025) explored the technical pathway of big-data-empowered supervision.

2.2 Comparative Perspectives on Enforcement Oversight

Civil-law jurisdictions entrust supervision of execution to executing judges or specialized enforcement courts operating under statutory coercive powers; common-law systems, by contrast, leave judgment creditors to private-law devices such as charging orders, garnishment, and writs of execution, with any review of enforcement conduct situated largely within the courts. China's model—an independent constitutional organ exercising investigative and verification powers over court enforcement—is comparatively unusual, and tests whether a non-coercive external organ can effectively discipline the coercive exercise of state execution power without itself being granted compulsory measures.

2.3 Research Gap and the Present Contribution

Existing studies remain fragmented in three respects. First, trial-supervision constructs of procedural restraint, party disposition, and judicial passivity (Fan, 2015; Dang, 2022) are frequently transposed onto enforcement without regard for its distinct character. Second, although recent studies identify practical difficulties (Chen & Ma, 2025; Zhou et al., 2025), few offer a systematic doctrinal analysis connecting operational challenges to structural causes. Third, the comparative dimension of the Chinese model is underdeveloped. This article addresses these gaps by tracing the challenges' causes and proposing an integrated four-pillar reform pathway.

III. RESEARCH METHODOLOGY

This study adopts a doctrinal (legal-dogmatic) methodology, a qualitative, normative approach suited to questions of legal interpretation and institutional design. Rather than collecting primary field data, it analyzes positive law and interpretive practice to identify doctrinal gaps and formulate grounded reforms, drawing on Article 221 of the Civil Procedure Law and Article 21 of the Organic Law of the People's Procuratorates, the judicial interpretations and departmental rules of the Supreme People's Court and Supreme People's Procuratorate (including the Rules of the People's Procuratorates on Supervision of Civil Litigation), and the Central Committee's Opinions on Strengthening the Legal Supervision Work of Procuratorial Organs in the New Era (Central Document No. 28).

The study combines three strands of evidence. First, doctrinal analysis of the relevant provisions establishes the normative foundation and distinctiveness of the power in civil enforcement. Second, case analysis, principally Guiding Case No. 109, shows how covert enforcement misconduct can evade static, paper-based review. Third, official statistics in the White Paper on Civil Procuratorial Work (2025) document the scale of the challenge—67,151 enforcement-supervision cases accepted in 2025, 46,841 challenging improper termination of enforcement proceedings, and the discrepancy between a 96.1 percent nominal adoption rate and roughly 6 percent substantive completion of procuratorial recommendations. These indicators are used descriptively, not to test causal hypotheses. The article proceeds in four steps: establishing the doctrinal basis and distinctiveness of the power; identifying the practical challenges across initiation, cooperation, lead identification, and enforcement of findings; tracing the structural causes; and proposing an integrated four-pillar reform pathway. As a doctrinal study of public sources and official statistics, it involved no human subjects and required no ethical approval.

IV. THE LEGAL LOGIC AND DISTINCTIVENESS OF THE PROCURATORIAL AUTHORITY TO INVESTIGATE AND VERIFY IN CIVIL ENFORCEMENT

4.1 General Legal Principles Governing the Civil Procuratorial Power of Investigation and Verification and Its Functional Emphasis in the Enforcement Stage

The modern authority to conduct civil investigations is codified in Article 21 of the amended Organic Law of the People's Procuratorates (2018), which integrated fragmented local and departmental rules into a statutory power (Dong, 2020). In mainstream doctrine it is an auxiliary, procedural instrument derived from constitutional legal supervision (Gong & Yang, 2014), typically assigned three cardinal attributes:

First, it is strictly supervisory rather than adjudicative. Its objective is to ensure the uniform, correct implementation of national law and to rectify unlawful acts committed by public organs, rather than to replace the judicial function of determining substantive rights and obligations (Dong, 2020).

Second, it is supplementary. Investigation and verification serve as an auxiliary mechanism to supplement the primary evidentiary record; they are not intended to displace the private parties' fundamental burden of proof, nor should they absorb the court's statutory obligation to investigate evidence ex officio (Gong & Yang, 2014).

Third, it is non-coercive. By standard statutory definition, the exercise of civil investigative powers cannot involve direct compulsory measures that restrict personal liberty or encumber property, such as arrest, detention, search, seizure, or the freezing of bank accounts (Dong, 2020).

These attributes, however, require a functional distinction between “investigation” (diaocha) and “verification” (heshi) across procedural settings (Liao et al., 2019). In civil trial supervision the factual basis of the dispute has already been tested through adversarial presentation and judicial examination, and the resulting docket is a formal, self-contained record; oversight is therefore largely “verification”—a secondary, retrospective review of whether the record sustains the lower court's legal findings (Teng & Zhu, 2024).

In enforcement the balance reverses. Deviations stem not from flawed legal reasoning in the docket but

from bureaucratic negligence, systemic delay, collusive transfers, or failures to identify, seize, and liquidate property; the file is silent or incomplete, leaving "no evidence to verify" within its four corners (Xiao & Li, 2024). Desk review cannot detect covert bad-faith transfers, unrecorded informal settlements, or artificial termination, so the priority shifts from passive "verification" to proactive "investigation": procurators must venture outside the paper record to gather independent facts and primary evidence in order to identify and correct deviations (Xiao & Li, 2024).

4.2 The Distinctive Nature of the Procuratorial Authority to Investigate and Verify in Civil Enforcement

Recognizing the necessity of proactive investigation reveals the fundamental differences between trial supervision and enforcement oversight across three dimensions: the scope of intervention, the temporal window of involvement, and the adversarial environment.

On scope, trial supervision rests heavily on judicial restraint: civil trial is structured as an isosceles triangle in which two private parties interact on equal procedural footing before a neutral, passive judge (Fan, 2015), and proactive evidence-collection for one litigant would disrupt that equilibrium, exposing the supervisory organ to charges of partiality and distortion of party autonomy (Bai et al., 2025). This concern is largely inapplicable in enforcement.

Execution is not balanced contestation between equal adversaries but the unidirectional deployment of sovereign state power, restricting liberty or encumbering property to satisfy an existing legal obligation (Dang, 2022). The judgment debtor frequently resorts to deceptive stratagems to secrete assets, while the creditor lacks both the coercive authority and administrative reach to track concealed wealth; when the execution court neglects its tracking duties, private remedies become ineffective. An active investigatory posture thus constrains arbitrary state power, counters private bad faith, and corrects a structural failure in the machinery of execution (Xiao & Li, 2024).

On time, trial supervision operates as classic ex post facto review: once an executory judgment is entered, its text remains fixed, affording the supervisory organ ample time for retrospective analysis of the written record (Liao et al., 2019). Enforcement, by contrast, is dynamic and irreversible—a fast-moving sequence of registration, electronic asset queries, freezing, service, appraisal, auction, and distribution (Chen & Ma, 2025).

Where an enforcement officer appraises below market value, returns seized property to an evasive debtor, or sells real estate through an irregular judicial auction, the harm to the creditor is immediate and legally irreversible under the bona fide acquisition doctrine and the finality of auction transfers (Lin, 2025); retrospective review months or years later cannot restore the lost assets. Supervision must therefore be immediate, concurrent, and agile—"in-process supervision" penetrating key milestones to prevent dissipation before it becomes permanent (Dong, 2020).

Enforcement's adversarial setting also clashes with the non-coercive character of investigation, which is confined to soft measures—file review, voluntary interviews, written inquiries (Dong, 2020). Deployed into an uncooperative arena facing both state-coercive court departments and collusive debtors and third parties willing to engage in fraud, these tools, lacking direct contempt sanctions, meet widespread evasion—an institutional mismatch between soft methods and an intensely adversarial setting that seriously impedes practical oversight.

V. FINDINGS: PRACTICAL CHALLENGES FACING THE PROCURATORIAL POWER OF INVESTIGATION AND VERIFICATION IN CIVIL ENFORCEMENT

5.1 Rigid Initiation Procedures and Restrictions on Ex Officio Intervention

How supervision is initiated determines whether it can mobilize in time; current initiation rules, carried over from trial supervision, impede timely intervention in dynamic execution cases.

A primary obstacle is the remedies-first principle. Under Article 28 of the Rules of the People's Procuratorate on Supervision of Civil Litigation, applicants must first exhaust internal judicial remedies within the executing court—execution objections, appellate reconsideration, or execution-objection litigation (Supreme People's Procuratorate [SPP], 2021). This prevents premature interference in ongoing litigation, but applied unconditionally to enforcement it defeats timely relief. Civil execution is governed by urgency and dispositive finality: navigating an objection and its reconsideration can take months or years, during which the debtor dissipates assets, collusive auctions close, and proceeds are distributed. By the time the applicant satisfies the exhaustion requirement and petitions the procuratorate, the assets have disappeared and investigation is futile.

A related constraint is the narrow statutory framing of ex officio initiation. Article 37 of the Rules restricts self-initiated investigation to cases implicating national or public interests or serious judicial misconduct

such as bribery (SPP, 2021), overlooking the administrative, state-directed nature of enforcement.

Much execution misconduct—undervaluing real estate, delaying seizures, arbitrary case closure—infringes primarily upon private civil rights rather than the state treasury, so it falls outside "national or public interests" and escapes ex officio scrutiny. Some legislative drafts would condition ex officio investigations of judicial misconduct on a formal disciplinary or criminal case having already been initiated (Wu, 2024), reducing ex officio discovery to mere post-hoc confirmation and preventing the procuratorate from identifying systemic corruption or procedural fraud independently.

Initiation also over-relies on individual complaints. Empirical studies show that in multiple provinces, enforcement-supervision cases begun by individual petitions are a disproportionately small share of irregularities, with self-initiated filings often below ten percent of the caseload (Chen & Ma, 2025). Private creditors frequently lack the technical resources to identify hidden procedural errors, or avoid filing complaints out of fear of alienating the execution judge who controls their case. Without an automated data pipeline from the court's execution docket, supervision depends on sporadic informal petitions and leaves systemic omissions undetected.

5.2 "Difficulty in Verification" Amid a Hollow Obligation to Cooperate

Once an investigation begins, the procuratorate frequently encounters significant resistance from public and private entities. Although Article 221 of the Civil Procedure Law and relevant judicial interpretations recognize an obligation to cooperate with lawful procuratorial inquiries, this statutory duty lacks enforcement mechanisms—a lex imperfecta that establishes an abstract behavioral expectation without attaching procedural or punitive consequences for non-compliance.

This absence of deterrence is acute in complex, covert violations. In Guiding Case No. 109, released by the Supreme People's Procuratorate (2023), a Hubei real-estate enterprise sought enforcement supervision: an execution court commissioned an appraisal of valuable commercial land but failed to transfer the authentic cadastral files to the appraisal firm, enabling appraisers to reduce the floor-area ratio from 4.16 to 2.0; consequently, land worth approximately 210 million yuan was sold at an artificial valuation of only 57.78 million yuan.

The court docket appeared regular—an agency designated, a report prepared, an auction held—and static review would never have exposed the fraud. Investigators uncovered it only by going outside the docket to demand the original urban-planning archives from the municipal land bureau.

Guiding Case No. 109 shows that substantive distortion of execution authority hides in institutional gaps, collusive valuations, and informal transactions. Yet outside high-profile cases, third-party institutions—banks, appraisal firms, registries, and private companies—often refuse disclosure, citing confidentiality, banking privacy, or administrative burden, knowing the procuratorate cannot fine, order searches, or detain non-compliant actors. Without quasi-coercive measures or judicial contempt referrals, the power of investigation and verification remains a soft request, vulnerable to evasive delay by the entities under review.

Investigative tools are also unevenly deployed. Empirical analyses indicate that most enforcement-supervision files rely almost exclusively on passive requests, while advanced evidentiary techniques—judicial forensic accounting, expert price evaluation, digital data cross-matching, formal site inspections—are rarely utilized (Zhou et al., 2025). Investigations also suffer procedural informalities—unrecorded telephone inquiries, no on-site dossiers, omitted notices—undermining the reliability of the resulting evidence and confining findings to superficial procedural mistakes rather than substantive violations.

5.3 Delays in Identifying Leads and the Rampant "Termination of Cases"

Enforcement is final: once assets are liquidated and proceeds disbursed, reversal is legally and practically difficult. Effective supervision therefore needs timely, in-process intervention, yet oversight remains retrospective, learning of violations long after critical windows close (Wang & Zhao, 2025).

This lag is clearest in "termination of the current enforcement proceedings" (zhongjie benci zhixing chengxu, or zhongben). Under Chinese execution law, where exhaustive investigation confirms no seizable property, the court may order zhongben, temporarily closing the case while preserving the creditor's right to re-open enforcement when assets are located. In practice zhongben is often used to clear dockets and inflate administrative clearance rates, with cases terminated without exhausting required online asset-tracing or verifying real-estate holdings.

Official disclosures confirm the scale. The White Paper on Civil Procuratorial Work (2025) reports that procuratorial organs accepted 67,151 civil enforcement-supervision cases in 2025 (Supreme People's Procuratorate, 2025); within the "Procuratorial Protection of People's Livelihoods" campaign, 46,841 challenged

improper termination—nearly 70 percent of the enforcement-supervision caseload.

Behind these cases lies structural information asymmetry. Courts control the closed internal database tracking bank accounts, vehicles, corporate shares, and real estate (the Integrated Asset Tracing and Control System), to which procurators lack direct, continuous access. They must wait for frustrated creditors to submit a formal complaint, often months or years after the illicit order. By then bank balances are depleted, corporate entities dissolved, and physical assets transferred.

Interventions in 2025 recovered 1.18 billion yuan in improperly handled enforcement (Supreme People's Procuratorate, 2025), yet this is a small fraction of contested claims. Without synchronized data sharing there are no real-time early warnings, so concurrent oversight degenerates into delayed, post-hoc remedies.

5.4 The "Irreversible Loss" of Investigation Findings

The value of investigation depends on converting established factual findings into binding corrective actions. Under the prevailing statutory design, however, the primary instrument available to the procuratorate upon concluding an investigation is the procuratorial recommendation (jiancha jianyi)—an advisory legal document lacking direct executory force and not automatically suspending or overturning an ongoing court execution (Zhang, 2023).

This structural softness creates a discrepancy between formal acceptance and substantive remedial outcomes. Judicial statistics from 2025 put the nominal adoption rate of civil procuratorial recommendations by courts at 96.1 percent (Supreme People's Procuratorate, 2025). Yet in the critical category of improper zhongben terminations, only 2,817 cases were substantively “urged to completion by the courts,” representing approximately 6 percent of the 46,841 accepted cases in that category.

The gap between a 96.1 percent nominal adoption rate and a 6 percent substantive completion rate marks a fundamental bottleneck. Courts treat recommendations as administrative correspondence, replying pro forma to concede abstract deficiencies without re-locating property, vacating unlawful auctions, or disbursing funds. Because a recommendation does not stay execution, courts can adopt a strategy of superficial acceptance while leaving the situation unchanged; when resource-intensive findings cannot yield binding corrections, supervision collapses into administrative formality.

VI. FINDINGS: ANALYSIS OF THE CAUSES BEHIND THE OPERATIONAL CHALLENGES OF THE POWER OF INVESTIGATION AND VERIFICATION IN CIVIL ENFORCEMENT SUPERVISION

6.1 Path Dependence on "Trial-Centricism" and the Blurred Conceptual Boundary Between Trial and Enforcement

The difficulties stem from path dependence on trial-centric supervision. During the foundational development of China's civil-supervision system, procedural models were designed around reviewing trials and appellate judgments (Xiao, 2024), elevating party autonomy, disposition, exhaustion of remedies, and judicial passivity to cardinal norms that were then transposed onto execution without regard for its distinct character.

Enforcement authority is nonetheless fundamentally distinct from adjudication: adjudication is passive, deliberative, and interpretive, resolving legal disputes; execution is proactive, administrative, and coercive, deploying state power to alter factual and legal reality (Dang, 2022). Treating party disposition as an absolute barrier to ex officio investigation ignores that execution debtors actively manipulate legal forms to evade debts, and that private creditors lack the coercive reach to unearth this bad faith independently.

Conditioning intervention on prior exhaustion of remedies likewise imports a sequential model built for final judgments, neglecting the fast-moving, irreversible nature of execution and preventing mechanisms tailored to its coercive dynamics.

6.2 The Supervisory Dilemma Arising from Incomplete Legislative Authorization

A secondary cause is incomplete legislative authorization (lex imperfecta)—a gap between abstract statutory grants and the specific powers procurators actually enjoy.

At the statutory level, the power rests on Article 221 of the Civil Procedure Law and Article 21 of the Organic Law of the People's Procuratorates, both brief and declaratory, recognizing the power in principle but omitting provisions on its scope, operational procedures, and enforcement safeguards. The detailed operational rules sit mainly in the Supreme People's Procuratorate's Rules on Supervision of Civil Litigation, which, as internal judicial interpretations and departmental regulations, bind only procuratorial organs and lack general external legal effect over courts, administrative agencies, commercial banks, and private citizens (Wu, 2024).

Thus, when third parties or execution courts refuse to provide financial records or cadastral dockets, the procuratorate has no clear statutory authority to impose direct sanctions. Unlike the executing court, which can rely on the Civil Procedure Law to fine, order civil detention, or initiate criminal prosecutions for obstructing justice, the procuratorate possesses no comparable tools. Against bad-faith obstruction or evasive refusal, supervision is reduced to an advisory request.

6.3 Data Barriers Entrench Supervisory Lags

Access to data is central to oversight in a digitized judicial system, and the third cause of delay is the persistence of data silos between courts and the procuratorate (Jin & Jing, 2025).

Over the past decade the Supreme People's Court has built a comprehensive digital enforcement ecosystem—the Nationwide Executive Command and Dispatch Platform and the Integrated Online Asset Tracing and Control System—linking courts to the central bank, commercial financial institutions, real-estate registries, vehicle-management bureaus, securities depositories, and enterprise registries, allowing execution judges to identify and encumber assets nationwide with high efficiency.

Procuratorial oversight remains largely isolated from this infrastructure. Due to institutional divisions, technical incompatibility, and agency boundaries, no automated real-time data-sharing pipeline connects the courts' asset-tracing systems to procuratorial offices at the national level (Jin & Jing, 2025), so procurators cannot monitor asset tracing or execution milestones as they occur.

Instead, supervisors review physical files or request dockets individually, reducing oversight to retrospective, fragmented review (Supreme People's Procuratorate, 2018). By the time an investigator manually checks whether assets were verified before a zhongben order, funds and property have moved beyond reach.

6.4 Institutional Deficiencies and Practical Deviations in Internal Case-Handling

Finally, internal procedural bottlenecks and risk-averse institutional cultures within the procuratorate itself impede the power.

Internally, case-handling guidelines lack clear, standardized criteria for approving investigative measures. Following judicial accountability reforms, quota-holding procurators (yuan'e jianchaguan) are theoretically empowered to exercise case-handling authority independently, yet initiating an investigation or requesting access to bank and real-estate records often still requires multi-tiered administrative approvals, including from department chiefs and the deputy procurator-general (Zhou et al., 2025), introducing delays ill-suited to the urgent timelines of civil enforcement.

The absence of clear standards fosters two tendencies: passive under-enforcement and, less often, arbitrary overreach. Under-enforcement predominates: fearing that vigorous field investigation will be seen as improper interference, and holding a traditional view that civil disputes are the parties' own, many procurators confine themselves to perfunctory file review.

They avoid forensic audits, on-site inquiries, and witness interviews absent clear external evidence of serious misconduct, underutilizing investigative authority and detaching supervision from execution realities.

VII. DISCUSSION: IMPROVING AND OPTIMIZING THE PATHWAYS FOR PROCURATORIAL INVESTIGATION AND VERIFICATION POWERS IN CIVIL ENFORCEMENT

Meeting these challenges requires systematic restructuring rather than piecemeal fixes—an integrated four-pillar framework that reconstructs the supervisory process from initiation to enforcement.

The framework spans four dimensions: moving beyond the remedies-first doctrine toward concurrent intervention; instituting limited but rigid statutory safeguards supported by judicial disciplinary referrals; establishing deep digital integration between judicial and procuratorial data networks; and building an enforceable closed-loop accountability mechanism for recommendations. Coordinated, these move legal supervision past its historically passive, paper-based boundaries into an effective check on the exercise of compulsory execution power.

7.1 Establishing the Principle of Giving Equal Weight to "Ex Officio Penetration" and "Simultaneous Oversight During the Process"

The first reform abandons the absolute application of the remedies-first rule. The forthcoming Civil Compulsory Enforcement Law should explicitly create a dual-track intervention model in which private party remedies and procuratorial supervision operate concurrently rather than strictly sequentially (Chen & Ma, 2025).

Where execution poses urgent risks—an imminent collusive judicial sale, the unlawful transfer of valuable real estate, or arbitrary disbursement of seized funds—the procuratorate must have statutory authority to intervene immediately upon receiving a complaint or

identifying an irregularity, without waiting for exhaustion of internal court reconsideration procedures (Xiao & Li, 2024). Requiring parties to exhaust multiple layers of internal review while property is actively being dissipated renders substantive legal protection impossible.

In tandem with this procedural flexibility, the statutory scope of ex officio initiation should be moderately expanded beyond "national or public interests." The law should recognize that systemic irregularities in civil execution—fraudulent litigation to evade debt, bad-faith asset transfers by debtors, improper zhongben terminations used to inflate clearance statistics, and gross negligence in asset appraisals—subvert judicial integrity and warrant self-initiated procuratorial scrutiny (Dang, 2022).

Objective statutory criteria would let procurators proactively identify systemic misconduct, using public-supervision initiative to compensate for the structural disadvantages of individual creditors.

7.2 Establishing Limited but Rigorous Safeguards for the Procuratorate's Authority to Investigate and Verify in Enforcement Proceedings

A central design question is whether the power should carry direct coercive force. Some commentators, by analogy to the court's contempt powers under the Civil Procedure Law, would grant procuratorates direct powers of search, detention, and fines (Zhang, 2023).

A more prudent institutional approach respects the functional separation of the judiciary and the procuratorate. The core purpose of procuratorial supervision is the legal oversight of public power, not the direct adjudication or forcible execution of private rights; granting procurators direct, unilateral coercive powers over citizens and property risks institutional overreach and blurs the boundaries between judicial execution and supervisory review.

The balanced solution is a tiered model combining a statutory duty to cooperate with the authority to recommend judicial disciplinary sanctions and limited direct powers in exceptional circumstances.

Legislatively, the Civil Compulsory Enforcement Law should declare a universal duty of public bodies, financial institutions, appraisal bureaus, and private parties to cooperate with lawful investigations. To make this duty enforceable, the statute should authorize procuratorates to issue formal Recommendations for Judicial Disciplinary Action (sifa chengjie jiancha jianyi) where an entity willfully conceals assets, destroys evidence, or refuses cooperation without legitimate grounds. Upon receipt, the People's Court would be statutorily required to conduct an expedited review and, where the obstruction meets the standards of the Civil Procedure Law, impose fines or civil detention accordingly.

This mechanism creates a coherent loop—the procuratorate discovers the obstruction, the court applies statutory sanctions following an expedited review, and both organs cooperate to preserve procedural integrity—retaining coercive deterrence within the judicial branch while preventing arbitrary exercise of authority by supervisory officers.

In high-risk cases of suspected official malfeasance—judicial corruption, collusive auctions, serious dereliction of duty—the law should permit immediate recourse to the procuratorate's internal criminal-coordination mechanisms. Under the integrated Four Major Procuratorial Functions framework, when civil supervisory investigators uncover credible evidence of criminal wrongdoing, they should refer the leads directly to specialized procuratorial-investigation departments or supervisory commissions (Dong, 2020). The credible prospect of criminal investigation supplies substantial institutional deterrence against evasive conduct.

7.3 Establishing a Pathway for Digital Procuratorial Systems to Empower Enforcement Investigation and Verification Authority

Digital integration converts retrospective case checks into automated, continuous oversight (Jin & Jing, 2025).

The core priority is authorized, real-time access to the courts' internal execution databases, above all the Integrated Online Asset Tracing and Control System and the nationwide milestone-tracking network. Through shared data interfaces, procurators could verify, as they occur, which bank accounts were queried, which real-estate holdings identified, whether vehicle titles were frozen, and how auction proceeds were allocated. This integration eliminates manual, physical file requests and gives supervisors an immediate, comprehensive view of procedural milestones as they unfold.

On this foundation, automated early-warning algorithms can detect irregular zhongben. The supervisory platform cross-references external records—real-estate, vehicle, equity, tax, and banking data—against execution orders and milestone records.

Cross-matching flags cases where a debtor holds identifiable, liquidable property yet the executing court terminated proceedings without exhausting required search-and-seizure protocols. Once flagged, the platform issues an automated early-warning alert that triggers targeted verification under Article 221 of the Civil

Procedure Law. By replacing randomized case screening with data-driven identification, this approach improves both the accuracy and the systemic reach of enforcement oversight.

7.4 Comprehensive Improvement of the Entire Process for Exercising the Procuratorial Power of Investigation and Verification in Enforcement Proceedings

Realizing these enhancements requires refining operational mechanisms across the full supervisory cycle—initiation, evidence, and enforcement of findings.

First, approvals should be tiered and risk-adjusted. Under the judicial accountability framework, quota procurators should have statutory authority to independently initiate standard, low-risk investigative actions—retrieving routine court files, conducting voluntary witness interviews, or verifying public registry records—without prior approval from higher-ranking administrative leaders.

Complex matters—trade secrets, state confidentiality, significant financial inquiries, or potential judicial-misconduct referrals—should retain formal multi-tiered approval by the deputy procurator-general, preventing bottlenecks in routine cases while preserving oversight of sensitive investigations.

Second, legal protections for case handlers should be strengthened. The statutory framework should clearly distinguish normal, good-faith procedural errors from deliberate misconduct, establishing an institutional mechanism for tolerating reasonable mistakes made in the performance of duties. Clear boundaries and protections encourage supervisory officers to exercise investigatory authority actively, overcoming the defensive, risk-averse posture that often prevails in current practice.

Finally, recommendations must become a structured, enforceable process rather than an open-ended suggestion. The law should impose a statutory duty on executing courts to respond substantively within a fixed period (e.g., thirty days), detailing the concrete measures taken to correct identified violations—re-opening a terminated case, re-initiating asset searches, or vacating an improper valuation.

If an execution court fails to respond within the statutory deadline or refuses to adopt the recommendation without valid grounds, an automatic escalation mechanism should trigger: the lower procuratorate refers the file to the superior procuratorate, which submits a formal supervisory demand to the superior court.

Adoption and substantive-completion rates should also be integrated into local judicial performance reviews and reported regularly to the standing committees of local People's Congresses. By linking supervisory findings to structural judicial evaluation and legislative oversight, this framework closes the loop, ensuring that substantiated findings produce binding, real-world remedies.

VIII. CONCLUSION

The challenges stem from an institutional and doctrinal misalignment—supervising an administrative, coercive, fast-moving execution process with passive, retrospective paradigms borrowed from trial litigation. If enforcement supervision remains an auxiliary, post-hoc, non-coercive formality deferring absolutely to internal court remedies, oversight cannot meet modern debt evasion and execution deviation.

Addressing this requires a doctrinal transition from soft, auxiliary review to substantive checks and balances. Execution is the direct exercise of sovereign authority to realize established private rights; when that authority is distorted by passive inaction, collusive valuation, or artificial case termination, it subverts judicial integrity and undermines the rule of law.

Grounding supervision in the functional realities of execution—concurrent ex officio initiation, tiered safeguards, digital integration, and an enforceable closed loop for recommendations—transforms the power of investigation and verification into a robust, responsive instrument.

As China codifies its Civil Compulsory Enforcement Law, this architecture offers a balanced theoretical foundation and institutional design for protecting lawful rights at the final stage of civil justice.

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The author declares that there is no conflict of interest.

This doctrinal study relies exclusively on publicly available statutes, judicial decisions, official statistics, and published scholarly sources. No human subjects were involved in the research, and no ethical approval was required.

DECLARATIONS

Ethics Statement: This doctrinal study relies exclusively on publicly available statutes, judicial decisions, official statistics, and published scholarly sources. No human

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CONFLICT OF INTEREST

The author declares that there is no conflict of interest.

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