

Research Article

# First Violation Without Penalty in Maritime Sector

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## Abstract

This paper focuses on the "first violation without penalty" scheme in the maritime field. In view of the issues such as ambiguous definition, unclear implementation standards, and relatively insufficient supporting measures that emerged during its implementation, in order to fully realize its value and function in the maritime sector and ensure the implementation effect, first of all, it precisely defines the characteristics of "first violation without penalty" illegal acts. These acts require fault, must be formally legal, and are of an extremely minor nature, meanwhile the scope is narrowed by excluding serious illegal types, e.g., illegal acts involving heavier liabilities like personal liberty penalties and qualification penalties, illegal acts that should be concurrently punished with multiple administrative penalties, intentionally committed illegal acts with relatively large subjective malignance, and illegal acts that remain uncorrected after being ordered to correct. Secondly, it elaborates in detail on the implementation standards of the maritime "first violation without penalty" scheme, which includes establishing a unified list and making dynamic adjustments, clarifying the starting date of calculation, time limit, and scope of judgment objects of "first", as well as the application of the simplified procedure. It also proposes supporting measures such as establishing and utilizing working schemes like maritime credit rating evaluation and key tracking of ships, establishing an applicable judgment module in the maritime violation-handling system, improving the internal performance appraisal of the maritime administrative authority, strengthening the trace-keeping scheme, and intensifying law enforcement supervision and establishing standard guidance cases. In future practices, continuous attention should be paid to the operating effect of this scheme, and feasible suggestions on how to optimize and adjust it have been put forward.

## Keywords

Maritime Law Enforcement, First Violation Without Penalty, Administrative Penalty, Discretionary Benchmark, Maritime Sector

## 1. Introduction

With the continuous evolution of the concept of the rule of law, administrative law enforcement, while pursuing justice and standardization, is increasingly emphasizing the manifestation of humanization and flexibility. The "first violation without penalty" scheme, as an important outcome of this conceptual transformation, has emerged in numerous administrative management fields such as taxation [1], market su-

pervision [2]. It aims to seek a delicate balance between upholding the authority of laws and regulations and providing administrative counterparts with opportunities to correct their mistakes through reasonable institutional designs.

In the vast and challenging field of maritime management, the complexity of the offshore working environment, the diversity of operating entities, and the particularity of industry

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risks have placed maritime law enforcement with the significant missions of ensuring maritime traffic safety and protecting the marine ecological environment. At the same time, it also faces the arduous tasks of precisely enforcing the law and properly handling various illegal situations in complex circumstances. The emergence of the maritime "first violation without penalty" scheme is precisely an active exploration and beneficial attempt to address these challenges.

The "first violation without penalty" scheme examines the initial minor illegal acts of maritime administrative counterparts from a brand-new perspective, breaking the inherent mindset of "punishing upon violation" in traditional law enforcement. Its core concept lies in that for acts that are the first violation, with minor harmful consequences and timely correction, the maritime administrative authority may refrain from imposing administrative penalties. This institutional design is not accidental; it is the result of a profound understanding and precise grasp of the modern spirit of the rule of law, fully embodying the in-depth application and vivid interpretation of the principle of "combining penalty with education" in the practice of maritime law enforcement.

With the rapid development of the shipping economy and the continuous advancement of shipping technology, national maritime regulations and international maritime conventions are constantly changing. As a result, it is often difficult for maritime administrative counterparts to quickly adapt to these changes in a short period of time, leading to a spurt in minor illegal situations with an extremely wide range of involvement. Implementing the "first violation without penalty" scheme is equivalent to providing maritime administrative counterparts with an opportunity for self-correction. This can not only significantly reduce their compliance costs but also effectively enhance their willingness to actively comply with maritime regulations and vigorously curtail the further spread of maritime illegal phenomena. The "first violation without penalty" in the maritime sector is not only a respect and protection for the legitimate rights and interests of maritime administrative counterparts but also an active exploration to improve the effectiveness of maritime administrative management.

In recent years, the Zhejiang Maritime Safety Administration [3], the Yangtze River Maritime Safety Administration [4], the Shanghai Maritime Safety Administration [5], the Jiangsu Maritime Safety Administration [6] and other maritime administrations in China have successively formulated lists of "no punishment for the first violation", carried out the practice of "no punishment for the first violation", promoted the resumption of work and production of shipping enterprises after the COVID-19 pandemic, and achieved certain results.

However, during the implementation of this scheme, problems such as the ambiguous definition of illegal acts, the unclear implementation standards, and the relative lack of supporting measures have gradually emerged, causing numerous troubles for maritime law enforcement personnel and, to a certain extent, affecting the full utilization of the scheme's

effectiveness and the effective establishment of law enforcement credibility. In view of this, in-depth exploration of the maritime "first violation without penalty" scheme, precise definition of the scope of illegal acts, clarification of implementation standards, and improvement of relevant supporting measures have become crucial issues urgently to be solved in the current field of maritime management, which are of inestimable far-reaching significance for promoting the construction of the maritime rule of law, creating a favorable maritime business environment, and safeguarding the legitimate rights and interests of all parties involved in maritime activities.

## 2. Definition of "First Violation Without Penalty" Illegal Acts

Undoubtedly, the most crucial core point in the "first violation without penalty" scheme is the precise definition of "first violation without penalty" illegal acts. In other words, clarifying exactly which specific illegal acts can be subject to the "first violation without penalty" rule has become the top priority for the effective implementation of this scheme.

### 2.1. "First Violation Without Penalty" Illegal Acts Require Fault

Punishing for faults and blamelessness for the faultless is the justice and legal principle generally recognized by human society. Only when "the illegal act committed by the actor that meets the constitutive elements can be attributed to the actor as something condemnable" can it be said that "the actor is responsible" [7]. In other words, "an act can only be imputed to me as a fault of the will" [8]. Otherwise, if a person's behavior is not harmful, then his behavior should be free [9]. Article 33 of the Administrative Penalty Law of the People's Republic of China (further: Administrative Penalty Law) stipulates that administrative penalties shall not be imposed on illegal acts for which the parties have sufficient evidence to prove the absence of subjective fault, because acts without fault should not be punished in the first place. "In situations where the actor cannot be blamed at all, sanctions cannot be imposed." [10] However, according to Article 33 of the Administrative Penalty Law, for illegal acts involved in "first violation without penalty", "may" not be punished. The so-called "may not be punished" means that administrative authorities are bestowed the power of choice, being able to decide either not to impose penalties or to do so. Based on this, the illegal acts involved in "first violation without penalty" are faulty [11]; otherwise, they should not be punished.

### 2.2. "First Violation Without Penalty" Illegal Acts Must Be Illegal Formally

The Administrative Penalty Law stipulates three types of illegal acts that are not punished in form: First, illegal acts

committed by unqualified subjects, including illegal acts committed by minors under the age of fourteen, as well as illegal acts committed by mental patients or intellectually disabled persons who cannot recognize or control their own behaviors. Second, illegal acts with insufficient evidence, that is, illegal acts where the illegal facts cannot be established due to unclear illegal facts and insufficient evidence. Third, illegal acts with significant flaws in procedures, including illegal acts that exceed the time limit for penalty, as well as situations that impede the parties from exercising their procedural rights such as the right to make statements and defenses.

Therefore, for "first violation without penalty" illegal acts that "may" be subject to administrative penalties, the above-mentioned situations where administrative penalties are not imposed in form must be excluded. First, the illegal subject must be qualified, excluding minors under the age of fourteen and mental patients or intellectually disabled persons who cannot recognize or control their own behaviors. Second, the evidence must be sufficient, that is, the illegal facts are clear and the evidence is sufficient. Third, the penalty process must meet the procedural requirements, excluding illegal acts that exceed the time limit for penalty and illegal acts that impede the parties from exercising their right to make statements or defenses during the penalty process.

### 2.3. "First Violation Without Penalty" Illegal Acts Are Extremely Minor

The extremely minor nature of illegal acts is a conspicuous feature that distinguishes "first violation without penalty" illegal acts from those subject to administrative penalties. Although the illegal acts in "first violation without penalty" are not completely harmless, according to Article 33 of the Administrative Penalty Law, for such acts, "may" not be punished. The so-called "may not be punished" means that administrative authorities have the power of choice, being able to decide either not to impose penalties or to do so, which actually grants administrative authorities the discretionary power to handle flexibly during penalty.

In the field of administrative law, when "the act of the actor has met the requirements of violating the obligations under the administrative law and is punishable", the law enforcement agency "can still abandon penalty of this act in individual cases". Nowadays, the rule of law is regarded as the best business environment, and a legalized business environment not only requires administrative law enforcement to be strict, standardized, fair, and civilized but also advocates the use of flexible law enforcement means, gradually transitioning from "punishing whenever possible" to "not punishing whenever possible" [12].

At the same time, the description of minor harmful consequences and the possibility of timely correction in "first violation without penalty" also indicates the minor nature of its illegal acts. In conclusion, the extremely minor nature of illegal acts is a prerequisite for "first violation without pen-

alty" illegal acts not to be subject to administrative penalties.

### 2.4. Narrowing the Scope of "First Violation Without Penalty" Illegal Acts

Since "first violation without penalty" illegal acts are extremely minor illegal acts, using reverse thinking, serious illegal acts are necessarily not "first violation without penalty" illegal acts [13]. Several clear and definite standards can be concluded, i.e., firstly determining the types of serious illegal acts and excluding them from the scope of "first violation without penalty" illegal acts, thereby narrowing the scope of "first violation without penalty" illegal acts.

First, illegal acts for which the legal responsibility is personal liberty penalties, qualification penalties, relatively large amount of property penalties etc. are not "first violation without penalty" illegal acts.

From the perspective of legal responsibility, illegal acts that are required to bear relatively serious administrative penalties can generally be regarded as serious illegal acts. Article 63 of the Administrative Penalty Law stipulates six types of penalty decisions that require the organization of hearings, namely: "(1) Relatively large amount of fines; (2) Confiscation of relatively large amounts of illegal gains or relatively large value of illegal property; (3) Reduction of qualification levels, revocation of license documents; (4) Ordering to suspend production or business operations, ordering to close down, restricting employment; (5) Other relatively serious administrative penalties; (6) Other situations stipulated by laws, regulations, and rules." Obviously, items (1), (2), (3), (4), (5), and (6) of Article 63 are in a parallel relationship. Since item (5) is "other relatively serious administrative penalties", then the items listed in (1), (2), (3), and (4) are naturally "relatively serious administrative penalties". At the same time, personal liberty penalties (administrative detention), which are more severe than property penalties and qualification penalties, are of course "relatively serious administrative penalties". Generally, illegal acts that are required to bear relatively large amounts of property penalties, qualification penalties, and personal liberty penalties are usually illegal acts with bad natures, serious circumstances, and large harmfulness.

For example, according to the penalties stipulated in Articles 15 and 18 of the Regulations on Maritime Administrative Penalties of the People's Republic of China (further: Maritime Administrative Penalties), fines ranging from 20,000 yuan to 200,000 yuan, suspension of the competency certificates of crew members for 3 months to 12 months, and revocation of the competency certificates of the captain and responsible crew members are often imposed. The corresponding illegal acts are "failing to meet the minimum safety manning requirements", "venturing to sail without meeting the safety sailing conditions", "operating and working in violation of regulations and at risk", "sailing, mooring, and working in areas other than those specified in the ship certificate", etc. From a professional perspective, these are extremely harmful

illegal acts that seriously affect the safety of maritime navigation, mooring, and working. In conclusion, there is a reason for imposing heavy penalties on some illegal acts. Illegal acts subject to serious administrative penalties all seriously affect maritime safety and can never be extremely minor, and generally do not apply to "first violation without penalty".

Second, illegal acts stipulated to be punished with multiple administrative penalties concurrently do not apply to "first violation without penalty".

The principle of single penalty constitutes the general principle. It should be prohibited to punish citizens for the same act repeatedly by the same or similar measures [14]. Exceptions may be allowed if there are explicit provisions in the law [15]. Analyzing from the detailed provisions of laws, regulations, and rules, these illegal acts that need to be punished concurrently due to "special" reasons are all illegal acts with relatively serious natures. For example, Article 96 of the Maritime Traffic Safety Law of the People's Republic of China stipulates that "if a ship fails to hang the national flag according to law, or hangs the flags of other countries, regions, or organizations illegally", the maritime administrative agency "shall order to correct and impose a fine of 20,000 yuan to 200,000 yuan on the owner, operator, or manager of the illegal ship or offshore facility, and a fine of 2,000 yuan to 20,000 yuan on the captain and relevant responsible personnel". This is a single fine penalty. Only when "the circumstances are serious" is it necessary to concurrently impose "revocation of the relevant certificates and documents of the owner, operator, or manager of the illegal ship, suspension of the competency certificates of the captain and responsible crew members for 12 months to 24 months, until revocation of the competency certificates of the crew members". In conclusion, illegal acts stipulated to be punished with multiple administrative penalties concurrently are generally relatively serious illegal acts. Such illegal acts are not within the scope of "first violation without penalty" illegal acts.

Third, illegal acts that are intentionally committed and have relatively large subjective malignance do not apply to "first violation without penalty".

In the current field of administrative penalty legislation, it is generally followed that the existence of subjective fault of the parties is the prerequisite for imposing administrative penalties on illegal acts. The subjective faults presented by the parties in illegal acts usually cover two types: intention and negligence. However, there are significant differences in the coping strategies adopted for intentionally committed illegal acts and those caused by negligence at the legislative level. For example, Article 10 of the German Law on Administrative Offenses clearly states: "Intention and Negligence: Only intentional acts can be regarded as administrative offense acts and be punished, unless the law clearly stipulates that fines should be imposed on negligent acts." [16] This indicates that in Germany, negligent acts may or may not be punished, while intentional acts are bound to be punished. The Administrative Penalty Law implemented in Taiwan, China in 2006 stipulates

that both illegal acts committed intentionally and those caused by negligence should be punished. However, its Social Order Maintenance Law Article 7 further stipulates: "For acts violating this law, regardless of whether they are committed intentionally or negligently, they should be punished. But for those committed negligently, they shall not be punished by detention and may be mitigated." [17] It can be seen that the difference in the subjective faults of the actors will cause differences in the severity of penalty. In the case of negligence, the penalty can be mitigated. Correspondingly, compared with the mitigation of penalty for negligence, intentional illegal acts will not only not be mitigated in penalty but may even be aggravated. As Germany stipulates that intentional illegal acts must be punished, and Taiwan, China also stipulates that intentional illegal acts cannot be mitigated in penalty.

Although the Administrative Penalty Law of the People's Republic of China does not explicitly stipulate that intentional illegal acts should be aggravated in penalty, there are such provisions in the implementation details of penalties. The Regulations on Maritime Administrative Penalties stipulates: "In the following circumstances, the discretionary power shall be exercised according to the serious circumstances: ..... (4) Coercing or luring others to commit maritime illegal acts; (5) Forging, hiding, or destroying evidence of maritime illegal acts; ....." The illegal acts of coercing or luring others to commit maritime illegal acts and forging, hiding, or destroying evidence of maritime illegal acts are all intentional illegal acts with relatively large subjective malignance. Based on this, it can be inferred that all illegal acts that are intentionally committed and have relatively large subjective malignance are relatively serious illegal acts with serious circumstances, even if they may not necessarily be aggravated in penalty, but at least generally do not apply to "first violation without penalty".

Fourth, illegal acts that remain uncorrected after being ordered to correct do not apply to "first violation without penalty".

Although the order to correct does not belong to the category of administrative penalties, it can be regarded as an administrative instruction issued by the law enforcement agency, and its core requirement is to correct the illegal situation. If the parties ignore this instruction of the law enforcement agency and continue to commit illegal acts, a series of consequences will occur: First, the illegal act will remain in existence, continuously disrupting the administrative management order. Second, the danger inherent in the illegal act will be further aggravated, and it is highly likely to cause more serious harmful consequences. Third, this indicates that the parties clearly know that their acts are illegal and may cause harmful consequences, but at least they hold a *laissez-faire* attitude, showing intention or even malice on the subjective level. In conclusion, the act of remaining uncorrected after being ordered to correct belongs to an illegal act, and it can never be defined as an extremely minor illegal act, not meeting the basic prerequisite conditions for exemption from

penalty.

Combined with the relevant provisions of current laws, regulations and the actual situation of administrative law enforcement, the disposal methods for illegal acts that remain uncorrected after being ordered to correct can be roughly divided into three types: If it was originally not subject to penalty, it will become subject to penalty; if it was originally subject to penalty, the penalty will be aggravated; if it may be exempted from penalty, it will become not allowed to be not punished. Regardless of what kind of "order to correct", illegal acts that remain uncorrected after being ordered to correct generally do not apply to "first violation without penalty".

### 3. Definition of the Implementation Standards of the Maritime "First Violation Without Penalty" Scheme

Although the basic scheme of "first violation without penalty" in the maritime sector has been established by Article 33 of the Administrative Penalty Law revised in 2021 and Article 7 of the Regulations on Maritime Administrative Penalties and other laws and regulations, the implementation standards of the "first violation without penalty" scheme in the maritime sector are ambiguous and need further definition to compress the discretionary power space of law enforcement personnel [18], prevent law enforcement personnel from abusing their discretionary power and causing negative effects on "first violation without penalty", and avoid making arbitrary decisions and misusing "first violation without penalty" to lead to law enforcement risks [19].

#### 3.1. Establishing a Unified Maritime "First Violation Without Penalty" List

The list formed by the illegal acts applicable to "first violation without penalty" through the above judgments is the "first violation without penalty" list. Without a "first violation without penalty" list that plays a unified and normative role, there will be no consistent "first violation without penalty" recognition standard with clear directivity, making maritime law enforcement personnel at a loss due to having too large a discretionary power. This not only easily forms maritime risks of corruption but also, due to the individual cognitive biases of law enforcement personnel, the too large discretionary power will also lead to the phenomenon of "different judgments for the same case" in the maritime sector, further triggering maritime disputes and controversies and damaging the credibility and authority of the maritime administrative agency.

At the same time, the content of the "first violation without penalty" list should be dynamically adjusted according to the adjustments of superior laws such as the Administrative Penalty Law and the Maritime Traffic Safety Law of the People's Republic of China and the practice of maritime law en-

forcement. Through regular and additional evaluation methods, the implementation consequences of the list should be legally and reasonably evaluated, and the illegal acts whose implementation consequences have not been significantly reduced after the list is implemented should be promptly excluded, the content of the "first violation without penalty" list should be dynamically updated, and it should be promptly disclosed to the society.

#### 3.2. Definition of "First" in "First Violation Without Penalty"

As a core prerequisite element for the implementation of the "first violation without penalty" scheme, the precise and clear interpretation of "first time" holds irreplaceable importance. It can effectively eliminate various differences in understanding that arise during the process of law enforcement practice due to the lack of detailed provisions regarding "first time" in maritime regulations, thus laying a solid foundation for the standardized and orderly implementation of the "first violation without penalty" scheme.

Firstly, clarify the starting date for calculating the time limit of "first time" [20]. Given that administrative penalties are imposed on the premise that administrative counterparts commit illegal acts, the "first violation without penalty" scheme focuses on the illegal acts committed by administrative counterparts for the first time. Therefore, the date when the illegal act actually occurs should be taken as the starting date for calculation.

Secondly, determine the definition of the time limit of "first time". According to Article 36 of the Administrative Penalty Law: "If an illegal act is not discovered within two years, no administrative penalty shall be imposed; if it involves the safety of citizens' lives and health or financial security and has harmful consequences, the above time limit shall be extended to five years." Considering comprehensively, it is more reasonable to use a specific time limit to determine whether it is "first time" [21]. Generally speaking, to prevent the improper use of administrative power and effectively achieve the purpose of "prevention", the length of this time limit should avoid being too long or too short. Under normal circumstances, the regular maximum time limit (two years) after which no administrative penalty shall be imposed following the occurrence of an illegal act that has not been discovered can be adopted, and at the same time, special exceptional circumstances can be flexibly set according to the actual needs of law enforcement.

Thirdly, define the scope of judgment objects of "first time". If all the illegal acts in the "first violation without penalty" list are uniformly taken as the judgment benchmark, considering that there are a large number of illegal acts in the list, in this way, only one opportunity of not being punished will be given to the maritime administrative counterparts, which is obviously contrary to the original intention of establishing this scheme. Moreover, each item in the "first violation without

penalty" list is an independent individual maritime illegal act. Therefore, in the maritime sector, the "first violation without penalty" should take individual illegal acts as the precise judgment objects [22].

### **3.3. The "First Violation Without Penalty" Scheme Should Apply the Simplified Procedure**

The core of the unified operation standard of the "first violation without penalty" procedure in the maritime scheme lies in the definition of its applicable procedure. Maritime administrative penalties include the simplified procedure and the general procedure. The general procedure is relatively cumbersome, covering stages such as case-filing, investigation and evidence collection, conclusion of investigation, review, notification, hearing, making of penalty decisions, service, and execution. It is mainly applicable to cases with complex illegal facts, serious circumstances, and heavy penalties, but to a certain extent, it is not conducive to the conservation of administrative law enforcement resources. For cases with simple facts, easy to verify, obvious legal basis, and light penalties, the maritime administrative authority shall apply the simplified procedure to make penalty decisions.

The "first violation without penalty" scheme adheres to the principle of inclusive and prudent supervision, emphasizes educational means, although it involves the choice between "penalty" and "no penalty" and has a certain degree of sanction. Since its application concerns the rights and interests of citizens, if it is not properly used, it will damage the rights and interests of citizens. To reduce the cognitive bias in subjective judgment, the "first violation without penalty" in the maritime sector requires a strict implementation procedure.

Generally, the illegal acts involved in the "first violation without penalty" are mostly caused by the maritime counterparts' lack of understanding of policy details or carelessness and other inadvertent mistakes, and the harmful consequences are minor. If a cumbersome procedure is adopted, it will not only be difficult to achieve the purpose of timely education and correction but also affect the implementation efficiency of the "first violation without penalty" scheme, resulting in the prolongation of law enforcement time, the increase of law enforcement costs and the institutional transaction costs of the maritime counterparts. Therefore, it is recommended that the "first violation without penalty" adopt the simplified procedure, relying on the simplified and standardized process to achieve rapid law enforcement, reduce law enforcement resistance and avoid administrative disputes. In this way, it not only facilitates the maritime administrative counterparts, helps to enhance mutual understanding and support, but also demonstrates the "people-oriented" law enforcement concept of the maritime administrative authority and promotes the voluntary compliance with water traffic regulations. At the same time, the rapid settlement of "small cases" can prompt the limited law enforcement resources to be tilted towards

major cases, improving law enforcement efficiency.

## **4. Improvement of Related Supporting Measures**

Implementation is the vitality of the law, and it requires a complete set of supporting mechanisms to escort it. Without a complete set of supporting mechanisms, the effectiveness of the implementation of the law will be greatly reduced. To ensure the effective implementation of the maritime "first violation without penalty" scheme, the improvement of related supporting measures is imperative.

### **4.1. Establish and Fully Utilize Work Mechanisms such as the Maritime Credit Rating Evaluation and Key Tracking of Ships**

Screen the applicable objects of the maritime "first violation without penalty" scheme, exclude ships with low maritime credit ratings, ships under key tracking and other objects, and improve the implementation efficiency of the "first violation without penalty" scheme.

### **4.2. Establish an Applicable Judgment Module for the "First Violation Without Penalty" in the Maritime Violation-handling System**

By establishing an information database of the "first violation without penalty", record the information of each illegal act committed by the administrative counterparts in the "first violation without penalty" list, and according to the implementation standards of the "first violation without penalty", through setting up an applicable judgment module for automatic comparison, judge whether the illegal act is applicable to the "first violation without penalty", making data the "decision-maker" for the applicability judgment of the "first violation without penalty" scheme, further compressing the discretionary power space of law enforcement personnel.

### **4.3. Improve the Internal Performance Appraisal of the Maritime Administrative Authority**

Scientifically and reasonably set the assessment indicators for the maritime law enforcement department, focus on assessing the implementation of the "first violation without penalty" scheme, whether the illegal acts that meet the conditions are strictly not punished according to the procedure.

### **4.4. Strengthen the Trace-keeping Mechanism**

The implementation of the "first violation without penalty"

requires sufficient facts. The objective facts must be collected by the maritime administrative subject through legal procedures to be transformed into available evidence. And trace-keeping is an important guarantee for proving the legality of the administrative law enforcement procedure. Therefore, it is necessary to further improve the whole process recording scheme of maritime administrative law enforcement, strengthen the management of archives, and record the applicable "first violation without penalty" cases throughout the process.

#### 4.5. Strengthen Law Enforcement Supervision

Establish standard guidance cases of the maritime "first violation without penalty" scheme, combine with the maritime data platform, timely sort out and file relevant cases, establish electronic archives, and according to the established maritime standard guidance cases, supervise and guide the maritime administrative agency to strictly comply with the law enforcement standards and regulate the exercise of the discretionary power in the implementation of the "first violation without penalty" scheme.

### 5. Conclusion

The construction and improvement of the maritime "first violation without penalty" scheme is a systematic project. Through the accurate definition of illegal acts, the clarification of implementation standards and the completion of supporting measures, a more scientific and reasonable normative framework is provided for maritime law enforcement. This not only helps to improve the law enforcement credibility and authority of the maritime administrative agency, reduce law enforcement disputes and controversies, but also can promote the healthy and orderly development of the maritime industry under the premise of ensuring the safety order of the sea, guide the administrative counterparts to voluntarily abide by the law, and form a good maritime legal environment.

In future practices, continuous attention should be paid to the operating effects of the system. Through conducting regular and additional evaluations, focus on the timely optimization and rational adjustment of the list of "first violation without penalty". It is recommended to flexibly adopt evaluation methods such as soliciting opinions online, conducting third-party questionnaires, carrying out on-site investigations, having individual interviews, holding symposiums, and expert demonstrations to ensure a comprehensive evaluation of the content of the list and the feedback issues, guarantee that the content of the list is reasonable, legal and highly operable, and effectively reduce the occurrence of maritime violations. Through continuous optimization and adjustment, the "first violation without penalty" scheme can play a greater value and role in the maritime field.

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Zhang Yang is the sole author. The author read and approved the final manuscript.

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No data was used.

### Conflicts of Interest

The authors declare no conflicts of interest.

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## Biography



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## Research Field

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