



Research article

JNL: <https://ijlcw.emnuvens.com.br/revista>

DOI: <https://doi.org/10.54934/ijlcw.v4i2.135>

DELEGATED POWER, CAPTURED GOVERNANCE: HOW WEAKNESSES IN ADMINISTRATIVE ACCOUNTABILITY FUEL CRONY CAPITALISM AND SOCIAL INEQUALITY

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Article Information:

Received

May 31, 2025

Revised

August 5, 2025

Accepted

December 2, 2025

Published

December 30, 2025

Keywords:

delegated legislation,
administrative state,
democratic accountability,
state capture,
Crony Capitalism

ABSTRACT | 摘要 | RESUMEN

The modern administrative state relies extensively on delegated legislation to address complex governance challenges, yet this reliance creates fundamental democratic accountability deficits. This paper argues that inadequate oversight mechanisms in delegated legislation processes create systematic vulnerabilities to crony capitalism and state capture, thereby exacerbating social inequality. Through theoretical synthesis and doctrinal analysis of administrative law principles, this research demonstrates how weak parliamentary scrutiny, limited judicial review, and insufficient public participation enable private interests to manipulate regulatory processes for personal advantage. The paper presents evidence showing that captured administrative decision-making systematically redirects public resources away from broad social welfare toward narrow elite interests, thereby reinforcing existing inequality structures. The research contributes a comprehensive framework linking administrative law design flaws to broader political economy pathologies and their social consequences, offering theoretical insights for administrative reform aimed at strengthening democratic governance and reducing inequality.

FOR CITATION:

Vu Minh, C. (2025). Delegated Power, Captured Governance: How Weaknesses in Administrative Accountability Fuel Crony Capitalism and Social Inequality. International Journal of Law in Changing World, 4 (2), 52-73. DOI: <https://doi.org/10.54934/ijlcw.v4i2.135>

1. INTRODUCTION

Contemporary democratic governance faces a fundamental paradox: the administrative mechanisms designed to enhance governmental efficiency and responsiveness increasingly undermine the democratic accountability they were intended to serve. Delegated legislation has become the predominant mode of law-making in modern democratic states, with executive agencies producing thousands of regulations annually that affect virtually every aspect of social and economic life [6]. While this delegation serves legitimate purposes of expertise and administrative efficiency, it simultaneously creates systematic vulnerabilities that enable private interests to capture regulatory processes for narrow advantage.

The central argument of this paper posits that deficiencies in democratic accountability and judicial review over delegated legislation create fertile conditions for crony capitalism and state capture, which function as primary drivers of social inequality in contemporary democracies. Unlike previous scholarship that treats these phenomena as separate pathologies, this research demonstrates their systematic interconnection through the institutional architecture of the administrative state itself. When delegated powers lack robust oversight mechanisms, they become vehicles for well-connected private interests to manipulate public policy for personal enrichment at the expense of broader social welfare.

This institutional vulnerability manifests through multiple pathways. Parliamentary oversight of delegated legislation remains inadequate due to resource constraints, technical complexity, and political incentives that favor concentrated interests over diffuse public benefits [13]. Judicial review provides only limited protection against subtle forms of capture, focusing primarily on procedural regularity rather than substantive capture or distributional consequences [26]. Public participation mechanisms, while formally available, are systematically exploited by well-resourced lobby groups who can afford the transaction costs of sustained engagement while excluding broader public interests [12].

The consequences extend far beyond administrative inefficiency to encompass fundamental questions of democratic legitimacy and social justice. Captured regulatory processes systematically favor policies that concentrate benefits among narrow elite networks while dispersing costs across broader populations, creating a form of "reverse redistribution" that exacerbates existing inequalities [28]. This pattern operates across multiple policy domains, from financial regulation that socializes risks while privatizing profits, to environmental regulations weakened by industry lobbying, to procurement processes that favor politically connected firms over competitive alternatives.

This research contributes to existing scholarship by providing the first comprehensive theoretical framework linking administrative law design choices to broader patterns of inequality reproduction. While extensive literature examines regulatory capture, crony capitalism, and administrative accountability as separate phenomena, this paper demonstrates their systematic interconnection through the institutional vulnerabilities created by weakly supervised delegated legislation. The analysis reveals how seemingly technical questions of administrative procedure become sites of fundamental political contestation over the distribution of social resources and opportunities.

The paper proceeds through six main sections. Following this introduction, a comprehensive literature review synthesizes existing scholarship on delegated legislation, democratic accountability, regulatory capture, and social inequality to establish the theoretical foundation for the analysis. The methodology section outlines the theoretical synthesis approach and doctrinal analysis employed to examine these interconnections. The results section presents evidence for the systematic relationship between weak administrative oversight and inequality-generating capture. The discussion section analyzes the implications of these findings for democratic theory and administrative reform. The conclusion offers specific recommendations for strengthening accountability mechanisms to reduce vulnerability to capture and its inequality-generating effects.

2. LITERATURE REVIEW

2.1 Theoretical Foundations of Delegated Legislation

The scholarly literature on delegated legislation reveals fundamental tensions between administrative efficiency and democratic legitimacy that have persisted since the emergence of the modern administrative state. Classical administrative law theory conceptualized delegation through the "transmission belt" model, wherein agencies serve as neutral implementers of clear legislative directives [20]. This model assumed that explicit statutory guidance could adequately constrain administrative discretion while preserving democratic accountability through hierarchical control mechanisms.

However, empirical research consistently demonstrates that real-world delegation operates quite differently from this idealized model. Administrative agencies inevitably exercise substantial discretionary authority when interpreting and implementing broad statutory frameworks, effectively functioning as quasi-legislative bodies [21]. This reality reflects the practical impossibility of anticipating all implementation scenarios in advance and the need for expert judgment in technically complex policy domains. Yet it also creates what legal scholars term a "democratic deficit" wherein unelected officials make consequential policy choices without direct electoral accountability [8].

The delegation doctrine in constitutional law attempts to address this tension through requirements that legislative delegations include "intelligible principles" to guide administrative discretion [15]. American courts have generally applied this standard with substantial deference to legislative judgments about appropriate delegation scope, striking down delegated authority only in extreme cases of standardless delegation [6]. However, critics argue that this deferential approach fails to address the more subtle forms of democratic accountability deficit that arise when agencies exercise broad discretionary authority under vague statutory guidance.

Recent scholarship has highlighted the particular vulnerability of delegated legislation to capture by organized interests who can afford the sustained engagement necessary to influence complex regulatory processes [18]. The technical nature of many regulatory issues creates information asymmetries that favor specialized industry participants over general public interests, while the volume and complexity of regulatory output overwhelm traditional oversight mechanisms [7]. These structural features make delegated legislation particularly susceptible to influence by concentrated interests seeking regulatory advantages.

2.2 Democratic Accountability Mechanisms and Their Limitations

Democratic accountability in administrative governance operates through multiple institutional mechanisms, each of which faces systematic limitations that create vulnerabilities to capture. Parliamentary oversight theoretically provides the primary democratic check on administrative action through various scrutiny mechanisms, including specialized committees, question periods, and legislative review procedures [23]. However, empirical research consistently reveals significant gaps between formal oversight authority and effective accountability in practice.

Parliamentary committees charged with reviewing delegated legislation face severe resource constraints that limit their capacity for meaningful scrutiny of voluminous regulatory output [33]. Technical complexity further compounds these limitations, as generalist parliamentarians often lack the specialized knowledge necessary to evaluate complex regulatory proposals effectively. Political incentives also work against vigorous oversight, particularly when the same party controls both executive and legislative branches, reducing incentives for aggressive scrutiny of administrative action [19].

Public participation mechanisms represent another theoretically important accountability channel, typically including notice-and-comment procedures, public hearings, and consultation requirements designed to ensure broad input into regulatory decision-making. However, research on administrative

burdens reveals how these mechanisms can be systematically exploited by well-resourced interests while excluding broader public participation [12]. The transaction costs of sustained regulatory engagement favor organized groups with dedicated legal and lobbying resources over diffuse public interests that lack comparable organizational capacity.

Freedom of information and transparency requirements constitute a third category of accountability mechanisms, designed to ensure public access to information about administrative decision-making processes. While these requirements have expanded significantly in recent decades, their effectiveness remains limited by strategic disclosure practices that technically comply with legal requirements while obscuring substantive decision-making rationales [11]. Moreover, the sheer volume of information produced by modern administrative agencies can overwhelm the public's capacity to process and act upon disclosed information effectively.

2.3 Judicial Review as Administrative Control

Judicial review represents the most developed legal mechanism for controlling administrative action, with extensive doctrinal frameworks governing when and how courts will scrutinize agency decisions. Traditional grounds for judicial review include jurisdictional questions, procedural fairness requirements, substantive reasonableness standards, and constitutional compliance [3]. However, the effectiveness of judicial review as a check against capture faces several systematic limitations that reduce its utility as a primary accountability mechanism.

Judicial deference to administrative expertise represents perhaps the most significant limitation on review effectiveness. Courts typically apply deferential standards of review to agency interpretations of statutory authority and factual determinations within agency expertise, based on institutional competence arguments that agencies possess superior technical knowledge [5]. While this deference serves legitimate purposes of respecting agency expertise, it also limits judicial capacity to detect and remedy subtle forms of capture that operate through technically plausible but substantively biased decision-making.

Standing and reviewability doctrines create additional barriers to effective judicial oversight by limiting who can challenge agency actions and which decisions are subject to review. Traditional standing requirements favor parties with direct economic injuries over those asserting broader public interests, systematically excluding challenges based on diffuse harms like increased inequality or environmental degradation [9]. Reviewability limitations, including doctrines of agency discretion and political questions, further insulate many consequential administrative decisions from meaningful judicial scrutiny.

The reactive nature of judicial review also limits its effectiveness as a control mechanism, as courts can only address agency actions after they have been implemented and only when proper parties bring challenges. This temporal lag allows captured agencies to implement favorable policies for extended periods before any judicial correction, during which significant private benefits may be extracted and policy precedents established. Moreover, the resource-intensive nature of judicial challenges favors well-funded interests that can afford sustained litigation over those lacking comparable legal resources.

2.4 Regulatory Capture Theory and Empirical Evidence

Regulatory capture theory provides the primary analytical framework for understanding how private interests gain systematic influence over administrative processes designed to serve broader public interests. Early capture theory, associated with scholars like George Stigler and Sam Peltzman, focused on industry capture of regulatory agencies through "revolving door" relationships and concentrated interest group influence [27]. This literature demonstrated how regulated industries could capture regulatory processes by exploiting their superior organization and resources relative to diffuse public interests.

Contemporary capture scholarship has expanded beyond simple industry capture to encompass more complex forms of influence, including "cultural capture," wherein regulatory officials internalize industry perspectives through professional socialization and "intellectual capture," wherein industry-favorable economic theories become dominant within regulatory agencies [4]. These subtler forms of capture can be more difficult to detect and remedy than crude forms of corruption or explicit quid pro quo arrangements.

Empirical research provides substantial evidence for capture phenomena across multiple regulatory domains. Financial sector studies document how regulatory agencies became dominated by industry perspectives during the deregulatory period, leading to the 2008 financial crisis, with regulators adopting industry-favorable interpretations of systemic risk and prudential oversight [34]. Environmental regulation research shows how industry influence systematically weakens environmental protections through technical rulemaking processes that favor industry cost considerations over environmental protection [26].

The telecommunications sector provides particularly clear evidence of capture dynamics, with detailed documentation of how major telecommunications companies gained systematic influence over Federal Communications Commission decision-making through revolving door relationships, technical information provision, and strategic litigation threats [30]. These studies reveal how capture operates

through seemingly legitimate channels of expertise provision and regulatory engagement rather than obvious corruption.

2.5 Crony Capitalism and State Capture

Crony capitalism represents a systematic form of market distortion wherein business success depends primarily on political connections rather than competitive advantage in providing valuable goods and services. Unlike competitive capitalism, which theoretically rewards efficient resource allocation and innovation, crony capitalism creates wealth through preferential access to state resources and protection from competitive pressures [17]. This system undermines both market efficiency and democratic legitimacy by subordinating economic allocation decisions to political favoritism networks.

State capture represents the institutional mechanism through which crony capitalism operates, encompassing the systematic influence of private interests over state decision-making processes across legislative, executive, and judicial branches [13]. Unlike simple lobbying or interest group influence, state capture involves deeper structural relationships wherein state institutions become oriented toward serving narrow private interests rather than broader public purposes. This capture operates through multiple channels, including campaign finance, revolving door employment, technical information provision, and strategic litigation.

Academic research on crony capitalism emphasizes its systematic rather than episodic character, revealing how it becomes embedded in institutional structures rather than reflecting isolated instances of corruption [2]. Crony relationships typically involve ongoing exchanges of benefits between political officials and private interests, creating stable networks of mutual advantage that persist across electoral cycles and administrative changes. These networks develop their own internal logics and institutional protections that make them resistant to reform efforts.

The relationship between crony capitalism and inequality has received increasing scholarly attention as research documents how preferential access to state resources systematically concentrates wealth among politically connected elites while imposing costs on broader populations [28]. This dynamic operates through multiple mechanisms, including preferential tax treatment, regulatory exemptions, subsidized access to public resources, and protection from competitive pressures. The cumulative effect redistributes resources upward while creating barriers to social mobility for those lacking political connections.

2.6 Administrative Burdens and Inequality

Recent scholarship on administrative burdens provides crucial insights into how seemingly neutral administrative processes can systematically reproduce and amplify social inequalities. Administrative burdens encompass the transaction costs that individuals face when accessing public services, including learning costs, compliance costs, and psychological costs associated with navigating complex bureaucratic procedures [12]. While these burdens ostensibly affect all citizens equally, empirical research demonstrates their systematically unequal impacts across different social groups.

The distributive effects of administrative burdens operate through multiple mechanisms that systematically disadvantage already marginalized populations. Higher-income individuals can more easily absorb the time and financial costs associated with complex administrative procedures, while lower-income individuals may be deterred from accessing benefits or services by these transaction costs [24]. Educational and linguistic barriers further amplify these effects, as complex administrative procedures often require skills and knowledge that are unequally distributed across populations.

Research on social policy implementation reveals how administrative complexity can function as a mechanism for rationing access to public benefits without explicit policy changes, effectively achieving distributive goals through procedural means rather than transparent political debate [22]. This "hidden redistribution" operates beneath public visibility while achieving systematic effects on resource allocation and opportunity distribution. The opacity of administrative complexity makes it difficult for affected populations to organize effective political resistance.

The intersection of administrative burdens with other forms of inequality creates compounding disadvantages for multiply marginalized groups. Research on immigration policy demonstrates how complex administrative procedures systematically exclude those with limited English proficiency, few financial resources, and limited legal knowledge, while providing advantages to those who can afford professional legal assistance [32]. Similar patterns operate across other policy domains, including healthcare, education, and social services.

3. RESEARCH METHODOLOGY

3.1 Theoretical Synthesis Approach

This research employs a theoretical synthesis methodology that integrates insights from administrative law, political economy, and inequality studies to develop a comprehensive analytical framework linking administrative accountability deficits to inequality reproduction. Theoretical synthesis

differs from traditional literature review by actively constructing new theoretical relationships between previously disconnected scholarly domains rather than simply summarizing existing knowledge within established boundaries [14].

The synthesis process proceeded through several systematic stages. First, extensive literature mapping identified the core theoretical concepts and empirical findings within each relevant scholarly domain, including administrative law doctrine, regulatory capture theory, crony capitalism research, and inequality studies. Second, conceptual analysis examined the logical relationships between these different theoretical frameworks, identifying points of convergence, tension, and potential integration. Third, theoretical construction developed new analytical categories that could bridge insights across these domains.

The methodological approach draws upon established traditions in legal scholarship that emphasize doctrinal analysis combined with interdisciplinary theoretical integration. This approach recognizes that legal institutions both shape and are shaped by broader political and economic processes, requiring analytical frameworks that can bridge formal legal analysis with social scientific insights about institutional behavior and social outcomes [10].

3.2 Doctrinal Analysis Framework

The doctrinal analysis component examines administrative law principles across multiple jurisdictions to identify systematic patterns in how legal frameworks structure accountability relationships and create vulnerabilities to capture. This analysis focuses on formal legal rules governing delegation, oversight, and judicial review rather than attempting comprehensive empirical measurement of capture phenomena, which would require different methodological approaches.

The doctrinal analysis examines several key legal dimensions that structure accountability relationships in administrative governance. Delegation doctrines determine the scope of authority that can be transferred from legislatures to administrative agencies and the procedural requirements that govern such transfers. Oversight mechanisms establish formal channels through which democratic institutions can monitor and control administrative action. Judicial review doctrines define the scope and intensity of court supervision over administrative decision-making.

Comparative analysis across different legal systems reveals how variations in these formal institutional arrangements create different vulnerability profiles for capture and inequality-generating policies. While detailed comparative analysis exceeds the scope of this paper, the framework developed

here provides a foundation for future research examining how different institutional designs affect capture susceptibility and inequality outcomes.

3.3 Case Study Integration

The analysis integrates illustrative examples and case studies to demonstrate how the theoretical framework applies to concrete instances of administrative decision-making and their social consequences. These examples serve to test and refine the theoretical arguments rather than providing comprehensive empirical proof, which would require different methodological approaches, including quantitative analysis of large datasets.

Case selection focused on instances where clear documentation exists of both administrative capture and measurable inequality effects, allowing examination of the causal pathways linking these phenomena. Examples span multiple policy domains, including financial regulation, environmental policy, telecommunications, and social policy, to demonstrate the generalizability of the theoretical framework across different substantive areas.

The case study analysis examines both successful instances of capture and cases where accountability mechanisms functioned more effectively, providing variation that helps illuminate the conditions under which different outcomes occur. This comparative approach strengthens the theoretical framework by identifying the specific institutional features that promote or inhibit capture and its inequality-generating effects.

4. RESULTS

4.1 Systematic Vulnerabilities in Delegated Legislation Processes

The analysis reveals several systematic vulnerabilities in delegated legislation processes that create predictable opportunities for capture by organized interests seeking regulatory advantages. These vulnerabilities operate through both formal institutional structures and informal practices that have developed around administrative rulemaking, creating multiple pathways through which private interests can gain disproportionate influence over public policy outcomes.

Information asymmetries represent perhaps the most fundamental vulnerability, as administrative agencies depend heavily on regulated industries for technical information necessary to develop complex

regulations. While agencies possess formal information-gathering authority, practical constraints of time, budget, and expertise create systematic dependence on voluntary information provision by regulated entities [4]. This dependence creates opportunities for strategic information manipulation wherein regulated interests can shape regulatory outcomes by controlling the information available to decision-makers.

The analysis of consultation processes reveals how formally neutral participation mechanisms systematically advantage organized interests over diffuse public concerns. Industry participants typically possess dedicated regulatory affairs staff who can engage in sustained dialogue with agency officials throughout extended rulemaking processes, while public interest representation often depends on under-resourced advocacy organizations that cannot maintain comparable engagement levels [12]. This participation gap enables industry interests to dominate the substantive content of regulatory discussions.

Procedural complexity creates additional advantages for repeat players who develop expertise in navigating administrative processes while imposing transaction costs that deter sporadic participation by broader public interests. The Federal Register notice-and-comment process, for example, requires specialized knowledge of administrative procedure and regulatory drafting conventions that favor participants with legal and technical expertise over ordinary citizens attempting to express policy preferences [1]

4.2 Parliamentary Oversight Failures

Empirical examination of parliamentary oversight mechanisms reveals systematic failures to provide effective democratic accountability over delegated legislation, creating conditions that enable capture to operate without meaningful political correction. These failures operate through multiple channels, including resource constraints, institutional incentives, and procedural limitations that collectively undermine oversight effectiveness.

Resource analysis demonstrates that parliamentary committees charged with reviewing delegated legislation typically lack the staff, time, and technical expertise necessary for meaningful scrutiny of complex regulatory proposals. The House of Commons Delegated Powers and Regulatory Reform Committee, for example, reviews hundreds of statutory instruments annually with a small staff lacking specialized regulatory expertise [31]. This resource mismatch creates systematic capacity constraints that limit oversight to procedural compliance rather than substantive policy evaluation.

Political incentive analysis reveals how partisan dynamics often undermine vigorous oversight, particularly when the same party controls both executive and legislative branches. Government MPs face electoral incentives to support their party's administrative agenda rather than conducting aggressive oversight that might embarrass their own government, while opposition MPs may lack access to information necessary for effective scrutiny [19]. These dynamics reduce oversight to symbolic rather than substantive accountability.

Procedural limitations further constrain oversight effectiveness by limiting parliamentary review to narrow procedural questions rather than broader policy merits. Most parliamentary review procedures focus on whether agencies have followed correct procedures and remained within statutory authority rather than examining whether regulatory outcomes serve broader public interests or distribute benefits and costs fairly across social groups [7].

4.3 Judicial Review Inadequacies

Analysis of judicial review doctrine and practice reveals systematic limitations that reduce court capacity to detect and remedy regulatory capture, particularly subtle forms that operate through technically competent but substantively biased decision-making. These limitations operate through doctrinal rules that prioritize administrative expertise and efficiency over democratic accountability and distributional fairness.

Deference doctrines represent the primary limitation on judicial oversight effectiveness, as courts typically defer to agency interpretations of statutory authority and factual determinations within agency expertise. While this deference serves legitimate purposes of institutional competence, it also limits judicial capacity to scrutinize substantive policy choices that may reflect captured decision-making [5]. Agencies can effectively immunize captured decisions from judicial review by embedding them within technically plausible analytical frameworks.

Standing and reviewability limitations create additional barriers by restricting who can challenge agency actions and which decisions are subject to review. Traditional injury-in-fact requirements favor plaintiffs with direct economic stakes over those asserting broader public interests, systematically excluding challenges based on diffuse harms like increased inequality or reduced social welfare [9]. This bias in access to judicial review reinforces the advantage that concentrated interests already enjoy in administrative processes.

The reactive nature of judicial review further limits its effectiveness, as captured agencies can implement favorable policies for extended periods before judicial correction becomes possible. During these implementation periods, private interests can extract substantial benefits while imposing costs on broader populations, creating *fait accompli* situations that are difficult to reverse even when courts eventually intervene [23].

4.4 Pathways from Capture to Inequality

The research identifies several systematic pathways through which captured administrative decision-making translates into increased social inequality, operating through both direct resource transfers and indirect effects on market structure and opportunity distribution. These pathways reveal how seemingly technical administrative decisions can have profound distributional consequences that reproduce and amplify existing social hierarchies.

Direct resource transfer mechanisms operate through administrative decisions that explicitly redistribute resources from broad populations to narrow interest groups through preferential tax treatment, subsidies, regulatory exemptions, and favorable procurement decisions. Financial sector regulation provides clear examples, with captured agencies providing regulatory forbearance that socializes risks while privatizing profits, effectively transferring wealth from taxpayers to financial institutions [34]. Environmental regulation offers similar examples through exemptions and delayed implementation that impose public costs while providing private benefits to polluting industries.

Market structure effects operate through regulatory decisions that create or maintain barriers to competition, enabling incumbent firms to extract monopoly rents at consumer expense. Telecommunications regulation demonstrates this pattern through spectrum allocation decisions and interconnection rules that favor established carriers over potential competitors, resulting in higher prices and reduced innovation that particularly burden lower-income consumers who cannot afford premium services [25].

Opportunity structure effects operate through administrative decisions that shape access to education, employment, and social mobility pathways in ways that systematically advantage already privileged groups. Educational regulation provides examples through funding formulas and accountability measures that favor affluent districts over high-poverty schools, while licensing and credentialing requirements create barriers to employment that particularly affect those lacking social and economic capital to navigate complex regulatory compliance [12].

The cumulative effects of these pathways create systematic patterns of "reverse redistribution" wherein administrative processes designed to serve broad public interests instead concentrate benefits among narrow elite networks while dispersing costs across broader populations. This pattern operates across multiple policy domains simultaneously, creating compounding disadvantages for already marginalized groups while reinforcing the political and economic advantages of connected elites.

5. DISCUSSION

5.1 Theoretical Implications for Administrative Law

The findings reveal fundamental tensions within administrative law doctrine that have important implications for legal theory and constitutional design. Traditional administrative law theory assumes that procedural regularity can adequately constrain administrative discretion while preserving both expertise and democratic accountability, yet the analysis demonstrates systematic failures in this approach when confronted with organized efforts to capture regulatory processes.

The central theoretical challenge involves reconciling administrative efficiency with democratic legitimacy under conditions where technical complexity creates systematic advantages for organized interests over diffuse public concerns. Current doctrinal frameworks attempt to address this challenge through procedural requirements and judicial oversight, but these mechanisms prove inadequate when capture operates through formally compliant but substantively biased decision-making processes.

This analysis suggests the need for new theoretical frameworks that explicitly incorporate distributional analysis into administrative law doctrine. Rather than treating administrative decisions as neutral technical exercises, legal doctrine should recognize their inherently political character and develop analytical tools for evaluating their distributional consequences. This might include requirements for explicit distributional impact assessment, heightened scrutiny for decisions that systematically favor concentrated interests, and expanded standing for challenges based on inequality-generating effects.

The findings also highlight the limitations of purely procedural approaches to democratic accountability in administrative governance. While procedural requirements serve important functions, they cannot substitute for substantive oversight mechanisms that examine whether administrative outcomes serve broader public interests rather than narrow private advantages. This suggests the need for hybrid approaches that combine procedural protections with substantive accountability mechanisms.

5.2 Political Economy Insights

The analysis provides important insights into how institutional design affects political economy outcomes, particularly regarding the relationship between state capacity and inequality reproduction. While much political economy literature treats state institutions as exogenous constraints on private behavior, this research demonstrates how institutional design choices create systematic biases that favor particular social groups over others.

The findings suggest that conventional approaches to administrative reform that focus solely on efficiency and expertise may inadvertently exacerbate inequality by creating institutional structures that are more easily captured by organized interests. Reform efforts that emphasize deregulation, privatization, and reduced oversight may remove constraints on capture while failing to address underlying institutional vulnerabilities that enable inequality-generating outcomes.

This analysis points toward alternative reform approaches that explicitly incorporate distributional considerations into institutional design. Rather than assuming that efficient institutions will automatically serve broad public interests, reform efforts should examine how different institutional arrangements affect the distribution of political influence and economic opportunity across different social groups.

The research also reveals the dynamic relationship between economic inequality and political capture, wherein existing inequalities create political advantages that enable further inequality-generating policies. This suggests that addressing inequality requires simultaneous attention to both economic redistribution and institutional reform to reduce capture vulnerabilities.

5.3 Implications for Democratic Theory

The findings raise important questions for democratic theory regarding the compatibility of administrative governance with democratic legitimacy under conditions of high inequality and organized interest group activity. Traditional democratic theory assumes that electoral accountability provides adequate control over government action, yet administrative governance operates largely outside direct electoral control while making decisions with profound social consequences.

The analysis suggests that democratic accountability requires more than periodic elections when administrative agencies make consequential decisions on an ongoing basis. Effective democratic governance under modern conditions requires institutional mechanisms that can provide sustained

oversight over complex administrative processes while ensuring that diverse social interests have meaningful opportunities to influence policy outcomes.

This research also highlights the importance of economic equality for democratic legitimacy, as high levels of inequality create systematic political advantages that undermine the theoretical equality of democratic citizenship. When wealthy interests can afford sustained political engagement while ordinary citizens face transaction costs that deter participation, formal democratic procedures may produce outcomes that serve narrow rather than broad interests.

The findings suggest the need for democratic innovations that can address these challenges through new forms of participation, oversight, and accountability that are adapted to the realities of modern administrative governance. This might include citizens' juries for complex policy issues, professional oversight bodies with explicit distributional mandates, and expanded resources for public interest representation in administrative processes.

5.4 Reform Implications

The analysis indicates several directions for institutional reform that could reduce vulnerability to capture while strengthening democratic accountability over administrative governance. These reforms operate at multiple levels, including constitutional design, statutory frameworks, administrative procedures, and civil society organizations.

Constitutional reform implications include potential amendments to delegation doctrines that would require more explicit distributional analysis in legislative delegations and expanded standing for constitutional challenges based on inequality-generating effects. While constitutional reform faces obvious political obstacles, the analysis suggests that current constitutional frameworks may be inadequate for addressing modern governance challenges.

Statutory reform possibilities include legislation requiring distributional impact assessment for significant regulatory actions, expanded resources for public interest representation in administrative processes, and strengthened oversight mechanisms with explicit mandates to examine inequality effects. The Administrative Procedure Act could be amended to require agencies to consider distributional consequences and provide enhanced participation opportunities for underrepresented groups.

Administrative procedure reforms could include proactive disclosure requirements that make regulatory processes more transparent, streamlined participation procedures that reduce transaction costs

for public engagement, and professional standards for regulatory staff that emphasize public service over private advantage. Agencies could also develop internal review processes that explicitly examine distributional consequences of regulatory decisions.

Civil society reforms include expanded resources for public interest organizations, professional associations with public interest mandates, and educational institutions that can provide independent expertise to counterbalance industry influence. These reforms would require both public funding and private philanthropic support to create sustainable institutional capacity for representing broad public interests in administrative processes.

6. CONCLUSION

This research has demonstrated systematic connections between weaknesses in administrative accountability mechanisms and the reproduction of social inequality through captured governance processes. The analysis reveals how delegated legislation, while serving legitimate purposes of expertise and efficiency, creates institutional vulnerabilities that enable organized interests to manipulate public policy for private advantage at broader social expense.

The key findings indicate that current accountability mechanisms—parliamentary oversight, judicial review, and public participation—suffer from systematic limitations that reduce their effectiveness in preventing or correcting capture. These limitations operate through resource constraints, procedural complexity, deference doctrines, and participation barriers that collectively favor organized interests over diffuse public concerns.

The research identifies several pathways through which captured administrative decision-making translates into increased inequality, including direct resource transfers, market structure effects, and opportunity structure consequences that systematically advantage already privileged groups while imposing costs on broader populations. These effects operate across multiple policy domains simultaneously, creating cumulative disadvantages for marginalized groups while reinforcing elite political and economic advantages.

The theoretical contributions include a comprehensive framework linking administrative law design to inequality reproduction, demonstrating how seemingly technical procedural choices have profound distributional consequences. This framework reveals the inherently political character of administrative governance while providing analytical tools for evaluating institutional arrangements based on their distributional effects rather than purely efficiency criteria.

The practical implications suggest several directions for institutional reform, including enhanced distributional analysis requirements, strengthened oversight mechanisms, expanded public participation opportunities, and increased resources for public interest representation. While these reforms face obvious political obstacles, the analysis indicates that addressing inequality requires simultaneous attention to both economic redistribution and institutional reform to reduce capture vulnerabilities.

Future research should examine these theoretical relationships through empirical analysis across different institutional contexts and policy domains. Comparative research examining how different accountability mechanisms affect capture susceptibility and inequality outcomes would provide valuable guidance for institutional design. Quantitative analysis measuring the distributional consequences of administrative decisions would strengthen the empirical foundation for the theoretical framework developed here.

The research also points toward normative questions about the appropriate balance between administrative efficiency and democratic accountability under conditions of high inequality and organized interest group activity. While this paper has focused primarily on descriptive and analytical questions, the findings raise important normative issues about how democratic societies should structure administrative governance to serve broad rather than narrow interests.

Ultimately, this research suggests that strengthening democracy under modern conditions requires more than periodic elections and formal procedural protections. It requires institutional innovations that can provide sustained oversight over complex administrative processes while ensuring meaningful opportunities for diverse social interests to influence policy outcomes. The administrative state need not be captured by narrow interests if democratic societies develop institutional capacity for broad-based accountability and participation.

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ABOUT THIS ARTICLE

Conflict of interests: The author declares no conflicting interests

**PODER DELEGADO, GOBERNANZA CAPTURADA:
CÓMO LAS DEBILIDADES EN LA RENDICIÓN DE CUENTAS ADMINISTRATIVA
IMPULSA EL CAPITALISMO DE AMIGOS Y LA DESIGUALDAD SOCIAL**

RESUMEN

El Estado administrativo moderno depende en gran medida de la legislación delegada para abordar los complejos desafíos de gobernanza; sin embargo, esta dependencia genera déficits fundamentales de rendición de cuentas democrática. Este artículo argumenta que los mecanismos de supervisión inadecuados en los procesos de legislación delegada generan vulnerabilidades sistemáticas al capitalismo de amiguismos y a la captura del Estado, lo que posteriormente exacerbaba la desigualdad social. Mediante una síntesis teórica y un análisis doctrinal de los principios del derecho administrativo, esta investigación demuestra cómo el escrutinio parlamentario deficiente, la revisión judicial limitada y la participación pública insuficiente permiten que los intereses privados manipulen los procesos regulatorios para obtener beneficios personales. El artículo presenta evidencia que demuestra que la toma de decisiones administrativas capturadas redirige sistemáticamente los recursos públicos del bienestar social hacia intereses de élite, reforzando así las estructuras de desigualdad existentes. La investigación aporta un marco integral que vincula las fallas de diseño del derecho administrativo con patologías más amplias de la economía política y sus consecuencias sociales, ofreciendo perspectivas teóricas para la reforma administrativa destinada a fortalecer la gobernanza democrática y reducir la desigualdad.

Palabras clave: legislación delegada, Estado Administrativo, rendición de cuentas democrática, captura del Estado, capitalismo de compinches

权力下放·治理沦陷：行政问责机制的薄弱如何助长裙带资本主义和社会不平等

摘要

现代行政国家广泛依赖授权立法来应对复杂的治理挑战，然而这种依赖却造成了根本性的民主问责缺陷。本文认为，授权立法过程中监督机制的不足，使得国家容易受到裙带资本主义和权力攫取的影响，进而加剧社会不平等。通过对行政法原则的理论综合和教义分析，本文揭示了议会监督薄弱、司法审查有限以及公众参与不足如何使私人利益集团得以操纵监管程序以谋取私利。本文提供的证据表明，被权力攫取的行政决策系统性地将公共资源从广泛的社会福利转向狭隘的精英利益，从而强化了现有的不平等结构。该研究构建了一个综合框架，将行政法设计缺陷与更广泛的政治经济弊病及其社会后果联系起来，为旨在加强民主治理和减少不平等的行政改革提供了理论见解。

关键词：授权立法、行政国家、民主问责制、国家权力被权力攫取、裙带资本主义