

The Necessity and Rationality of Sorting Out Party Leadership in Legislative Work

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Abstract: The Communist Party of China (CPC) is the leading core of the socialist cause with Chinese characteristics; legislation is the direct expression of the people's interests; and the Party's leadership of legislation is a bridge between political power and social effectiveness. Exploring the reasons for adhering to the Party's leadership of legislation from three macro perspectives: historical tradition, practical needs, and future orientation, is conducive to strengthening the Party's confidence in leading the rule of law of socialism with Chinese characteristics, and deepening its roots for comprehensively advancing the rule of law and building a socialist country governed by the rule of law. First of all, the logic of the historical evolution of Chinese society from the rule of man to the rule of law and the change in the ruling position of the CPC have given legitimacy to the Party's leadership of legislation. Second, the reality of the need for high-quality legislation gives the Party's leadership of legislation a sense of necessity. Finally, the strategic goals of realizing the rule of law in a comprehensive manner and building a strong modern socialist country provide the inevitability of Party-led legislation.

Keywords: Communist Party of China; leading legislation; high-quality legislation; comprehensive rule of law.

1. Historical Tradition—A Corollary of Respect for The Laws of Historical Development and Party Rule

1.1. The need for the historical development of the rule of man to the rule of law in the rule of power

"History is to clarify the way of ruling the world." Analyzing and clarifying the historical appropriateness of the Party's leading legislation from the perspective of China's history and actual national conditions is in line with the basic requirements of the Marxist concept of materialist history, and with the Party's ideological line of starting from the actual situation and seeking truth from facts. China's millennia-long feudal society was characterized by the following features: economically, it was based on a self-sufficient small peasant economy; politically, it was centered on the rule of man and power; and culturally, it was based on Confucianism's adherence to the rules and regulations. Such a super-stable social structure led to a lack of endogenous motivation to renew and modernize the social governance model, which was mainly manifested in the long-term practice of the social governance model of the rule of man and the rule of power, which impeded the sprouting and development of the modern rule of law. Therefore, under the influence of economic, political and cultural factors, traditional Chinese feudal society does not have a good environment for the development of modern rule of law. On the contrary, in Western countries, based on the rise of the Enlightenment and the expansion of capitalism, the civil society and market economy broke through the feudal shackles and gained development, and the social form transitioned from the feudal society to the capitalist society, and at the same time, the mode of social governance began to shift from the traditional rule of man to the modern rule of law. Along with the evolution of social form and the upgrading of governance mode, the

comprehensive national power of western countries has greatly increased. The limited domestic resources and unlimited development needs drove their foreign expansion and colonial plunder, and China, which was feudal and backward but rich in resources, became the target to be squeezed, and was eventually forced to become a semi-colonial and semi-feudal country under the Western ships and cannons. In the face of the reality of internal and external problems, the main task of modern China is to fight for national independence and national liberation rather than the construction of the rule of law, the state does not have the unity of each confrontation group within the policy of the order of the more efficient uploading and downloading, so before the founding of new China, the rule of man has always been the main mode of governance of Chinese society. After the founding of New China, the development of the rule of law has not been smooth, but has experienced a turbulent history of ups and downs, twists and turns. As Deng Xiaoping said: "Old China left us with more traditions of feudalism and authoritarianism, and few traditions of democracy and the rule of law. After liberation, we have not consciously and systematically established systems to safeguard the people's democratic rights, and the legal system is very incomplete and neglected."

China lacks the historical tradition of the rule of law and the actual national conditions of a vast area and a large population, "which determines that we should choose the top-down authority-driven rule of law road, objectively needing an authoritative main body with the rule of law self-consciousness, with the responsibility of guiding the construction of the rule of law in the right direction, and with a high degree of cohesion and convening power to carry out unified leadership, unified deployment, and co-ordination. ."

Unlike most countries, where the State was founded before the Party, New China founded the Party before the State, and in the practice of socialist revolution, construction and reform with Chinese characteristics, history has proved that the Communist Party of China (CPC) is the strongest leading

force in China, and that only the CPC can assume the great responsibility of building the socialist rule of law. Legislation, as the primary link in the rule of law, should and must adhere to the leadership of the Party, which is an essential feature of the socialist rule of law and a mission entrusted to it by history and the people.

1.2. The transformation of the CPC's status from a revolutionary party to a ruling party

Since the day of the CPC's birth, the Chinese Communists have combined the basic principles of Marxism with Chinese reality. Under the guidance of Marxism, the CPC led the people to victory in the New Democratic Revolution, overthrew the three great mountains that had been weighing on the people, and established a socialist state under the people's democratic dictatorship. After the founding of New China, the identity of the CPC changed from a revolutionary party to a ruling party on a national scale, and its historical task changed from leading the revolution to leading the construction.

First, in general, according to the law of party rule, the ruling party needs to realize its management of the State and society through State power, and the ruling party transforms party claims into State will by influencing legislation in order to realize the operation of its power. Therefore, for the CPC to realize its leadership of state power and social life, it is necessary to elevate the party's line, guidelines and policies to national will through legal procedures, fix them in the form of laws, and make them norms to be observed by the whole society. "The policies of the ruling party are the most central content of national laws and regulations, and the law is the highest authoritative form of policy." Legislation is the bridge that structures the transformation of the Party's ideas into national will and the guarantee for the implementation of the Party's lines and policies, so it is essential to adhere to the Party's leadership of legislation.

Secondly, in accordance with China's special national situation, in which the Party was founded before the State, the institutional design and State organs of the new China were created and developed under the leadership of the Party: the people's congresses, which are the legislative organs of the country, were also created and developed under the leadership of the Communist Party of China (CPC). At the same time, "the Constitution of China reflects, in the form of a fundamental law, the achievements made by the Party in leading the people in revolution, construction and reform, and reflects the Party's leading position, which has been formed through history and the choice of the people." So that the Party's leadership of legislation obtains normative legitimacy. Legislation is not only the main form of activity of the legislature, it is also a political activity with strong political attributes, and therefore legislation must necessarily be carried out under the leadership of the Party.

Finally, "Marxism holds that "the people are the creators of history, and a proletarian party is a party that seeks the interests of the vast majority of the people. Since the beginning of its existence, the CPC has represented the fundamental interests of the broadest number of people in China, and has always adhered to its original heart and mission of seeking happiness for the Chinese people and the rejuvenation of the Chinese nation" The CPC is the party of the people, and the party's propositions are unified with the people's will, reflecting the common will of the broadest

number of people. Only by adhering to the leadership of the CPC in legislation can we ensure that the enactment of laws responds to the demands and expectations of the people and realizes the needs of the people for a better life; only by adhering to the leadership of the CPC in legislation can we ensure that the rule of law is built for the sake of the people, relying on the people, for the benefit of the people, and for the protection of the people; and only by adhering to the leadership of the CPC in legislation can we ensure that the main body of the rule of law in an all-round way is the people, and that its most fundamental aim is to safeguard the rights and interests.

Adherence to the Party's leadership of legislative work is in keeping with the logic of historical development, meets the expectations of the people, and is an essential requirement and important task of the CPC as the ruling party. It is therefore essential to insist that the Party lead the legislative process.

2. Realistic Needs—The Inevitable Requirement of Harmonizing Scientific, Democratic and Law-based Legislation to Achieve High-quality Legislation

2.1. The practical need for high-quality legislation

"If a good law is enacted for the whole world, the whole world will be governed; if a good law is enacted for a country, a country will be governed." Good laws are a prerequisite for good governance, and it is essential to control the direction of legislation, clarify its principles and master its methods.

First, it addresses the nature of legislation. As a social norm, the law is universal, so it is necessary to harmonize the interests of all parties at the beginning of the formulation of the horizontal configuration of state power and vertical division of authority between the central and local authorities; power and rights under the dual structure of the state and society are all the interests to be coordinated in the legislation of the object. Therefore, legislation must be emphasized in order to reconcile interests and maintain stability.

Secondly, it addresses the need for legislation. In a modern society governed by the rule of law, whether it is governing and administration in terms of the operation of power or fairness and order in terms of the maintenance of rights, the prerequisite for the realization of power and rights is the existence of a legal basis and legislation first.

Finally, the effectiveness of legislation is addressed. The basic effectiveness of legislation is the formation of universally observed social norms, and its ultimate effectiveness is the formation of a dynamic model of governance centred on the rule of law through the adoption of norms, that is, the rule of law. All aspects of the rule of law are essentially based on legislation, including what kind of law is enacted, how legislation is enacted, how the enacted law is implemented, and how the enacted law is complied with. Therefore, to promote the rule of law, it is necessary to ensure high-quality legislation.

"Nowadays, the people's expectation of legislation is not whether it exists or not, but whether it is good or not, whether it is useful or not, and whether it can solve practical problems or not. The fundamental way to improve the quality of legislation is to promote scientific and democratic legislation."

Legislation is not only a legal activity, but also a political activity. High-quality legislation not only requires the legislature to respect the laws of legislation and grasp the legislative approach from a professional perspective, but also requires a role that can get rid of sectoral limitations and plan from the perspective of national development to provide ideological, political and organizational safeguards for the entire legislative activity, to take a balanced approach, to grasp the direction of legislation and to clarify the principles of legislation. To truly achieve scientific, democratic and lawful legislation.

As the ruling party of the country and the helmsman of the socialist cause with Chinese characteristics, the Communist Party of China (CPC) has a strategic vision of the overall situation. It is only under the leadership of the CPC that it is possible to plan legislative activities from the perspective of national development, realize the unity of scientific legislation, democratic legislation and legislation in accordance with the law, and guarantee high-quality legislation.

2.2. The Party's leadership in scientific, democratic and lawful legislation

2.2.1. Scientific legislation

Law is the important tool for governing the country, and good law is the prerequisite for good governance. The first and foremost condition for the formation of good laws is scientific legislation. The core of scientific legislation lies in respecting the internal laws of the law, taking into account China's realities and national conditions, and, under the leadership of the Communist Party, providing the legislature with political, organizational and ideological guarantees in order to achieve scientific legislation.

Political safeguards: adherence to Party leadership in legislative work is conducive to ensuring, on the one hand, that the CPC's lines, guidelines and policies are translated into law and elevated to the level of national will, and that decisions relating to the development of the country are genuinely implemented. On the other hand, it is conducive to "guaranteeing that the legislature works proactively, independently and responsibly, and in a coordinated manner." "The political guarantee for legislation is to emphasize that the Party's leadership of legislation cannot take any other path, but must take the path of the rule of law, and must rely on the socialist rule of law. "

Ideological safeguards: adhering to the Party's leadership of legislation and promoting in-depth understanding of the spirit of the Party's resolutions by the legislature to ensure unity of thought. In a reality of mixed foreign thinking, legislative work closely follows the Party's guiding ideology and resolutions, respects the expression of legislators, and strengthens the foundation of socialist law with Chinese characteristics.

Organizational safeguards: As the first major party in China, the CPC has members in all state organs, so adhering to party leadership in legislation is conducive to the communication role of party members in the legislature, and better refines the party's political judgments into specific and actionable laws in the legislation.

2.2.2. Democratic legislation

"Legislation is both an open and legal game or contest between various political or interest claims, and the initial allocation of social resources and interests in all aspects, and an institutional arrangement of the basic structure and basic

relations of society." Therefore the two points of focus of democratic legislation are the amplitude of interests and the coordination of interests. The essence of the law is a contract, which needs to gain the compliance of the whole society, and the rights and obligations it stipulates are the concessions and compromises of individuals under the stability of maintaining the collective life of the society. Adherence to Party-led legislation is conducive to expanding the scope of interests and ensuring their coordination, so as to realize the fundamental purpose of the law to forge consensus and maintain stability.

Amplitude of interest: The Communist Party of China (CPC) is the party of the people and represents the interests of the broadest possible number of people. It has also clearly stipulated in the Constitution that China is a socialist State under the people's democratic dictatorship and that the system of people's congresses is the fundamental political system of China. Only by adhering to the leadership of the CPC in legislation can all aspects of legislative work be realized for the broadest possible number of people. Adherence to the Party's leadership in legislation is conducive to focusing on the needs of the people before laws are enacted; respecting the people's subjective position and ensuring their participation during the enactment of the laws; and, after the laws have been formed, enabling each and every one of them to fully respond to the wishes of the people at all levels.

At the same time, the system of multi-party cooperation and political consultation under the leadership of the CPC is a great institutional invention in which, under the leadership of the CPC, democratic parties representing the interests of various strata of society participate in legislative consultations and express the interests of various strata and groups, thus expanding the scope of their interests to the whole of society.

Coordination of interests: "The legislative process will inevitably involve the distribution of interests, conflicts and contradictions between different classes and interest groups need to be coordinated, and at this time, relying only on the strength of the National People's Congress is sometimes constrained, and often need to be the same level of the Party Committee to take charge of the overall situation and coordinate the advancement of the legislative process also involves the allocation of resources to the government departments, and the coordination of the relationship of interests between the government departments can not be separated from the Party's leadership. "

2.3. Legislation in accordance with the law

Scientific legislation focuses on the scientific nature of legislative activities, democratic legislation advocates the openness of the legislative process, and legislation in accordance with the law emphasizes the legitimacy of the initiation of legislation; legitimacy is the basis of legislation, and legislation in accordance with the law is the guarantee of the source of the law enacted.

First, the concept of "law" on which legislation is based in accordance with the law, "According to the provisions of the Legislative Law, in the legislative process, the enactment of laws, regulations and rules must be based on the Constitution, laws, administrative regulations, local regulations and administrative rules and other superior laws, or must not conflict with the superior laws. This, among other things, does not list Party policy as a legislative basis." However, since the law is the visualization of the Party's will and claims, "in the

principle of legislating in accordance with the law, the "law" to be relied upon should be an open concept that should not be limited to the legal system in the empirical sense, but should also include the Party's policies, routes and guidelines, major deployments, major decisions of the state, fairness and justice, etc." Based on this principle, the law should be based on the Party's policies. Based on this, adherence to legislation in accordance with the law is essentially consistent with adherence to Party leadership.

Secondly, the legislature and the legislative body are not the same concept; the legislature provided for in China's Constitution and laws is the People's Congress, which is the main legislative body in China, but there are other legislative bodies based on legal authorization, such as the State Council, departments of the State Council and the Government. The legislative subject because of geographical, departmental and other multiple factors, the formation of a plurality of interests, disorderly plurality will lead to conflict of interest, and then in the legislative practice embodied in the phenomenon of ultra vires legislation, plagiarism legislation, departmental and local protectionism. "Whether it is vertical upward overstepping of power based on local protectionism or horizontal overstepping of power based on rent-seeking of departmental interests, the power to be adjusted must be adjusted by the Party" Under the leadership of the Party, based on political consensus and clear definition of competence, it is possible to avoid overstepping of power to legislate, departmentalism and local protectionism, and to consolidate the foundation of legislation.

3. Future Orientation —The Inevitable Choice to Promote the Comprehensive Rule of Law and Build a Socialist Country Based on The Rule of Law

3.1. Party politics and legislation

First of all, based on the law that the productive forces determine the relations of production and that the economic base determines the superstructure, worldwide economic development has given rise to political innovation. One of the important symbols is the birth of the political party system, which replaced the privileged class as a new political subject, and replaced autocracy with the party system, thus leading to the development of modern democratic politics. According to Samuel P. Huntington, "The political party, on the other hand, is a great invention, born as a threat to the political power of the privileged class, which is based on hereditary system, social status or land possession." On the one hand, along with the change of political subjects, political parties become the determining factor in the choice of the path of modernization of the country; on the other hand, influencing legislation as the main means of political parties to carry out their ideas, and the endogenous logic of the two is that "the development of the modern state requires political parties to influence legislation, and the legislation in the modern state requires political parties to influence it."

Grounded in China's development. The Party has led the Chinese people in revolution, construction and reform, and realized the great leap from standing up to getting rich, and from getting rich to getting strong, all thanks to the unswerving pursuit of the road of socialism with Chinese characteristics under the leadership of the Communist Party

of China (CPC). The "road of socialism with Chinese characteristics to the rule of law is essentially the embodiment of the road of socialism with Chinese characteristics in the field of the rule of law. Adhering to the leadership of the Party, adhering to the socialist system with Chinese characteristics, and implementing the socialist theory of the rule of law with Chinese characteristics are the three core essentials of the socialist road of the rule of law with Chinese characteristics." Adherence to Party leadership is the most essential feature of socialism with Chinese characteristics and the most fundamental guarantee of the socialist rule of law; therefore, adherence to Party leadership in legislation is an inevitable choice for comprehensively advancing the rule of law and building a socialist country under the rule of law.

3.2. Goal Orientation for a New Era

Since the 18th CPC National Congress, China has stepped into a new era of socialist development, and the Sixth Plenary Session of the 19th CPC Central Committee pointed out that: "it is clear that adherence to and development of socialism with Chinese characteristics, the overall task is to realize the socialist modernization and the great rejuvenation of the Chinese nation, and on the basis of building a moderately prosperous society in all aspects, we will build a strong, democratic, civilized, harmonious and beautiful modernized socialist country in the middle of the present century in two steps. The overall task is to realize socialist modernization and the great rejuvenation of the Chinese nation, on the basis of building a moderately prosperous society in all respects and building a rich, strong, democratic, civilized, harmonious and beautiful socialist modernization in the middle of this century in two steps, so as to promote the great rejuvenation of the Chinese nation by means of Chinese modernization.

Based on the domestic perspective: social stability is the basis for development, and stability presupposes a complete order. Legislation first and the existence of laws are essential for the maintenance of development. The change in the main contradiction in our society has triggered a shift in legislative needs, with traditional legislation no longer able to meet the objective and practical needs, and it is therefore necessary to reintroduce legislation in response to the objective and practical realities of different areas. Adhering to the Party's leadership of the legislative work macroscopically focuses on two aspects: first, distinguishing the nature of the field, defining the key areas, emerging areas, and blank areas, and focusing on the development goals of each area, so that the legislation is closely related to the theme of development, so that the legislation is based on the evidence; second, under the leadership of the Party, based on the overall planning of the overall development of the country for the overall arrangement, coordinating the balance between various fields, and promoting the systematization of the legislative activities, systematization. From the socialist legal system to the socialist rule of law, from having laws to comply with, complying with laws, enforcing laws strictly, and prosecuting those who violate laws, to scientific legislation, strict law enforcement, fair justice, and law-abidance by all people, the core of which is that legislation is the first step," said the CPC. "In the face of changes in the main contradictions of society, and in the face of increased demand for legislation in society, in order to realize the goal of "good laws and good governance", the CPC leadership of legislation must take greater initiative in leading legislation and implementing it throughout the entire process of legislative activity; these new

features and the logic and rationale they reveal reflect both the significant progress in the construction of the rule of law in China in the new era, and also the important achievements in the construction of the Party's governing capacity in the new era."

Based on the international perspective: In today's era of irreversible globalization, countries are no longer independent individuals, and interactions between countries form the international community. The state as the main body of international politics, in international exchanges to safeguard their own interests as a starting point, how to protect national interests, it involves the corresponding application of law. Since the reform and opening up with China's comprehensive national strength and international status, strengthen international cooperation has become the inevitable need to build a strong socialist modernization, especially since the party's 18th congress, our country puts forward the construction of the belt and road, the community of destiny, and other international cooperation ideas and other countries need to be guaranteed by law. At the same time, we also need to deeply realize that international conflict and confrontation of national interests is inevitable, terrorism, hegemony and so on still exists, the Meng Wanzhou incident is also a wake-up call for us. In the face of the complex and changing international situation, how to bend the rules and plan for a rainy day requires not only strong political acumen and political judgment, but also strategic thinking in the planning and layout of foreign relations. This means that only the Communist Party, as the ruling party, can stand in the macro national perspective, at the forefront of international politics and grasp the international situation. Only under the leadership of the Party can legislation be truly implemented in the national interest and needs of the country, realizing the role of the rule of law as a safeguard for national development.

4. Summary

The logic of historical evolution and the law of political party rule give the Party the authority to lead the legislation, the real needs of high-quality legislation and the clear provisions of the Constitution and the law provide legitimacy

for the Party to lead the legislation, and the strategic goal of building a socialist rule of law and realizing the modernization of a strong country is reasonable for the Party to lead the legislation. Therefore, adherence to Party-led legislation is the inevitable logic of China's rule of law construction.

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