

Study on the Identity of Rule of Law China and Party Leadership

-- Study on the Identity of Socialist Rule of Law Culture with Chinese Characteristics

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Abstract: Party leadership is an essential feature of the socialist rule of law with Chinese characteristics, and the study of the homogeneity between the rule of law in China and Party leadership is of profound significance to the understanding of the socialist rule of law with Chinese characteristics. This paper stands in the field of Marxist scientific methodology, firstly, through the method of social cognition and evaluation, we answer the question of what the rule of law in China and the Party leadership are, and then, through the method of four Marxist social sciences, we argue why the two have the same nature. Then, through four Marxist social science methods, the paper argues "why the two have the same nature", namely: building a rule of law China and adhering to the Party's leadership are both based on the people's nature as a solid cornerstone; both have a strong socialist color with Chinese characteristics; in which building a rule of law China is an important content of the practice of adhering to the Party's leadership and the way to realize it; and adhering to the Party's leadership is a necessary principle of building a rule of law China and a strong guarantee. Finally, this paper also answers the question of "how to recognize and ensure the homogeneity of the two" from a practical point of view, i.e., to promote scientific legislation, strict law enforcement, fair justice and law-abiding by all people under the leadership of the Party.

Keywords: China under the rule of law; party leadership; socialist rule of law culture with Chinese characteristics; marxist social science approach.

1. Overview

Xi Jinping has pointed out that "the relationship between the Party and the rule of law is the core issue of rule of law construction." [1] Correctly recognizing and grasping the relationship between the two is crucial to building China under the rule of law. In China, "Party leadership and the socialist rule of law are consistent," that is to say - building a rule of law China and Party leadership are of the same nature.

In terms of theory, Party leadership is the essential feature of socialism with Chinese characteristics and the biggest difference between the rule of law under socialism with Chinese characteristics and the rule of law under Western capitalism. As the General Secretary has said: "The greatest national characteristic of China is the leadership of the Communist Party of China. What are Chinese characteristics? It is Chinese characteristics. The system under the leadership of the CPC is our own, not something that we have cloned from somewhere, nor is it something that we follow in the footsteps of others. Whatever beneficial things we have absorbed have to be localized in the end." [2] Therefore, studying the sameness of rule of law China and Party leadership is of profound significance in understanding socialist rule of law with Chinese characteristics. In terms of practice, Xi Jinping flagrantly pointed out that "all Party comrades must be clear about the fact that ruling the country according to the law in a comprehensive manner in no way seeks to weaken the Party's leadership, but rather to strengthen and improve it." [3]

2. Theoretical Study of Identity

2.1 The concept of both

The construction of China under the rule of law refers to China's basic strategy of implementing the rule of law, the construction of a State governed by the rule of law, a Government governed by the rule of law and a society governed by the rule of law as a whole, and it is a general term for the entire process of scientific lawmaking, strict law enforcement, fair administration of justice, and law-abiding by all people. The construction of China under the rule of law is an important change in the governance of the country, which is related to the Party's rule and prosperity, the people's happiness and well-being, as well as the long-term stability of the Party and the country.

Party leadership refers to the guiding role played by Marxist political parties in the proletarian revolution and socialist construction endeavors for the broad masses of the people, and such leadership is the fundamental guarantee of victory in revolution, construction and reform. In the past century-long journey, adherence to the Party's leadership is one of the important historical experiences gained by our country, and it is also the most essential feature and fundamental attribute of socialism with Chinese characteristics. To adhere to the Party's leadership is to consciously use the Party's theory and practice to guide all of one's actions and work objectives, and to fully recognize and safeguard the Party's position as the core of leadership that oversees the whole situation and coordinates all parties.

2.2 Both are firmly grounded in peoplehood

In Marxist scientific methodology, the method of social subject research requires that human beings as social subjects

be taken as the starting point of social and historical research, and that the essence of society be revealed through the study of human activities, the nature of human beings, and the relationship between human beings and society. Through the study of human activities, human nature, and the relationship between human beings and society, it reveals the nature of society and its laws of development. The Marxist principle of subjectivity emphasizes the development of human beings and their subject position in social development, which is expressed in socialist society by recognizing, valuing and insisting on the role of the masses in the cognitive and practical activities of society, or, in short, by realizing that the masses are in charge.

The construction of China under the rule of law and the Party's leadership are both based on the people's nature. First of all, the broadest and deepest foundation for building a rule of law China is the people; it relies on the people and is for the people, and has a typical people's nature. First, the construction of China under the rule of law needs to be accomplished by the people. The formulation of laws and regulations as well as policy documents cannot be separated from the support of the people, and their dynamic implementation process cannot be separated from the cooperation and efforts of the people. Secondly, the construction of China under the rule of law should serve the people. The construction of the rule of law strives to enable the people to feel fairness and justice in every legal provision, every law-enforcement decision and every judicial trial, and also strengthens the legal protection of human rights and the pursuit of comprehensive human development. Secondly, the Party's leadership is also characterized by the importance of the people's nature. First, the CPC is the vanguard of the Chinese people and the Chinese nation; it represents the fundamental interests of the broadest number of people in China; the Party takes the people as its foundation, is born and grows up in China, and arises because of the people and develops among the people. Secondly, the leadership of the Party fundamentally guarantees the people's position as the master of the country. The Party always thinks what the people think, urges the people's urgency, solves the people's problems, and does what the people expect, and always shares the same destiny with the people. In general, adherence to Party leadership, building China under the rule of law and people's sovereignty are organically integrated and inseparable. Among them, adherence to the leadership of the Party is the basic premise and guarantee of the implementation of the rule of law and people's sovereignty; the construction of the rule of law in China is a scientific way for the Party to lead the people to be masters of their own house; and the people to be masters of their own house is a solid foundation for adherence to the leadership of the Party and the construction of the rule of law in China.

Viewed from the perspective of the method of social subject research, the construction of rule of law in China and adherence to party leadership have a high degree of homogeneity. The essence of the rule of law lies in the legalization of the will of the Party and the people, and Deng Xiaoping had pointed out that in order to safeguard people's democracy, it was necessary to strengthen the rule of law and institutionalize and legalize democracy, so that it would not be affected by the leaders and their opinions and attentions. The comprehensive promotion of the rule of law in China and the rule of law as the main form of governance provide institutional guarantees for the realization of the people's right

to be masters of their own affairs, enable the people to participate in the political life of the country on an equal footing in accordance with the law, and ensure that the people are the mainstay of the country's governance. At the same time, the construction of China under the rule of law is also conducive to strengthening and improving the Party's leadership, enhancing its leadership status and realizing its leadership goals. Because the process of building China under the rule of law inevitably encounters a number of major regional or national issues, and some hotspots and sensitive matters involving national politics, economics, culture, diplomacy and other fields, involving the central and local authorities and other subjects, and other social subjects can hardly assume the important responsibility of overseeing the whole situation and coordinating all parties, the healthy operation of the rule of law can be ensured only if the Party plays its role as a core of leadership.

2.3 Both are strongly colored by socialism with Chinese characteristics

In the Marxist scientific methodology, the method of world history research requires us to examine and analyze problems from the height of world history. Marx's thought on world history clarifies that history inevitably transforms into world history and that the material basis of this change is the development of productive forces and the increase of interaction, and also predicts that the trend and end of the development of world history is communism. Marx held the method of thinking of universal connection, which made his study of world history closely related to the analysis of the capitalist system, and he comprehensively recognized the changes and roles of each country in the pattern of world history, which is a good guide for us to scientifically view and analyze the problems.

Building China under the rule of law and adhering to the Party's leadership have strong socialist overtones with Chinese characteristics. We must be clear that the "rule of law" in building a rule of law China refers to the rule of law of socialism with Chinese characteristics under the leadership of the Communist Party. Part of Western thought on the rule of law holds that the capitalist rule of law is the only scientific model for the rule of law in human society, and views the socialist rule of law in China as a figment of the imagination of the Communists. However, that was not the case, and the achievements made in building the rule of law since China's reform and opening up were evident to all countries and peoples around the world. Each country has chosen a different path of development, which is determined by a wide variety of historical conditions. No nation or country in history had achieved national renaissance or prosperity by relying on external forces or by following the example of other countries. This is especially true for the construction of the rule of law. It is not possible for China to go back and form an American or British system for the growth of the rule of law in the early days, and follow the path of the "United States of America under the rule of law" or the "United Kingdom under the rule of law" in the same way as they did in the early days, but rather, it is necessary to rely on the existing system of institutions and social systems to promote the growth and development of the rule of law. Rather, it should be based on the existing institutional system and social system to promote the growth and development of the rule of law, and the socialist rule of law with Chinese characteristics is the great

achievement of the Chinese people after a long and arduous exploration in the unique social context of China.

Viewed from the perspective of world history research methods, the building of a rule of law China and adherence to Party leadership are highly homogeneous, and both have a strong socialist color with Chinese characteristics. Party leadership is the most essential feature of socialism with Chinese characteristics and the most fundamental guarantee for the realization of the socialist rule of law. Adherence to Party leadership in all aspects of the rule of law is the basic experience of socialist rule of law construction, and the fundamental difference between the capitalist and socialist rule of law.

2.4 Building a China governed by the rule of law is an important practical content and a scientific way of realizing adherence to the leadership of the Party

In the Marxist scientific methodology, the social system research method requires us to regard society as an organic whole and to take it as the base for the study of social phenomena. According to Marx, human society is an organized and hierarchical organic system, in which the productive forces play a decisive role, while the relations of production are its skeleton and the superstructure is its flesh and blood. Specifically, the superstructure includes the political superstructure and the ideological superstructure, of which the political superstructure includes the political and legal facilities and the political and legal system, while the ideological superstructure consists of a variety of social ideologies, such as political ideology, economic ideology, legal ideology, morality, art and so on. It can be seen that both law and political parties belong to the superstructure in the study of social systems.

In the process of human society's development and evolution, as those in power understand more and more about the laws of governance, their governance methods and leadership means are also more and more scientific, and eventually evolve into ruling by law. In any modern country, political parties and the rule of law are inseparable. On the one hand, the rule of law is an important achievement of human political civilization, and political parties must take the implementation of the rule of law as the foundation of their governance; on the other hand, political parties must form a constitutional core in the construction of the rule of law, and implement the spirit of the rule of law into the governance and coordination within their own parties as well as among different parties.

The construction of China under the rule of law is an important practical content and scientific way of realizing the leadership of the Party. Party leadership is essentially about realizing the people's right to be masters of their own house, and the construction of the rule of law is the best way to safeguard party leadership and implement the party's policy of governance. In the process of ruling by law, attention should be paid to coordinating the relationship between Party leadership and the construction of the rule of law, not focusing on one side and neglecting the balance and checks between the two, not only to put an end to the practice of rule of man by speech instead of law and the Party instead of the law, but also to prevent the independence of the judiciary, and the supremacy of the rule of law in the wrong tendency.

Social system research methodology, the construction of the rule of law in China and adhere to the Party's leadership has a high degree of homogeneity, the construction of the rule of law in China is to adhere to the Party's leadership of the important practical content and scientific realization. The party's leadership in the construction of the rule of law is mainly manifested in ruling by law, which itself is a transformation and progress of the party's way of ruling. From the perspective of governing by law, Party leadership and the construction of the rule of law are inextricably linked, and the construction of the rule of law can play a safeguarding and supervisory role for the Party's leadership, while to ensure that the construction of China's rule of law moves in the right direction, the Party must lead the legislative process, ensure the enforcement of the law, support the administration of justice, and take the lead in abiding by the law.

2.5 Adherence to the leadership of the Party is a necessary principle and a strong guarantee for building a rule-of-law China

In the Marxist scientific methodology, the research method from practice is an important part that cannot be ignored. Marx believed that practice is the basis of social existence and development, and also the source, driving force, purpose and test standard of human understanding, and that only in the process of practice, understanding, re-practice and re-understanding can we make development and progress, and gradually approach the truth. The method of starting from practice requires us to constantly test and develop theories in practice, and further generalize and deepen the practical experience in theory.

Adhering to the leadership of the Party is a necessary principle and a strong guarantee for building a rule-of-law China. The preamble to the Constitution of China records the glorious history of the Party in leading the Chinese people in revolution, construction and reform at different stages of history, and these practical experiences show that all the great achievements made by China so far are closely related to the leadership of the Party. Politically speaking, building a rule-of-law China under the leadership of the CPC is a fundamental guarantee for the realization of people's sovereignty as well as socialist democracy; economically speaking, building a rule-of-law China under the leadership of the CPC can centralize power to deal with major issues, and can effectively promote the emancipation and development of the social productive forces; and from the point of view of national security, building a rule-of-law China under the leadership of the CPC can vigorously safeguard the sovereignty of the state and facilitate the formation of the domestic political and human rights system in China. The formation of China's domestic political prosperity and harmony, in the international community, long-term peace and stability of the stability of the current political situation

From a practical point of view, building China under the rule of law and adhering to the leadership of the Party have a high degree of homogeneity, because adhering to the leadership of the Party is a necessary principle and a strong guarantee for building China under the rule of law. From the practical experience of our country, it is clear that the Party's leadership is not only the choice of history and the people, but also the objective law of China's political development, as well as the inevitable trend of China's historical development.

Under the leadership of the Party, the construction of the rule of law in China has achieved remarkable results: first, the system of China's legal system has become increasingly perfect. With the compilation of the Civil Code, the strengthening of the implementation and supervision of the Constitution, and the enactment of the Law of the Hong Kong Special Administrative Region on the Safeguarding of National Security, the legal system of socialism with Chinese characteristics is becoming more and more scientific and complete. Second, the effectiveness of the government's administration in accordance with the law has been markedly improved. It has deepened the reform of the administrative system, strengthened the creation of models and supervision, and promoted strict, standardized, fair and civilized law enforcement. Thirdly, the impartial administration of justice has continued to be promoted in depth. It has pushed forward the simplification and streamlining of civil litigation procedures, strictly implemented the "three provisions" to prevent interference in the administration of justice, and deepened the reform of the judicial system with a focus on the judicial accountability system. Fourth, the rule of law literacy of the entire population has been significantly improved. The CPC Central Committee has insisted on making the popularization of and compliance with the law by all people a long-term and fundamental task of ruling the country according to the law, and has successfully completed the "Seventh Five-Year Plan" for the popularization of the law and launched the "Eighth Five-Year Plan" for the popularization of the law, so that citizens' rule of law literacy has been continuously upgraded. Under the new circumstances, adherence to and strengthening of the Party's leadership in building the rule of law is essential to advancing the cause of socialism with Chinese characteristics.

3. Practical Inspiration of Identity

Party leadership is the soul of the rule of law in socialism with Chinese characteristics. Without the Party's strong leadership and vigorous promotion, there would be no socialist rule of law with Chinese characteristics today, and the construction of China under the rule of law could not be carried out smoothly. On the new journey, we must rely closely on the leadership of the Party, on the one hand, we must adhere to the Party's leadership role of the overall situation and coordination of all aspects of the leadership of the core, to ensure that the Party's leadership is carried out in the entire process of the rule of law in accordance with the law and in all aspects of the country, on the other hand, we must also improve the Party's leadership of the rule of law, and constantly improve the Party's ability and capacity to lead the rule of law in accordance with the country, so as to enhance the systematic, holistic and synergistic reforms in the field of the rule of law.

The Party leads legislation, i.e., adhering to the Party's leadership and promoting scientific legislation. Scientific legislation is a prerequisite for ruling the country in accordance with the law in an all-round way, and is the fundamental work of building a socialist rule of law system with Chinese characteristics. On the new journey, we should always follow the concept of legislation first, so that major reforms can find a legal basis, and improve the legislative system and the system of notification of major legislative matters, so that they can better reflect the Party's propositions and the people's will. At the same time, under the scientific

leadership of the Party, we should effectively fulfill the duties assigned by the Constitution of the People's Republic of China, improve the quality of legislation in all aspects, and fully take into account the characteristics and needs of the development of the new period to strengthen the timeliness and foresight of legislation, so as to enable scientific legislation under the leadership of the Party to better play a leading and facilitating role. By way of legislation, the Party's scientific propositions are concretized, providing a set of scientific standards of conduct and practice for the realization of harmonious and stable social development.

The Party guarantees law enforcement, i.e., adhering to the Party's leadership and implementing strict law enforcement. "Strict law enforcement" is the key to promoting the comprehensive rule of law and building a rule-of-law China, and is an important prerequisite for ensuring the authority and effectiveness of the law. The law and not work, and can not wait. To scientifically grasp the measure of administration in accordance with the law, to build a unified, authoritative and efficient administration system in accordance with the law, to strengthen the construction of the rule of law government under the leadership of the party, to build a scientific functions, powers and responsibilities, law enforcement, open and fair, clean and efficient, law-abiding integrity of the rule of law government, and to achieve organic unity of administration in accordance with the rule of law and the law, and to integrate the party's leadership into every link of the strict enforcement of the law.

Third, the Party supports justice, i.e., adhering to the Party's leadership and promoting judicial impartiality. Fair justice is the guarantee for promoting the comprehensive rule of law and building a rule of law China, and is the last line of defense for maintaining social fairness and justice. To realize the Party's support for judicial work, it is necessary to rationally distribute the power structure of judicial personnel and strictly regulate and supervise their behavior; to ensure that judicial power is exercised independently and impartially in accordance with the law, to put an end to the illegal interference of leading cadres, and to improve the supervision system for the operation of power, so as to ensure that the work of the judiciary is scientifically standardized; at the same time, it should be focused on improving the comprehensive quality and capacity of the rule of law talent team, and it is also necessary to Under the leadership of the Party, it should strengthen the punishment of judicial corruption, enhance the credibility of the judiciary, and endeavor to make the people feel fairness and justice in every legal system, every law enforcement decision, and every judicial case.

Fourth, the Party takes the lead in abiding by the law, i.e., adhering to the Party's leadership and leading the entire nation in abiding by the law. Law-abiding by all people is the basis for promoting the comprehensive rule of law and building a rule-of-law China, and is an important symbol of political democracy and social stability in modern society. "If one's body is upright, one does not follow orders; if one's body is not upright, one does not follow orders". The key to universal compliance lies in the Party taking the lead in law-abiding, adhering to the rule of law under the leadership of the Party, ruling in accordance with the law, and consciously abiding by the Constitution and the legal constraints; focusing on legal education for the "key few", urging leading cadres at all levels to enhance the "red line consciousness", so that the Party

members and cadres in respecting the law and learning from the law, and the law, and the law, and the law. Party members and cadres should play a pioneering and exemplary role in respecting the law, learning the law, observing the law and using the law, so as to effectively enhance the Party's ability to govern; we should promote the spirit of the socialist rule of law throughout society, vigorously popularize knowledge of the legal system, and cultivate citizens' awareness of the legal system, so as to make all people consciously abide by the law, and to form a good atmosphere of respecting the law, learning the law, obeying the law, using the law, and protecting the law.

4. Summary

To summarize, this paper tries to carry out theoretical research on the identifiers of the rule of law of socialism with Chinese characteristics, based on the fact that the Party's leadership is the most significant identifier of the rule of law of socialism with Chinese characteristics, this paper mainly studies the homogeneity of building a rule of law China and adhering to the Party's leadership in terms of both theory and practice. First, this paper objectively answers the question of what the rule of law in China and Party leadership are through social awareness and evaluation methods. Secondly, this paper argues that the two are the same in the theoretical aspect by using various Marxist social science research methods from multiple dimensions: firstly, it explains that the construction of rule of law in China and adherence to the Party's leadership are based on the people's nature as a solid

cornerstone by the social subject research method; secondly, it explains that both have a strong color of socialism with Chinese characteristics by the world history research method; and thirdly, it explains that the construction of rule of law in China is the key to adherence to the Party's leadership by the social system research method. Third, the social system research method explains that building rule of law is an important practical content and scientific realization of adhering to the Party's leadership; fourth, it explains from practice that adhering to the Party's leadership is a necessary principle and a powerful guarantee for building rule of law in China. Thirdly, this paper argues in practice that to build a rule of law China must adhere to the leadership of the Party and ensure that the Party leads legislation, ensures law enforcement, supports justice and takes the lead in law-abiding.

References

- [1] Literature Research Office of the Central Committee of the Communist Party of China. Excerpts from Xi Jinping's Discourses on Comprehensive Rule of Law. Central Literature Press, 2015.
- [2] Literature Research Office of the CPC Central Committee. On Adhering to the Party's Leadership in All Work. Central Literature Press, 2019.
- [3] Xi Jinping. Unswervingly follow the road of socialist rule of law with Chinese characteristics to provide strong rule of law guarantee for the comprehensive construction of a modernized socialist country. Seeking the truth. 2021, Vol. 5.