

# Systematic Explanation of the Basic Principles of Civil Law and Solving the Dilemma of Judicial Application

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**Abstract:** The basic principle of civil law is the basic criterion that runs through the whole civil legislation and plays a leading and guiding role in various civil systems and all civil law norms. This article aims to discuss the systematic interpretation of the basic principles of civil law, including the principle of equality, the principle of autonomy of meaning, the principle of honesty and credit, the principle of prohibiting the abuse of rights and the principle of public order and morality, etc., and analyzes its difficulties and strategies in judicial application. Through in-depth research on the basic principles of civil law, this article tries to provide theoretical support and practical guidance for improving China's civil law system and improving judicial fairness and efficiency. This article believes that the basic principles of civil law are not only legislative guidelines and codes of conduct, but also the legal basis for judicial organs to carry out creative judicial activities, which is of great significance for its systematic interpretation and the solution of the dilemma of judicial application.

**Keywords:** Basic Principles of Civil Law, Systematic Explanation, Dilemma of Judicial Application, Principle of Equality, Principle of Autonomy of Meaning.

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## 1. Introduction

The basic principle of civil law is the basic principle of civil law that has been gradually formed to meet the interests of the majority of the people after a long period of repeated theoretical research and practical tests in its long development process. The basic principle of civil law is the embodiment of civil law in its essence, which has the dual characteristics of carrying the inherent character of the basic value of civil law and the external form as a general provision. This article will start from the systematic explanation of the basic principles of civil law, explore in detail its dilemma in judicial application, and put forward corresponding cracking strategies, in order to provide useful references for improving China's civil law system and improving judicial fairness.

## 2. Systematic Interpretation of the Basic Principles of Civil Law

The principle of equality is one of the core of the basic principles of civil law, which refers to the equal legal status and rights of civil subjects in civil legal relations. This principle requires that both individuals and organizations in civil activities should be equally protected by law, and there should be no privileges or discrimination. The realization of the principle of equality embodies the concept of equality before the law and is an important embodiment of the spirit of the rule of law in modern society. The principle of equality not only requires formal equality, but also emphasizes substantive equality, that is, reasonable adjustment between different individuals according to their actual situation to achieve true fairness.

The principle of autonomy of will means that civil subjects have the right to freely decide or dispose of their own affairs without violating the law, and no one (including the state) may interfere without justifiable reasons. This principle gives civil subjects extensive freedom of conduct and defines the relationship between the public power of the state and the private domain. The principle of autonomy of will allows civil

subjects to establish, change and terminate civil rights and obligations according to their own will, which reflects the spirit of respect for individual freedom. However, the principle of autonomy of will is not an unrestricted freedom, but must be exercised within the legal framework to ensure the fairness and order of society.

The principle of honesty and credit is an important principle in civil law, which requires people to exercise civil rights in good faith and sincerity in trading activities and fulfill the obligations stipulated in the civil law. This principle emphasizes that civil subjects should pay attention to credibility in civil activities, abide by social morality, and shall not harm the interests of others through fraud, concealment and other means. The realization of the principle of honesty and credit is conducive to maintaining the normal market order and social credit system, and promoting the healthy development of the economy. At the same time, the principle of honesty and credit is also an important principle for resolving civil disputes, which provides a basis for judicial organs to judge whether the behavior of the parties is legal.

The principle of prohibiting the abuse of rights means that when civil subjects exercise their rights, they shall not exceed the scope and boundaries stipulated by law to harm the legitimate rights and interests of others or society. This principle aims to prevent the abuse of rights, resulting in the infringement of the public interest of society or the legitimate rights and interests of others. The principle of prohibiting the abuse of rights requires that civil subjects shall follow the moral norms and legal provisions recognized by society when exercising their rights, and shall not harm the public interest or the legitimate rights and interests of others. The realization of this principle is conducive to maintaining the fairness and justice of society and ensuring the harmonious relationship between civil subjects.

The principle of public order and morality means that the behavior of civil subjects should meet the requirements of social public order and good customs. This principle requires civil subjects not only to abide by the provisions of the law in civil activities, but also to follow the moral norms and good

customs recognized by society, and shall not violate the public interest of society or the legitimate rights and interests of others. The principle of public order and morality reflects the respect and maintenance of social moral norms in civil law, and is an important part of the basic principles of civil law. The realization of this principle is conducive to maintaining the moral customs and public interests of society, and promoting the harmonious development of society.

### **3. The Dilemma of Judicial Application of the Basic Principles of Civil Law**

As the cornerstone of the civil legal system, the basic principles of civil law provide important guidance for judicial practice. However, in practical application, these principles face many difficulties, which affect the effect of their judicial application.

The basic principles of civil law are often highly abstract and general, such as the principle of equality and the principle of autonomy of meaning, which provide macro guidance and value judgment for civil activities. However, in judicial practice, judges need to face specific and complex facts of the case, and they need to make judgments according to specific legal rules. This contradiction between the abstraction of principles and the specificity of the judiciary makes judges often feel uncomfortable when applying the basic principles of civil law. Judges need to find a balance between abstract principles and specific case facts, which not only tests the judge's legal literacy, but also increases the difficulty and uncertainty of the referee.

The basic principles of civil law are not completely independent, and sometimes there may be conflicts and contradictions. For example, the principle of autonomy of meaning emphasizes the free will of civil subjects, while the principle of prohibiting abuse of rights restricts the exercise of rights. In judicial practice, when these principles conflict, judges need to weigh and choose according to the specific circumstances of the case. This conflict of principles and the problem of judicial selection not only increases the complexity of the judgment, but also may lead to the inconsistency and unfairness of the judgment results.

The application of the basic principles of civil law aims to achieve judicial justice, but it faces many challenges in practice. On the one hand, due to the abstraction and ambiguity of the principle itself, judges may have subjective assumptions and biases in their application, resulting in deviations from justice and reasonable judgment results. On the other hand, due to the limited resources of judicial resources and the cumbersomeness of judicial procedures, judges may be limited by time, energy and other factors when applying the basic principles of civil law, and cannot fully investigate and understand the facts of the case, thus affecting the accuracy and fairness of the judgment.

With the development of society and economy and the continuous improvement of the legal system, the basic principles of civil law are also constantly updated and developed. However, judicial practice often has a certain lag, and it is difficult to quickly adapt to changes in principles. The delay in the renewal of this principle and judicial adaptation may lead to the disconnection of the judgment results from the social reality, and even cause social contradictions and dissatisfaction. Therefore, how to strengthen the connection and adaptation of judicial practice and the basic principles of civil law has become an urgent problem to be solved.

### **4. Strategies for Solving the Dilemma of Judicial Application of the Basic Principles of Civil Law**

As the cornerstone of the civil legal system, the basic principles of civil law play an irreplaceable role in maintaining social order, protecting the rights and interests of citizens, and promoting economic development. However, the difficulties it faces in judicial application cannot be ignored. In order to effectively solve these dilemmas, the following are some strategic suggestions.

In view of the abstraction and generality of the basic principles of civil law, we should strengthen legal interpretation and clarify the specific connotation and scope of application of each principle. The Supreme People's Court can provide specific applicable guidance to courts at all levels by issuing judicial interpretations and guiding cases. At the same time, an expert consultation system should be established, and experts from the legal and practical circles should be invited to participate in the discussion of legal interpretation and difficult cases, so as to improve the scientificity and authority of legal interpretation. Through these measures, the basic principles of civil law can be made more operable and instructive in judicial practice, reducing the subjective assumptions of judges and the uncertainty of judgments.

When there is a conflict between the basic principles of civil law, it is necessary to improve the coordination mechanism of legal rules and principles. On the one hand, the conflict between principles can be clearly stipulated through legislative means and the principle of priority application can be established; on the other hand, in judicial practice, judges should comprehensively consider the specific situation of the case, social impact and interests of all parties, flexibly use legal interpretation and discretion, and achieve balance and coordination between principles. In addition, we can also explore the establishment of a case guidance system. By summarizing and analyzing typical cases, we can distill the laws and standards of the application of principles to provide references for future judicial practice.

In order to ensure the fairness and efficiency of the basic principles of civil law in judicial application, it is necessary to strengthen the construction of judicial fairness and efficiency. On the one hand, it is necessary to establish and improve the judicial supervision mechanism, strengthen the supervision and management of judges' judgments, and ensure the fairness and reasonableness of the judgment results. This bagIncluding improving the internal supervision mechanism, such as the trial committee, discipline inspection and supervision agency, etc., and strengthening the external supervision mechanism, such as the supervision of the National People's Congress, public opinion supervision, etc. On the other hand, it is necessary to optimize judicial procedures, simplify the litigation process, and improve litigation efficiency. Through the introduction of modern scientific and technological means such as electronic litigation and online mediation, we can reduce litigation costs and improve the convenience of litigation, so that the people can feel more fairness, justice, efficiency and convenience in judicial practice.

Judicial practice and legal research are important driving forces for the continuous development of the basic principles of civil law. We should strengthen the interaction and cooperation between judicial practice and legal research, and

jointly explore new situations, new problems and new countermeasures in the judicial application of the basic principles of civil law. On the one hand, legal research should provide theoretical support and guidance for judicial practice, and deeply study the connotation, function and applicable conditions of the basic principles of civil law; On the other hand, judicial practice should also provide rich cases and data resources for legal research, and promote the in-depth development and innovation of legal research. Through this kind of interaction and cooperation, a good situation of mutual promotion and common development between theory and practice can be formed.

## 5. Conclusion

The basic principles of civil law are the core and soul of the civil law system, which plays an important guiding role in civil legislation, civil justice and civil activities. However, in the judicial application, the basic principles of civil law face certain difficulties and challenges. By improving the case guidance system, strengthening the construction of judges, and improving the supervision mechanism, we can effectively

solve the dilemma in the judicial application of the basic principles of civil law and improve the fairness and rationality of the referee. In the future, we should continue to deepen the basic principles of civil law. Research and discussion, continuously improve the civil law system, and contribute to the promotion of China's rule of law construction and social progress.

## References

- [1] Wang Hao. Research on ideological and political teaching of English courses in technical colleges and universities under the scope of core literacy [J]. Scientific consultation, 2023(12): 128-130.
- [2] Zhou Ziyu. Research on Effective Teaching of Cross-cultural Understanding of English in Technical Colleges and Universities from the Perspective of Core Literacy [J]. Modern Vocational Education, 2021(21):178-179.
- [3] Huang Jieyan. English situational classroom teaching in technical colleges and universities under the guidance of core literacy [J]. New Education Era E-Magazine (Student Edition), 2023(52):172-174.