

# Research on the Thought of Sports Rule of Law in the Sixth Plenary Session of the 19th CPC Central Committee

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**Abstract.** The connotation of the sports rule of law thought of the sixth plenary session of the 19th Central Committee of the Communist Party of China refers to the concept of rule of law that guarantees the all-round development of sports through the comprehensive rule of law, so as to realize the people's sports rights. Its value orientation is mainly the equal status of the subject of rights, the balanced development of the object of rights and the adherence to justice of the rule of law in sports. In the system of sports rights, the security system pattern of basic, regulatory and ideal sports rights has initially formed. Among them, the right to sports health is the basic sports right of the people, which is a solid foundation for people's effective work and happy life, and is also the primary sports right actively guaranteed by the current state; The right to equality in sports is a regulatory sports right as well as a relative sports right, which focuses on correcting the imbalance of sports rights among different rights subjects; The right to sports development is the people's ideal sports right, which focuses on promoting the people's all-round development.

**Keywords:** The Sixth Plenary Session of the 19th CPC Central Committee; Sports; Rule by Law; Thought.

## 1. Introduction

The Sixth Plenary Session of the 19th Central Committee of the Communist Party of China (hereinafter referred to as the Plenary Session) proposed that since the 18th National Congress, socialism with Chinese characteristics has entered a new era, and major tasks facing the Party have shifted significantly. The second centenary goal has become a new journey of socialist construction. With this new goal of striving forward, the rule of law has become an inevitable requirement of the new era. Nowadays, the academia generally believes that the rule of law is the basic way of governing the country,[1] the inevitable way of good governance, and the key link of the modernization of national governance. [2]The Plenary Session pointed out that the socialist rule of law system should be constantly improved in the comprehensive rule of law. At the same time, the Plenary Session also stressed that the whole party must always maintain flesh and blood ties with the people and practice the People Centered Development Thought.[3] This shows that the ultimate goal of comprehensively governing the country according to law is to promote the all-round development of our people and ensure their happiness. As we all know, sports are one of the indispensable and important contents of the people's all-round development. Then, the comprehensive rule of law also necessarily includes the rule of law system, and the Plenary Session also necessarily contains the spirit of the rule of law system. It can be predicted that by governing sports according to law, we can effectively promote the development of sports, quickly realize the goal of making sports powerful, and effectively protect the physical and mental health of our people. Therefore, in the context of the new era, it is of great significance to explore the legal thought of sports in the Plenary Session for the development of sports undertakings. The purpose of this study is to clarify the connotation of the sports rule of law thought of the plenum, and discuss the basic right structure of the sports rule of law in China, so as to ask expert for advice.

## 2. The Connotation Annotation of the Sports Rule of Law Thought in the Plenary Session

The connotation of the sports rule of law thought of the Plenary Session mainly refers to the reflection of the party's concept of governing the country on the rule of law spirit of sports governance, sports development and sports rights. Looking at the spirit of the Plenary Session, its concept of governing the country mainly involves the party's new development concept, the party's people centered thinking theory and the party's strategic decision of comprehensively governing the country according to law. Then, the sports rule of law thought of the Plenary Session inevitably requires that the development of sports cause should be guided by the Party's new development concept, guided by the Party's people centered ideology and theory, and used the Party's overall strategy of governing the country by law as a measure. It can be said that the sports rule of law thought of the Plenary Session not only reflects the party's sports rule of law spirit of serving the people, but also points out the direction for the all-round development of China's sports cause. More importantly, it has laid a theoretical foundation and methodological guidance for China's future sports governance.

First of all, the new development concept of the Party points out the direction of sports development. In the new era, the Plenary Session requires us to earnestly implement the new development concept of the Party, that is, adhere to the development concept of innovation, coordination, green, openness and sharing. [4]In addition, in the process of socialist construction, the new development concept is gradually changing from ideal to reality, becoming the theoretical gene of social sustainable development.[5] This shows that the Party's new development concept not only points out the development direction for China's political, economic, cultural, social and ecological "five in one" comprehensive well-off construction, but also is playing a huge role in social practice. Obviously, sports is an essential part of building a well-off society in an all-round way. Then, in the development of sports, it must also adhere to the new development concept of the Party. At present, to adhere to the new development concept of the Party is to ensure the lasting power of sports development with innovative development, maintain the dynamic balance of sports development with coordinated development, ensure the harmonious relationship between people and the natural environment in sports with green development, maintain the internal and external growth environment of sports in China with open development, and finally, the people share the sports rights of sports development. In summary, the new development concept of the Party is of great guiding significance to the development of sports. According to the new development concept of the Party, sports undertakings should maintain comprehensive, coordinated and sustainable development. In this process, whether it is national fitness or competitive sports, whether it is sports industry or sports market, any development of sports must follow the new development concept of innovation, coordination, green, open and sharing. This is the inevitable requirement for the development of sports cause from the sports rule of law thought of the Plenary Session.

Secondly, the people centered theory of the Party indicates the purpose of sports development. The core of the party's people centered theory is to serve the people. It profoundly explains the nature of the party's purpose, and clarifies the foundation of the CPC's founding, foundation of governance, and source of strength. The General Program of the Constitution of the Communist Party of China points out that Party building must meet five requirements, of which the third clearly requires that Party members must serve the people wholeheartedly. Moreover, the requirement further emphasizes that Party members have no special interests, only the interests of the working class and the overwhelming majority of the people, and the interests of the masses must be put first at all times. [6]From the resolution of the Plenary Session, we can see that all the ideological, theoretical and practical achievements of the Communist Party of China are aimed at realizing the development and happiness of the people. During the new democratic revolution, the Communist Party of China led the people to overthrow imperialism, feudalism and bureaucrat capitalism. The nation gained independence and the people were liberated, creating fundamental social conditions for the great rejuvenation of the Chinese nation; During the period of socialist revolution and construction, the transformation from new democracy to socialism was achieved, laying the fundamental political

premise and institutional foundation for the great rejuvenation of the Chinese nation; In the new era of reform and opening up and socialist modernization, we will provide a new dynamic institutional guarantee and material conditions for rapid development to achieve the great rejuvenation of the Chinese nation; Since the 18th CPC National Congress, socialism with Chinese characteristics has entered a new era of socialist modernization. It can be seen from the above that in the historical development process of the Party, the great cause of the Party has vividly interpreted the nature of the purpose of serving the people. At the same time, the leaders of the Party have played a huge leading role in the ideological work of serving the people. Among them, Chairman Mao Zedong put forward the working thought of "serving the people" for the first time; Afterwards, Comrade Deng Xiaoping put forward the work guidelines of "Three Favorables" and "People's Standards" profoundly; Later, General Secretary Jiang Zemin brilliantly interpreted the important thought of the Party's "Three Represents"; In addition, President Hu Jintao put forward the development theory of the "Scientific Outlook on Development"; nowadays, Chairman Xi Jinping emphasizes the Party's ideological theory of "taking the people as the center".[7] In a word, all the work of the Party is for the people. Obviously, the all-round development of sports is also to meet and realize the people's all-round development and happiness. The development of sports can promote the physical and mental health of the people, improve the national competitive sports level, improve the high-quality development of sports industry, enrich the spiritual culture of sports, and form an efficient sports governance system. In a word, the fundamental purpose of the sports rule of law thought of the plenary session is to promote the development of sports, realize the people's sports rights, and ensure the people's happiness.

Third, comprehensive rule of law is the legal guarantee for the development of sports. "A country will not be strong or weak forever. A strong law-abiding country is strong, and a weak law-abiding country is weak." Historical experience and lessons show that the rule of law is an important means of governing a country. If the rule of law prospers, the country will prosper; if the rule of law declines, the country will be in chaos. Based on this, the report of the 18th National Congress of the Communist Party of China established the basic proposition that "the rule of law is the basic way of governing the country". On this basis, he further proposed the political policy of "comprehensively promoting the rule of law".[8] Now, Xi Jinping Law Rule Thought is an important thought and theoretical guide for comprehensively governing the country according to law. And this theory holds that "Comprehensively promoting scientific legislation, strict law enforcement, fair administration of justice and law abiding by the whole people are the key and focus of comprehensively governing the country according to law. Among them, scientific legislation can comprehensively deepen reform, ensure high-quality development, and maintain the overall social stability; strict law enforcement can form the masses' trust in the government and confidence in the rule of law; fair justice focuses on making citizens feel fair and just in case trials; law abiding by the whole people is a law aimed at cultivating the whole people Governing beliefs and promoting citizens' awareness of rights. [9] There is no doubt that the rule of law in sports is one of the important contents of comprehensively promoting the rule of law. Similarly, the rule of law in sports must also comply with the requirements of scientific legislation, strict law enforcement, fair justice and the rule of law of the whole people. Nowadays, the Sports Law of the People's Republic of China (Abbreviated as Sports Law) is an important legal basis for the development of sports. Scientific legislation requires that the Sports Law and sports related laws can keep pace with the times and appropriately serve the sports cause of the country, society and people. For this purpose, our State is revising the Sports Law and soliciting extensive public opinions to ensure the scientific nature of sports legislation.[10] Only with scientific sports legislation, strict law enforcement, fair justice and the whole people's compliance with the law can we have a scientific basis for sports rule of law. Through strict law enforcement, the smooth implementation of sports decrees can be ensured; Through fair justice, citizens' sports rights can be effectively protected; By observing the law, citizens' awareness of sports rights and their belief in sports rule of law can be formed. From the perspective of governance content, sports rule of law should include national fitness, school sports, competitive sports, sports industry, sports culture,

sports system and other relevant contents. Among them, the rule of law for national fitness is a response to comprehensively promoting the construction of a healthy China; The rule of law in school sports aims to ensure that students master sports skills and develop lifelong exercise habits; The rule of law of competitive sports focuses on maintaining the steady development of competitive sports in China; The rule of law in sports industry can not only guarantee the basic conditions of materials or skills needed for sports, but also guarantee the healthy environment for the development of national sports economy; The rule of law in sports culture is conducive to the formation of cultural thoughts and spiritual concepts in the development of sports undertakings; Finally, the construction of sports system is a scientific and comprehensive guarantee for the development of sports. At present, the academia generally believes that co construction, co governance and sharing is an important governance mode for the development of sports. However, as China's national conditions are different from those of the western society, in the process of modernization of sports governance, there must be corresponding differences in the way of co construction, co governance and sharing. Some scholars point out: "In the process of modernization of sports governance, we should strengthen the meta governance function of government subjects, and clarify and balance the interests of all subjects in the development of people centered sports. In addition, we should also increase the cultivation of market, society, citizens and other subjects, and improve our own planning, supervision, management and service level." [11] Obviously, it is urgent to speed up the institutional construction of government agencies, social organizations and individuals to participate in sports governance. In a word, the sports rule of law thought of the plenary session is the theoretical belief guiding the rule of law in sports, which focuses on promoting the development of sports in an all-round way and ultimately ensuring the development and happiness of the people.

To sum up, the connotation of the sports rule of law in the Plenary Session refers to the belief in the rule of law to ensure the all-round development of sports through the comprehensive rule of law in sports, so as to achieve, maintain and develop the people's sports rights. In a word, the sports rule of law thought of the Plenary Session takes the new development concept of the Party as the guiding concept for the development of sports undertakings, the people centered thought theory of the Party as the value belief for the development of sports undertakings, and the comprehensive rule of law strategy of the Party as the means to guarantee the comprehensive development of sports undertakings. In the concept of development, the rule of law in sports must seriously implement the guiding role of development concepts such as innovation, coordination, green, openness and sharing in sports undertakings; In terms of value and belief, we must adhere to the dominant position of the people in the development of sports; In the implementation path, we must adhere to the overall rule of law governance strategy for sports, and promote a new sports development model of co construction, co governance and sharing.

### **3. Sports Rights under the Guidance of the Sports Rule of Law Thought of the Plenary Session**

The sports rule of law thought of the Plenary Session is a theoretical guide to the development of sports, a national belief in realizing people's sports rights, and a strategic move to ensure people's well-being. According to the spirit of the sports rule of law thought of the Plenary Session, all the development of sports is to meet the people's sports rights, so the full realization of the people's sports rights is also the belief requirement of the sports rule of law thought of the Plenary Session. The realization of people's sports rights is mainly manifested in three aspects:

#### **3.1 The Right to Sports Health**

The right to sports health is a solid foundation for the realization of people's sports rights. The World Health Organization believes that health is a perfect state of body and mind, and a good social adaptability. The National Covenant on Economic, Social and Cultural Rights proposes that the right to health refers to the right of people to achieve the highest standards of physical and mental health.

It can be seen that health is not only the basic demand of the masses for their own development, but also an important prerequisite for them to engage in other social behaviors. Obviously, once people lose their health, their ability to obtain other social rights will also be greatly reduced. Based on this, the Party's "Fourteenth Five Year Plan" clearly requires to comprehensively promote the construction of a healthy China and improve the health and well-being of the people. There is no doubt that the development of sports is an important way to improve people's health. In the early days of the founding of the People's Republic, Chairman Mao Zedong put forward the voice of "developing sports and strengthening the people's physique". Nowadays, the right to sports health has become a positive human right of the people. Some scholars pointed out that "sports is extremely important for cultivating a healthy lifestyle. It should be shifted from the private sphere to the public sphere, and the legal rights of citizens to participate in fitness activities should be guaranteed through legislation, policies and other measures, so as to improve the physical quality of the whole people." [12] In order to promote the development of fitness for all, the State formulated the Regulations on Fitness for All (hereinafter referred to as the Regulations) in 2009 and revised them twice in 2013 and 2016. Among them, Article 2 of the General Provisions of the Regulations stipulates: "The local people's governments at or above the county level shall incorporate the cause of fitness for all into their national economic and social development plans, build public sports facilities in a planned way,... and promote the balanced and coordinated development of the cause of fitness for all." Then, Article 3 of the General Provisions of the Regulations stipulates: "The state promotes the construction of grassroots cultural and sports organizations, encourages mass sports organizations such as sports social groups, sports private non enterprise units, and so on to carry out fitness activities for all." It can be seen that the Regulations not only require the state to invest heavily in public sports infrastructure, but also encourage social organizations and individuals to participate in it, so as to ensure the vigorous development of national sports and fitness undertakings. The Sports Law also highlights the importance of fitness for all. In the old version of the "Sports Law", Article 2 of the General Provisions states: "The state develops sports undertakings, carries out mass sports, and enhances the physical fitness of the whole nation." This article can be called the emphasis on the rule of law for the health of the whole people. In the draft for comments of the new version of the Sports Law, there is a separate chapter of "fitness for all", totaling 9 articles. This chapter covers a wide range of contents: in the fitness group, it not only refers to the general public, but especially emphasizes that the elderly and the disabled should also receive social care and government help; In terms of organization and management, state organs, trade unions, women's federations and other residents' committees can all become organizers and managers of sports activities. In addition, in order to ensure the development of nationwide fitness activities and realize the ideal of an all-round and healthy China, the country has also made great efforts to develop sports infrastructure. According to the Implementation Plan of the National Fitness Facilities Shortening Correction Project during the "Fourteenth Five Year Plan" period, the per capita sports field area will reach 2.2 square meters by the end of 2020, and 2.6 square meters by 2025, in order to catch up with the level of sports developed countries in the world. Based on the above analysis, under the guidance of the sports rule of law thought of the Plenary Session, China has always adhered to the development of sports, constantly met the people's growing demand for sports and fitness, and guaranteed and realized the people's right to sports and health. It can be said that promoting the construction of a healthy China in an all-round way is the practical expression of the Party's people-oriented ideology. The construction of the sports legal system is the institutional basis for the realization of the right to sports health, and the construction of sports infrastructure is the basic guarantee for the realization of the right to sports health.

### 3.2 The Right to Equality in Sports

The right to equality in sports not only means that the people's sports rights are equal, but also emphasizes that when sports disputes occur, the parties' sports rights should be treated fairly and adjudicated fairly. First, the sports equality right in sports disputes. Sports disputes include

independent sports disputes and organizational sports disputes. Autonomous sports activities have the characteristics of spontaneity. They have no special requirements for external social sports organizations, but they will have a corresponding dependence on the site resources and related facilities of sports activities. For example, square dancers need a certain site, and physical function practitioners need to use a certain sports equipment and other requirements. In the independent sports activities, the sports disputes mainly focus on the relative shortage of sports resources and the harassment of other rights by such sports activities. At present, the frequent appearance of square dance venue competition and square dance disturbance is a prominent representative of such sports disputes. [13]For this reason, China is vigorously strengthening the construction of sports infrastructure to meet the fitness needs of various social groups, and actively coordinate and handle the conflicts between independent sports activities and other groups. Organizational sports disputes include technical sports disputes and non-technical sports disputes: first, technical sports rights disputes. In sports activities, sports participants will inevitably have a variety of sports rights disputes, the main content of which is the issue of judging the competition rules. Because sports rights disputes in sports activities generally follow the requirements of sports rules, sports management organizations can directly make corresponding judgments according to the rules or requirements of sports activities, while large-scale sports activities usually have an internal technical arbitration committee to carefully resolve them. Of course, with the help of modern scientific and technological information, even extremely competitive sports competitions can resolve conflicts in a timely manner. For example, the challenge of eagle eye technology in tennis matches is a good example. Second, non-technical sports rights disputes. This kind of dispute has nothing to do with competition technology, but it involves the significant rights and interests of sports participants, and has great social influence. Serious punishment can even affect the lifelong sports career of sports participants, such as competition discipline punishment and doping problem punishment. At present, our country still takes administrative treatment as the main way to solve such problems, which has the advantage of authoritative internal conflict resolution and relatively efficient speed. The disadvantage is that it does not have the third party nature, and there is a suspicion of unfairness. For this reason, the new edition of China's Sports Law has added Chapter VIII: Sports Arbitration. Article 75 of the new edition of the Sports Law clearly stipulates: "The State shall establish a sports arbitration system to deal with sports disputes in a timely and fair manner in order to protect the legitimate rights and interests of the parties." There is no doubt that with the establishment of sports arbitration institutions in China, sports rights disputes have added an important way for the third party to solve problems, and sports rights of sports participants will be protected more reliably.

### 3.3 The Right to Sports Development

The right to sports development refers to the equal sports rights enjoyed by all individuals and aggregates to participate in the sports process, promote sports development and enjoy sports achievements. [14]From this concept, we can see that the right to sports development is not only a comprehensive right, but also an ideal right. From a comprehensive perspective, this concept not only emphasizes the equality of qualifications of sports participants, but also includes the equality of rules in the process of sports participation, and highlights the substantive equality of everyone's enjoyment of sports achievements. Ideally, any individual or aggregate should enjoy the sports achievements in the development of sports, that is, everyone has the right to sports development regardless of gender, region or race. This right theory is fully in line with the Party's purpose of serving the people, which is also the basic requirement of China's concept of the right to development. Chinese scholars believe that the content of China's right to development includes political, economic, cultural, social and ecological civilization, which jointly promote the all-round development of human beings. Among them, the right to cultural development refers to the right to protect and develop the culture owned by individuals and their collectives and to benefit from it. Obviously, sports is a kind of culture, and the right to cultural development must include the cultural content of sports development. In addition, the right to social development requires that individual families enjoy the right to improve the quality

of life, and sports is obviously a way to improve the quality of people's life. Therefore, the right to social development also requires that people enjoy the right to sports development. Moreover, the content of the "five in one" right to development in China is interrelated, mutually reinforced and common developed.[15] It can be seen from this that the right to sports development is one of the contents of China's right to development, which must follow the fundamental concept of China's right to development - promoting the all-round development of people. Secondly, the right to sports development requires that all sports participants and their collective sports rights are equal, which is fully reflected in the draft of the new version of the Sports Law. Article 2 of the general provisions of the draft for comments of the new edition of the Sports Law stipulates that "the State adheres to the principle of taking fitness for all as the basis, combining popularization with improvement, promoting the full and balanced development of sports, and promoting the all-round development of people and social progress." This article explains the equality of citizens' participation in sports fitness in China. Fitness for all is everyone's basic right, and the all-round development of people is the fundamental requirement of China's Sports Law. Article 5 of the general provisions of the draft of the new edition of the Sports Law stipulates: "Citizens shall enjoy the right to participate in sports activities on an equal basis in accordance with the law. The State shall give special protection to the rights of minors, the elderly and the disabled to participate in sports activities." Citizens enjoy the right to equal participation according to law, which means that everyone is equal before the law and before the rules of sports. Special care for minors, the elderly and the disabled means substantial equality in the enjoyment of sports achievements or sports resources.

In a word, the ultimate goal of the right to sports development is to promote the all-round development of people. It covers the equality of qualifications for people's sports development, the equality of rules for sports participation and the substantive equality of sports achievements. In order to achieve this goal, the state vigorously develops sports, cares about the people's well-being from the concept, pays attention to the people's sports rights from the legal system, constantly meets the people's sports life in terms of action.

#### **4. Conclusion**

To develop sports, meet people's sports needs, and realize people's sports rights, we must deeply understand the spirit of the rule of law in sports at the Sixth Plenary Session of the 19th CPC Central Committee. The connotation of the sports rule of law thought of the Plenary Session is to insist on the new development concept of the Party, follow the path of comprehensively governing the country according to law, and realize the rule of law belief of all people's sports rights; The value characteristics of the sports rule of law thought of the Plenary Session are the equality of the subject of rights, the balance of the object of rights and the fairness of the sports rule of law; Among the people's sports rights, the right to sports health is a basic right, which is the basis of people's work and life, and is the first sports right that the country should protect; The right of equality in sports is a relative right, which requires fair treatment and adjudication among different rights subjects to maintain social fairness; The right to sports development is an ideal right, which has the comprehensiveness and development of rights. The sports rule of law thought of the Plenary Session is to constantly meet the needs of people's sports rights.

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