Adhere to the People-centered Thought of the Rule of Law Research

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Abstract

People first is the core value of the great spirit of building the Party. The party's 20th annual report pointed out that one of the major principles that must be firmly grasped on the road ahead of comprehensively building a modern socialist country is to adhere to the thought of people-centered development. The "people" of Xi Jinping thought on rule of law is based on Marxist theory of rule of law; abandoning traditional Chinese people-oriented thought; and absorbing the essence of legal thought of successive CPC leaders. Put forward the people as the value theme; the people as the purpose of the rule of law, the people as the important basis to promote the great cause of governance. To deeply understand the value of the people in Xi Jinping's thought on the rule of law, we need to understand the value and significance of this thought in The Times, theory and practice.

Keywords

The Twenty Spirit, Ruing-by-law Thought, Affinity to The People

1. The theoretical origin of Xi Jinping's thought on the rule of law

The formation of any thought and theory can be traced back to its origin. The legal thought of the classical Marxist writers is the theoretical basis for the formation of Xi Jinping's thought on comprehensively smelting the country, the exploration of the rule of law of the Chinese Communists is the direct ideological source of its formation, and the people-oriented thought in the traditional Chinese legal culture provides the cultural essence for its formation.

1.1 The legal thought of Marxist classical writers

Marxist historical materialism emphasizes that the people determine the direction and outcome of historical activities, and the people create and promote history. "The expression of this will, determined by their common interest, is the law." (The Complete Works of Marx and Engels: Vol. 3, 2001). Marx and Engels are essentially designed to serve the people and ensure that the law serves the interests of all the people. Only by making the law a conscious expression of the will of the people, that is to say, it should be produced together with the will of the people and created by it. (The Complete Works of Marx and Engels: Vol. 3, 2012). In the relationship between law and people, it is the fundamental purpose of law to emphasize protecting the rights and freedoms of people. The legal thought of Marxist classical writers contains the people and democracy.

1.2 The People-oriented Thought in Chinese Traditional Legal Culture

In the Shang and Zhou dynasties, the people-oriented ideology had not yet been fully formed. In the Shang and Zhou dynasties, taking the demise of the Shang Dynasty as a mirror, the Duke of Zhou had a further understanding of the important role that the people played in the rise and fall of the country. As said in the Book of History, "the people are
the foundation of the state, the foundation of the state" (Gu Jiegang & Liu Qishu, 2005). Thus, the germination of people-oriented thought has been formed. During the Spring and Autumn Period and the Warring States Period, a hundred schools of thought argued. Confucianism, law, Taoism and Confucianism had a great influence in the thoughts of the Spring and Autumn Period, which had a great influence on the thought of the rule of law. Confucianism and legalism are especially rich, and the legal thought of these two schools provides a guide for the development of traditional Chinese law. During the Western Han Dynasty, Dong Zhongshu emphasized the rule of virtue and replacing the harsh criminal law with moral education. He advocated "deposing all schools of thought and respecting Confucianism alone." During the Tang Dynasty, Emperor Taizong Li Shimin realized that the king depended on the country and the people, and adopted the idea of "people's boat" to govern the country. Deng Mu, a thinker in the late Song Dynasty and the beginning of the Yuan Dynasty, bluntly emphasized the equality of the people, the inferiority of the monarch, and the people suffer, and when the people suffer, the peasants will rise up immediately. During the Ming and Qing Dynasties, the enlightenment thinker Huang Zongxi was deeply influenced by Deng Mu's thoughts. He proposed that the people of the world were the masters of the country, and the Kings were the guests and served the people. He advocated that there was no distinction between the king and ministers and jointly govern the country in the form of cooperation.

1.3 The Chinese Communists' exploration of the rule of law

Since the founding of new China to the reform and opening up, all the party's work with the people as the center, comrade Mao Zedong's rule of law thought everywhere embodies the people, comrade Mao Zedong insist on and develop the masses history, Mao Zedong in the land law, in order to fully protect the interests of the people, spend a lot of time to modify perfect. This fully reflects that Mao Zedong attaches great importance to the position of the people when discussing the construction of laws and regulations. During the Deng Xiaoping period, our Party deeply reflected on and learned lessons and experience from the past. Comrade Deng Xiaoping in the concrete practice of the reform and opening up and the socialist construction has established the highest position of democracy and the legal system, and the socialist construction needs the guarantee of law production. Deng Xiaoping proposed to consolidate the ruling position of the Communist Party of China and deeply explained the relationship between the rule of law and the ruling party. Deng Xiaoping said, "The socialist modernization drive is our biggest political project, because it represents the greatest and most fundamental interests of the people. (Selected Works by Deng Xiaoping: Vol. 2, 1994)". On the basis of his predecessors, Comrade Jiang Zemin continued to explore the construction of the rule of law in China, summarized the experience and lessons, specifically elaborated the concept of "rule of law", and changed the "legal system" to "rule of law" in the report of the 15th National Congress of the CPC, which is a new innovation in the construction of the rule of law in China. At the 16th CPC National Congress in 2002, Jiang Zemin once again discussed the essential relationship between people's democracy and the rule of law: "All party principles and policies should take the compliance with the interests of the overwhelming masses of the people as the highest standard, and take the satisfaction of the overwhelming masses of the people as the fundamental criterion." (Selected essays by Jiang Zemin: Vol.2, 2006). On the basis of enriching and developing the thought on the socialist rule of law with Chinese characteristics, Comrade Hu Jintao innovatively put forward the "Scientific Outlook on Development", which is the core position of the Scientific Outlook on Development. It can be seen that the construction of the socialist rule of law in China has been gradually improved with the exploration of successive leaders, which also lays a solid foundation for the innovative development of Xi Jinping's thought on the rule of law.

2. The Value and significance of the people in Xi Jinping's Thought on the Rule of Law

2.1 The people are the main body of the rule of law

"To uphold the principal position of the people, we must uphold the rule of law for the people, rely on them, benefit them and protect the people," (Xi Jinping, 2017) Xi stressed. General Secretary Xi Jinping has compared the people to heaven and earth, so that the whole Party can firmly remember the philosophy that "water can carry a boat, but it can also overturn it". As the country is becoming stronger, people's living standards have gradually improved, and people's sense of gain has increased significantly. People's livelihood is a core issue directly concerning the fundamental interests of the people. In the implementation of the "people-centered", it requires the Communist Party that the Party should always stand in the perspective of the people, always remember the needs of the people, actively respond to their demands, and effectively solve the problems of people's wellbeing. The Communist Party of China has proved to us the fundamental purpose of serving the people wholeheartedly, achieved comprehensive victory in the battle against poverty, and created a new picture of poverty reduction in the world. Job employment has improved steadily, urban and rural incomes have accelerated, and education has developed in an all-round way. Weak links in people's wellbeing have
been gradually strengthened in the course of development. These concrete practices of the Party are all based on prominent issues of greatest concern to the people, safeguarding their vital interests, and all embody the people-centered thinking.

2.2 The people are the basis of the rule of law

The core content of Xi Jinping's thought on the rule of law is to comprehensively rule the country by law. The fundamental goal is to protect and benefit the people and ensure that the people's rights and interests are not infringed upon. Xi believes that in the process of comprehensively advancing the rule of law in the new era, the goal of all our work should be to protect the vital interests of the people and take safeguarding them as the political policy of a society ruled by law. On this basis, we will build China into a modern country under the rule of law. To protect the people's rights and interests in the new era, "we should establish a people-centered work orientation". The people are the purpose of the rule of law and an important direction of Xi Jinping's thought on the rule of law. The people are the foundation of the Party's governance, reflecting the CPC's governance philosophy and practice. The mass line defines the fundamental purpose of the Communist Party of China, consolidates the important historical position of the people, and explains the connotation of their view of history: "the people are the creative subject of advanced productive forces and advanced culture, as well as the fundamental force to realize their own interests." (Chinese President Xi Jinping. Speech at the conference celebrating the 80th anniversary of the founding of the Communist Party of China, 2001). It reflects the importance of protecting the people's rights and interests.

3. The Value and significance of the people in Xi Jinping's Thought on the Rule of Law

3.1 Significance of The Times: The people is the banner of the rule of law work in the new era

“People's nature” in Xi Jinping's thought on the rule of law is the banner of the rule of law work in the new era, and it is the product with Chinese style combining Marxism with Chinese practice. The absolute and solemn human rights stipulated in the Constitution, to the human rights embodied in the civil code, and then to the lives of the people, all reflect the important position of the people in the work of the rule of law. The people's congress is a manifestation of the will and leadership of the people, fully highlighting the people's position as masters of the country. In Xi Jinping's thought on the rule of law, the development stage and historical orientation of "people" is the "new era". We should clarify the new changes in people's living needs, clarify the new requirements and new goals, follow the direction of development, meet the needs of The Times, highlight the essence of the "spirit of The Times", and update the concept of "people's livelihood".

3.2 Practical significance: People's nature has broadened the vision of national governance

In the long process of theoretical exploration, Xi Jinping's concept of "people's nature" in governance has made important theoretical breakthroughs in clarifying the laws of the CPC's governance and the laws of social development, which has broadened the vision of national governance. In the process of promoting the rule of law, the 18th National Congress of the CPC clearly put forward the overall requirements of the 16-word policy. In General Secretary Xi's thinking on the rule of law, scientific legislation is people-centered, and the purpose of legislation is to actively respond to the requirements of the people. For example, the Civil Code promulgated in 2020 has its fundamental value in reflecting the will of the people, fully protecting their fundamental rights and interests, and safeguarding national security. According to Xi Jinping's important discourse on comprehensively governing the rule of law, the Civil Code is a legal document based on the "people-centered" principle and a prerequisite for safeguarding the legitimate rights and interests of the people and promoting their all-round development. Xi Jinping's thought on the rule of law embodies the will of the people and protects their rights.

3.3 Theoretical significance: the people's nature strengthens the relationship between the party and the people

As a red line of value running through Xi Jinping's thought on the rule of law, it provides value guidance for the rule of law. In its long run, the Party has realized that it must maintain close ties with the people. Xi Jinping Thought on Rule of Law adheres to the fundamental goal of using law for the people and strengthens the relationship between the Party and the people. In the work of the rule of law to promote the active participation of the people, the cause of socialist rule of law will continue to move in the direction of public satisfaction, and the people's interests of the country will be guaranteed to the greatest extent. The country is like a big machine, and everyone is a part of the machine, and only if each part works, the machine can operate properly. The people are a necessary part of our country. Only when
everyone plays a positive role and makes efforts in the same direction can the country develop steadily. The will of the people is the foundation of the law, and the foundation of the rule of law lies in the people.

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