

ADHERING TO THE ESTABLISHMENT OF THE SYSTEM OF SOCIALIST RULE OF LAW WITH CHINESE CHARACTERISTICS

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ADHERING TO THE ESTABLISHMENT OF THE SYSTEM OF SOCIALIST RULE OF LAW WITH CHINESE CHARACTERISTICS

Zhang Wenxian*

‘Adhering to the establishment of the system of socialist rule of law with Chinese characteristics’ is an original and contemporary concept and theory proposed by General Secretary Xi Jinping, and is the core essence of Xi Jinping Thought on the Rule of Law. Establishing a system of socialist rule of law with Chinese characteristics is not only the general goal of overall law-based governance, but also the general starting point for overall law-based governance, and it is also the only way to establish a country of socialist rule of law. General Secretary Xi Jinping incisively discussed the scientific connotation and key tasks of establishing a system of socialist rule of law with Chinese characteristics, that is, under the leadership of the Communist Party of China, we need to uphold the socialist system with Chinese characteristics, put into practice the theory of socialist rule of law with Chinese characteristics, form a complete system of laws and regulations, a highly effective enforcement system of the rule of law, a stringent supervision system of the rule of law, and a robust guarantee system of the rule of law, and form a sound system of intra-Party regulations.

In 1997, the 15th National Congress of the Communist Party of China (CPC) explicitly put forward ‘governing the country according to law and establishing a socialist country under the rule of law’, which established law-based governance as the basic strategy for the Party to lead the people in governing the country, and set establishing a socialist country under the rule of law as an important goal of socialist modernization. In 2012, the 18th National Congress of the CPC proposed ‘comprehensively advancing the law-based governance of China’. After the 18th National Congress of the CPC, Xi Jinping, General Secretary of the Central Committee of the CPC, further proposed ‘overall law-based governance’, which was incorporated into the Four-Pronged Comprehensive Strategy for the country’s development.

Overall law-based governance is a systematic project, involving

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coordinated development of many aspects: sound legislation, strict law enforcement, impartial administration of justice, and the observance of the law by all; law-based governance, law-based exercise of state power, law-based government administration, and law-based military governance; the country, government, society, and economic construction under the rule of law; and the national, local, social, and industrial rule of law. In practical work, there must be a general goal and general starting point that can take the overall situation and coordinate the efforts of all quarters. On the basis of in-depth investigation, full demonstration, scientific planning, and pooling the wisdom of the whole Party, General Secretary *Xi Jinping* originally put forward ‘establishing a system of socialist rule of law’, set establishing a system of socialist rule of law with Chinese characteristics and a country of socialist rule of law as the general goal of overall law-based governance, and made the establishment of a system of socialist rule of law with Chinese characteristics as the general starting point for overall law-based governance. General Secretary *Xi Jinping* pointed out that ‘putting forward this general goal has not only clarified the nature and direction of comprehensively advancing law-based governance, but also highlighted the work focus and general starting point of comprehensively advancing law-based governance.’ Establishing a system of socialist rule of law with Chinese characteristics is an inevitable requirement for the modernization of the state system and capacity for governance, as well as for comprehensively deepening the reform. It is conducive to promoting the modernization of the state system and capacity for governance along the path of the rule of law, to comprehensively advancing law-based governance within the overall framework of comprehensively deepening the reform, and to continuously deepening the reform along the path of the rule of law. Only by vigorously promoting the establishment of the system of socialist rule of law with Chinese characteristics can we comprehensively advance law-based governance and effectively promote the establishment of a socialist country under the rule of law.

General Secretary *Xi Jinping* profoundly expounded the scientific connotation and main tasks of establishing a system of socialist rule of law with Chinese characteristics, pointing out that establishing a system of socialist rule of law with Chinese characteristics means that ‘under the

CPC's leadership, we need to uphold the socialist system with Chinese characteristics, put into practice the theory of socialist rule of law with Chinese characteristics, form a complete system of laws and regulations, a highly effective enforcement system of the rule of law, a stringent supervision system of the rule of law, and a robust guarantee system of the rule of law, and form a sound system of intra-Party regulations.¹ That is, we should adopt a coordinated approach to promoting the establishment of the system of laws and regulations, the enforcement system of the rule of law, the supervision system of the rule of law, the guarantee system of the rule of law and the system of intra-Party regulations.

I. FORMING A COMPLETE SYSTEM OF LAWS AND REGULATIONS

'Law is the very foundation of governance.' After long-term efforts, the socialist legal system with Chinese characteristics has been formed, and there are laws to go by in all aspects of China and social life. This is a major achievement we have made and a new starting point for us to move forward. By the end of December 2021, there were 291 laws, 610 administrative regulations, and more than 12,700 local regulations in force. However, since the situation is developing and the times are advancing, the legal system must be constantly developed and improved with the development of the times and practice. This requires us to coordinate various legislative forms such as formulation, revision, repeal, interpretation, and codification, and accelerate the improvement of the socialist legal system with Chinese characteristics, so as to make it more scientific, complete and authoritative.

A. Strengthening Legislation in Key Areas

To comprehensively advance law-based governance, we must strengthen legislation in key areas, promptly respond to the requirements of the cause development of the Party and the state and the concerns and expectations of the people, and promptly formulate and amend laws pertaining to

1 XI JINPING, EXPLANATION ON THE 'RESOLUTION OF THE CPC CENTRAL COMMITTEE ON CERTAIN MAJOR ISSUES CONCERNING COMPREHENSIVELY ADVANCING THE LAW-BASED GOVERNANCE OF CHINA', in XI JINPING, ON UPHOLDING OVERALL LAW-BASED GOVERNANCE, at 93 (Central Literature Publishing House, 2020).

comprehensively deepening reform, promoting economic development, improving social governance, ensuring public well-being, and safeguarding national security. We must protect citizens' rights according to the law, accelerate the improvement of the legal system that reflects fairness in rights, equal opportunities and fair rules, protect citizens' personal rights, proprietary rights, personality rights and basic political rights from infringement, and ensure that citizens' economic, cultural, social and other rights are implemented.

At present, we should actively promote legislation in key areas including national security, scientific and technological innovation, public health, bio-safety, ecological civilization and risk prevention, strengthen legislation in the field of people's livelihood, improve legal systems that are urgently needed for state governance, and legal systems that are necessary to meet the people's growing needs for a better life, and fill in the gaps and tackle areas of weaknesses. We should improve legislation related to epidemic prevention and control, and establish a systematic, scientific, standardized and effective legal system for epidemic prevention and control. Based on the new development stage, the implementation of the new development concept, and the construction of a new development pattern, we should accelerate the improvement of laws and regulations that are urgently needed to deepen the supply-side structural reform, promote innovation-driven development, and prevent and defuse financial risks. We should strengthen the establishment of legal systems for safeguarding and improving people's livelihood and make innovations in social governance. We should strengthen the construction of legal systems that are related to and compatible with the *Civil Code*. We should improve the institutional system of ecological civilization and protect the ecological environment with the strictest system and the strictest rule of law. We should highlight and strengthen the building of the system of military laws and regulations that is urgently needed to prepare for war and reform, and eagerly awaited by officers and soldiers. We should strengthen the construction of the legal system for coordinated regional development, and enhance rule-of-law safeguards for major national development strategies, such as the coordinated development of Beijing, Tianjin and Hebei, the development of the Yangtze River economic belt, the construction of the

Guangdong-Hong Kong-Macao Greater Bay Area, the integrated development of the Yangtze River Delta, the ecological protection and high-quality development of the Yellow River Basin, the comprehensive deepening of reform and opening-up in Hainan, and the construction of Xiongan New Area according to high standards and quality.

B. Strengthening Legislation in Emerging Fields

The rapid development of new technologies and applications such as digital economy, Internet finance, artificial intelligence, big data and cloud computing has given rise to a series of new business forms and new models. However, there are still time lags and blank areas in the relevant legal systems. Many new issues have been raised in terms of law, security, employment, ethics and government governance and so on. To deal with these problems well, we should not only vigorously cultivate new technologies and applications such as artificial intelligence, the Internet of Things, and the next generation communication network, but make full use of laws, regulations and standards to guide and regulate. We should follow up and study relevant legal systems in a timely manner, accelerate the promotion of the legislative work in emerging fields such as artificial intelligence, gene editing, medical diagnosis, autonomous driving, drones, service robots, etc., and promptly tackle the legal weaknesses, so as to guarantee the healthy development of new business forms and new models with good laws and good governance.

Cybercrime has become one of the important risks endangering China's national political security, network security, social security, economic security, and people's property security. We should adhere to the people-centered approach, coordinate development and security, strengthen the system concept and the thinking of the rule of law, focus on source governance and comprehensive management, adhere to joint management, and group prevention and group governance, fully implement various preventive and control measures, fulfill the responsibilities of oversight bodies in the financial, telecommunications, Internet and other industries, and strengthen the construction of the legal system. In accordance with the law, we should

severely crack down on illegal and criminal acts such as cyber hacking, telecommunication network fraud, and infringement of citizens' personal privacy, cut off the chain of interests of cybercrime, resolutely curb the high incidence of such crimes, and safeguard the legitimate rights and interests of the people.

C. Strengthening Legislation in Foreign-Related Fields

In the face of the increasingly fierce international game of rules and regulations, especially the US abuse of 'long-arm jurisdiction' and other hegemonic practices, we must take a coordinated approach to promoting the domestic rule of law and foreign-related rule of law, strengthen legislation in foreign-related fields, further improve the laws and regulations against sanctions, interference and 'long-arm jurisdiction', promote the construction of a legal system applicable outside the jurisdiction of China, and occupy the commanding heights of the legal battle. In recent years, in accordance with the principle of 'urgent need first', China has promptly formulated and improved relevant laws and regulations, accelerated legislation in important foreign-related fields in a step-by-step manner, formulated and promulgated the export control law, and regulations on the list of unreliable entities, etc., improved the national security review system for foreign investment, and accelerated the construction of a legal system applicable outside the jurisdiction of China. Under the new circumstances, we should comprehensively sort out and review the current situation and trends of the struggle in the field of the rule of law, strengthen and speed up legislation in foreign-related fields to tackle legal weaknesses, and constantly enrich the 'toolbox' for legal struggles.

D. Scientifically Promoting the Process of Codification

Since socialism with Chinese characteristics has entered a new era, in line with the requirements of practical development and the expectations of the people, the CPC Central Committee has placed the codification of the *Civil Code* on an important agenda. The *CPC Central Committee's Resolution*

on Certain Major Issues Concerning Comprehensively Advancing the Law-Based Governance of China adopted at the Fourth Plenary Session of the 18th Central Committee of the CPC made arrangement for the codification of the *Civil Code*. General Secretary *Xi Jinping* attaches great importance to the compilation of the *Civil Code*, and presided over three meetings of the Standing Committee of the Political Bureau of the CPC Central Committee to deliberate the drafts of the General Provisions of Civil Law, all parts of the *Civil Code*, and the *Civil Code* respectively. On May 28, 2020, the Third Session of the 13th National People's Congress deliberated and adopted the *Civil Code*, and General Secretary *Xi Jinping* issued a presidential order of the People's Republic of China to promulgate it. This is the first law named after the 'code' since the founding of the People's Republic of China, and it is a major achievement of China's socialist rule of law construction in the new era.

The *Civil Code* systematically integrates the civil legal norms formed through long-term practices for over 70 years since the founding of the People's Republic of China, draws on the excellent legal culture of the Chinese nation for more than 5,000 years, and learns from the excellent achievements of human civilization construction of the rule of law. It is a basic law that has a solid foundation, stable expectations, and long-term interests with distinctive Chinese characteristics, practical characteristics, and characteristics of the times. The *Civil Code* not only improves the civil law system, but provides a good example for the codification of legislation in other fields. General Secretary *Xi Jinping* gave instructions to sum up the experience of codifying the *Civil Code* and promote the codification work in legislative fields where the conditions are ripe in due course.

II. FORMING A HIGHLY EFFECTIVE ENFORCEMENT SYSTEM OF THE RULE OF LAW

The vitality of laws lies in their enforcement, and the authority of laws also lies in their enforcement. 'In the affairs of the world, it is not difficult to legislate, but difficult to enforce the law.' The effective enforcement of the

law is the key to and difficult point of overall law-based governance. General Secretary *Xi Jinping* has stressed that if there are laws but they are not enforced and put on the shelf, or they are poorly enforced or made for show, it will be useless to make more laws. The key to overall law-based governance is to ensure the effective enforcement of the *Constitution* and laws, and build a highly efficient enforcement system of the rule of law.

A. Comprehensively Strengthening the Enforcement and Supervision of the Constitution

The *Constitution* is the fundamental law of the country, the general rules for governing the country, and the general basis for law-based governance. Therefore, the enforcement of the *Constitution* is the top priority of law enforcement. If the *Constitution* is enforced well, the entire legal system will be full of vitality under the rule of law. If the *Constitution* is not enforced properly, the enforcement of other laws and regulations is just empty talk. General Secretary *Xi Jinping* emphasized that ‘the full enforcement of the *Constitution* is the primary task and basic work of establishing a socialist country under the rule of law.’ ‘Whether the authority of the rule of law can be established or not depends first and foremost on whether the *Constitution* has authority.’ To ensure the effective enforcement of the *Constitution*, the CPC should first adhere to the principle of governing the country and exercising power in accordance with the *Constitution*, and make unified efforts to lead legislation, ensure law enforcement, support the administration of justice, and take the lead in observing the law, and unify law-based governance, law-based exercise of state power, and law-based government administration. Since the 18th National Congress of the CPC, we have taken a series of measures to improve the mechanism and procedures for supervising the enforcement of the *Constitution*. For example, we have established the National Constitution Day, established a system of pledging allegiance to the *Constitution*, and renamed the Law Committee of the National People’s Congress as the Constitution and Law Committee of the National People’s Congress. All of these provide a solid institutional and organizational guarantee for the National People’s

Congress to perform its authority and responsibilities such as constitutional supervision, constitutional interpretation, constitutionality review, and constitutional propaganda. In the whole society, we have extensively launched publicity and education initiatives with a view to enhancing public awareness of respecting, studying, observing, upholding, and applying the *Constitution*, thus elevating the full enforcement of the *Constitution* to a new level.

B. Establishing an Authoritative and Efficient System of Law-Based Administration with Unified Rights and Responsibilities

Administrative organs are important subjects for the enforcement of laws and regulations. Administrative law enforcement is most closely related to the grassroots and the common people, which directly affects the people's trust in the Party and government and their confidence in the rule of law. Administrative organs should take the lead in strictly enforcing the law and safeguarding public interests, the rights and interests of the people, and social order. 'Law enforcement officials must be faithful to the law. They should neither use power to suppress the law, challenge the law personally, nor should they be lenient outside the law or bend the law for personal gains.' Administrative organs at all levels must enforce the law in a strict, procedure-based, impartial and non-abusive way, and strengthen law enforcement in key areas that concern the vital interests of the public. With the goal of establishing a government under the rule of law, we should establish the legitimacy review system for major decisions within administrative organs, actively promote the system of government legal advisers, promote the legalization of institutions, functions, powers, procedures, and responsibilities, and promote the standardization and legalization of government powers at all levels. We should comprehensively promote the transparency of government affairs, and strengthen the restriction and supervision of administrative power. We should strictly enforce law enforcement qualifications, improve law enforcement procedures, establish and improve the administrative discretion benchmark system, and ensure the fair and effective enforcement of the law.

C. Establishing a Fair, Efficient and Authoritative Socialist Judicial System

Fair judicature is the last line of defense to safeguard social fairness and justice, and it is also an important link to ensure the effective enforcement of the law, and uphold the unity, dignity and authority of the rule of law. Therefore, we must deepen the reform of the judicial system, accelerate the construction of a fair, efficient and authoritative socialist judicial system, and safeguard the rights and interests of the people. We need to address deep-seated problems affecting judicial impartiality and restricting judicial capacity by ensuring independent and impartial exercise of judicial power and procuratorial power in accordance with the law, improving the mechanism for the operation of judicial power, and improving the judicial protection system for human rights, and remove structural, institutional and safeguarding obstacles. Judicial and procuratorial organs at all levels should deepen the comprehensive and integrated reform of the judicial system, uphold and improve the socialist judicial system with Chinese characteristics, ensure the independent and impartial exercise of judicial and procuratorial powers in accordance with the law, and constantly improve judicial credibility. We should continue to promote judicial impartiality and credibility through greater openness, create a mechanism that keeps the judiciary ‘in the sunshine’, making it open, dynamic, transparent and accessible to the public, put an end to black-box operations, and resolutely curb judicial corruption.

D. Establishing and Improving a System for Popularizing Law among All Citizens and Publicity and Education on the Rule of Law, and Strengthening the Incentive and Restraint Mechanisms for Citizens to Observe the Law

We should continue to implement the ‘five-year’ plan for the popularization of law and the publicity and education on the rule of law, and gradually make it a comprehensive and conscious action to respect, study, observe, and apply the law. We should improve the law-abiding credit records of citizens and organizations, improve the mechanism to reward people for good faith when they observe the law and punish them for bad faith when they break it, increase the punishment for such behaviors as moral anomie and lack of integrity,

ensure that those who observe the law and discipline feel proud, while those who violate the law and are immoral cannot take a step, and create a social environment in which people feel that it is honorable to observe the law and disgraceful to break it, so that respecting the law and observing the law can become the common pursuit and conscious action of all people. We should further implement the civic morality construction project, deepen the mass spiritual civilization building activities, guide the broad masses of the people to consciously practice the core socialist values, foster good morals, and strive to be a model of socialist morality and a defender of healthy social conduct.

III. FORMING A STRINGENT SUPERVISION SYSTEM OF THE RULE OF LAW

General Secretary *Xi Jinping* stressed that ‘throughout the history of human political civilization, power is a double-edged sword. When exercised in accordance with the rule of law, it can benefit the people; but when exercised outside the law, it will inevitably harm the country and people.’ ‘No matter the power is big or small, it may be abused as long as it is not restricted and supervised.’ ‘Power without supervision will inevitably lead to corruption, which is an iron law.’ ‘Absolute power leads to absolute corruption, which has been proved at all times and in all countries.’ Based on these scientific assertions, General Secretary *Xi Jinping* has stressed the need to restrict and supervise public power and put power in the cage of the system. To build a system of socialist rule of law with Chinese characteristics, it is necessary to build a stringent supervision system of the rule of law, establish a comprehensive, authoritative and efficient system to oversee the enforcement of the rule of law under the unified leadership of the Party, and strengthen the restriction and supervision of the exercise of power.

A. Establishing a Comprehensive, Authoritative and Efficient Supervision System of the Rule of Law under the Unified Leadership of the Party

The supervision system of the Party and the state is an important institutional guarantee for the Party to achieve self-purification, self-improvement,

self-innovation and self-enhancement under the condition of long-term governance. With intra-Party oversight as the leading role, we should ensure that the supervision of the People's Congress, the supervision of democracy, the supervision of administration, the supervision of justice, the supervision of auditing, the supervision of finance and accounting, the supervision of statistics, the supervision of the masses, and the supervision of public opinion are well coordinated.

The supervision of the rule of law is an important part of the supervision system of the Party and the state. Therefore, it is necessary to strengthen the centralized and unified leadership of the Party over the supervision of rule of law, promote the comprehensive supervision of the rule of law, and promptly improve the mechanism for restricting and supervising the exercise of power so as to ensure that administrative, supervisory, judicial, and procuratorial powers are properly exercised in accordance with the law, and that the legitimate rights and interests of citizens, legal persons and other organizations are effectively protected. We should strengthen the supervision of state organs, democracy, the masses and public opinion so that they can form a joint force of the rule of law supervision, and give full play to the supervision efficiency as a whole. We should promote the integration of discipline enforcement and law enforcement and the connection between supervision and justice, and effectively link up all the laws. We should improve the system of people's supervisors. Taking openness as the norm and non-disclosure as the exception, we should comprehensively promote the openness of legislation, law enforcement, and justice, gradually expand the scope of openness, improve the level of disclosure services, and actively accept the supervision of the public opinion and social supervision through news media. The Political and Legal Affairs Commission of the Party Committee shall guide and promote the establishment and improvement of the restriction and supervision system that is compatible with the operation mechanism of law enforcement power and judicial power in political and legal units, build a law enforcement and judicial responsibility system with clear powers and responsibilities, and improve the systems and mechanisms of political inspection, comprehensive management supervision, law enforcement supervision, and supervision and discipline inspection tours of discipline and style of work.

*B. Improving the Restriction and Supervision System over
the Exercise of Power*

To build a stringent supervision system of the rule of law, it is necessary to strengthen the supervision of legislative power, law enforcement power, supervision power, and judicial power, and improve the system and mechanism in which disciplinary inspection and supervision organs, public security organs, procuratorial organs, judicial organs and judicial administrative organs perform their respective duties, while the power of investigation, procuratorial power, judicial power and executive power restrict each other.

First, strengthen the supervision of legislative power. We should establish a sound legislative supervision mechanism and improve the supervision procedures, promote soliciting opinions from deputies to the People's Congress and members of the Chinese People's Political Consultative Conference on the drafting of laws, regulations and rules, handle according to law the written review requests or suggestions of laws and regulations submitted by state organs, public organizations, enterprises and institutions, and citizens, strengthen the filing and review system and capacity building, and ensure that all relevant documents shall undergo filing formalities, all documents submitted for filing shall be reviewed, and all errors found during the review shall be corrected. We should improve the filing and review procedures, and clarify the scope, standards and corrective measures of the review, strengthen the filing and review of the administrative normative documents of local governments at all levels and government departments at or above the county level, and the supervisory normative documents of local supervisory committees at all levels, and strengthen the filing and supervision of judicial interpretations, including the normative documents formulated by local courts and procuratorates in the scope of filing and review of the Standing Committee of the People's Congress at the corresponding level. We should accelerate the establishment of a national unified information platform for filing and review, establish a sound linkage mechanism for filing and review among the Party committee, the Standing Committee of the People's Congress, the government, and the

armed forces, and establish and improve the annual reporting system for filing and review.

Second, strengthen the supervision of law enforcement power. We should resolutely eliminate illegal interference in law enforcement activities, resolutely prevent and overcome local protectionism and departmental protectionism, resolutely prevent and overcome interest-driven law enforcement, and resolutely punish corruption. We should strengthen the construction of a full-coverage administrative law enforcement coordination and supervision system at the provincial, city, county, and township levels, strengthen all-round and whole-process supervision, and improve the quality of law enforcement. We should increase the accountability of those responsible for law enforcement inaction, disorderly conduct, selective law enforcement, and profit-seeking law enforcement, and implement the administrative law enforcement responsibility system and accountability system; improve the administrative law enforcement complaint reporting and handling mechanism. We should strengthen and improve the work of administrative reconsideration, strengthen the supervisory function of administrative reconsideration, and intensify efforts to correct illegal and improper administrative acts. We should standardize and strengthen the administrative response to administrative cases.

Third, strengthen the supervision of supervisory power. General Secretary *Xi Jinping* pointed out, ‘supervisory power is a double-edged sword, and it should also be locked into the cage of the system, and consciously accept the supervision of the Party and the people. We must exercise power with great caution and in strict accordance with discipline and law.’ ‘We must not abuse our power or use it for personal gain. In particular, we must not engage in selective supervision, arbitrary discipline enforcement investigation, and willful accountability.’

Fourth, strengthen the supervision of judicial power. General Secretary *Xi Jinping* pointed out that ‘judges and prosecutors should have the power to try and judge cases, but we should also tighten the supervision and restraint over them, put in place legal supervision, social supervision, and public opinion supervision over judicial power, ensure that judges and prosecutors ‘do fair and aboveboard things with just and selfless hearts’, and lock judicial

power into the cage of the system', and minimize the chance of power derailment and personal rent-seeking. We should improve the mechanisms for supervising the filing and investigation of criminal cases, and improve civil and administrative procuratorial supervision.

IV. FORMING A ROBUST GUARANTEE SYSTEM OF THE RULE OF LAW

The guarantee system of the rule of law includes political guarantee, institutional guarantee, ideological guarantee, organizational guarantee, operation guarantee, talent guarantee, etc. We should effectively strengthen and improve the Party's leadership over overall law-based governance, improve the ability and level of law-based exercise of state power, and improve the system of Party's leading legislation, ensuring law enforcement, supporting the judiciary, and taking the lead in observing the law, so as to provide a strong political and organizational guarantee for overall law-based governance. We should innovate and develop the socialist theory of the rule of law with Chinese characteristics, adapt Marxist theory of the rule of law to China, adapt it to the times and popularize it to the masses so as to provide scientific theoretical guidance and ideological guarantee for overall law-based governance. We should continue to foster a high-quality team of professionals with both integrity and ability for the rule of law, promote the revolutionization, normalization, specialization and professionalization of specialized legal teams, strengthen the construction of the teams of lawyers, notaries, grass-roots legal service workers, people's mediators and legal service volunteers, build a team of high-level jurists and experts with a firm political stance, profound theoretical knowledge, and familiarity with China's national conditions, and strive to cultivate more reserve talents for the rule of law who have firm ideals and beliefs, strong family and country feelings, and solid legal foundations, so as to provide a strong organizational guarantee and talent guarantee for overall law-based governance.

In advancing overall law-based governance, leading officials at all levels who hold the power of governance, legislation, administration, supervision and judicature play a key role, and we must continue to focus on

the supervision over the ‘key few’. Officials at all levels should resolutely implement the major decisions and plans of the CPC Central Committee to strive for overall law-based governance, take the lead in respecting the rule of law and revering the law, and understanding and mastering the law, and constantly improve their ability to deepen the reform, promote development, resolve conflicts, maintain stability and cope with risks by using the thinking and methods based on the rule of law, so as to play an exemplary role in respecting, studying, observing, and applying the law. We must refrain from formalism and bureaucracy, and ensure that all tasks of comprehensively governing the country according to law are truly carried out.

V. FORMING A SOUND SYSTEM OF INTRA-PARTY REGULATIONS

Upholding the organic unity of law-based governance and governing the Party according to regulations is a new experience, a new theory of innovation and development, and a well-defined new strategy developed by the CPC Central Committee with Comrade *Xi Jinping* at its core in the practice of governing the country. In the new era of socialism with Chinese characteristics, the CPC, as the leading party and ruling party of a large country with a population of 1.4 billion, should not only govern the country according to the *Constitution* and law, but govern the Party according to intra-Party regulations, and at the same time, organically unify law-based governance and governing the Party according to regulations. Practice has proved that law-based governance and governing the Party according to regulations are intrinsically linked. That is, only when governing the Party according to regulations goes deep into the heart of the Party can law-based governance go deep into the hearts of the people.

In the *CPC Central Committee’s Resolution on Certain Major Issues Concerning Comprehensively Advancing the Law-Based Governance of China* adopted at the Fourth Plenary Session of the 18th Central Committee of the CPC, ‘forming a sound system of intra-Party regulations’ was established as an important part of establishing a system of socialist rule of law with Chinese characteristics. China’s intra-Party regulations system

is an organic unity composed of intra-party regulations in all fields and at all levels, with the *Constitution of the CPC* as its foundation, democratic centralism as its core, and central intra-Party regulations such as guidelines and regulations as its backbone. The intra-Party regulations system takes ‘1+4’ as the basic framework. The *Party Constitution*, as the general constitution of the Party, is the fundamental law of the Party, and the general rule that the whole Party must follow. The *Party Constitution* must be the fundamental basis for establishing a sound system of intra-Party laws and regulations. Under the *Party Constitution*, it is divided into four major parts: the system of the Party organizational regulations, the system of the Party leadership regulations, the system of the regulations on Party building, and the system of Party regulations on supervision and guarantee, making the system scientific in content, strict in procedures, complete in supporting facilities and effective in operation. After long-term efforts, especially the accelerated progress since the 18th National Congress of the CPC, the CPC has formed a relatively complete system of intra-Party regulations. As of July 1, 2021, there were a total of 3,615 effective intra-Party regulations in the whole Party. Among them, there are 211 central intra-Party regulations formulated by the CPC Central Committee, 163 intra-Party regulations of ministries and commissions formulated by the Central Commission for Discipline Inspection of the CPC and the working organs of the CPC Central Committee, and 3,241 local intra-Party regulations formulated by the Party Committees of provinces, autonomous regions and municipalities directly under the central government. A relatively complete system of intra-Party regulations covering all aspects of Party leadership and Party building has been formed, which provides a powerful guarantee of intra-Party regulations for promoting the governance of the Party according to regulations and improving the Party’s ruling ability and leadership level, forming a pattern in which law-based governance and governing the Party by regulations complement each other, and promoting the modernization of China’s system and capacity for governance. In particular, in 2017, the 19th National Congress of the CPC amended the *Constitution of the CPC*, which included Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era in the *Party Constitution* as the fundamental guiding ideology of the

Party and the state, and clearly emphasized that ‘we should firmly uphold the authority and the centralized and unified leadership of the CPC Central Committee with Comrade *Xi Jinping* at the core’. The ‘two establishments’ reflect the common aspiration of the whole Party, the whole army, and the people of all ethnic groups in the country, and are of decisive significance to the development of the cause of the Party and the state in the new era, and the advancement of the historical process of the great rejuvenation of the Chinese nation.

General Secretary *Xi Jinping* pointed out that since the Fourth Plenary Session of the 18th Central Committee of the CPC, we have grasped the general starting point of the construction of the rule of law system, upheld the organic unity of the Party leadership, the people as the masters of the country and law-based governance, pursued the coordinated progress in law-based governance, law-based exercise of state power, and law-based government administration, promoted the integrated development of the country, government, and society under the rule of law, comprehensively deepened the reform in the field of the rule of law, taken a coordinated approach to promoting the construction of the normative system of laws and regulations, the enforcement system of the rule of law, the supervision system of the rule of law, the guarantee system of the rule of law and the system of intra-Party regulations, and made historic achievements in the establishment of a system of socialist rule of law with Chinese characteristics. At the same time, we should also note that there are still some weaknesses and deficiencies in China’s rule of law system, which must be studied and resolved in a timely manner. On December 6, 2021, General Secretary *Xi Jinping* presided over the 35th collective study of the Political Bureau of the CPC Central Committee. The purpose of this study is to summarize the achievements in the establishment of the system of socialist rule of law with Chinese characteristics, analyze the existing problems and deficiencies, uphold the path of socialist rule of law with Chinese characteristics, and better promote the development of the system of socialist rule of law with Chinese characteristics. During the collective study, General Secretary *Xi Jinping* pointed out that we should follow the needs for the development of the cause, adhere to the concept of system, and comprehensively promote the establishment of the system of

socialist rule of law with Chinese characteristics. At present and in the coming period, we should focus on five aspects: first, adhere to the correct direction of establishing the rule of law system; second, accelerate legislation in key areas and promote the correct enforcement of laws; third, deepen the reform in the field of the rule of law; fourth, carry out international struggles by means of the rule of law; and fifth, strengthen the theoretical research and publicity of the rule of law.²

(Translated by Ou Xiaoqi)
(Edited by Gong Li)

坚持建设中国特色社会主义法治体系

内容提要 “坚持建设中国特色社会主义法治体系”，是习近平总书记提出的具有原创性和时代性的概念和理论，是习近平法治思想的核心要义。建设中国特色社会主义法治体系，既是全面依法治国的总目标，又是全面依法治国的总抓手，还是建设社会主义法治国家的必由之路。习近平总书记精辟论述了建设中国特色社会主义法治体系的科学内涵和重点任务，就是在中国共产党领导下，坚持中国特色社会主义制度，贯彻中国特色社会主义法治理论，形成完备的法律规范体系、高效的法治实施体系、严密的法治监督体系、有力的法治保障体系，形成完善的党内法规体系。

2 For details, see Xi Jinping, *Adhere to the Road of Socialist Rule of Law with Chinese Characteristics and Better Promote the Construction of the System of Socialist Rule of Law with Chinese Characteristics*, 4 *Qiushi Journal* 6-9 (2022).