

STRENGTHEN CONFIDENCE IN THE RULE OF LAW

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TABLE OF CONTENTS

I. INTRODUCTION	72
II. CONFIDENCE IN THE RULE OF LAW IS THE CONCENTRATED MANIFESTATION OF THE FOUR-SPHERE CONFIDENCE IN THE LEGAL FIELD	75
<i>A. Confidence in the Rule of Law Reflects Confidence in the Path</i>	75
<i>B. Confidence in the Rule of Law Stems from Confidence in Theory</i>	76
<i>C. Confidence in the Rule of Law Demonstrates Confidence in the System</i>	76
<i>D. Confidence in the Rule of Law Is Rooted in Cultural Confidence</i>	77
III. FIRM CONFIDENCE IN THE RULE OF LAW IS NOT EMPTY OR ABSTRACT, BUT PRACTICAL AND CONCRETE	78

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At the 10th group study session of the Political Bureau of the 20th CPC Central Committee, General Secretary *Xi Jinping* explicitly put forward the requirement to ‘strengthen confidence in the rule of law’. Confidence is an inner conviction and affirmation of oneself. Our confidence in the rule of law stems from the profound nourishment of Chinese rule of law civilization, from the solid foundation laid by the great practice of socialist rule of law, and from a deep understanding of the laws that underlie law-based exercise of state power by the CPC, the development of socialist rule of law, and the evolution of legal civilization in human society.

I. INTRODUCTION

Since ancient times, China has developed a distinctive legal system in the history of world legal system, accumulating a profound legal culture. The concept of ‘prizing high moral values and the virtue of being cautious in meting out punishment’ in the Zhou Dynasty established the governance paradigm of ‘morality given priority over penalty’ in the Chinese legal system. The *Canon of Laws* in the Warring States Period became the first systematic written legal code in Chinese history. In the Han Dynasty, ‘adjudicating cases according to doctrines in the Spring and Autumn Annals’ deepened the Confucian governance philosophy of ‘depending upon the moral sentiment, and maintaining order by encouraging education and good manners’ in judicial practice. In the Tang Dynasty, the *Commentary on the Tang Code* fully integrated fundamental principles of rituals into the law, achieving a system where rites and law are integrated as one, and combining the rule of law with the rule of virtue. Subsequently, the *Song Penal Code*, the *Great Ming Code*, the *Great Qing Code* and others gradually formed a codification model of ‘integration of all laws in one code’ and a legal system of ‘distinction between civil and criminal law’.

Since the founding of the People’s Republic of China, socialist rule

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of law has made solid progress through exploration. During the period of socialist revolution and construction, our Party led the people in formulating the *Constitution of China of 1954* and a series of important laws and regulations, including the organic law of state institutions, electoral law, and marriage law, establishing a framework for the socialist legal system and laying the foundation for the socialist judicial system. After the Third Plenary Session of the 11th CPC Central Committee, our Party conducted a review of the experience gained and lessons learned in building democracy and the legal system, set forth the principle of promoting socialist democracy and improving the socialist legal system, and emphasized the need to ‘ensure that there are laws to abide by, laws are observed and strictly enforced, and lawbreakers are prosecuted’, steadily advancing the construction of socialist rule of law and providing legal safeguards for reform and opening up. In 1997, the 15th CPC National Congress put forward the basic strategy of law-based governance, which was later enshrined in the constitutional amendment in 1999. In 2007, the 17th CPC National Congress declared that a socialist legal system with Chinese characteristics had essentially taken shape. With the *Constitution* at its core and laws as the mainstay, including administrative regulations, local regulations, and other normative documents, the socialist legal system with Chinese characteristics, which consists of seven legal branches and three tiers of legal norms, has ensured that all aspects of China’s economic, political, cultural, and social life are governed by law.

Since the new era, historic achievements have been made in comprehensively advancing law-based governance, and the whole Party and society have become more confident in the socialist rule of law with Chinese characteristics. The Party Central Committee with Comrade *Xi Jinping* at its core has creatively put forward a series of new ideas, new thinking, and new strategies on comprehensive law-based governance, forming Xi Jinping Thought on the Rule of Law, which provides scientific guidance for comprehensively advancing law-based governance in the new era. Under the leadership of the Party Central Committee, we have adhered to constitution-based governance and constitution-based exercise of state power, established the National Constitution Day, introduced the constitutional oath system, adopted constitutional amendments, and strengthened the system and capacity-building for constitutionality review and the record and review. We have made further headway in making laws in a well-conceived and democratic way and in accordance with the law, and taken coordinated steps

to enact, revise, abolish, interpret, and codify laws. We have enacted major laws such as the *National Security Law*, the *Supervision Law*, the *Law on the Protection of Heroes and Martyrs*, and the *Personal Information Protection Law*. We have compiled the *Civil Code* and promoted the compilation of the *Ecological and Environmental Code*, thus making further improvements to the system of socialist rule of law with Chinese characteristics. We have advanced law-based government administration in a solid manner. By implementing two consecutive implementation outlines for building a law-based government, we have continued to transform government functions and streamline and integrate administrative law enforcement agencies. We have constantly improved the system for administrative decision-making and advanced government transparency and the building of a digital law-based government. These efforts have achieved new results in the building of a law-based government. We have ensured strict and impartial administration of justice. We have established circuit courts of the Supreme People's Court as well as special courts and cross-administrative regional courts and procuratorates. We have improved and strengthened the system of public interest litigation and the legal oversight of procuratorial organs. We have formulated and implemented the 'three provisions' (namely, the *Provisions on Recording, Notification and Accountability of Intervening into Judicial Activities and in Handling of Specific Cases by Officials*, the *Provisions on the Recording and Accountability of Staff Members of Judicial Organs for Their Intervention in Case Handling*, and the *Several Provisions on Further Regulating the Contact and Association Between Judicial Officials and the Parties Concerned, Lawyers, Special Interested Parties, and Intermediary Organizations*) to prevent interference in judicial proceedings. We have resolutely corrected a number of major wrongful convictions, such as those of Nie Shubin, Hugjiltu, and Zhang Hui and Zhang Gaoping. We have taken further steps to ensure that impartial judiciary is the last line of defense for social fairness and justice in terms of judicial philosophy, litigation rights, procedural systems, and technological applications. We have accelerated the building of a law-based society, and further promoted the construction of a social credit system and a public legal service system. We have carried out a responsibility program in which state law enforcement departments are responsible for strengthening public legal awareness. We have summarized and promoted the 'Fengqiao model' in the new era and improved the mechanism for the diversified settlement of social contradictions and

disputes. The theory and practice of the socialist rule of law with Chinese characteristics have been constantly enriched and developed. Our Party has gained a deeper understanding of the laws governing the development of socialist rule of law and the progress of human legal civilization. The entire Party and people of all ethnic groups in China are filled with confidence in the bright prospects of advancing the rule of law in China.

II. CONFIDENCE IN THE RULE OF LAW IS THE CONCENTRATED MANIFESTATION OF THE FOUR-SPHERE CONFIDENCE IN THE LEGAL FIELD

A. Confidence in the Rule of Law Reflects Confidence in the Path

General Secretary *Xi Jinping* pointed out that ‘The path of socialist rule of law with Chinese characteristics that we must adhere to is, in essence, a concrete manifestation of the path of socialism with Chinese characteristics in the field of the rule of law.’ This statement reveals the decisive influence of the path of socialism with Chinese characteristics on China’s rule of law construction. The path of socialist rule of law with Chinese characteristics achieves the organic unity of upholding Party leadership, the running of the country by the people, and law-based governance: the Party leads the people in formulating and implementing the *Constitution* and laws, integrating the Party’s will and the people’s will into the will of the state; the practice of the rule of law that ensures the people run the country transforms the principle of putting the people first into concrete legal systems, thereby implementing the Party’s fundamental purpose; as the basic way the Party leads the people in governing the country, law-based governance embodies the most essential feature of socialism with Chinese characteristics — the leadership of the Party — and ensures that the people run the country. The path of socialist rule of law with Chinese characteristics is the only correct path for comprehensively advancing law-based governance. A high level of recognition of this path is a crucial foundation for confidence in the rule of law. We must have a thorough understanding and a firm stance of this path; we must never be misled or deceived by isolated voices in society at home and abroad. We should unwaveringly promote the continuous progress of building a socialist country under the rule of law.

B. Confidence in the Rule of Law Stems from Confidence in Theory

In 2017, General Secretary *Xi Jinping* pointed out during his inspection tour of China University of Political Science and Law that ‘Without the guidance of the correct theory on the rule of law, there can be no correct practice in this regard.’ The comprehensive advancement of law-based governance must be guided by scientific theory of the rule of law, which provides theoretical answers to why and how to advance comprehensive law-based governance. *Xi Jinping Thought on the Rule of Law* represents the latest achievement in adapting Marxist theories on the rule of law to the Chinese context. It expounds on the political direction, strategic position, overall framework, key tasks, significant relationships, and fundamental safeguards of comprehensively advancing law-based governance, thus forming a scientific framework of thought that is pioneering, practical, truthful, and forward-looking. Signature concepts and expressions such as ‘comprehensively advancing law-based governance’, ‘the path of socialist rule of law with Chinese characteristics’, and ‘justice is the lifeblood of the rule of law’ have formed a legal discourse and knowledge system of socialism with Chinese characteristics that differs from the Western notions of ‘separation of powers’ and ‘judicial independence’. *Xi Jinping Thought on the Rule of Law* is a powerful theoretical instrument for advancing the rule of law in China and provides scientific guidance for comprehensively advancing law-based governance. The firm confidence in the scientific nature of the theory and its practical strength constitutes an important aspect of the confidence in the rule of law.

C. Confidence in the Rule of Law Demonstrates Confidence in the System

General Secretary *Xi Jinping* profoundly pointed out that ‘China’s political system and legal system suit our national conditions and realities and have remarkable strengths. We must maintain confidence, faith, and resolve on this point.’ The system of socialist rule of law with Chinese characteristics is the legal manifestation of the system of socialism with Chinese characteristics, accelerating the formation of a complete system of laws, a highly effective enforcement system, a stringent scrutiny system,

effective supporting measures, and a sound system of Party regulations. A complete system of laws ensures that state governance is based on laws and regulations. A highly effective enforcement system ensures that laws are properly enforced through a set of effective mechanisms, citizens' rights are effectively protected, and social order and justice are upheld. A stringent scrutiny system ensures that the exercise of power is under the rule of law and promotes a political ecology of integrity by establishing oversight mechanisms at multiple levels. Effective supporting measures provide all-round support and guarantee for the rule of law. A sound system of Party regulations provides a strong institutional guarantee for enhancing the Party's governance capacity and leadership. This institutional design not only demonstrates a profound understanding of the rule of law but also exhibits great strength in practice. It provides an institutional foundation for advancing the rule of law in China and legal safeguards for modernizing China's system and capacity for governance. Our confidence in the rule of law is based on a profound understanding of and full trust in the system of socialist rule of law with Chinese characteristics.

D. Confidence in the Rule of Law Is Rooted in Cultural Confidence

The legal path we have pioneered, and the legal theories and systems we have developed are not accidental but are profoundly shaped by the history and culture that we have inherited over more than 5,000 years. For example, in terms of legislation, the *Civil Code* combines principles such as good faith, and public order and good morals, which are rooted in traditional Chinese culture, with modern rights protection. In terms of law enforcement and administration of justice, ancient Chinese ideas such as hearing lawsuits based on reason and sentiment, combining rites and law in governance, complementing virtue with punishment, and adopting Confucianism and legalism in parallel have contributed to the formation of the current law enforcement and judicial philosophy, which is based on law, convinced by reasoning, and appealing to sentiment. In terms of the team building for the rule of law, views such as 'goodwill alone does not suffice for governance; law alone does not implement itself' and 'with both good officials and good laws, the country will be well governed' have influenced people's understanding of the relationship between good

laws and good officials today. We must attach great importance to the construction of a high-quality rule of law work team with both moral integrity and professional competence, providing a strong organizational guarantee for comprehensive law-based governance. Nowadays, from ‘adherence to rites’ in ancient law to incorporating the core socialist values into laws and regulations, and from the historical concept of ‘non-litigation’ to the ‘Fengqiao model’ in the new era, China’s fine traditional legal culture has been innovated in the course of inheritance and developed through innovation, gaining new vitality. China’s contemporary rule of law culture also promotes a fairer and more reasonable international order with its openness, inclusiveness, and diversity. The governance concept of ‘extensive consultation and joint contribution for shared benefit’ has gained wide recognition.

III. FIRM CONFIDENCE IN THE RULE OF LAW IS NOT EMPTY OR ABSTRACT, BUT PRACTICAL AND CONCRETE

We have the conditions and confidence to achieve the important goal of building a socialist country under the rule of law. We also have the responsibility and the ability to better advance law-based governance in all fields, foster a sound legal environment and favorable external conditions for the steady and long-term advancement in Chinese modernization, and contribute to the development of the world’s legal civilization.

On the new journey, the tasks of reform, development, and stability are arduous and formidable. Advancing high-quality development and meeting the people’s growing demands for democracy, the rule of law, fairness, justice, security, and the environment have placed new and higher requirements for advancing the rule of law. The Third Plenary Session of the 20th CPC Central Committee has made arrangements for improving the system of socialist rule of law with Chinese characteristics. Since developing this system is the overarching focus for advancing comprehensive law-based governance, we should prioritize legislation, deepen reforms in the field of legislation, ensure efficient implementation, further advance law-based government administration, strengthen checks and oversight, improve institutional mechanisms for impartial law enforcement and administration of justice, address both symptoms and root causes, and refine

mechanisms for advancing the rule of law in society. Confidence in the rule of law and promotion of reform and innovation are complementary and integrated. On the one hand, we must uphold the Party's leadership, adhere to socialism with Chinese characteristics, and maintain a people-centered approach, so as to avoid losing our direction and making subversive mistakes. On the other hand, we must boldly explore and resolutely advance reform in the practice of the rule of law, and tackle new issues and problems in advancing the rule of law in China with a pioneering spirit of breaking new ground where there are no trails and building bridges where there are no crossings, so as to make constant new discoveries, innovations, and progress in theoretical and practical innovations in the socialist rule of law with Chinese characteristics. The authority of law stems from the people's sincere support and genuine belief in the law. Only by guiding people to internalize legal norms and enhancing the whole society's trust in the rule of law can we build consensus on the rule of law on the broadest scale, foster a sound environment in which the law is respected, learned about, observed, and applied, and gather the joint efforts to safeguard Chinese modernization through the rule of law.

The rule of law is an important component of a country's core competitiveness. Strengthening the rule of law in foreign-related affairs is not only a long-term necessity for building a great modern socialist country in all respects and rejuvenating the nation through Chinese modernization, but also an urgent task for promoting high-level opening up and responding to external risks and challenges. With firm confidence and full strength, we should advance the development of the system and capacity for the rule of law in foreign-related affairs that are compatible with the requirements of high-quality development and high-level opening up, and resolutely safeguard national sovereignty, security, and development interests. Currently, the world has entered a period of fluidity and transformation. International competition is increasingly manifested as competition in systems, rules and laws. Interference and counter-interference, and sanctions and counter-sanctions have become important features of legal disputes in diplomacy. Faced with new situations, new requirements, and new challenges, we must advance the rule of law in domestic and foreign-related affairs in a coordinated manner, and establish a working mechanism for the integrated advancement of foreign-related legislation, law enforcement, judiciary and law observance, and bolster legal services and the cultivation of legal professionals. We

should improve the system of foreign-related laws and regulations as well as the system for enforcing the rule of law, and deepen international cooperation in law enforcement and judiciary. We should improve judicial trial systems concerning the agreed jurisdiction and the application of foreign laws by the parties involved in foreign-related civil legal relations, and refine the systems of international commercial arbitration and mediation to build a preferred venue for international commercial dispute resolution. We should actively develop foreign-related legal services and foster world-class arbitration institutions and law firms to provide solid legal support for Chinese citizens and enterprises going global.

The influence of the Chinese legal system extended across East Asia and far beyond. Today, our Party unites and leads the people to inherit the essence of Chinese legal culture, summarize the practice of socialist rule of law with Chinese characteristics, and absorb the beneficial achievements of the world's legal civilization, forming new concepts and measures for comprehensive law-based governance, which contributes to the progress of legal civilization in human society. We should conduct in-depth research on the rich legal thoughts embedded in China's fine traditional legal culture, consolidate the cultural foundation of the path of socialist rule of law with Chinese characteristics, and actively promote the creative transformation and innovative development of China's fine traditional legal culture, endowing Chinese rule of law civilization with new contemporary connotations. At the same time, we should gain experience from the development of China's legal system and the practice of the rule of law in the country, tell the stories of China's rule of law, and enhance the international influence and discourse power of China's rule of law system and theories. We should actively participate in the reform and development of the global governance system, share China's legal philosophy and propositions with the international community, and provide Chinese wisdom for promoting the democratization and rule of law in global governance rules.

(Translated and Edited by Li Jiesi)